Crime and Punishment

> "Violence… cannot be isolated by race or income or class. Fear stalks us all; suspicion saps us all. There is no exemption." --Jesse Jackson

> "When a thing ceases to be a subject of controversy, it ceases to be a subject of interest." --William Hazlitt

Crime is a topic of enduring interest, as any survey of the mass media in America will show. Lawbreakers, police officers, and defense attorneys are among the most frequently encountered figures on television--both on the news and in popular dramatic series--while books and movies dealing with criminality also enjoy much popularity. Even more pervasive is the real-life crime that faces people every day, either in newspaper headlines or in personal experiences. From purse-snatching in a mall parking lot to kidnapping and murdering of the elderly, all levels of crime seem to multiply each year.

Fear of crime affects all Americans, no matter what age, race, or social class. Placing bars on windows and locking car steering wheels, carrying handguns, and refusing to venture out at night are obvious responses to fear. However, when the government responds to the public's perception of danger with restrictions on liberty (such as curfews), increased taxes for police and prisons, and harsher, more punitive laws, even those who feel relatively safe from crime are affected. Fear of crime even affects criminals, especially the ones who get caught. For example, repeat offenders in California are now subject to a new "three strikes, you're out" law. Advocated by the President and being considered by a growing number of states, three strikes laws mandate greatly increased minimum prison terms of life sentences for those convicted of three felonies.

Three strikes and other "get tough on crime" measures reflect a movement away from prison reform efforts that began two centuries ago. Prisons today are intended to serve four functions--retribution, incapacitation (removal from the opportunity to commit crimes), deterrence, and rehabilitation--but the fourth function is relatively new, considering the antiquity of prisons and penal systems. The drive to make prisons a place where criminals could be reformed into honest, productive citizens began with a British movement in the late 1700s that established the first penitentiaries: prisons that were designed to make inmates feel sorry, or penitent, for their crimes. In America, around the same time, Pennsylvania Quakers formed the Philadelphia Society for Alleviating the Miseries of Public Prisons; they believe that some criminals could be reformed through meditation and hard work. If it worked, rehabilitation would restore criminals to a productive life as well as save money--the money lost due to crime itself, along with the costs of repeatedly apprehending, trying, and incarcerating the same offenders.

During the nineteenth and twentieth centuries, the relative balance among the four functions of prisons gradually shifted toward rehabilitation. The moral and economic appeal of rehabilitation reached a peak in the 1960s and 1970s. In those two decades, the federal government helped states set up community correctional centers and halfway houses. Overcrowded prisons, which forced the early release of many criminals, contributed to the popularity of these alternative sentencing options. However, by the 1980s, a variety of factors had begun to swing the pendulum of public opinion back to a demand for "law and order." Americans were faced with high recidivism rates, a perceived increase in drug-related violence, and highly publicized incidents of "wilding" and other forms of random brutality. According to some crime watchers, rehabilitation attempts had not been effective. Many people now felt that order could best be achieved by returning to principles of harsh punishment for criminals--such as three strikes laws.

On the other hand, opponents of such harsh laws would argue that not all crimes are equal and that these laws may constitute a miscarriage of justice for some offenders. Also in the public eye in recent years have been cases of persons incarcerated and sentenced for crimes they were later proved not to have committed. Often these suspects were African-American men who fit the profile of a criminal, both in the eyes of the public and of law-enforcement agencies.

The rush to support and enact three strikes laws and to enforce already existing capital punishment laws is, at least partially, the result of a public perception that there is increased reason to fear crime. Whether such fears are justified and whether tougher measures are appropriate and effective are among the issues to be addressed through the readings in this series. Some of the readings also deal with the concept of justice which--both in real life and in fiction--is not always served by law. The publication dates of the four selections span more than thirty years, from 1960 to 1993, and the settings range from a small town in Alabama during the Depression to a futurist city dominated by lawless juvenile gangs. Readers will see through the eyes of prosecutors, chaplains, victims, townspeople, and especially the accused criminals themselves. An exploration of these multiple points of view will help readers confront the controversial issues of crime and punishment.

To Kill a Mockingbird
by Harper Lee

Harper Lee is the author of only one novel, *To Kill a Mockingbird*, but that single novel won four major literary awards, including a Pulitzer Prize in 1961, was adapted into an Academy Award winning film in 1962, has been translated into ten languages, and remains in print and is widely read more than three decades after its original publication. Lee's novel is established as part of the canon of Southern fiction and American literature.

