

No Human Progress Without Crime

Psychology

By EMILY C. DAVIS

"America must try to repress crime, and yet if America succeeds wholly in repressing crime the country will be lost."

It was a psychologist speaking, Dr. Knight Dunlap, head of the department of psychology at the Johns Hopkins University.

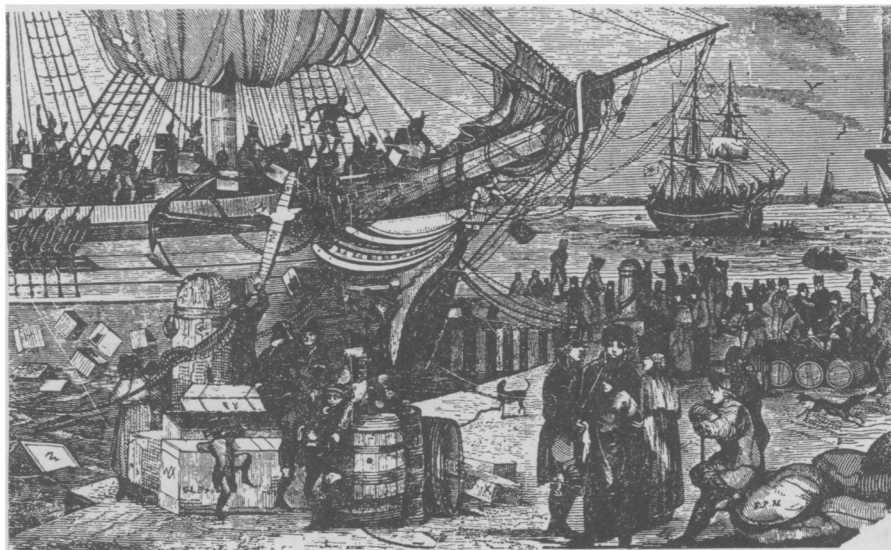
The American public has been hearing doctors of mental disease explain the crime situation in terms of unfortunate personalities that run amuck in uncontrollable emotion, and in terms of personalities so skewed and distorted in their perspective on life that a career of wanton lawlessness is set going. We have heard what judges and welfare workers and statisticians have to say about "the American crime wave."

But what does a psychologist think of America's crime problem when he looks over the broad panorama of motives and trends that sweep races and tribes along for better or worse? The question was put up to Dr. Dunlap because he is not only the author of a textbook on the psychology of social problems, but he is a psychologist who has the reputation of making people sit up and think.

"What do I think about the crime situation and the chances for the future?" he repeated. "Of one thing we may be sure; without crime there is no human progress. We may take warning from those groups of human beings who have become practically successful in eliminating crime from their midst. Communities which attain this goal are not looked upon as models for a great civilization. Their success carries a deadly penalty."

Are you wracking your brain at this point, as the reporter did, to think of any place on this imperfect earth where crime is unknown? Can you see how crime figures as an important ingredient in the formula for a nation's progress? Here are the steps of Dr. Dunlap's reasoning:

Progressive society, he explained, lives in a paradoxical situation. It must have its rules, whether they be laws, bulls, or conventions. These rules must be obeyed, because no group of individuals can live otherwise. In a family or in a city the rules are like a set of balances which weigh rights and privileges so that some degree of gratification is pos-



THE BOSTON TEA PARTY is applauded in our schools today, even though it was definitely criminal

sible for every one. Without this delicate balancing of justice there would be such strife among individuals each seeking to make conditions entirely satisfactory for himself, that no gratification for anybody could result. A city without laws is scarcely to be imagined.

Having briefly shown that laws are necessary, the psychologist turned to the less obvious side of the paradox:

"The spirit of law-breaking must be kept alive or society stagnates, and in most cases even slips backward. For if the laws are successful in holding a group of individuals to a rigid course, their civilization becomes crystallized in a fast mould."

History of other races furnishes impressive evidence of what happens when laws are completely dominant, he declared:

"We have many lessons from primitive tribes. Groups in Africa and other inaccessible regions have gone on living in an arrested state of development for centuries. Some of these tribes have walked in the steps of their fathers for a longer period than it has taken our whole complex civilization to be built up.

"A cheap and easy explanation of their lack of progress has been that such human beings rated very low in intelligence and were therefore incapable of inventing labor-saving devices or of acquiring better knowledge of treating the sick or of devising ways of improving their poli-

tical systems. Some of the tribes were perhaps so. But it is the sheerest nonsense to assume that the African blacks who discovered the smelting and working of iron and who made iron articles of magnificent workmanship with the crudest sort of forges and bellows would have been inherently incapable of further mechanical development. We are more cautious now about jumping to conclusions as to intelligence. The influence of a tribe's political, religious, and economic organizations in promoting and permitting progress in the arts and sciences is now recognized as profound.

