MOVING IN THE DIRECTION OF JUSTICE:

COLLEGE MINDS--CRIMINAL MENTALITIES

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Abstract

This paper is a descriptive sociology concerning the misinformed public opinions about crime, criminals and their thought process. It will provide an explication of the actual epistemological presuppositions of the "criminal thought process" and demonstrate the preponderance of such thinking at all levels of American Society. The paper will explore not only the thought process and how pervasive it is in American society, but will review the entire notion of "criminal justice" while making a case for corrective thinking models as those which most embody the principles of justice as a "meta-ethical" concept.

HOW PEOPLE THINK

Epistemologically speaking, we can understand the development of crime as a social reality typical of the general human thought process. The human mind is a complex association of impressions and ideas and all "knowledge" is rooted in experience.[1] The mind processes the impressions it receives discursively. Over time, the mind forms general categories (ideas) relating to the impressions which are more regularly, or more intensely received. These impression-based ideas comprise the basic content of our knowledge. What we know are our own ideas.

By way of example, not many people in the United States "know" what a "jiko" is. (Kishwahili for "oven"). However, once a person has an experience (impression) of it, even if only by way of explanation, they can formulate an idea of it. The idea remains weak, and can easily be forgotten, unless it receives substantial reinforcement in the form of stronger or more frequent impressions. The impressions are particular experiences of the object or idea, from which the mind forms its own general idea. These general ideas are like categories to which future impressions either conform or challenge. Consequently, human ideas can be wrong, weak, or misinformed. What is needed for true knowledge is consistent, accurate impressions of objects or ideas which in turn form well-developed categories (ideas).

This process of abstracting universals (general categories of ideas) from particular experience [End page 1] (impressions) is known as ratiocination. Our ability to re-collect images is proportionate to the strength of the idea in our minds. Some impressions lend themselves to strong ideas due to the frequency or intensity with which we encounter them. Our ideas are at the root of our behavior. Interestingly enough, we can operate out of a set of ideas for ourselves, which if others did, we would deem inappropriate. Hence, while most people break the law regularly, whether by speeding or keeping a towel from a hotel room or cheating on their taxes, they do not see themselves as acting "criminally."

Behavior which reflects strong individual ideas reiterates the ideas by creating impressions which conform to the ideas one has of oneself. This reflects the self-serving nature of ratiocination and provides an account of our tendency to rationalize our behavior. Since we don't have an idea of ourselves as a criminal, it is unlikely that we will see our behavior as "criminal" even though it breaks the law. Likewise, once a person has received the stigma of being deemed a criminal, he/she will consistently act in a manner consistent to, and proportionate with, the strength of that idea.

Along these same lines, impressions received in a dysfunctional setting are intense and form strong ideas. These ideas, in many instances, are not congruent with the general social notions of right and wrong, but because they reiterate those same ideas, are not seen as inappropriate or poor choices. Thus, the cycle of abuse in our culture continues. Approximately 70-80% of those who were abused becoming abusers. Most victims of abuse never receive any positive impressions which would counter-balance the negative ones they received. They have no positive, operative ideas to contradict the impression-driven negative ideas. Consequently, their actions, rooted as they are in the impression-driven ideas of the mind, are consistent with the person's knowledge, but are socially inappropriate.

In a sense, humans are victims of their experience. There is nothing surprisingly new about this experience. Sociologists, psychologists and political philosophers have for decades made the claim that crime is "socially determined." This epistemological characterization should inform our notion of "criminal justice." Justice is about "giving each person his/her due." However, too many make the mistake of thinking that this refers to a person's choices or behavior. In accordance with the basic epistemological structure of the human mind, actions and behaviors are precipitated by impressions and ideas. Justice, therefore, should not be directed toward the actions and behaviors, which are consequential. Rather, justice should be directed [End page 2] toward a person and his/her ideas and the impressions from which these arise.

Since the strong ideas a person has are formed from strong impressions, and these cannot be erased, then it stands to reason that criminal justice must concern itself with providing criminals with a whole new set of (positive) impressions. That is, with impressions which will help develop strong, positive ideas consistent with behaviors understood to be socially appropriate. This is another way of saying, that if you want to change a person's behavior, you have to change his/her thinking. The problem in the United States is that few agencies, including educational institutions, are doing much to change people's thinking. What does change people's thinking in America is the media.

