

LAW AND CONTEMPORARY PROBLEMS

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FOREWORD

The definition of crime, an understanding of its causes, and the formulation of appropriate objectives and methods for the treatment of convicted offenders are patently matters of crucial social concern. A unified criminological theory that would answer these needs and, at the same time, command universal respect and adherence, however, has yet to emerge. Instead, a wide variety of particularistic theories abounds, each of which, as often as not, sharply contradicts or conflicts with every other. Thus, there is the so-called legalistic approach, predicated on the assumption that crime is an expression of free will, and correlatively advocating punitive sanctions. Contraposed is the so-called behavioristic approach, predicated on the assumption that crime is a product of forces not wholly within the control of the offender, and correlatively stressing such concepts as rehabilitation and individualized treatment.

Further divergence of approach stems from the growing dominance in our society of a viewpoint which conceives of the offender primarily in individualistic and psychological terms, according to which he is depicted as a person with a *sui generis* defect, principally, if not entirely, attributable to peculiar elements in his personal history. On the basis of this assumption, correction would require that the offender be isolated and his defect identified and remedied. This conception, however, seems largely to ignore the group character of the offender and the abundant evidence supporting the assertion that, as a group, offenders are no more defective than the general populace.

In practice, the procedures of the administration of justice tend in the direction of an unsatisfactory, uneasy, and vaguely-defined compromise of these differing theories. Nor have scholarly commentaries in this area been markedly illuminating, owing to the fact that commentators often gloss over or disregard incompatible orientations and frames of reference, or perhaps, in an access of tolerance, even adopt, perhaps without complete comprehension, the approaches of other disciplines. Accordingly, it has become difficult to determine the distinctive contribution that each of the particular disciplines has to offer and comparatively to appraise their underlying value premises.

This symposium, therefore, has been designed primarily to focus upon the diversity

of viewpoints prevalent in this area. To accomplish this, it seeks to present a strong, partisan exposition of the legal, psychiatric, and sociological viewpoints, respectively, followed by a critique of each. This broad, topical coverage is expected to subsume discussion of the many special problems in the area—the juvenile and the youthful offender, the habitual offender, the psychiatric or emotionally-deviated offender, and others. The only special problem that is specifically discussed is white-collar crime, which is rather unique and involves rather distinctive considerations.

The balance of the symposium purports to examine the nature and effectiveness of contemporary correctional practice, and possibly point the way to future improvement. In this latter connection, the constructive role that properly-conducted research may play is recognized—indeed, emphasized—although it is not suggested, by any means, that this will afford a panacea. Efficient means of implementing research results must also be devised, and here, serious administrative obstacles may be encountered.

As an ultimate goal, the integration of legal principles and scientific knowledge in the area of crime and correction enjoys widespread approbation. It is the belief of the editors that the articulation and criticism of the competing criminological theories elaborated in this symposium may further cross-disciplinary communication, understanding, and appreciation and perhaps, in a small way, conduce an eventual accommodation. To this end, this issue is hopefully directed.

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