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Thinking About Crime

Chapter 3

Criminologists

THE "social science view" of crime is thought by many, especially its critics, to assert that crime is the result of poverty, racial discrimination, and other privations, and that the only morally defensible and substantively efficacious strategy for reducing crime is to attack its "root causes" with programs that end poverty, reduce discrimination, and meliorate privation. Certainly this is in part the view of President Johnson's Commission on Crime and Administration of Justice¹ and emphatically that of former Attorney General Ramsey Clark.² Both the former's report and the latter's book seemed to draw heavily on social science theories and findings.

Such a theory, if it is generally held by social scientists professionally concerned with crime, ought to be subjected to the closest scrutiny, because what it implies about the nature of man and society are of fundamental significance. Scholars would bear a grave responsibility if, by their theoretical and empirical work, they had supplied public policy with the assumption that men are driven primarily by the objective conditions in which they find themselves. Such a view might be correct, but it would first have to be reconciled with certain

obvious objections—for example, that the crime rate in this country is higher than that in many other countries despite the fact that the material well-being of even the lowest stratum of our population is substantially greater than that of a comparable stratum in countries with much lower crime rates, or that crime rates have increased greatly during the very period (1963 to 1970) when there were great advances made in the income, schooling, and housing of almost all segments of society.

In fact, social scientists had not, at the time when their views on crime were sought by policy makers (roughly, the mid-1960s), set forth in writing a systematic theory of this sort. I asked three distinguished criminologists to nominate the two or three scholarly books on crime which were in print by mid-1960 and were then regarded as the most significant works on the subject. There was remarkable agreement as to the titles: *Principles of Criminology*, by Edwin H. Sutherland and Donald R. Cressey, and *Delinquency and Opportunity*, by Richard A. Cloward and Lloyd E. Ohlin, were most frequently cited.³ Other works, including articles and symposia, were mentioned, and no claim was made that there was complete agreement on the validity of the views expressed in these books. Quite the contrary; criminologists then and now debate hotly and at length over such issues as “the cause of crime.” But these two books are alike in the way questions are posed, answers sought, and policies derived—alike, in short, not in their specific theories of delinquency, but in the general perspective from which those theories flow. And this perspective, contrary to popular impression, has rather little to do with poverty, race, education, housing, or the other objective conditions that supposedly “cause” crime.

It is the argument of this chapter that in the mid-

~~1960s; and perhaps today as well, social scientists concerned with crime shared a common perspective, but not one that emphasized the material condition of society; that this shared perspective led to a policy stalemate and an ethical dilemma; that when social scientists were asked for advice by national policy-making bodies, they could not respond with suggestions derived from and supported by their scholarly work; and that as a consequence such advice as was supplied tended to derive from their general political views as modified by their political and organizational interaction with those policy groups and their staffs.~~

This is a large argument, each step of which would require for its support substantial research and a lengthy paper. I have not done that research nor do I intend to write all those papers. Here I can only explain the reasoning behind the argument and show that a close reading of the relevant texts is consistent with it. I can also draw on the experiences of some criminologists who have worked with both the crime commission and the violence commission and who have recently written their reflections on that relationship.

The Criminological Perspective

The treatise by Sutherland and Cressey is widely viewed as the leading text on the subject of crime. Its seventh edition appeared in 1966, just after President Johnson appointed his crime commission. Professor Lloyd Ohlin, an associate director of the commission's staff, has testified to the impact of many of the book's ideas on the work of the commission.⁴

~~The central theme of *Principles of Criminology* is that “criminal behavior results from the same social~~

processes as other social behavior." ⁵ The task of the student of crime is twofold: to show how crime varies with social structure and social processes (e.g., how it is influenced by class, neighborhood, mobility, or density) and to explain how persons are inducted into crime (e.g., social imitation, "differential association," or attitude formation). Sutherland and Cressey review various perspectives on crime (or "schools of criminology") but fault all but the "sociological" approach. The "classical" theories of Bentham and Beccaria are rejected because their underlying psychological assumption—that individuals calculate the pains and pleasures of crime and pursue it if the latter outweigh the former—"assumes freedom of the will in a manner which gives little or no possibility of further investigation of the causes of crime or of efforts to prevent crime." The hedonistic psychology suffers from being "individualistic, intellectualistic, and voluntaristic." ⁶ All "modern" schools of crime, Sutherland and Cressey suggest, reject this perspective and accept instead "the hypothesis of natural causation," by which they appear to mean that all other theories assume that crime is to some degree determined beyond the capacity of the individual freely, or at least easily, to resist.

