C R I M I N A L I T Y : A S T A T E O F M I N D

A L L E N R A M E R

Criminality is not just some physical act that oversteps a delineated set of laws. It is also a state of mind. Underlying the outer manifestations of criminality is, among other things, a certain kind of thought process: an attitude moulded by various experience. How people view thier circumstances, surroundings, relationships, etc. will greatly determine the nature of their response to them. Behind every act of crime is a reason, and behind every reason is a perception of what it means, or why it's done. Of this, attitudes play an important part.

Learned Behavior

Aside from theories postulating biological centrality, human behavior is largely the result of the learning process, particularly social learning. For a vast majority of inmates in prison, offenders housed in juvenile facilities, and ex-cons living on the streets, crime was not a natural course of action spurred on by genetic proclivities. Rather, it was introduced in their environment, right along with its meanings as well as any other circumstances involved. Complex interactions between genes and the outside world affects behavior in some instances. For the most part, though, the choices and decisions we make in everyday life are influenced more by our environment than anything else.

Perception

An important by-product of the learning process is the formation of perceptions, themselves a hodgepodge of different views about objective reality. Although perceptions can be formed through direct, first-hand experience, the preponderance of people's ideas, beliefs, impressions and conceptualizations are gleaned from learning from others, and

serve as the ultimate foundations for many of our actions. Because perceptions have so much influence over our behavior, any analysis concerning criminality should take them into account.

Vicious Circularity

Perceptions relate to just about anything, though, including the consequences of our actions. For crime, the most obvious result is incarceration, but various levels of discrimination are also part of the mix. Restrictions in employment opportunities, access to ideal housing situations, and admittal into the formal political process are the three main pillars of this discrimination, but not without cost. Social, economic, and political discrimination have a clear correlation with recidivism, that is to say, crime.

Such discriminations impact recidivism in several ways. First, barring entrance to respectable, well-paying occupations discourages ex-offenders (here representing parolees or people with documented criminal histories) from entering or reentering the workforce. However, relegating people with criminal backgounds to the most humiliating kinds of labor as well as the lowest relative income brackets sours thier taste for formal employment. Without believing that upward mobility, dignified work, and good wages are attainable, pessimism towards the jobs market is a natural result. Over time, many find themselves reverting back into lives of crime, seeing it as the lesser of two evils.

Second, blocking access to ideal housing situations contributes to recidivism by placing ex-offenders in at-risk positions. Because of scant or ineffectual rehabilitation programs in U.S. prisons, criminal attitudes remain fairly intact. Upon release, the same issues that caused their incarceration still lurk beneath the surface, making them

particularly susceptible to a recurrence of old behavior.

The result of the myriad restrictions on where ex-offenders can or cannot reside - whether based on state law, parole policy, or exclusionary rental practices - is that many find themselves stuck in situations that tax their ability to withstand the Siren Song of illicit activity, such as living in or near areas saturated with high levels of crime and the powerful exertion it has on their behavior. In some cases, ex-offenders are mandated to return to the same county (or city) where their originating crime(s) occured, forcing them to again grapple with the very triggers and old aquaintances that gave rise to much of the troubles of their past: even despite having healthier alternatives someplace else, like living with a responsible family member located in another part of the state.

Homelessness is another issue to contend with. Sometimes state law or other policies push ex-offenders into a tight corner where the only option they have in terms of residence is to live in homeless shelters, city parks, on a street corner, or under a bridge. This places a huge psychological and emotional strain on an already fragile population, increasing their odds for reoffense. The downside of housing restrictions on ex-offenders is clear: They place an already at-risk group at even greater risk.

The third leg of this tripartate discrimination is the dissapointing practice of excluding ex-offenders from meaningful participation in democratic politics. Although political discrimination doesn't directly impact the lives of ex-offenders to the same degree as the areas of economics and housing, it nonetheless still poses problems, the least of which is the hindering of the strengthening of community bonds.

Most states now have laws that bar ex-offenders from exercising their right to vote. The logic is difficult to understand, but is consistent with a theme stretching far back in American history. The problem with discriminating against ex-offenders politically is its ability to discourage healthy community interaction. Expressing and sharing mutual values, ideals, and beliefs with others in a political setting developes a sense of solidarity as well as a greater sense of civic responsibility. Political association has a positive effect in shaping more socially oriented individuals. In the absence of such meaningful collaberation, especially when considering its developmental side effects such as self-empowerment and social cohesion, ex-offenders miss a valueable opportunity to change their lives. Not allowing ex-offenders to vote does not preclude political participation in absolute terms, but it can lessen the likelihood that they do.

