

1936

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Edgar A. Doll

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Recommended Citation

Edgar A. Doll, Scientific Point of View Toward the Prevention of Crime, 27 *Am. Inst. Crim. L. & Criminology* 203 (1936-1937)

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THE SCIENTIFIC POINT OF VIEW TOWARD THE PREVENTION OF CRIME¹

EDGAR A. DOLL²

Crime is a social problem that cannot be ameliorated without the combined effort of all branches of social science and social administration. The criminal is a product of his social situation as well as his bio-social personality. The prevention of crime and the rehabilitation of the criminal, therefore, call for combined effort in the fields of social welfare administration and in the biological and social sciences.

In the past we have thought that crime could be prevented by methods of repression through punishment. History has witnessed the extremities of barbarism to which this philosophy led. But experience has proved, beyond doubt, that repressive measures alone go but little distance toward solving the problem if they do not actually aggravate it.

It is only within the last century that we have come to realize that the immediacy and the certainty of punishment are more effective than the severity of punishment. Nevertheless, our legal procedures for law enforcement are too cumbersome and too tardy in most circumstances to provide either speed or certainty in arrest, conviction and punishment. We now understand better than formerly society's responsibility for those social conditions which predispose toward criminality and in which criminal tendencies may actually be fostered. Until this complacency of society toward its own hot-beds of crime and toward its own responsibility for crime has yielded to courageous purging of such social pathology, the scientific measures directed at the criminal himself must prove relatively ineffective in the field of prevention.

The scientific study of the offender is a recent development in the history of crime. The scientific point of view is that crime can be prevented in some measure through the reform or rehabilitation of persons who, without reformatory methods, might be persistent offenders. To accomplish reformation of the offender, and thereby

¹ This paper was prepared for the New Jersey Crime Conference, Section on Prevention, Trenton, N. J., March, 1935, but it is timely today.—Ed.

² Director of Research, The Training School at Vineland, New Jersey.

prevent his persisting in a life of crime, the scientific point of view calls for an understanding of the individuality of the offender in relation to the social stresses to which he is subject. Recognizing that the social situation may be the precipitating cause of crime, the scientific point of view emphasizes the personality of the offender, his attitudes, habits, capabilities, and aptitudes as predisposing factors which, if adequately safeguarded, may prevent the criminal social situation from becoming effective.

This scientific point of view, historically attributed to Lombroso, at first concluded that there was a criminal type of man who was constitutionally predisposed toward a life of crime because of his physical make-up. More recently, that point of view has shifted from the anthropological to the psychiatric point of view according to which the offender is viewed as a mentally irresponsible person who is emotionally in conflict with his environmental forces and mentally incapable of an adequate adjustment.

A still more scientific point of view considers the total individuality of the offender from many aspects, including at least his physical make-up, his health, his emotional tendencies, his intelligence, his social habits, his educational abilities, his moral and spiritual attitudes, and his occupational abilities. Modern scientific study of the offender, therefore, includes much more than the physical and psychiatric study of former days, combining as it does contributions from all fields of social relations. Studies of the offender from this point of view reveal multiple causes of crime related more or less intricately, but which may be analyzed according to their relative importance in a given case. This point of view continuously emphasizes social origins of crime and the reaction of the individual offender to these social stresses in terms of his total personality. Much of the inferior constitution of the offender is thus found correlated with low social status, causing a vicious cycle with reaction of inadequate personality to unfavorable social circumstances.

The scientific study of the offender assumes that crime may be prevented, in large measure, by the rehabilitation of convicted offenders. The experience developing from the scientific approach indicates that many offenders are adventitious or accidental criminals in cases where the cause of crime is more heavily social than personal. Correction in these cases is found to be relatively simple through suspended sentence, probation or simple custody in well-administered correctional institutions. However, this scientific ex-

perience also indicates that a considerable proportion of offenders are constitutionally abnormal persons whose adjustment to the stresses of social life in the face of their abnormalities present oftentimes baffling problems. The reformation of the offender is, therefore, relatively simple in many instances, and almost impossible in others.

Out of this scientific experience there has grown, therefore, a principle of classification whereby different types of offenders may be grouped according to their individuality and social responsibility. Following such classification, the treatment of the offender can be systematically related to the causes of his crime. Such a classification program leads to an intelligent program of penal and reformatory methods whereby each offender can receive that type of correction which is best suited to his handicaps or capabilities. The various programs of suspended sentence, probation, minimum custody, maximum custody, and life sentence can be adjusted to the individual offender. Similarly, the treatment facilities of general hospitals, mental hospitals, educational agencies, religious agencies, industrial and occupational activities, and the like, can be used to the best advantage according to their need.

To accomplish such a program it is desirable that classification clinics be organized as adjuncts to the courts and to the correctional institutions, which will provide for the comprehensive study of the offender and the social circumstances involved in his crime. The staff of such a classification clinic should include at least a physician, a psychiatrist, a psychologist, an educator, a pastor, a vocational counsellor, a social investigator, and such other professional persons as have significant contributions to make.

It is desirable that the primary function of the court be to determine the guilt or innocence of the offense charged and that before passing sentence the court consider the results of this comprehensive study of the offender and his social responsibility in terms of the conclusions and recommendations reached by the classification clinic as a whole. Lacking the facilities of such a clinic at the court, it is feasible for the court to make a temporary commitment of the offender to the most appropriate institution where such a classification study can be made, the court to pronounce final sentence after being advised of the conclusions and recommendations of such study. This sentence should be expressed as an indeterminate sentence or as a minimum and a maximum time within

which the facilities of the correctional agency, including probation and parole should be administered.

When the correctional agency considers that the offender can be returned to society without prospect of further likelihood of continuing as an offender, the court should be advised of this conclusion as the representative of the public. If the court does not agree in the conclusion as to discharge or parole, the correctional agency should reconsider the case, but should be the final authority for release from correction as the court is the final authority for commitment to correction.

This scientific study of the offender is, of course, limited to those who have already committed offenses, and the success of the method as an agency for prevention grows out of the program of correction. It is obvious, however, that the fields of social science represented in such a program can exercise preventive measures designed to avoid the commitment of crime by developing programs of social welfare for those individuals who, in general, seem to be constitutionally predisposed toward the likelihood of criminal careers.