Theories based on body type, mental abnormality, or mental illness are rejected because the available data are inconsistent with them. Criminals are no more likely than law-abiding persons to have a certain stature, to be feeble-minded, or to suffer from a psychosis. In the few brief pages devoted to alternatives to the sociological approach, it is striking that the argument that individuals choose crime freely because it is profitable is rejected on *theoretical* grounds, whereas those claiming that individuals are compelled toward crime, or at least made particularly susceptible to it, are rejected for

empirical reasons. Nor are theoretical objections to the "classical" or "individualistic" perspective developed beyond the revealing statement that such a perspective forecloses the search for the causes of crime because it denies that crime is "caused."

There are, of course, many sociological theories of the causes of crime. Sutherland and Cressey prefer one, the "theory of differential association," but they (or rather Cressey, since Sutherland died before publication of this edition) do not insist that it has been established beyond dispute. We need not dwell on the details of "differential association," however, for its essential premises are not radically different from those of rival sociological theories—namely, ~~that criminal behavior is learned by a person in intimate interaction with others whose good opinion he values, and that this learning places him in "normative conflict" with the larger society.~~

Sutherland and Cressey do not claim that poverty or racial discrimination cause crime, though crime may be higher in poor or segregated areas. Their references to the impact of poverty, defined as having little money, are few and skeptical. Sutherland is quoted from his earlier writings as observing that while crime is strongly correlated with geographic concentrations of poor persons, it is weakly correlated (if at all) with the economic cycle. That is, crime may be observed to increase as one enters a poor neighborhood, but it is not observed to increase as neighborhoods generally experience a depression, or to decrease as they experience prosperity. "Poverty as such," Sutherland concludes, "is not an important cause of crime." ⁷

Being a member of a minority group and experiencing the frustrations produced by discrimination cannot explain crime for Sutherland and Cressey; while the

experience of blacks, whose crime rate is high, might support such a theory, that of Japanese, whose crime rate is low, refutes it.⁸ Poverty and racial segregation may serve to perpetuate crime, however, to the extent that these factors prevent persons from leaving areas where crime is already high and thus from escaping those personal contacts and peer groups from which criminal habits are learned. Furthermore, Albert K. Cohen (to whom Sutherland and Cressey refer, approvingly) has shown that much of the delinquency found among working-class boys is "non-utilitarian"—that is, consists of expressive but financially unrewarding acts of vandalism and "hell-raising"—and that these acts are more common among this group than among middle-class boys.⁹ If economic want were the cause of crime, one would predict that delinquency for gain would be more common among those less well-off, and delinquency for "fun" more common among the better-off, but the opposite seems to be the case.

There were other major theories of crime in 1966 in addition to those of Sutherland and Cressey. Most of these are reviewed in their treatise, and though criticisms are sometimes made, the governing assumptions of each are quite compatible with what the authors describe as the sociological approach. Sheldon and Eleanor Glueck, for example, produced in the 1950s a major effort to predict delinquency. While the idea of predicting delinquency became controversial on grounds of both fairness and feasibility, their empirical data on factors that helped "cause" delinquency were not seriously challenged. They argued and supplied data to show that among the key variables distinguishing delinquents from nondelinquents (holding age, neighborhood, and intelligence constant) are those related to family conditions, chiefly stability, parental affection,

and the discipline of children.¹⁰ Walter B. Miller has argued that delinquency is in large part an expression of the focal concerns of lower-class youth. Toughness, masculinity, "smartness," the love of excitement, and a desire for personal autonomy are valued by lower-class persons to a greater degree than by middle-class ones, and acting on the basis of these values, which are maintained by street-corner gangs, inevitably places many lower-class boys (and some girls) in conflict with the laws of the middle class.¹¹ ~~Albert K. Cohen suggested that delinquency is in part the result of lower-class youth striving, not simply to assert their focal values, but to repudiate those middle-class values which they secretly prize.¹²~~