HOW PEOPLE THINK ABOUT CRIME AND CRIMINAL JUSTICE

The opinions concerning crime, criminals and the criminal justice system for the majority of people in the United States come from the media. More specifically, most people's opinions about criminal justice and the like are rooted in the projections of entertainment television (Surette, 1992; Garofalo, 1981).

This is not surprising given the fact that television is the primary means of social contact [End page 3] since it reaches about 99% of the population (Giddens, 1981; Laywood, 1985). Television is a primary means of socialization through the transfer of information, which people accept as "knowledge" (Gerbner & Gross, 1976a, 1976b; Altheide, 1985; Roberts & Doob, 1990; Drucker, 1989). With the average household using eight hours a day of television, and each person watching an average of four hours a day (Papazian, 1988; Roper Organization 1983), people allow the media to form their basic worldview; especially as concerns their opinions about crime, criminals and criminal justice.

Crime and criminal justice constitute the bulk of television's programming. From the 1960's to the 1990's, 25% of all shows focused on crime and criminal justice (Surette, 1992). Of this programming, murder and violent crime has been an all too common theme (Lichter & Lichter, 1983). The problem is that television's portrayal of crime is simply not accurate (Garofalo, 1981).

In many ways, the media is responsible for what people accept as truth (Surette, 1992). People tacitly accept their own opinions as fact; especially when they are affirmed by others who have similar opinions. And since television accounts for at least four hours a day of "opinion-forming" programming, and television reaches 99% of the population, poor opinions about our criminal justice system are easily affirmed.

The "pool of knowledge" concerning criminal justice, law, crime and criminals is pretty shallow. Television's constant reinforcement creates a vicious cycle whereby opinions both regulate programmer's choices as to what should be aired, and once aired, such programs serve to further inform those opinions.

Other forms of the media, such as newspapers, have not done much better in helping the public form an accurate view of crime. The manner in which crime stories are chosen and presented for print leads to a serious exaggeration in the level of crime in society. Violent crime is overemphasized, white-collar crime is rarely treated, and the number of crimes reported regularly exceeds the number of crimes actually recorded in the official statistics of the individual states (Gorelick, 1989). This compounds the public's ever-increasing fear of victimization (Marsh, 1991). Likewise, courts and the criminal justice system are portrayed negatively as mechanisms which favor and enable criminals (Marsh, 1991). This inaccurate view is symptomatic of a public opinion informed by the media. That opinion has a very strong bias against certain categories of crime.

"Our emphasis on "serious crimes" (rape, murder, robbery, assault) is fundamentally misleading. It conceals two truths about crime in the USA. The first is that while we may worry about street crimes, there is very little the criminal justice system can do to control them and next to nothing the criminal justice system can do to prevent them. The second basic truth is that all the violent crime, all the property crime, all the crime we concentrate our energy and resources on combating, is less of a threat, less of a danger, and less of a burden to society than the crime committed by corporations and crime committed by a person of respectability and high social status in the course of his occupation; or, more simply, white collar crime." (Blumberg, Kappeger & Potter, 1993).

The implications of such a view are clear: white collar crime is not a problem, but other crimes should not be tolerated. This bias clearly affects people's thinking about how the criminal justice system should function.

This explanation for how poor opinions about criminal justice and crime are formed is only half the issue. The other half of the issue is more critical. Not only does the media play a key role in the formulation of opinions about criminal justice, crime and such, but it also contributes to the development [End page 4] of attitudes about right and wrong behavior in general. This is especially important for young minds which otherwise lack a strong ethical framework.

Crime is often glamorized as activity that empowers. The consequences of illegal or unethical activity is not the image upon which young minds focus. Rather, young minds, especially those who have pent-up anxiety and frustration stemming from dysfunctional family experiences, which experts say includes about 70% of all young people, tend to focus on how crime empowers and gives voice. This reality will manifest itself in a marked increase in juvenile crime and a marked intensity in the severity and kind of violent crimes being committed.