Taken together, these discriminatory pratices foster attitudes that facilitate criminal activity. Rather than strengthening social bonds, providing a sense that future success is possible, and creating conditions conducive to personal growth, these petty acts of discrimination, no matter how well-intentioned from a public safety standpoint, actually serve to undermine effective behavioral transitions, making it even more difficult for these individuals to solidify the resolve necessary for turning their lives around in positive directions. Ostensibly, we become witness to a circular pattern: Social backlash caused by crime leads to negative attitudes, which in turn lead to a return to illicit activity. The whole process then starts anew.

Incarceration

As with social types of discrimination, the current reality surrounding

the U.S. prison system and its logic contributes to perceptions as well. And just like the practice of discrimination, the resulting perceptions too have an unassuming impact on crime rates. Ironically, rather than stopping or deterring criminal behavior, incarceration (as is now conducted) can cause people to reoffend: a seeming solution that turns on itself, leaving society no better off or safer than before. In fact, the heavy allocation of state funds to this sector potentially makes matters worse, starving other socially beneficial institutions from much needed resources.

Nevertheless, the focus on harsh punishment instead of rehabilitation is one of the principal problems related to the logic of the prevailing ideology on how to best deal with the issue of crime. As the well-known behavioral psychologist B.F. Skinner observed himself: "punishment that is extreme may produce undesireable results, such as fear, anxiety, passivity, and hostility."

In the context of the efficacy of focussing on punishment, this anecdotal reference to hostility takes on particular importance. It is both revelatory and problematic. Underlying the manifestation of hostility is a deeply held sense of victimization, which has a kind of blowback. Attitudes embodying this mode of thought often detract from personal responsibility, as victim-stance mentalities tend to invert the victimizer/victim relationship. As long as offenders feel like victims, they will never fully come to grips with the consequences of their crimes.

The two main factors creating this false (but at times real) sense of victimization are micro-penology and informal punishments. Micro-penology is best described as the various punishments that accompany "in-house" rules violations. These include but are not limited to

property seizures, forced confinement, loss of yard, and even being compelled to stand for hours in narrowly constructed metal cages, bordering on torture. Informal punishments, on the other hand, entail measures that go beyond the formal penalties outlined by and ground into "official" policy. The strategy of informal punishments is to gain control through fear, using excessive force, property damage, cell tossing, etc., or the express threat thereof, to get independent-minded inmates to swiftly comply with staff directives and/or rules.

Because inmates often view micro-penology and informal punishments as "unjust," "excessive," "petty," or "unfair," partly because such treatment is not explicitly ordered at sentencing or is a blatant transgression of stated policy and clear ethical guidelines, they tend to see themselves as victims. As this attitude of victimization developes, at once the root cause of their feelings of hostility, the manifestation of perceived injustice, the recognition of the overarching background of their experience is lost, subordinated to the immediate circumstances of their stituation. Consequently, the lessons to belearned from incarceration fail to register, opening the door to future acts of crime. Harsh punishment, or the cumulative effect from a combination of smaller punishments over time, lead to victimstance-like attitudes. In turn, blame for one's circumstances is projected outward. Without accepting personal responsibility for one's actions, including the recognition of their consequences on others, which the various punishments exacted against inmates in prison oftentimes suppress, the chance that these individuals will commit new crimes upon release is heightened. Before positive change in behavior can occur, people must first both recognize and acknowledge the negative. In terms of turning from crime, the process at least begins with a clear understanding of the true identity of the victim.

Micro-penology and informal punishments frequently block such understandings from taking form.

Informal punishments in and of themselves possess a dual power though, not just the ability to cause a sense of victimization. Informal punishments also function to reinforce dangerous, preexisting mentailities, or put them in place. Many inmates, for example, have come to see (or will come to see) threats, coercion, and violence as legitimate methods of goal seeking behavior. Observing prison staff engage in this manner bolsters it even more, if only from sheer exposure. It sends an unequivocal signal that inappropriate uses of aggression are not only tolerable but also acceptable. Although inmates will almost certainly oppose these actions against themselves - hence, the forementioned sense of inmate victimization - the nature of self-interest and its concomitant tendency to adapt moral outlooks generally allows them to proceed unhindered.

Besides a hardcore focus on punishment, other facets of the U.S. prison system take a toll on inmate psychology as well. Additional policies and practices lead to the same kind of outcome: a regression of thought and a subsequent bout of crime.

Because there is such a widespread expectation that inmates should be treated harshly in American culture, there should likewise be no surprise that staff attitudes towards inmates are commonly expressed with contemptuous overtones, forever reminding inmates of their lowly status as human beings. Even clothing standards send a disturbing message. Implicit in the coloration and uniformity of inmate clothing schemes, apart from its role in attempting to ensure better security, is that its wearers represent all that is wrong in our species. It distinguishes inmates from their moral counterparts: Those sporting street clothes, or clothing with contrasting pigmentation.