"The significant thing about the savages, before the white man or other alien races came among them to cause their disintegration, is the high percentage of law obedience they obtained. Among some tribes, explorers have been unable to find any definite punishments assigned to the breaking of the complex systems of taboos, or forbidden acts. When a tribesman was asked what would happen to an individual who transgressed, the answer has been, 'We do not know. No one ever transgresses.'

"In other cases there were no penalties exacted by a primitive group, but the belief that dire magical results would follow a broken taboo was so strong that obedience was practically certain. In still other cases, the laws or customs were known to be oc- (Turn to next page)

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asionally broken, but the punishment by the group was so sure and terrible that the mass of the population was awed into submission. So, these savages in no case were free men. They had little personal liberty, but lived in a maze of laws so complicated as to be appalling. And their obedience to the laws was almost ninety-nine and forty-four hundredths per cent. perfect. When such a tribe came into contact with a more lawless one, their culture proved to be like rubber that has lost its resiliency. If forced to take a new shape it breaks down."

Over against this picture of the law-abiding, unchanging primitive tribe may be set the very different picture of the American Revolution with its illegal Boston Tea Party and its Peggy Stewart episode. These are obvious and striking examples of the moral benefits of American law-breaking. But Dr. Dunlap points out that these were no great, isolated outbreaks of popular law defiance, and that less spectacular instances may be found on every hand as evidence that social conditions have progressed.

"Prohibition was put over through years of agitation and work, much of which, from the bar-smashing activities of Carrie Nation to the virtual confiscation of distilleries and breweries, was in direct violation of law," the psychologist said. "Prohibition will doubtless be overthrown within five years through the persistent violation of the Volstead Act. It can be overthrown and replaced by more acceptable and enforceable legislation in no other way.

"Humanization of the marriage and divorce laws in the states occurs in so far as decent and substantial citizens persistently violate their uncivilized features. For it must be understood that securing a divorce by collusion, or by fictitious grounds, or in another state than that in which one is actually a citizen is just as much breaking the law as is bigamy, although not as punishable. Many other subterfuges and expedients resorted to by those whom the law would prevent from marrying, or prevent from separating, or compel to marry, are just as plainly refusals to obey the law. Honest citizens need have no compunctions about these matters when their consciences are clear; but they are wise to avoid getting caught."

The traffic situation provides plen-

ty of everyday examples of how disregard for unsound regulations has brought about progress, and has eliminated unenforceable laws. Chicago tried to make pedestrians cross the street like motor cars with traffic signals. But a short time ago Chicago gave up the attempt and changed its traffic regulations on that point, solely because pedestrians almost universally broke the rule. Had the average walker tamely and patiently obeyed the regulation it would have stood on the books. As it was, officials concluded that even eighteen traffic policemen and a set of lights at a crossing could not properly enforce that unpopular ruling. The pedestrian who stands on the corner, exposed to wind, rain, sunstroke, or frostbitten fingers, feels that his case is different from that of the protected motorist. He will probably always insist on his right to risk his neck by skipping through when he considers the chances of success equal.

Speed limits to motoring are another point on which the public has played a dominant role in shaping traffic rules. There is a steady tendency to increase speed laws, Dr. Dunlap pointed out, because so many people who succeed in driving without causing accidents—that is the so-called safe drivers—persist in going faster than the fifteen or twenty or twenty-five mile limit set by the local officials.

This does not mean that a community should not enforce its laws, he added. It does mean that when the laws are persistently broken, a community should take a careful look at the law and a survey of the situation and see whether the law needs more stringent enforcement or whether it needs to be altered or replaced.

"Women are, in general, less given to servile respect for law as such, than are men," the psychologist continued. "Women may, in certain generations, follow the conventions rather mechanically because they have no definite inclinations in other directions. But when women want to obtain or accomplish certain things the law or the conventions forbid, they do not let regard for the law stand in the way. Conventions they can soon overturn, when a considerable minority agree to do so. Laws crash harmlessly about their heads, with but few casualties, and soon the laws are dead letters:

witness the frantic efforts of dull-witted makers of city ordinances and state laws who have unsuccessfully tried to keep women's clothes at the ankle, just above the ankle, well below the knee, just below the knee in succession, and the vain attempts to keep the bathing suits voluminous. If women ever decide to go naked, the law may as well accept it early as late. Women have already crashed the long-standing and one hundred per cent enforced taboo against smoking in dining cars, and men are profiting thereby.

"In the present generation, social progress depends almost entirely upon the women; and the prospects are that a number of antique apple-carts will be upset within the next fifteen years. There is an old-time and supposedly humorous anecdote about a woman whose husband cautions her, 'Don't do that, it's against the law;' to which she replies, 'Well, what of it; it's a silly law.' This may be humorous, but it is no joke. In general, when women are cautiously law-abiding it is for one of three reasons: they may have strong moral convictions which back up the particular law; or they may have estimated the probability of punishment, and decided that infracting the law doesn't pay; or they may believe that the law gives them what they want anyhow. The first two reasons are not important to many women.