These and other sociological theories of crime, widely known and intensely discussed in the 1960s, have certain features in common. All seek to explain the "causes" of delinquency, or at least its persistence. ~~All make attitude formation a key variable. All stressed that these attitudes are shaped and supported by intimate groups—the family and close friends. All were serious, intelligent efforts at constructing social theories,~~ and while no theory was proved empirically, all were consistent with at least some important observations about crime. ~~But none could supply a plausible basis for the advocacy of public policy.~~

This was true for several reasons. By directing attention toward the subjective states that preceded or accompanied criminal behavior, the sociological (or more accurately, social-psychological) theories directed attention toward conditions that cannot be easily and deliberately altered. Society, of course, shapes attitudes and values by its example, its institutions, and its practices, but slowly and imprecisely, and with great difficulty. If families inculcate habits of virtue, law-abiding-

ness, and decorum, it is rarely because the family is acting as the agent of society or its government, but rather because it is a good family. If schools teach children to value learning and to study well, it is not simply because the schools are well-designed or generously supplied, but because attitudes consistent with learning and study already exist in the pupils. One may wonder what government might do if it wished to make good families even better or successful pupils even more successful: more resources might be offered to reduce burdens imposed by want, but the gains, if any, would probably be at the margin.

If it is hard by plan to make the good better, it may be impossible to make the bad tolerable so long as one seeks to influence attitudes and values directly. If a child is delinquent because his family made him so or his friends encourage him to be so, it is hard to conceive what society might do about his attitudes. No one knows how a government might restore affection, stability, and fair discipline to a family that rejects these characteristics; still less can one imagine how even a family once restored could affect a child who has passed the formative years and in any event has developed an aversion to one or both of his parents.

If the lower class has focal concerns that make crime attractive or even inevitable, it is not clear how government would supply "the lower class" with a new set of values consistent with law-abidingness. Indeed, the very effort to inculcate new values would, if the sociological theory is true, lead the members of that class to resist such alien intrusions all the more vigorously and to cling to their own world-view all the more strongly. One could supply the lower class with more money, of course, but if a class exists because of its values rather than its income, it is hard to see how, in terms of the

prevailing theory, increasing the latter would improve the former.

Peer groups exist, especially for young people, as a way of defending their members from an alien, hostile, or indifferent larger society, and for supplying their members with a mutually satisfactory basis for self-respect. A deviant peer group—one that encourages crime or hell raising—would regard any effort by society to "reform" it as confirmation of the hostile intent of society and the importance of the group. For the members of a group to believe in a "we," they must believe in the existence of a "they"; the more a "they" asserts its difference or superiority, the more important the "we" is likely to become.

The problem lies in confusing causal analysis with policy analysis. ~~Causal analysis attempts to find the source of human activity in those factors which themselves are not caused~~—which are, in the language of sociologists, "independent variables." Obviously, ~~nothing can be a cause if it is in turn caused by something else, it would then only be an "intervening variable."~~ But ~~ultimate causes cannot be the object of policy efforts precisely because, being ultimate, they cannot be changed.~~ For example, criminologists have shown beyond doubt that men commit more crimes than women and younger men more (of certain kinds) than older ones. It is a theoretically important and scientifically correct observation. Yet it means little for policy makers concerned with crime prevention, since men cannot be changed into women or made to skip over the adolescent years. Not every primary cause is itself unchangeable; the cause of air pollution is (in part) certain gases in automobile exhausts, and thus reducing those gases by redesigning the engine will reduce pollution. But social problems—that is to say, problems occa-

sioned by human behavior rather than mechanical processes—are almost invariably “caused” by factors that cannot be changed easily or at all. This is because human behavior ultimately derives from human volition—tastes, attitudes, values, and so on—and these aspects of volition in turn are either formed entirely by choice or are the product of biological or social processes that we cannot or will not change.