Harper Lee, like the heroine-narrator of *To Kill a Mockingbird*, was the daughter of a lawyer in a small Alabama town, where one of her best friends was Truman Capote. Lee herself studied to be a lawyer, but left school before obtaining her degree, moving to New York City in 1950, where she supported herself as an airline reservation clerk while trying to write, first short stories, then a novel. It took her more than four years to complete *To Kill a Mockingbird*.

To Kill a Mockingbird reveals, through the eyes of a little girl, how the perception of a crime, distorted by a community's *ethos*, can affect every aspect of life in a small town. At the same time, Scout, her brother, Jem, and their friend Dill learn that people and events appear differently when looked at closely in person. For example, Scout discovers that the reclusive Boo Radley, whom the children believe "dined on raw squirrels and any cats he could catch" and whom older townspeople suspect of numerous petty crimes, is "real nice." "Most people are, Scout," her father replies, "when you finally see them."

Prejudices, however, prevent the residents of Maycomb from truly seeing one another. Tom Robinson, a black man, has been accused of raping Mayella Ewell, a white woman. Although the Ewells "had been the disgrace of Maycomb for three generations," the white community accepts Mayella's claims because the prejudice against blacks is stronger than that against shiftless whites like the Ewells. The black community, including Calpurnia--the housekeeper for Scout and her family--know that the accusations against Robinson are false, as does Atticus, Scout's father who has been appointed to defend Robinson. At first, Atticus tries to shield his children from the particulars of the trial, but townspeople and relatives reveal opinions that must be reconciled. From old Mrs. Dubose, who suggests that Atticus Finch is no better than the criminals he defends, to the name calling of cousin Francis, Scout and Jem are drawn into the battle without understanding the terms. Scout doesn’t know the meaning of "rape" and is advised by Calpurnia to ask her father, yet it is the children--viewing the trial--who are able to see the sides and issues clearly. Scout understands the emptiness of Mayella Ewell's life, and Dill begins to cry when he understands the unfairness of legal procedure. Earlier, Scout is able to avert a lynching by reminding Mr. Cunningham of his indebtedness to her father, bringing up their common human bond.

To Scout, "… there's just one kind of folks. Folks." But Jem, her older brother, has begun to realize that discrimination and making distinctions is part of the adult world:

> "That's what I thought, too… when I was your age. If there's just one kind of folks, why can't they get along with each other? If they're all alike, why do they go out of their way to despise each other? Scout, I think I'm beginning to understand… why Boo Radley's stayed shut up in the house all this time… it's because he *wants* to stay inside."

Like other Southern fiction by authors such as William Faulkner, Flannery O'Connor, and Carson McCullers, Lee's small town is populated by eccentrics and social stereotypes. Miss Maudie, who prefers her garden to her house and exchanges Bible verses with the "foot-washing Baptists" who condemn her and her gaudy display of flowers, has one of the most reasonable voices in the novel. Aunt Alexandra, who is committed to good appearances and social conventions, is unable to explain the reasons for her rules to Scout. And Boo Radley, a Southern Gothic figure haunting the novel and the town, is revealed as the children's guardian angel.

In Cold Blood
by Truman Capote
On the Indian summer night of November 4, 1959, two criminals named Perry Smith and Richard Hickock visited the plains of western Kansas for the first time. With a knife and a 12-gauge shotgun, they robbed and murdered a man and his wife and their son and daughter. The murders of the Herbert Clutter family appalled the residents of Holcomb, Kansas, and echoed through the lives of all who lived nearby. Fear and suspicion haunted both town and country dwellers. Law enforcement officials combed the countryside searching for clues and some "reasonable" motivation for the crime. Eventually, through a tip almost as gratuitous as the crime itself, they captured the murderers. On a rainy night in April 1965, Smith and Hickock were hanged in a chilly warehouse in the yard of the Kansas State Penitentiary at Lansing.