"Independence against authority and breaking of rules when the rules are bad are indispensable features of the proper development of a child. Children who are really trained to do what Mamma or Poppa order them to do, whether or no, are inevitably ruined. The child who breaks rules he thinks unwise or unjust at least has a chance to become a useful human being. The apparent paradox is avoided by parents who treat their children like rational beings, standing ready to help the child retrieve his mistakes instead of scolding or punishing. I may say that this is not merely my opinion; it is the opinion of a great many skillful students of child development problems."

This professor of psychology would sweep away two old, zealously maintained fallacies. One is that law-breakers in general may be set down as being of a low order personally and socially.

"Most of the great reformers of the past and (*Turn to next page*)

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all the martyrs have been deliberate law-breakers," he pointed out. "Jesus was no exception, but rather the shining example. Such progress as Christianity has made has been due to those who refused to knuckle to the law merely because it was the law. Our greatest and most moral citizens in the United States—like our worst—are persistent law-breakers."

The other fallacy which Dr. Dunlap denounces is the theory that breaking an objectionable law leads to contempt for the more useful laws.

"This idea, that an individual develops a habit of committing crimes and becomes generally lawless would be important if true," he admitted. "But such knowledge as psychologists have on the subject of habit formation and the transfer of training is all against such simple assumption. Traffic laws are so universally broken that scarcely a motorist escapes arrest. But the man who gets a long traffic record for over-time parking, does not also pile up a record of arson, murder and swindling in the criminal courts. If law-breaking of any kind were an all-round school for crime, then the game laws would have been a university; for numerous citizens, otherwise respectable and responsible, have found the game laws a great game of law-breaking for years.

"Such law-breakers do not form a habit of committing crimes, because each individual's own circumstances are important factors that determine what laws he will break and what laws he will keep. These circumstances include his opinions of different specific laws, his understanding of the reasonableness of a given law, and his moral attitude toward his fellowmen. His attitude towards the law enforcement machinery and his opinion as to whether the laws are justly enforced is above all important in determining his attitude toward the keeping the law."

So, the psychologist returned to the first half of his paradox, the statement that America must try to repress crime:

"Officials who have charge of enforcing legal machinery have no right to set up their judgment as to the desirability of ignoring any law or enforcing it loosely. Their task is to see that the law is enforced, whatever the law may be, and the



DR. KNIGHT DUNLAP, Johns Hopkins psychologist, says that a crimeless nation is a stagnant one

public should feel assured that the legal machinery will operate impartially, inevitably.

"If a law is only partially enforced, the public's respect for the machinery of law enforcement decreases. Because partial enforcement is common, instead of rare, our growing attitude toward the ineffectiveness of legal machinery is becoming a menace.

"If I transport liquor in my car because I do not happen to consider the Volstead Act sound, and if I am pinched, I have no reasonable complaint and should take my medicine like a sport. If a bootlegger flees to avoid capture and the pursuing policeman shoots him, the policeman has my entire support. Failure of a police force to do its sworn duty jeopardizes the foundations of our social order. The Christian martyrs were to be applauded; but so were the Roman soldiers who were ordered to deal with them."

The flood of serious crimes in the past two decades may be laid to the frustration of the law, with bribery and false sentimentality playing large parts, the psychologist went on to declare.

"I am under the impression that Chicago is suffering from the Loeb-Leopold trial more than from any other one thing," he stated. "For in that trial, which focused the attention of the public on local legal machinery, highly paid attorneys

and well-fed psychiatrists enabled the plain intent of the law against murder to be defeated. And Chicago has had many less spectacular cases from which the criminal classes have learned that money can buy immunity. I should like to see some statistician study the course of crime in the United States in the past twenty years, and find the high points of the crime curve that are related to such failures of law enforcement.

"It may be that hanging is not a good preventive measure. But if we have the penalty prescribed for deliberate murder and enforce it on the poor man or on the man who admits he is sane, and do not enforce it against the wealthy or against the man who enters the plea of insanity, we are encouraging murder and the gangsters will not hesitate to shoot when in a tight pinch. We are encouraging murder copiously today. Yet the law against murder is not one to which there is a serious, conscientious objection on the part of any reasonable portion of our citizenry."

So this psychologist's verdict on the whole matter is that the only hope of our civilization is to maintain both sides of the paradox: "On the one hand, the right and duty of the citizen to break laws against which his conscience rebels—and to take his punishment without whimpering if caught. On the other hand, the necessity of a police power which will either enforce a law justly or else treat it wholly as a dead letter."

"Constructive lawlessness is the vital spirit in American culture," Dr. Dunlap concluded. "Destructive lawlessness, which also is rampant in this country, is due in large part to the sudden introduction of immigrants from the countries of Europe where civilization has crystallized more solidly and where there is comparatively little progressive change.

Science News-Letter, September 14, 1929

A three-mile motor tunnel, through which four rows of cars can travel, is being constructed in England under the Mersey River.

Practically half of the area of the United States is arid, mountainous, or otherwise lacking characteristics of good agricultural land.