Aside from the media's poor impressions, which tend to reinforce the poor ideas of many people, especially the young, there is the added complication that the criminal justice system itself has sent out some poor impressions. The criminal justice system itself perpetuates myths about crime and has institutionalized a higher immorality (Blumberg, Kappeger & Potter, 1993). The "institutional immorality" is part-and-parcel of a very narrowly defined notion of criminal justice which does little more than punish the act, but nothing towards rehabilitating, or properly "habituating," the criminal. Elaborating on this notion of the "immorality" of the system, Gwynn Nettler says, "in prisons, criminals learn that the world is a jungle and that one should deceive outsiders. This is inmates' justice. In prison, 'bad action' becomes 'preferred action', and the worst actors rule (Nettler, 1982). But this is nothing new. As Weston and Wells concluded long ago, "prison life and criminal attitudes learned while in prison often ruin reform and rehabilitation despite every attempt to help the offender" (Weston & Wells, 1967).

This scenario serves only to perpetuate the public myths concerning the need for tougher sentencing and more severe methods of incarceration. Altogether, this feeds the skepticism regarding the whole criminal justice system and its goals. This is tragic because, as Jonathan Casper discovered, "most criminals want to be different kinds of men and wish someone would help them attain this goal, though they do not find such assistance in their encounters with the criminal justice system" (Casper, 1972).

Consequently, criminals tend to view the criminal justice system as "an extension of their life on the street...as an assembly line" (Casper, 1972). Meanwhile, the public demands a more effective assembly line, complete with quality control checks throughout. That is to say, that the public wants [End page 5] higher standards of accountability in the criminal justice system which means more arrests, more convictions, longer sentences, and tougher incarcerations. The public opinion holds no pretense about rehabilitation; they favor punishment even though it has not helped reduce crime.

This opinion, which derives from the knowledge pool created in part by the media, is rather unsympathetic toward criminals. Yet there is a certain irony in this. As we have seen, there is very little difference in the reasoning behind criminal action and the reasoning most people use everyday. That is another way of saying, we are all criminals at heart-- only most of us don't get caught.

So how is it that we are so unsympathetic toward those who do get caught? And how is it that we are convinced criminals can't change? Could it be that we fear in those that which resides in each of us? Would we expect sympathy if convicted for our crimes? Is there a double-standard at play in the perspectives of most people?

At the very least, society has all but abandoned the notion of rehabilitation for criminals. Rehabilitation is seen as coddling. This negative public perception militates against commissioning necessary research studies on rehabilitative programs. The insidious nature of this line of reasoning is obvious. We don't want to spend any money to study whether such programs could work because we think they won't work--even before we've studied whether they might work or not. Again, this comes out of the misinformed public view regarding rehabilitation, but partly, the criminal justice system itself is to blame since many such programs have not, in fact, worked.

"An unsettled atmosphere exists regarding the effectiveness of rehabilitation or habilitation. Neither the global optimism of the 1960's nor the extreme pessimism of the 1970's seem justified. Research of programs has been very poor. Programs have been poorly run" (Kratcoski, 1994).

Poorly run programs are at the heart of the mythical notions surrounding the criminal justice system. Without a better vision of criminal justice, we cannot expect crime to curtail. As Frank Latham stated in 1972, "Catching, convicting and imprisoning criminals will not reduce crime rates so long as our prisons fail to reform those imprisoned" (Latham, 1972). Because crime rates continue to climb, the assumption is that the criminal justice system is not doing its job. This is reinforced by the media presentation of it. [End page 6]

HOW WE SHOULD THINK ABOUT CRIME

Oftentimes, the legal system functions best when citizens are not well-informed about or interested in its operation (Sarat, 1975). Unfortunately, the American public believes itself to be well-informed, and the demands for accountability take on practical dimensions when cost overlays are considered and tax referendums are discussed for "re-habilitation." The public would much rather spend money on incarceration and punishment. As we have seen, this is not the solution. Thus, the biased views, informed as they are by the media, vitiate the possibility of true "criminal justice."

There is little doubt that if America does not act fast to stem the tide of crime and the ever- increasing contempt for law and authority among its people, a social revolution, of sorts, seems imminent. Yet, as Dostoevsky contends in his book The House of the Dead, "With ready-made opinions one cannot judge of crime. Its philosophy is a little more complicated than people think." Complex issues demand complex solutions. Building "super-max" prisons and contracting out prison services to private enterprise is not the answer. In fact, there is something perverse and almost mercenary about this maneuver. Furthermore, when stock in crime begins to outperform stock in industry and technology, you can bet your society is teetering on the brink of collapse.