To Midwestern newspaper readers, the crime and its aftermath were awful, but not necessarily astonishing. Spectacular violence in the form of multiple murders had occurred several times before this incident, somehow seeming appropriate in the vast emptiness of the plains. However, to Truman Capote, the killings in western Kansas seemed less commonplace. Already he had been looking toward journalism as an art form in itself, searching for a suitable subject to develop his idea of the "nonfiction novel," a work that would use fictional techniques to present facts. On November 16, 1959, Capote found what he had been looking for. Briefly noted in a New York Times wire story was the multiple murder of the Clutter family. Even though he had never been to "that part of the world," Capote decided to travel there and investigate the possibilities for a novel. Arriving three days later, accompanied by his childhood friend Harper Lee, he found a town in the throes of a brutal unsolved slaying. The residents of Holcombe were not only traumatized, but also deeply suspicious, and the urbane writer from New York was not well received. It took well over a month for Capote to be accepted; in fact, not until the killers were apprehended did townspeople open up to him.

Truman Capote spent the next six years interviewing the townspeople, murderers, and anyone else even remotely connected to the Clutter case. He retraced the killers' flight, traveling to Miami and Acapulco, renting rooms in the same cheap hotels. He did months of research on the criminal mind, even interviewing a number of death row killers, "solely to give me a perspective on these two boys." Before he began writing, he had amassed over six thousand pages of notes, later explaining that "over eighty percent of the research I never used." In spite of his intense involvement with Smith and Hickock, he decided to distance himself from them in the book. He focused on two chief and central actions--the murders and the hanging--and arranged *In Cold Blood* in four sections which juxtapose the wholesome qualities of the Clutter family with the twisted psyches of the two killers. In his role as novelist-as-journalist-as-artist, Capote allowed the facts to transcend reality, creating a tragedy that seems almost existential in nature. Smith and Hickock were the embodiments of literary anti-heroes, while the Clutters led lives that denied the possibility of evil.

The resulting chronicle has been called a masterpiece, "the best documentary account of an American crime ever written." There is little doubt that the book creates a vivid portrait of western Kansas and captures the manners and speech of the people who live there. It also explores the irony of the fact that the murder of the Clutters, the type often described as "committed in cold blood," was essentially a crime of passion, an explosion of repressed rage and hate. On the other hand, the executions of Smith and Hickock were carried out "cold-bloodedly" after years of legal wrangling. Finally, and perhaps most importantly, *In Cold Blood* contains detailed portraits of Smith and Hickock, which continue to fascinate readers interested in both literature and criminal psychology.

A Clockwork Orange
by Anthony Burgess
Set in the future, in a city dominated by lawless juvenile gangs, *A Clockwork Orange* centers on Alex, a maladjusted youth who commits a series of violent crimes, then becomes the subject of a government-sponsored behavior-control experiment. The treatment causes Alex to become violently ill whenever he is tempted to engage in socially unacceptable behavior, thus preventing him from choosing between acts of good and evil. While some readers might label this novel as a dystopia or anti-utopia, author Anthony Burgess preferred the term "cacatopia"; "it sounds worse than dystopia," he remarked in an interview. The social conditions that Burgess depicts are reminiscent of George Orwell's *1984*. The state regulates everyone's life; it subjects the masses to dehumanizing flatblock living; it represses free speech and free expression of individuality; it deadens the mind. In addition, the state enforces its repressive measures with a police brutality that borders on savagery.

Our introduction to this nightmarish world comes from Alex himself, who as first-person narrator controls the novel. Alex describes his exploits in an invented language which burgess called "nadsat," a crude combination of Russian and Cockney slang. On a typical day, Alex and his droogs peet moloko with knives in it, engage in the old violent in-out, in-out, with tolchocking and dratsing as the usual evening's entertainment. Burgess said that the language he invented for Alex to speak has a triple function: to assure the survival of the novel by creating a slang idiom that would not become outmoded; to brainwash the reader so that he emerges from the novel with a minimal knowledge of Russian; and, more significantly, to "distance the violence, to cushion the reader from the violence because the violence would not be presented directly, but rather through a filmy curtain of an alien language that the reader would have to fight through before he could get to the violence."

Rather than protecting readers from the violence, though, Alex's language actually seduces them to participate in the savagery of the scenes, without being aware that they are giving expression to their own brutality. If one simply read in standard English of Alex's smashing Billyboy's face with a razor, he would be distanced from it by his horror, complacent in the knowledge that he could never do anything so savage. However, readers have no such ego defenses against violence if they read of Alex's making this like veck creech when he viddies a nozh razresing his litso and sending curtains of knovvy down his plott. They are immersed in the violence through Alex's language and forced to confront their own worst selves.