It is the failure to understand this point that leads statesman and citizen alike to commit the causal fallacy—to assume that no problem is adequately addressed unless its causes are eliminated. The preamble to the UNESCO charter illustrates it: “Since wars begin in the minds of men it is in the minds of men that the defenses of peace must be constructed.” The one thing we cannot easily do, if we can do it at all, is change, by plan and systematically, the minds of men. If peace can only be assured by doing what we cannot do, then we can never have peace. If we regard any crime-prevention or crime-reduction program as defective because it does not address the “root causes” of crime, then we shall commit ourselves to futile acts that frustrate the citizen while they ignore the criminal.

Sutherland and Cressey commit the fallacy, yet, being honest scholars, provide evidence in their own book that it is a fallacy. “At present,” they write, “the greatest need in crime prevention is irrefutable facts about crime causation and sound means for transforming that knowledge into a program of action.”¹⁸ Suppose it could be shown that their own theory of crime causation is irrefutably correct (it may well be). ~~The theory is that individuals commit crime when they are members of groups—families, peers, neighborhoods—that define criminal behavior as desirable.~~ The policy implication of this, which the authors draw explicitly, is

that the local community must use the school, the church, the police, and other agencies to “modify” the personal groups in which crime is made to appear desirable. No indication is given as to how these agencies might do this and, given what the authors and other sociologists have said about the strength and persistence of family and friendship ties, it is hard to see what plan might be developed.

But we need not merely raise the theoretical difficulties. ~~A series of delinquency prevention programs have been mounted over the decades, many, if not most, of which were explicitly based on the strategy of altering primary group influences on delinquents.~~ On the basis of careful, external evaluation, ~~almost none can be said to have succeeded in reducing delinquency.~~ Sutherland and Cressey describe one of the most ambitious of these, the Cambridge-Somerville Youth Study in the late 1930s. The differences in crime between those youth who were given special services (counseling, special educational programs, guidance, health assistance, camping trips) and a matched control group were insignificant: “the treatment had little effect.”¹⁶

Perhaps a better program would have better results, though it is striking, given the analysis presented so far, that for some a “better” youth project is one that goes beyond merely providing concentrated social welfare services because these services do not address the “real” causes of crime. McCord and McCord, for example, draw the lesson from the Cambridge-Somerville study that the true causes of delinquency are found in the “absence of parental affection” coupled with family conflict, inconsistent discipline, and rebellious parents.¹⁶ They are quite possibly correct; indeed, if I may speak on the basis of my own wholly unscientific observation, I am quite confident they are correct. But

what of it? What agency do we create, what budget do we allocate, that will supply the missing "parental affection" and restore to the child consistent discipline supported by a stable and loving family? When it comes to the details of their own proposals, they speak of "milieu therapy" in which the child is removed from his family and placed in a secure and permissive therapeutic environment of the sort developed by Dr. Bruno Bettelheim for autistic children. Conceding that such a program is frightfully expensive, they urge that we attempt to reach fewer children than under conventional programs, and presumably keep each child for a relatively long period. That parents, children, taxpayers, or courts might object to all this is not considered.¹⁷

Attempts to explain the causes of crime not only lead inevitably into the realm of the subjective and the familial, where both the efficacy and propriety of policy are most in doubt, they also lead one to a preference for the rehabilitative (or reformation) theory of corrections over the deterrence or incapacitation theories. Sutherland and Cressey recognize this: "On a formal level it may be observed that attempts to explain criminal behavior have greatly abetted at least the official use of the treatment reaction."¹⁸ One may deter a criminal by increasing the costs or reducing the benefits of crime, but that strategy does not deal with the "causes" of criminality, and hence does not go to the "root" of the problem. Stated another way, ~~if causal theories explain why a criminal acts as he does, they also explain why he must act as he does, and therefore they make any reliance on deterrence seem futile or irrelevant.~~ Yet when Sutherland and Cressey come to consider the consequences of ~~treating criminals in order to reform them, as opposed to punishing in order to deter them,~~ they forthrightly admit that "there is no available proof" that

~~treatment increased or decreased crime,~~¹⁹ and that "the methods of reformation . . . have not been notably successful in reducing crime rates."²⁰ Careful reviews of the major efforts to rehabilitate criminals amply support this judgment.²¹