One of the basic problems with law at any level is that if some portion of those governed by it do not "internalize" it, then it stands little hope of impacting society for the better. This internalization is a process whereby individuals come to appreciate the value of law at its deepest level: as a necessary enterprise which regulates behavior for the common good and moral development of the larger society. Law does not aim at impinging on the personal liberties of individuals, but rather, seeks to facilitate a more comprehensive liberty for all. If this is not understood, that is, if law is not internalized, then it loses influence in sphere of human goal- directedness. That is to say, that if a law is not efficacious, it can hardly be called law. While having some who have internalized the law is necessary for law to have a positive impact, it is not sufficient for stemming the tide of crime and contempt.

It seems a Herculean task to aid those adverse to the very prospect of authority, in any form, in internalizing the law. Few would argue that education is undoubtedly the key. But the problem remains that many of those who need this type of education are genuinely distrustful of those who propose to offer [End page 7] it. The credibility gap thus militates against the possibility of reform through education.

This situation calls into questions basic themes like trust and respect. When educators, law officials, legislators and even parents are distrusted and not respected, where can we begin? Where young people are concerned, there is an ever-increasing hostility toward authority which often leads to crime. Deborah Prothrow-Stith, assistant dean of Harvard's School of Public Health, pointed out at a recent education conference that, "homicide rates for young white men in the United States were three times higher than rates for the next murder-prone industrialized nation" (Milwaukee Journal/Sentinel, January 17, 1997).

This is reflective of the high level of abandonment during childhood. Acceptance is the primary human need, and when this is not met, the human spirit will take drastic measures to gain any attention. Those who seek attention do so for the sake of gaining acceptance, therefore, any attention will do.

Psychologists and sociologists have long sounded the alarm concerning our social priorities in this country. With the number of adolescents living in single parent homes reaching nearly 70%, we can only expect that the anger levels will rise. These angry young people resent adults, the adult world, and society in general, for depriving them of the attention so desperately needed in their formative years. Peer pressure, if not balanced by familial, cultural or communal pressures, will undoubtedly manifest in inappropriate behavior. When punishment ensues, individuals guilty of inappropriate behavior feel further victimized and alienated.

That is to say, that individuals feel misunderstood--which is actually true for their behavior was more-or-less a cry for help and positive attention, but what they receive is admonishment. Vindication for this victimization by the world often comes only in the form of getting away with other aberrant behavior. Social indications of this attitude will include more juvenile crime at younger and younger ages, and worse yet, more violent crime at younger and younger ages. At the very least, many young people develop a "me-against-the-system" variety of egoism.

The preternatural response to victimization is conformity. But compliance through fear is precisely what deteriorates the quality of law; for this is to view law as an external constraint upon personal [End page 8] liberty. Ideally, law is to be internalized, or viewed as guidelines of behavior necessary to human flourishing on all levels. When conformity becomes the norm, a deeper level of mistrust and anxiety builds within the individual so that any opportunity the person has to "get even" with the system is a good opportunity. Why? Because they have been victimized and that calls for getting even. This is the beginning of the classic "victim stance" reasoning inherent in the criminal mentality.

This mentality is not particular to those who have been convicted of crime but exists throughout the general population of society. Traditionally, sociologists and political philosophers have identified two theories to explain the origin of crime. The first theory claims that crime is nothing more than an expression of the individual person's constitution. The second theory follows in the Marxist tradition by claiming that crime is a product and expression of society and its underlying values.

By far, the second theory seems more consistent with the facts of contemporary American society. While there are the exceptions to the rule where a person commits crimes due to some personal constitution such as a chemical imbalance, the majority of crime is expressive of a discontent toward society and its underlying values. Such discontent was predicted by earlier sociologists and political philosophers. Unfortunately, we ignored their claims and plunged headlong into our present era of discontent. We are only now beginning to pay the price for our cultural priorities.

