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# THE CONCEPT OF RESPONSIBILITY

Arnold W. Green<sup>1</sup>

## I

It is the thesis of this paper that many modern criminologists have injected more than semantic confusion into their body of theory by simultaneously using the concept "responsibility" on two different levels of meaning. This practice has no logical consistency or scientific validity, is consistent and valid only in terms of humanitarian value-judgments, as will be demonstrated.

With the effective refutation of all "free will" theories of personality, and the wide-spread acceptance among social scientists of deterministic theories of conduct in terms of heredity and life-experience, the realization has dawned that from a strictly scientific point of view it is absolutely impossible to attach praise or blame to any individual act. Probably more than any other group of social scientists, students of criminality are acutely aware of this.<sup>2</sup>

But demonstrating the invalidity of "free will" has a limited applicability. Life, in all societies of which we are cognizant, is made up of a system of rights and duties, differentiated according to class, sex, age, etc., for the various segments of a given population. These rights and duties are arbitrarily prescribed to individuals and groups. Some philosophy, or, if you will, series of rationalizations, always buttresses the system.

The system of rights and duties could not function if the individual were not held responsible for his actions. But the meaning of the term has been shifted: as used above, "responsibility" explicitly refers to some mysterious "inner power" over "individual destiny", which most criminologists justifiably deny; here, reference is made to man's being held accountable for his personal

<sup>1</sup> U. S. Department of Agriculture, Bureau of Agricultural Economics.

<sup>2</sup> "Man is no more 'responsible' for becoming wilful and committing a crime than the flower for becoming red and fragrant. In both instances the end products are predetermined by the nature of the protoplasm and the chance of circumstances." Nathaniel F. Cantor, *Crime, Criminals, and Criminal Justice*, Henry Holt & Co., 1932, p. 266.

"The point to be grasped is that the formation of the personality pattern is a natural product of forces in the constitution of the individual and in his childhood situation." Clifford R. Shaw, *The Jack-Roller*, University of Chicago Press, 1930, p. 193. The quotation is from a discussion by Ernest W. Burgess, pp. 184-197.

"The human animal finds his conduct and his thoughts determined by the combined influences of his biological heredity and his social surroundings. There is not the slightest iota of choice allowed to any individual from birth to the grave." Harry E. Barnes, *The Story of Punishment*, Stratford Co., Boston, 1930, p. 250.

This deterministic view of human behavior is found throughout the criminological literature. The author has collected many similar quotations, but little would be served by listing more.

behavior. The first is a fiction, the second a fact necessary to society's functioning. The first is a rationalization, used to buttress the system of rights and duties, the second is the very corner-stone of the system's structure.

Although *some* fiction, some non-logical explanation, is necessary to inculcate a given society's system of rights and duties, it need not necessarily be the idea of "responsibility" (free will) current in our society. If displaced, a new fiction would supplant it. "Responsibility" as personal accountability is, however, a different matter. Only on the basis of personal accountability can prediction of behavior take place, without which all social relations would be impossible.

We know, for example, that A will act thus and so in a given situation because his deviation from expected behavior would redound to his discredit or disadvantage, in a word, punishment, in the form of loss of reputation, ridicule, or in extreme cases, expulsion from the group in which he is currently interacting. Only by accepting responsibility (accountability) for his actions can the individual invoke upon his fellows their common system of rights and duties, offer them the assurance of being able to predict his future behavior on the basis of his past and present actions, and thus preserve the relationship.

But when the humanitarian criminologist refutes the concept of responsibility (free will), he is attempting to relieve the criminal of responsibility (accountability).<sup>3</sup> It is difficult to see how the humanitarian criminologist is to achieve this goal when non-criminals are, and must be, held accountable for their behavior in the home, at school, on the job. The humanitarian criminologist is making the fundamental error of positing a specialized treatment for those who have violated society's norms most flagrantly, a specialized treatment it would be impossible to accord the general population.<sup>4</sup>

<sup>3</sup> "The hope lies in the gradual acceptance by the community of a philosophy of protection instead of that of vindictive punishment of the offending individual. . . ." George W. Kirchwey, "The Prison's Place In The Penal System," *The Annals*, 1931 (v. 157), pp. 13-22, p. 22.

"The legal and institutional provisions for the protection of society should be based not so much upon the gravity of the act for which the offender happens to be on trial, as upon his social dangerousness, his assets and liabilities, and his probable and actual response to correctional treatment." Sheldon Glueck, *Crime And Justice*, Little, Brown, & Co., Boston, 1936, pp. 214-215.

As in footnote 1, the above listing could be indefinitely extended.

<sup>4</sup> Not all modern criminologists are so blinded by humanitarian value-judgments that they conceive of organized society as a vast super social-agency which should be devoted to relieving its aberrant members from accounting for their actions. At least one criminologist recognizes the dynamic importance of a sense of responsibility (accountability) in the overt criminal, in terms of his rehabilitation potential: "As a way of justifying themselves, inmates usually trace responsibility for their acts to some circumstance other than their own volition. . . . Human experience has shown also that the sense of personal responsibility plays an important role in regulating action. Particularly with individuals on a low cultural level, who are seeking to explain

## II

The difficulty in attacking the humanitarian value-judgments and pseudo-logic of social reformers is that one runs the danger of being labeled a reactionary, and in this instance, of "advocating punishment". But this is not so. While the author agrees with Emile Durkheim and George H. Mead<sup>5</sup> that the *function* of punishment is far more subtle and deep-rooted in social organization than the humanitarian criminologist is aware of when he blandly proposes banishing it as archaic and irrational, no one knows what the "most effective" forms of punishment are as apart from specific situations and specific goals.

Certainly, without punishment, organized society is inconceivable. Accountability for personal action ceases to exist when sanctions are not applied. But the realization of this is not necessarily followed by advocating cruel and unusual punishments. Those criminologists who have pointed out that extremely harsh punishment has historically been associated with periods of excessive criminality cannot be refuted. And yet, on the other hand, that some forms of punishment are necessary to a functioning social order cannot be gainsaid.

Finally, the humanitarian criminologist's lack of certitude about justice,<sup>6</sup> even the justification of punishment, is in and of itself symptomatic of a social order that is lacking certitude, lacking vigorous belief in its own tenets, faiths, its own entire way of life. The anguished fulminations of the humanitarian criminologist are part and parcel of that uncertainty, indeed, of the very complex of causes in which much of modern criminality is rooted.

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away their own responsibility, it is necessary that this factor receive attention through proper definition and emphasis." Henry E. Field, "The Attitudes of Prisoners As A Factor in Rehabilitation," *The Annals*, 1931 (v. 157), pp. 150-163, pp. 160-161.

<sup>5</sup> Briefly paraphrased, these men see punishment as the affirmation of moral standards, as functioning to re-enforce the given society's values. Punishment serves to set off wrong from right. That in some instances it may have no effect whatsoever on the rehabilitation of the individual offender is, in this context, entirely beside the point.

<sup>6</sup> A popular accusation among humanitarian criminologists is that society, not the individual offender, is the criminal.