Policy analysis, as opposed to causal analysis, begins with a very different perspective. ~~It asks not what is the "cause" of a problem, but what is the condition one wants to bring into being,~~ what measure do we have that will tell us when that condition exists, and what policy tools does a government (in our case, a democratic and libertarian government) possess that might, when applied, produce at reasonable cost a desired alteration in the present condition or progress toward the desired condition? ~~In this case, the desired condition is a reduction in specified forms of crime. (The government has at its disposal certain—rather few, in fact—policy instruments: It can redistribute money, create (or stimulate the creation of) jobs, hire persons who offer advice, hire persons who practice surveillance and detection, build detention facilities, illuminate public streets, alter (within a range) the price of drugs and alcohol, require citizens to install alarm systems, and so on. It can, in short, manage to a degree money, prices, and technology, and it can hire people who can provide either simple (e.g., custodial) or complex (e.g., counseling) services. These tools, if employed, can affect the risks of crime, the benefits of noncriminal occupations, the accessibility of things worth stealing, and the mental state of criminals or would-be criminals. A policy analyst would ask what feasible changes in which of these instruments would, at what cost (monetary and non-monetary), produce how much of a change in the rate of a given crime. He would suspect, from his experience in education and social services, that changing the~~

mental state of citizens is very difficult, quite costly, hard to manage organizationally, and liable to produce many unanticipated side effects. He would then entertain as a working hypothesis that, given what he has to work with, he may gain more by altering risks, benefits, alternatives, and accessibility. He would not be sure of this, however, and would want to analyze carefully how these factors are related to existing differences in crime by state or city, and then try some experimental alterations in these factors before committing himself to them wholesale.

There is nothing that requires criminologists, as that profession is currently defined, to be policy analysts. Searching for the causes of crime is an intellectually worthy and serious undertaking, though one pursued so far in ways that are often long on theory and short on facts. I only make the point that a commitment to causal analysis, especially one that regards social processes as crucial, will rarely lead to discovering the grounds for policy choices, and such grounds as are discovered (e.g., taking children away from their parents) will raise grave ethical and political issues. Furthermore, searching for the social causes of crime will direct attention away from policy-relevant ways of explaining differences in crime rates. It was not until 1966, fifty years after criminology began as a discipline in this country and after seven editions of the leading text on crime had appeared, that there began to be a serious and sustained inquiry into the consequences for crime rates of differences in the certainty and severity of penalties.²² Now, to an increasing extent, that inquiry is being furthered by economists rather than sociologists. This is in part because economists are by and large not interested in causality in any fundamental sense—they

do not care, for example, why people buy automobiles, only that they buy fewer as the cost rises.

That criminologists gave little serious empirical attention until recently to the deterrence and accessibility aspects of crime is unfortunate; that some of them, on virtually no evidence, asserted that deterrence (usually described as "punishment") is of no value is inexcusable. ~~Walter Reckless, for example, in the 1967 edition of his text on crime, states flatly that punishment "does not . . . prevent crime,"~~ though he adduces no systematic evidence to warrant such a conclusion.²³ Tittle and Logan provide other examples of this unsupported policy view in their survey of the more recent literature on deterrence, a survey that concludes by observing that "almost all research since 1960 supports the view that negative sanctions are significant variables in the explanation of conformity and deviance. . . . Sanctions apparently have some deterrent effect under some circumstances."²⁴ Whether additional research will support this tentative conclusion remains to be seen; what is clear is that modern criminology, as an intellectual enterprise, did not until very recently give serious empirical attention to the question.

In sum, ~~the criminologist, concerned with causal explanations and part of a discipline—sociology—that assumes that social processes determine behavior, has operated largely within an intellectual framework that makes it difficult or impossible to develop reasonable policy alternatives,~~ and has cast doubt, by assumption more than by argument or evidence, on the efficacy of those policy tools, necessarily dealing with objective rather than subjective conditions, which society might use to alter crime rates. A serious policy-oriented analysis of crime, by contrast, would place heavy emphasis on manipulation of objective conditions, not necessarily

because of a belief that the "causes of crime" are thereby being eradicated, but because behavior is easier to change than attitudes, and because the only instruments society has by which to alter behavior in the short run require it to assume that people act in response to the costs and benefits of alternative courses of action. The criminologist assumes, probably rightly, that the causes of crime are determined by attitudes that in turn are socially derived, if not determined; ~~the policy analyst is led to assume that the criminal acts as if crime were the product of a free choice among competing opportunities and constraints.~~ The radical individualism of Bentham and Beccaria may be scientifically questionable but prudentially necessary.