The indicators given thirty years ago were clear. As Piamenatz claimed, "crime flourishes under capitalism because of what capitalism does to human nature" (Piamenatz 1963, vol. 2, p. 375). Edwin Schur elaborated on this notion by explaining that, "social pressure emanating from the extreme emphasis on financial success plays an important role in generating criminal behavior.... Likewise, restrictions on socioeconomic advancement represent a significant factor contributing to law violation. (Schur 1969, p. 114). What would occur under capitalism was clearly predicted when David Bourda said that "the larger culture engenders expectations, not just aspirations, of success which are not met, and second, there exist highly visible barriers to the fulfillment of these expectations, such as racial prejudice, which are defined as unjust" (Bordua 1967, p. 371).

This line of thinking received significant support throughout the 1960's, but it seems even more evident today. If we want to understand the nature of [End page 9] crime we should follow Leon Radzinowicz's suggestion to look for "the sources of crime in an increasingly prosperous society...not in absolute poverty or wealth or even welfare, but in the relative feelings of content or discontent, satisfaction or dissatisfaction, the extension of artificial needs and the over-stimulation of aspirations" (Radzinowicz 1966, pp. 84-85). As recently as 1997 this line of reasoning has been corroborated. Deborah Prothrow- Stith, a Harvard University dean, says that, "the greatest increase in arrests for juvenile violence is among whites," and the reasons for the growing tide of violence relate directly to "chronic urban poverty, overcrowding, and other social, structural, political and economic factors" (Milwaukee Journal/Sentinel, January 17, 1997).

The discontent mentality is prevalent in our society and it manifests itself in persons who see nothing wrong with: keeping the wrong change at the checkout; paying for a meal off the menu, but dining off the buffet line; taking towels from hotel rooms; keeping glasses or ashtrays from a bar or restaurant; cheating on income taxes; selling a car or other objects known to be defective without advising the buyer; or, taking objects from the workplace for personal use. One way people rationalize these behaviors is to claim that the behaviors are acceptable since "everyone does it." People have the feeling, as the philosopher Hannah Arendt claimed in reference to Nazi Germany, that when "everyone is guilty, no one is guilty."

Another way people rationalize these behaviors is actually more expressive of their alienation from the system to which they purportedly belong. That is to say, that since the system never allows them to reach the aspirations it helped engender, they feel justified in exploiting any part of that system. Of course, they often fail to realize that the system is made up of people like themselves and that their actions cause the alienation of others. Ironically, when a fellow citizen is caught for a crime, people tend to be very black and white in how the criminal should be dealt with--never stopping to evaluate their own similar behaviors.

Future offenders can be identified in the school setting. As Prothrow-Stith concludes, of boys who grow up to be violent criminals, many could have been easily identified from their first months in school. Preventing violence is possible but it requires money, effort and a focus on "at-risk" children when they're young (Milwaukee Journal/Sentinel, January 17, 1997).

What such "at-risk" children need is dedication [End page 10] and a committed stance on the part of adults to model correct behavior. In short, what is needed for children to combat the violent tendencies rooted in the victim-stance attitude, which arises from the socio-economic conditions prevalent in our culture, is an exposure to an ethical framework which is consistent and constant. Prothrow-Stith makes a similar claim when she says that such "forgotten topics" as empathy, listening skills, compassion, cooperation/negotiation skills, and most of all forgiveness, must be taught if we are to help break the cycle of violence (Milwaukee Journal/Sentinel, January 17, 1997). Basically, we need a return to virtues.

One problem is that authority figures, whether politician or principal, must exhibit these virtues consistently. The victims-stance attitude in our society is so pervasive partly because there are few virtuous role models, and even fewer people of consistency where appropriate behavior is concerned. Without virtue and consistency, there is little hope of achieving justice. As Jan Gorecki points out in her theory of Criminal Justice, "Consistency is the architectonic principle." In the absence of virtuous role models who consistently give good impressions which help develop good ideas, what hope do we have of stemming the tide of crime and contempt rooted in the attitude of victim-stance?

One area where a difference can be made is in the criminal justice system. A rededication to the proposition of treating criminals justly would be of benefit to all those who struggle with abandonment issues and "me-against-the-systems" attitudes.

HOW WE SHOULD THINK ABOUT CRIMINAL JUSTICE

Starting with the basic supposition that justice is to be achieved in the Platonic sense, by giving each his/her due, then we must ask how this is achieved for criminals. What is due a person who abjures his/her social responsibility to adhere to the commonly accepted legal statutes of the community?