After Alex is imprisoned and subjected to Ludovico's Technique to alter his anti-social behavior, the reader discovers a key issue of the novel: freedom of choice. The Alex seen at the beginning is an individual whose capacity for evil has been intensified into overt acts of destructive violence by the repressive conditions forced upon him. Yet Alex believes that he has freely chosen evil because he likes it--"what I do I do because I like to do"--and attributes the origin of evil to God. "Badness is of the self… and that self is made by old Bog or God and is his great pride and radosty." The Prison Chaplain is less certain than Alex; he asks rather than pronounces: "What does God want?" Does God want goodness or the choice of goodness?" He attributes the origin of goodness to God and says essentially the same thing that Alex has said of evil: "Goodness comes from within…" which is to say that goodness is of the self. By juxtaposing the views of the Chaplain and Alex, Burgess makes the reader question the nature of man and God's intentions for his moral choices: Does a man who cannot choose cease to be a man? Should the state be allowed to tamper with an individual's freedom of choice?

A Clockwork Orange forces us to examine politics, religion, society and morality, and to ask what kind of fruit we have grown from "the world-tree in the work-orchard that like Bog or God planted." The action is not so far from the arbitrary violence currently occurring in the large cities of the world. Drive-by shootings, "wildings," inexplicable preying upon the most vulnerable--children and the elderly--these reports are too familiar to us. However, instead of distancing ourselves from such crimes, Burgess suggests that we are all "clockwork oranges" if we have no awareness of our own capacity for evil. Only through self-knowledge and recognition of moral choice can society be transformed.

A Lesson Before Dying
by Ernest J. Gaines
A Lesson Before Dying, to some extent, brings this series back to its starting point. Ernest J. Gaines, better known as the author of *The Autobiography of Miss Jane Pittman*, sets his 1993 novel during the six-month period of 1948 in a small Louisiana town founded around a former sugarcane plantation. As in *To Kill a Mockingbird*, an African-American man has been convicted on circumstantial evidence of a capital crime and sentenced to death. Although Jefferson's "crime" is a matter of being in the wrong place at the wrong time, the community does not express a sense of outrage at a miscarriage of justice. Instead, beginning with Jefferson's godmother, Miss Emma, and finally involving the entire black community as well as members of the white community, there is the sense that Jefferson must be prepared to face his punishment as a man and, as such, to represent his community and be its hero.

Jefferson's defense attorney argues that, even if he were guilty, sentencing Jefferson to death would not serve justice because he is "a fool," not a man, ignorant, "a cornered animal": "Why, I would just as soon put a hog in the electric chair as this." Miss Emma responds to this argument: "I don't want them to kill no hog… I want a man to go to that chair, on his own two feet." With this lofty abstraction in mind, she asks Grant Wiggins, the black schoolteacher and narrator of the novel to teach her godson how to be a man. Wiggins, both burdened by and resigned to the expectations placed on him by his people, reluctantly accepts to attempt what he considers to be an impossible task, far beyond the scope of teaching "what the white folks around here want me to teach."

As a narrator and character, Wiggins presents a complex of cynicism, nostalgia, and idealism. He is indifferent to questions about Jefferson's guilt or innocence, assuming that he is like so many of his classmates and students who are doomed to fail before they start. After receiving his college education and visiting his parents in California, Wiggins returns home to teach in an underfunded black school, "unable to accept what used to be my life, unable to leave it," hoping and despairing for his students all at the same time. Although Wiggins feels he has lost his faith in God, his faith in "that common humanity that is in us all" enables him to make a vital connection with Jefferson.

When Wiggins first visits Jefferson alone in jail, without Miss Emma, he finds him mocking himself, pretending to be a hog, asking for corn and getting down on his knees to "feed" from the bag of food his godmother sent him. Wiggins perseveres through many visits, learning Jefferson's views on life, likes and dislikes, and begins to see beyond his own preconceptions about Jefferson's character, recognizing his individuality and "manhood." Meanwhile, the entire community is untied in awaiting the outcome of Wiggins' visits, from Sheriff Guidry, the young deputy Paul, and Miss Emma's former employer, Henri Pinchot, to Wiggins' students, aunt, and lover Vivian.

The conclusion of *A Lesson Before Dying* transcends temporal issues like crime and punishment. The novel attempts to define the humanity and heroism that endure beyond humankind's finite deeds and identities.

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