A major apparent exception to the general perspective of criminologists is the work of Cloward and Ohlin. Writing in 1960, they developed an influential theory of delinquency in big cities. A delinquent gang (or "subculture"—the terms are used, for reasons not made clear, interchangeably) arises in response to the conflict that exists between socially approved goals (primarily monetary success) and socially approved means to realize those goals. Certain youth, notably lower-class ones, desire conventional ends but discover that there are no legitimate means to attain them; being unable (unwilling?) to revise these expectations downward, they experience frustration, and this may lead them to explore illegitimate ("nonconforming") alternatives.²⁵ Some lower-class youth may aspire to middle-class values ("money and morality," as the authors put it), while others may aspire only for success in lower-class terms (money alone).²⁶ The barriers to realizing those aspirations are found in part in cultural constraints derived from the immigrant experience (southern Italians and Sicilians, for example, allegedly do not value schooling

highly), but in larger part in structural difficulties, chiefly the fact that education is costly in money outlays and foregone earnings.

In its brief form, the theory of Cloward and Ohlin would seem to be in sharp contrast to the general sociological perspective. Delinquency may be learned from peers, but it is learned because of the gap between aspirations and opportunities, and opportunities in turn are objective conditions determined by government and the social system. Education, they claim, is the chief source of opportunity. One expects Cloward and Ohlin to end their book with a call for cheaper, more readily available educational programs. But they do not. Indeed, less than one page is devoted to policy proposals, amounting essentially to one suggestion: "The major effort of those who wish to eliminate delinquency should be directed to the reorganization of slum communities."²⁷ No explanation is offered of what "slum reorganization" might be, except for several pages that decry the presence of "slum disorganization." Their analysis leads the reader toward the material desires of life (indeed, that is all the lower classes are supposed to value), but stops short of telling us how those material desires are realized. Their theory states that "each individual occupies a position in both legitimate and illegitimate opportunity structures" (they rightly note that this is a "new way" of viewing the problem), but they do not speak of the costs and benefits of illegitimate as opposed to legitimate opportunities.²⁸ Instead, the individual who is confronted with a choice among kinds of opportunities does not *choose*, he "learns deviant values" from the "social structure of the slum."²⁹ When the authors come to speak of policy, they have little to say about what determines the choice of illegitimate opportunities (nobody has chosen anything, he has only

"learned" or "assimilated"), and thus they have no theoretical grounds for suggesting that the value of legitimate opportunities should be increased (e.g., better-paying jobs for slum youth), or that the benefits of illegitimate ones be decreased (e.g., more certain penalties for crime), or that "opportunities" for goal gratification be replaced by direct goal gratification (e.g., redistributing income). They can only write of those structures or groupings that affect learning and values, and this requires an (unexplained) "social reorganization."

The Perspective Applied

Explaining human behavior is a worthwhile endeavor; indeed, for intellectuals it is among the most worthwhile. Those who search for such explanations need not justify their activity by its social utility or its policy implications. Unfortunately, neither intellectuals nor policy makers always understand this. ~~If the government becomes alarmed about crime, it assumes that those who have studied it most deeply can contribute most fully to its solution. Criminologists have rarely sought to show statesmen the error of this assumption.~~ Much of their writing is "practical," much of their time is "applied." To a degree, of course, criminological knowledge may assist criminologists' actions; careful study and conscientious learning can help one avoid obvious errors, attack popular myths, and devise inventive proposals. But it is also likely that the most profound understanding may impede or even distort, rather than facilitate, choice, because much of this knowledge is of what is immutable and necessary, not what is variable or contingent.