For many, nothing short of punishment and retribution is to be sought for criminals. As Sheldon Gleuck stated in 1964, "the general assumption is that punishment is justified since humans are 'free-willed' and could have chosen otherwise (than to commit a criminal act)" (Gleuck 1964, p. 312). But fines, penalties, incarceration and various other tactics seem to miss the point. As Gleuck points out, "humans vary in the degree to which they are able to manifest freedom of conscious choice--and science can't measure this capacity" (Gleuck 1964, p. 313). [End page 11]

The infliction of punishment operates on the assumption that such punishment is efficient because it will prevent recidivism and it will also act as a deterrent to prospective offenders. As Gleuck concluded, "criminal justice proceeds on a simple unilateral theory of causation" (Gleuck 1964, p. 313). Quite simply, this model of criminal justice is deficient. It hasn't worked and it won't work. This method gives what is due the particular action, not what is due the person.

While there is a case to be made for such negative reinforcements for aberrant behavior, the deficiencies of the approach should be acknowledged. This methodology does nothing to facilitate a learning experience for the criminal person in order that he/she may begin to process and internalize the essence of the law. Consequently, criminals treated in a like manner will become repeat offenders and the adopted methodology of punishment alone will call for more stringent measures. Contempt will build on both sides and law enforcement officials and members of the criminal justice community will be trapped in between. Society will become increasingly skeptical about the criminal justice community as the numbers and kinds of crimes intensify even while the punishments become more severe.

The 18th century political philosopher Montesquieu said that "as freedom advances, the severity of the penal law decreases." What then, can we conclude about the United States of America? Our penal law increases in severity as do our crimes. Are we moving away from freedom? In general, we are: economically, socially, psychologically and philosophically. A source of crime stems from poor cultural priorities manifest in our economic structure. People feel contempt for the system and are alienated severely. Crime, especially the small crime which is not detected, is really aimed at the system. As Jonathan Casper reported in the early 1970's, "there is a growing strain of thought in this country suggesting that many crimes are in fact political acts, perhaps votes of no confidence in a system where they are helpless" (Casper 1972, p. 169).

What is desperately needed are programs which focus on changing how all people think about and perceive their own situation, their actions and criminal justice in general. We need programs which practice justice in the fullest sense: for the person, not the act. These are the kinds of programs that Sheldon Gleuck recommended to us in the 1960's. Gleuck said, [End page 12]

"The more that the correctional system of the future has as its aim the removal of the 'handicaps' to efficient and happy law- abiding life, 'handicaps' under which most offenders have been shown to labor, the more will it be able to release and increase the adaptive capacity of conscious, purposive self-direction within limits laid down by natural endowment in individual instances, and thereby enhance the preference for lawful, as opposed to criminalistic, conduct." (Gleuck 1964, p. 313).

Such programs would seek to correct the thinking of criminals and non-criminals alike. But corrective thinking programs have many significant social and cultural barriers which must be overcome. Foremost, is the biased view of the ineffectiveness of "re- habilitation" for criminals. As was pointed out earlier in the research of Kratcoski, there is a skepticism in America about the effectiveness of rehabilitation. Unfortunately, rehabilitative efforts have not followed a consistent format. In Kratcoski's view, rehabilitation:

need not be wedded to a medical model; it can proceed on the assumption that offenders, like non- offenders have positive potential which they can, and should, and usually do, wish to use. Offenders need not be viewed as defective. Like non-offenders, they are quite capable of recognizing the potential relevance to their lives of various forms of assistance;

Rehabilitation or correctional intervention need not demean its participants or interfere with given reform movements. Correctional intervention can operate in a framework by humane interaction and exchange despite the unavoidable need for some degree of social control (Kratcoski, 1994).

With respect to the epistemological structure of the human mind, Kratcoski's model lends itself to a more complete notion of criminal justice. What is due each human being, criminal actions notwithstanding, is dignity and respect. Likewise, what is due each human is a safe, secure, hospitable environment conducive to the facilitation of strong, positive and ethical impressions which will lead to the development of like ideas; by which they may then begin to operate. As a society, we must at the very least, provide strong positive ideas to counter-balance any negative ideas people may have.

