

Prof. Pitts comments:

Punishment deters, but it can't be vengeful

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Why punish offenders? Fine minds, can differ

(Continued from page 10A)

Or suppose an alternative to punishment—for example, vocational therapy—were proven less costly and more effective in preventing crime. Surely, opting for that alternative makes good moral sense.

Let us grant that retributivists were right when they faulted utilitarians for flouting Kant's principle of humanity. Criminal punishment, if morally acceptable, should surely be deserved.

But the utilitarians were not altogether wrong. Criminal punishment, if morally acceptable, should also show itself capable in the enterprise of minimizing human pain.

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Excelsior Newspapers.

Scare letter denounced

A Detroit civil rights group has blasted the use of a controversial real estate solicitation letter as "illegal... and dangerous for any minority family who may happen to be... the object of the letter's concern."

The Fair Housing Center is calling on real estate companies and agents to reject using such a letter and is urging individual homeowners to not patronize those who do.

The letter, first publicly exposed in a recent Detroit News article said: "Just a note to let you know that we have new neighbors moving in. A new family has recently purchased a home, causing much real estate activity in

our area. If I may assist you in any way, please give me a call."

According to the Detroit News article, the letter was distributed in the Westland-Wayne area by Mark T. Yurich, a Century 21 real estate agent.

A spokesman for the Fair Housing Center board of directors said:

"Only the most insensitive real estate broker or sales representative would fail to understand the implicit racial scare tactics in such a letter. Over 200 years of housing discrimination in this country has well conditioned white Americans, when they get such a letter, to look down the block to see if a black family has moved in."

laws which govern the community. If the violation of the weakens the law, the punishment of the guilty reaffirms the law and strengthens its hold on our consciousness. This is probably the most tangible way punishment deters. It strengthens the commitment of citizens to the law, and probably more so with the citizen-spectators of judgment than with the citizen-object of judgment.

STILL, THERE IS some direct deterrence, not only upon people on the margin of temptation, but also upon criminals.

Punishment "scores" that got them into prison in the first place. A man who has done time and does not wish to return (some do, because that is where they make the best adjustment) will refuse to participate in the run-of-the-mill crimes which net little money but make the community uptight. His threshold of temptation goes up, and that is a social gain we cannot dismiss.

Over the years, probably half the ex-cons eventually quit the life of crime after one or two even three sentences. It is partly the fear of punishment, the

quieting down of animal spirits, getting married and not wanting to have your little girl come up to you and say: "Daddy, what is a con. They say you're a con, and I can't play with the other girls anymore."

Most amateur shoplifters—otherwise wives and mothers—many of the milder sex criminals—otherwise respectable but with a few kinky tastes—most "grease" or "frat" juvenile delinquents are often deterred by their first arrest. The humiliation of arrest cuts through the fog of self-serving rationalizations like a knife. It becomes obvious that their past practice is more than fun and games.

THE BREAKDOWN of the criminal justice system in our major cities, during the 1960s and early '70s, the fact that the chance of going to prison for any one felony felt by more than half, made it more difficult for parents to keep their children from the seductions of "hood" culture.

Small-time hoodlums became bolder and more cruel. The fact that, in Detroit, two out of three and soon three out of four of persons who commit murder will not be charged or sent to prison for their crime is not likely to arouse love for an

indulgent society. It is even less likely to increase respect for the value of human life.

True enough, there is a component of vengeance in criminal justice, a desire to balance the books which is at the root of human exchange, and of life in society. It is better if victims can check the impulse to wild personal vengeance and leave it to the state to uphold the law.

Yet I have noticed that some of the more strident opponents of criminal

justice, who debunk punishment as a deterrent and who want to close down the jails, are really asking for mercy toward crimes they secretly approve of, because they hate the hostile fantasies. But when it comes to Mr. Nixon, or Mr. Liddy, or Mr. Mitchell, or an FBI chief, they want blood, and complain bitterly that the punishment is too light. It is not easy to be truly kind and forgiving. Too often it is only a matter of self-congratulation and of whose ox is gored.

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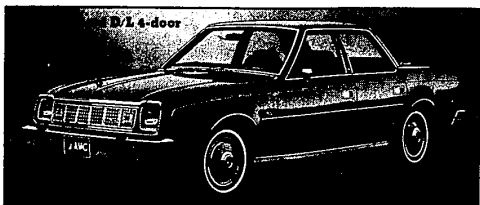
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