In the mid-1960s, when the federal government turned toward social scientists for help in understanding and dealing with crime, there was not in being a body of tested or even well-accepted theories as to how crime might be prevented or criminals reformed, nor was there much agreement on the "causes" of crime except that they were *social*, not psychological, biological, or individualistic. Indeed, there was not much agreement that crime was a major and growing problem—scholars noted the apparent increase in crime rates, but (properly) criticized the statistical and empirical weaknesses in these published rates. While these weaknesses did not always lead critics to conclude that crime was in fact not increasing, some scholars did draw that conclusion tentatively, and their criticisms encouraged others to draw it conclusively.

Nor were scholars very foresighted. Having established beyond doubt that crime rates are strongly related to age differences, few scholars (*none* that I can recall) noted the ominous consequences for crime of the coming-of-age in the 1960s of the postwar "baby boom." Similarly, while some scholars had shown by cross-sectional studies that the proportion of a city's population that was nonwhite was powerfully correlated with assaultive crimes, few, to my knowledge, drew the obvious implication that, unless this correlation was spurious, the continued in-migration of blacks to large cities would inflate crime rates. Once the various national commissions were underway, however, scholars associated with them (notably the group associated with the Task Force on the Assessment of Crime, under the direction of Lloyd Ohlin) began to work vigorously on these issues, and produced a number of reports that showed vividly the impact of demographic changes on crime rates.

The major intellectual difficulty governing the relationship of social scientists to policy makers with respect to crime was not the presence or absence of foresight, however, but rather the problem of how to arrive at policy proposals in the absence of scientific knowledge that would support them. The crime commission did not develop new knowledge as to crime prevention or control; as Professor Ohlin later described it, existing "social science concepts, theories and general perspectives were probably of greater utility to the staff and the Commission in forming the final recommendations than the inputs from new knowledge development efforts."⁸⁰ What were these "concepts, theories and general perspectives"? One, cited by Ohlin, consisted of "grave doubts" about the effectiveness of the criminal justice system and of rehabilitation and treatment programs. From this, Ohlin and his colleagues drew the conclusion that "the criminal justice system should be used only as a last resort in the control of undesirable conduct." From that inference, in turn, the commission adopted the view that offenders should be "diverted" from the system, and recommended a broad policy of "de-prisonization."⁸¹

There are no doubt ample grounds, by reason of humanity, why one would find fault with prisons, but at the time of the commission's work there were scarcely any well-established *scientific* grounds. That "treatment" had failed seemed clear, but "non-treatment" had failed just as clearly: persons on probation may be no more likely to recidivate than those in prison, but neither are they much less likely. As for deterrence, there was, when the commission deliberated and Professor Ohlin advised, *virtually no scientific material on whether prison did or did not deter*. But the commis-

sion scarcely dealt with the deterrence or incapacitation functions of prison.

~~In short, criminology could not form the basis for much policy advice to the commission, but that did not prevent criminologists from advising.~~ Professor Ohlin is entirely honest about this: "The relevant social science literature was descriptive and analytical. There were relatively few experimental or controlled studies of the effectiveness of particular programs or policies. . . . Sociologists serving as consultants to the Commission proved reluctant to draw out . . . action recommendations. . . . When they did try to do this, the recommendations were often *more influenced by personal ideological convictions than by appropriately organized facts and theories* [italics added]. . . ." ⁸²

What were these ideologies? After an earlier version of this chapter appeared in print, one criminologist, Robert Martinson, wrote in response that his colleagues had become "advocates and spokesmen for the treatment interest and the treatment ideology, and did everything in their power to ridicule the very idea of deterrence."⁸³ Since he knows his professional associates better than I, there is no reason for me to reject his conclusions. Surely their role on public commissions tends to confirm it. But there is also a good deal of criminological literature that has little policy value, not because it is ideologically pro-treatment (much is in fact quite skeptical of treatment), but because it derives from an intellectual paradigm that draws attention to those features of social life least accessible to policy intervention.