This seems impossible given the rate at which the media and other social influences corrupt the minds and misinform the opinions of our citizens. As was stated earlier from Jan Gorecki's work, "consistency is the architectonic principle." Our society lacks consistency where crime is concerned. What impressions [End page 13] do we give when white-collar crime goes unpunished, or when politicians are continually scrutinized for unethical behavior, or when sports figures are treated differently in court, or when wealthy people escape incarceration for crimes which poor people do serious time for? As Gorecki also points out, "...rewards should be intermittent while punishments should not be intermittent....The experiences of these can be as profound when of a vicarious nature as when of a direct nature" (Gorecki, 1979, pp. 15-16). As citizens of a very inconsistent society, who among us does not vicariously experience injustice? This contributes to the overwhelming and pervasive attitude of victim stance in our society.

HOW WE SHOULD THINK ABOUT THE CORRECTIVE THINKING MODEL

If the criminal justice system is a place to reform this societal disposition, then what is needed are programs which practice true justice. Such programs would follow, at least minimally, Kratcoski's aforementioned principles.

One corrective thinking model for criminals which follows Kratcoski's principles was developed in the early 1960's by Dr. Samuel Yochelson. This program was fostered by Dr. Stanton Samenow through the mid-70's and has recently arrived in Wisconsin under the auspices of Ron Fawcett and Dave Koerner in the "Beloit Project." It has enjoyed moderate success in various communities, and is currently being tried on a community-wide basis in LaCrosse, Wisconsin. The implementation is being headed by social worker, Larry Winter.

This model is a time-consuming endeavor, but it comes much nearer the true notion of "justice" than other programs run through the department of corrections. It adheres quite closely to the aforementioned epistemological model of the human thought process. While most of us assume our ability to choose among options, such is not the case for many criminals; especially juvenile offenders. Criminal minds, so it seems, are stuck in a rut, cognitively speaking. This has little to do with their mental capabilities. In fact, many criminals are quite intelligent otherwise, yet they struggle to identify available appropriate choices and are thus often relegated to poor choices. According to Winter, "there is basically a breakdown in the cognitive process at a very elementary level. The ability to comprehend the relationship between cause and effect is marred."

Consequently, criminals end up in what is referred to as "erroneous thinking." Erroneous thinking itself is not unique to the criminal. Yochelson, Samenow and others have shown there are [End page 14] more than 50 common errors in thinking. One of the more prominent errors in thinking, especially for criminals, is the classic victim stance we described earlier. People in general, but especially criminals, typically feel they are victims in life and their criminal choices are not their own responsibility. They feel that their environment is responsible and this often includes family, friends, schools, and law enforcement officials. This is explainable by the thinking process whereby impressions lead to ideas which people act on.

Traditionally, the legal structure and the approach to criminal justice in America has been to force the criminals to acknowledge the relationship between cause and effect by issuing stiff punishments, under the assumption these would act as deterrents. This has not worked. The number of individuals committing crimes continues to increase as does the number of repeat offenders.

"Criminals share similar thought patterns. The only way to combat crime is to change these patterns," concludes Winter. The changes Winter alludes to include a wholesale integration of this corrective thinking program into schools, families and social service organizations. Really what the program amounts to is a philosophy of education which is learning- centered and focuses on the cognitive dimensions of personal choice. It does not seek to impose new ways of thinking on the criminal intellect. Rather, it seeks to facilitate an experience of self-awareness for the criminal intellect; it realizes the flawed nature of the thinking which undergirds the criminals own choices. Simply put, this program enables criminals to identify the whole epistemological process and the weakness of their operative ideas.

Epistemologically and pedagogically, this is a superior model which has application to all intellects, criminal or otherwise. True learning comes as the result of successful dialogue which facilitates self-awareness: first and foremost the awareness of one's limited ideas and perceptions stemming from poor impressions. This corrective thinking program aims at true learning because there is nothing so powerful as that moment at which the mind apprehends and comprehends concepts in a coherently discursive manner with a view to the process of ratiocination. Only in this way can the individual mind make appropriate determinations about its own decisions.

