

Punishment Doesn't Bring About Reform

The H-T recently editorialized in support of a state hate crimes bill, stating as the primary justification that such a bill “will impose tougher sentences for crimes motivated by race, religion, sex, disability, gender identity or sexual orientation.”

I'm deeply committed to opposing hate crimes, also called bias crimes, as I'm opposed to all forms of prejudicial discrimination based on any of these, as well as other, status categories. I am also opposed to hate.

However, I would not support the bill the H-T envisions. The reason is quite simple and basic: I cannot support “tougher sentences” (aka harsher punishments) for these sorts of crimes. We already have a criminal justice system that is notably ineffective and egregiously punitive, despite a state constitution that declares, in Article 1, Section 18, “The penal code shall be founded on the principles of reformation, and not of vindictive justice.”

There's no conclusive evidence that harsher punishments bring about reformation. Indeed, there's no conclusive evidence that harsher punishments serve to deter hate crimes. There's plenty of evidence that our so-called criminal justice systems are failing when it comes to dealing with all sorts of behaviors that are undesirable and that most citizens would like to reduce and discourage.

Given the high rates of incarceration in the United States, one must conclude either that we have disproportionately high numbers of bad behaving people in our nation, or that we have one of the most punitive criminal justice systems in the world, or possibly both. Surely we need a different paradigm for dealing with offending behaviors.

Several years back the state legislature passed a bias-crime reporting law that gestured in the right direction. Unfortunately, the law came without funding and without meaningful sanctions to apply to non-reporting entities. The Bloomington police department and the Monroe County sheriff's department have faithfully reported bias crimes ever since, but reporting from the IU and Ellettsville police departments has been sporadic. I'm told that reporting from surrounding counties has been basically non-existent.

For starters, we need better information regarding bias crimes – how many, what kinds, by whom, under what circumstances – if we intend to do anything effective about them. Short of everyone following the Golden Rule, I have no special wisdom regarding what might effectively reduce the incidence of hate crimes in our community, across the state of Indiana, or throughout our country. Clearly, having leadership that exhibits, implements, and implicitly legitimizes prejudicial and hateful attitudes, policies, and practices is malignantly injurious.

For our own good, the Indiana state legislature should find ways to demonstrate serious concern about, and opposition to, hate speech and bias crimes. But it's going to take much more creative effort than “tougher sentences” to have positive effects.

We must continue to find attractive ways to embrace our diversity at the same time that we disabuse those who feel aggrieved and disadvantaged, despite their majority status, because they wrongly attribute their circumstances to special treatment of minorities or privileged classes of people. It's easier to scapegoat the "other" than to adjust to major social changes brought about by increasing cultural diversity and systemic economic restructuring driven by technology and globalization.

As global climate change increases, disproportionately impacting the poor and certain minorities, we will all be continually faced with inconvenient and uncomfortable demands to adjust and adapt. We must hold accountable our leadership, as well as ourselves, to unite in common efforts to repair, renew, and build a land where all people are afforded opportunity to live together in safety and peace because healing and restorative justice prevail.

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