

Coercion and Punishment: Solution or Cause of Social Problems?

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This is the 40th anniversary of SSSP. It is my pleasure to welcome you to help celebrate that event. I have chosen as the theme for this 40th meeting an issue which I think addresses both the scholarly and the humanitarian interests of SSSP -- the use of coercion and punishment in dealing with social problems.

There are no easy answers to such questions as whether drug abuse would be reduced by jailing "drug pushers"? If you answer in the negative, does that mean we should also not jail wife-beaters? I believe that the first is a waste of time, but I favor the second, though with misgivings. This inconsistency indicates the need for theoretical, empirical, and humanistic analyses of the role of punishment in response to social problems.

Is this inconsistency entirely a matter of "politics" or are there underlying principles which indicate when punishment is appropriate and when punishment creates additional and worse problems? What are the side effects of using punishment to ameliorate social problems? These are issues that SSSP members are well equipped to study, and have studied, as in Erikson's classic Wayward Puritans. The issue is far from settled. There are demands for coercive methods of dealing with all types of social problems -- dentists who refuse to treat AIDS victims, students who default on loans, fathers who default on child support, drunk driving, wife-beating, industrial pollution, smoking, disruption in schools.

In addition to the efficacy questions, there are issues of social integration and human values. Part of the attraction of punishment lies in retribution. Surveys show that those who favor the death penalty say they would continue to favor it even if it does not deter murder. If coercion and punishment are efficient methods of dealing with social problems, they may not be a humane method. I am inclined to the view that punishment, even in the service of the most worthy of causes, tends to poison the cultural ambiance. However, almost the opposite argument is made by Durkheim and Erikson: even though punishment is demonstrably ineffective, it is necessary for community integration.

Alternatives to Punishment

A general principle may be that efforts to ameliorate social problems should begin with the least punitive alternatives and only after clear demonstration of ineffectiveness, move on to a more punitive and coercive

approach. Some alternatives include: (1) Change the structures that produce the problem; for example, reduce wife beating by ending male dominance in the family and society, or reduce "street crime" by reducing income inequality and racism; lock merchandise on display to prevent theft. (2) Reward, either symbolic or material; for example tax credit for pollution control, praise, and awards. (3) Help or educate; for example, the campaign against smoking and high fat diets, public service announcements about child abuse and wife-beating, treatment programs for wife-beaters or sex offenders. (4) Coerce; for example, mandatory treatment programs for wife-beaters or drunk drivers.

Relevance for SSSP Divisions

These issues are important for each SSSP division, not just Crime and Delinquency. They are applicable to punishment by individuals and private organizations as well as by governments. They are issues which demand a multifaceted approach, including historical, cross-cultural, qualitative, quantitative, micro, macro, and experimental methods. Foucault's historical study of punishment (1977), Sherman and Berk's experiment on the effects of making an arrest in domestic violence cases (Sherman and Berk, 1984), and Haeuser's study of the Swedish law prohibiting spanking by parents are examples of the range of research.

Punishment impinges on almost all aspects of American life: Should cigarette smoking be a crime because of the health care cost burden it creates? If not, why is riding a motorcycle without a helmet a criminal offense? Should we penalize persons receiving public assistance by keeping the payments below the poverty level? Should alcohol and drug abusers be required to enter treatment as a condition for continued employment? Can production of defective products be reduced by penalizing corporations? Should the US follow the Swedish example and make use of physical punishment by parents illegal?

Seeking answers to these questions is likely to reveal many contradictions and ironies. Consumers can be protected by award of damages for faulty products, but they might also be hurt if large awards lead manufacturers to cease production or development of products, such as new contraceptives. Wife-beaters can be jailed, but the economic costs to wives, children and society may be tremendous. Medical malpractice suits may drive

competent physicians out of certain "high risk" types of practice. There are also more subtle ironies because "helping" approaches are not free of coercion and punishment. Wife-beaters generally need to be forced to participate. Is compulsory "help" for wife-beaters and compulsory treatment for the mentally ill, nonpunitive? Most "helping" approaches require another type of coercion. Those programs and policies cost money, and money must be raised by a process that, at the individual level, is essentially coercive -- taxation. The counter argument is that punitive approaches may be even more costly and may have negative side effects on the cultural ambience.

Punishment as a Cultural Value

The US seems to be a very punitive oriented society. We have the highest rate of incarceration of any industrialized society except South Africa, and the prison population is growing rapidly. It can be argued that this is not because we are punitive, but because there is so much crime. It seems to me, however, that our overflowing prisons also reflect a value commitment to using punishment to eliminate social problems. This comes to light when I tell people that Sweden has a law prohibiting any spanking or hitting by parents. Most people are amazed: How can you bring up children without ever spanking? They become truly incredulous when I say there are no penalties for breaking the no-spanking law. The idea that the law can be a non-punitive vehicle to express a national standard and a vehicle for providing services and help to those who break the law does not occur to many Americans.

Law as a Vehicle for Education and Service Delivery

The principle of helping rather than punishing people and organizations that violate the law may apply to a wide range of problematic behavior, not just spanking by parents. We spend huge sums on monitoring pollution and labor law violations, and prosecuting offenders. But more might be accomplished by investing that money in technical assistance programs so that companies have a resource to which they can turn for help in pollution control and labor relations.

It is possible that there would be less corporate crime and less individual crime if we based our approach to these problems on the assumption that corporations and criminals need help to go straight. If a corporation pollutes, rather than imposing large fines, we might be better off providing skilled pollution control engineers who can advise on the most cost-effective alternatives. If negligence or other wrongs were involved in the pollution, the corporation could be billed for the cost of the services.

The success rate for such an approach is certain to be less than 100 percent. However, so is the success rate of punitive approaches. Parents who spank are not guaranteed obedient children, nor are those who use

non-punitive methods. Nevertheless, the few parents who never spank tend to have better behaved children than do parents who spank, even though spanking produces short run compliance (Straus, 1989).

Scientific and Humanistic Issues

Coercion and punishment may or may not be necessary in some ultimate sense, but that does not indicate what happens when a society uses these methods to deal with specific social problems. My own views on punishment are mixed, and some might say confused. I am generally against punishment, in part because it is so often ineffective, but even more because it offends my image of a humane society. For example, I believe that parents should never use physical punishment, and that the state should never use capital punishment. Despite this, I have advocated punishment as a means of dealing with some social problems, such as wife-beating (Straus, 1977). It is likely that many of us in SSSP are similarly inconsistent. Perhaps there is no inconsistency. Perhaps the seeming inconsistency is because we have failed to identify the theoretical principles underlying when punishment helps resolve social problems, when it makes them worse or creates new problems, when it is socially integrating, and when it corrodes individual humanity and the social fabric.

A glance through this program, and especially the Thematic Sessions, shows that the various divisions of SSSP have remarkably successful in organizing sessions focused on these issues. I know you will join with me in thanking the Division Chairs, the Program Organizers, and the Program Committee chaired by Suzanne Steinmetz for developing a rich agenda for our meeting. I am looking forward to seeing you in Washington in August.

References

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