Social scientists did not carry the day on the commission (they could not, for example, get their view on marijuana accepted), but the effect of their advice, based on personal belief rather than scholarly knowl-

edge, was clear. Working with sympathetic commission members in small task forces, the advisers stimulated and participated in a "process that led to far more liberal recommendations by the Commission than one would have thought possible at the outset given the conservative cast of its membership." 24

There is nothing wrong with social scientists trying to persuade others of their policy beliefs, just as there is nothing wrong with conservative commission members trying to persuade sociologists of their beliefs. There is something wrong with a process of persuasion colored by the belief that one party to the process is an "expert" whose views are entitled to special consideration because of their evidentiary quality. There is no way of knowing to what extent commission members believed what the sociologists were saying was true, as opposed to merely plausible or interesting. But based on my own experience in advising national commissions, including the crime commission, I am confident that ~~few social scientists made careful distinctions when the chips were down, between what they knew as scholars and what they believed as citizens,~~ or even spent much time discussing the complex relationships between knowledge and belief. I certainly did not, and I do not recall others doing so.

Having alluded to my own role as a policy adviser, let me amplify on that experience to reenforce, by self-criticism, the point I am making. I was not in 1966 a criminologist, nor am I now. I came to crime, if I may put it that way, as a consequence of my study of police administration and its political context, and found myself labeled an "expert" on crime because of that interest, and perhaps also because of the desire of governmental consumers of "expertise" to inflate, by wishful

thinking, the supply of such persons to equal the demand for their services.

Once I found myself in the crime business, I found that my ideas on the subject—apart from those formed by my empirical research on policing—were inevitably influenced by the currents of academic opinion about me. The effect of these currents is not to persuade one of what is important, but to persuade one of what is interesting. In my case, I did not absorb from criminological writings a set of policy conclusions about whether criminals can be deterred or rehabilitated, but I did absorb a set of ~~"interesting facts" about crime: for example, crimes are age-specific, victims contribute to their victimization in most assaultive crimes, and published crime rates are unreliable.~~ All of these things were (and are) true, but of course they are not directly related to the policy question of what is to be done about crime.

These things were thought important by social scientists with whom I spoke because they were not widely known; they constituted, so to speak, the "unconventional wisdom." Social scientists generally, and practitioners of the "softer" social sciences in particular, are in their day-to-day work preoccupied with things they know that others do not, rather than (as their critics sometimes allege) with their cherished ideologies or favorite policy nostrums. This preoccupation arises in part out of the natural pleasures of discovery and in part out of the professional rewards that accrue to originality and critical skills and the professional penalties that are imposed on naïveté and conventionality. It was only gradually, as I became involved in various advisory roles, that I realized that what is interesting is not necessarily useful.

to offer statesmen dealing with crime. What I then realized, as did Professor Ohlin, was that many of those seated about me, urging in the strongest tones various "solutions" to crime, were speaking out of ideology, not scholarship. Only later did I realize that criminologists and perhaps all sociologists, are part of an intellectual tradition that does not contain built-in checks against the premature conversion of opinion into policy, because the focal concerns of that tradition are with those aspects of society that are, to a great extent, beyond the reach of policy and even beyond the reach of science. Those matters that are within the reach of policy have been, at least for many criminologists, defined as uninteresting because they were superficial, "symptomatic," or not of "causal" significance. Sociology, for all its claims to understand structure, is at heart a profoundly subjectivist discipline. When those who practice it are brought forward and asked for advice, they will say either (if conservative) that nothing is possible, or (if liberal) that everything is possible. That most sociologists are liberals explains why the latter reaction is more common, even though the presuppositions of their own discipline would more naturally lead to the former.

Politicians

ONE WOULD suppose that politicians, in their competitive struggle for votes, would have seized upon the issue of crime almost as soon as the crime rates had started up, and, in seizing it, would have devoted their energies to outbidding each other in ways to give immediate and visible protection to its victims. Statesmen might take a longer, or at least less emotional, view of the problem; criminologists might continue their efforts to clarify its causes; but surely politicians would be quick to respond to—perhaps even to exploit—rising popular fears of crime.

To some degree they did. In the 1964 presidential campaign, Barry Goldwater attacked the incumbent administration for its inattention to "crime in the streets." Here and there—Minneapolis is an example—a "law-and-order" candidate was elected mayor. In the mid-1960s, however, much of the rhetoric about law and order was directed not at ordinary predatory crime, but at the black riots in the cities. It was being voiced by politicians who represented not the victims of the riots or even the victims of common crime, but those more affluent citizens who were symbolically outraged at but