The message drummed into the heads of inmates is they are somehow qualitatively different than individuals without criminal backgrounds: morally, humanly, and capably inferior. From this sprouts at least one inherent danger: The realization of self-fulfilling prophesies. Once inmates begin to really believe they are terrible, worthless, inadequate people, a greater potential exists in which these convictions are acted out, thus breathing objective life into the otherwise abstract nature of their thoughts.

The current U.S. prison model, then, including its built-in culture and self-defeating policies, has an overall negative impact on lowering recidivism rates and fundamentally changing behavior. Statistical data provides all the evidence we need.

Conclusion

Upon reflection, we see that criminality is, beyond its more physical form, a complex amalgum of experience and circumstance blended together to form a distinct state of mind. The spectrum of criminality ranges from learned behavior, as reflected in the concrete images of differing methods of crime in one's mind obtained through observation or direct tutelage, to perceptions, the overall understandings of its meaning and purpose, including the generalized attitudes sitting atop, which in themselves are also learned.

There is no absolute formula to determine criminal certainty in individuals in society, but certain backgrounds and experience seem to relate among the sometimes widely contrasting class structures from which they come. Once a taste for crime has been developed, it can be very difficult to stop.

As a whole, society seems to understand in varying degrees the psychological nature of crime. TV dramas with titles like "Criminal

Minds" sum up this basic grasp well. But any suggestion that the System - defined as the various contemporary methods for dealing with crime, containing crime, or creating public safety barriers - may be contributing to the problem as well is dogmatically rejected; but trying to deny the truth will get us nowhere.

Undoubtably, crime is committed for an untold number of reasons. In some cases, a perception of one's environment serves as the impetus to act. For instance, drug dealing in many poor inner-city regions is a direct response to a transparent lack of economic opportunity. By this view, it perceptively becomes a necessary means of survival, or the only real possible route to aquiring material possessions. Gang activity, on the other hand, is often the result of poor parenting, where a lack of love and respect is sought through the collective affirmations found in group association. Subcultural norms are established in which adherence is met with group approval and satisfies personal cravings for recognition. In each case, there is a mental component involved.

The situations in which justice is dispensed or that attempt to protect society by limiting criminal opportunities contain a dynamic of this sort as well. Discriminating against ex-offenders by relegating them to low-wage jobs or work that is considered undignified and humiliating can dampen one's willingness to make the necessary efforts and sacrifices called for by formal employment. Over time, their disdain culminates into a flat-out rejection of this kind of labor situation. Without a legitimate means of making an income, crime is usually the end result.

Incarceration has issues too. The contempt from staff towards inmates, partly from a deep-seated culture as well as a natural outgrowth of

strict punishment, is somewhat responsible for causing inmates to view themselves negatively; in turn, leading to self-fulfilling prophesies; which, more often tnan not, are in the form of legal transgressions. Simply put, the perceptions we have of our situations as well as the attitudes formed partly thereof have a real determining affect on behavior, including instances involving crime.

All roads appear, then, to converge on one central location: What to do.

Of course any ideas about how to resolve the issue of crime will not include a silver-bullet solution; but any input that may have at least some impact should be considered, if not fully implemented as a viable approach to public safety. In the context of the criticisms laid out in this analysis, the following policies and practices should be observed.

First, discriminatory policies should be rolled back, if not completely wiped out. Ex-offenders should be given the same opportunities as everyone else. Prior criminal history does not automatically mean it will translate to future transgressions in all facets of life. Not only will equal opportunity foster hopeful outlooks and strengthen social bonds, but it will also provide conditions useful for positive change.

Second, penological practices should be significantly overhauled with a heavy emphasis placed on rehabilitation programs to help change behavior at a more fundamental level. This also means that inmates should be treated with greater respect, no matter how underserving it may seem. Staff should serve as models to inmate populations by acting more professionally, including following the explicit Rules of Conduct as outlined in official policy. Inmates should be exposed to

behavior that comports with mainstream social values and norms. All punishments should include "teachable moments," whereby staff explains the reason for punitive action and how such action is meant to make them better people, and less likely to make poor decisions in the future. The combined effect of these small measures would, in theory, shape a more positive and stable mind set in individuals prone to criminal behavior, thereby lessening the risk for reoffense.

Obviously suggestions of this type will rankle the sensibilities of tough-on-crime advocates or citizens cultured to support harsh treament of lawbreakers. No one likes the idea of "codling" criminals or accepting increased risk to afford ex-offenders with more opportunities. But if actually trying to reduce the crime rate is the chief objective of any policy that attempts to deal with crime, then such pragmatic solutions might be exactly what the doctor ordered.