No person is able, of his/her own accord, to create a climate conducive to this experience. All people, in order to properly develop their rational capacity, must rely on true teachers; whether they be paid, professional educators, or concerned, caring [End page 15] parents. Without such learning-centered educational experiences, any intellect will be deficient and prone to making poor choices. The mind which lacks such experiences is justified in assuming the victim stance.

The poor choices of such minds will result in negative reinforcements from various authority figures only further frustrating the mind which desperately cries for proper education. The problem in the American criminal justice system is that it has not taken steps to provide such minds with proper learning experiences. More importantly, such learning experiences need to take place during the formative years of each person. Attempting to facilitate these experiences for older criminal minds is very, very difficult.

America's response has been purely pragmatic. The criminal justice system has, for too long, concluded that proper habituation is not cost- effective. Since 1972, four-fifths of correctional money has been consumed by prisons. Nine out of ten correctional employees work in prisons, and $.95 of every dollar is spent feeding, clothing, and guarding prisoners, while only $.05 is spent on reform (Latham, 1972, p. 210). In other words, it is easier and cheaper to incarcerate repeatedly, rather than train properly. This is a sad statement on American criminal justice. In fact, this is not justice in any sense of the word.

Justice, simply put, as Plato said, is "giving each his/her due." What is due each human being, by virtue of the fact that each possesses an inviolable moral nature (as indicated in our Bill of Rights/Constitution), is proper education. Criminal justice, then, is making every reasonable attempt to facilitate a learning experience for each deficient intellect. Justice is caring for the mind in all its capacities and helping people achieve self-awareness concerning their own choices; no matter the cost. No longer can we, as a society, hold people accountable for their actions when it is clear they haven't had proper habituation.

Of course, that is not to say we should allow deficient intellects to roam about freely and perpetrate crime. While they are locked in "erroneous thinking" patterns, society has every right to ensure the safety of its members, even when this means incarceration for some.

As a matter of justice, however, we must create learning environments. If we don't, the ramifications are evident. As Winter says, "if we don't begin to [End page 16] care for the mind, we won't be able to build prisons fast enough!" The trend toward incarceration is growing as is the amount of "erroneous thinking" in our society. As the family unit breaks down and the availability of good education becomes less, erroneous thinking will increase exponentially. "We need to acknowledge that there has been a breakdown in the cognitive development process in our society and this is the reason for the advance in the criminal mindset," states Winter.

Corrective thinking programs strive to make criminals understand that: 1) they should think before they act; 2) there are alternative actions; 3) they are accountable for their actions. According to Winter, "we need to help criminals realize that they are not the victims, they are the producers of victims." This very task must be approached constructively, not destructively. Criminal justice should not be about tearing down the thought patterns and ideas of criminals. Rather, it should focus on enabling the criminal to see the flaws in his/her own thinking and helping criminals construct better ideas. "For there to be any hope for criminals to internalize law, we must help them construct new ways of thinking," asserts Winter, "and this program is a start."

The erroneous thinking plaguing society is becoming more and more pervasive and is by no means confined to the ranks of the criminally oriented. As more and more people feel abandoned, and alienated from a social system in which they cannot succeed, victim stance attitudes will flourish and so will crime. But incarceration will only further alienate individuals and thus habituate criminal thinking even more.

Corrective thinking models do not work for all criminals and this must be acknowledged. But they do work for many and this is a start to reforming our opinions about crime, criminals and the criminal justice system. Likewise, corrective thinking models have a definite benefit in institutional settings, especially where juveniles are concerned, since they can serve to identify potential criminal minds by flushing out erroneous thinking and victim stance attitudes. In the future, we may expect more educational institutions to utilize these models as the degree of behavioral problems among students intensifies. If more institutions do not make use of these corrective thinking models, we may have successive generations of college minds with criminal mentalities. [End page 17]

ENDNOTES

[1] The basic epistemological structure I intend to develop follows the work of John Locke, a British Empiricist. While I do not categorically discount the possibility of some type of a-priori knowledge, it seems clear that even such knowledge must, at some point, co-opt language in order to receive adequate expression. Thus, even metaphysical propositions of an a-priori nature must needs be expressed in an epistemological manner more suggestive of the empiricist model. It should be noted that even the great Greek metaphysician, Aristotle, as well as the German Transcendental Idealist, Immanuel Kant, claim that all knowledge begins, or is rooted in, experience.

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