

Homework: Crime and Punishment

In this session, we'll be exploring what constitutes crime . . . and punishment.

Crime: a violation of a law in which there is injury to the public or a member of the public and there is a term in jail or prison and/or a fine as possible penalties. There is some sentiment for excluding from the “crime” category crimes without victims, such as consensual acts, or violations in which only the perpetrator is hurt or involved, such as personal use of illegal drugs.

—*Gerald and Kathleen Hill, People's Law Dictionary*

Harm is an element of crime, but what type of harm is criminal?

Consider:

A 35-year-old well-educated white man plunges a knife into a sick old woman. He cannot be charged with a crime. He's a surgeon.

A young mother picks up her first grader from school. She belts the child into the child seat in the rear seat and drives home slowly. Before she reaches the driveway, a police officer stops her, arrests her, and charges her with two serious crimes, although she has hurt no one. She is drunk.

Had I a hundred tongues, a hundred mouths, a voice of iron and a chest of brass,
I could not tell all the forms of crime, could not name all the types of punishment.

—*Virgil*

But from each crime are born bullets that will one day seek out in you where the heart lies.

—*Pablo Neruda*

A crime has been committed, a suspect identified. Now justice must be served. For this purpose, there is a venerable procedure, one that is speedy, fair, and widely accepted. In other words—if you're among the Azande of Sudan, that is—it's time to poison a chicken. In the poison oracle, as the Azande's version of the criminal trial is known, a chicken is fed some random amount of a vegetable alkaloid: if it dies, the accused is guilty. There is even an appellate system: if you think your chicken has been bewitched, you may turn to another oracle.

A chicken's response to an erratic dose of an erratically toxic substance may not sound like a reliable way of reaching a just verdict. But at least the Azande's criminal-justice system does what is asked of it: civil society is upheld; victims are avenged; peace is preserved. And the system has other advantages: chickens are unswayed by racial or ethnic solidarity, cannot be influenced by inflammatory pretrial publicity, don't sign book contracts, and never conceal conflicts of interest.

Fowl are fair.

—*Henry Louis Gates, Jr.*

With violence affecting so many lives, one can understand the desire—driven by fear—to lock away young male offenders. But considering their impoverished, danger-filled lives, I wonder whether the threat of being locked up for decades can really deter them from crime.

—*Evans Hopkins*

Questions to Ponder

- How do you define *crime*?
- How do you define *punishment*?
- Imagine that you have been appointed to a legislative committee to find ways to reduce crime in New Mexico. Come up with several specific suggestions. Write a brief rationale for each suggestion.
- Consider your life and an action you have taken that harmed someone. Write it down on a piece of paper. Next write down how you might make amends to absolve you of guilt. Wad up the paper. Do what you need to do to get rid of your guilt. Toss away the paper!
- Create a ritual of forgiveness. Perform the ritual. Forgive yourself. Was punishment necessary? Why or why not?