

# Government Not a Moral Tutor

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The famed “Broken Windows” theory put forth by George L. Kelling and James Q. Wilson in a 1982 article in *The Atlantic Monthly* (and expanded by Kelling and Catherine M. Coles into a 1996 book put out by the Free Press) has, if anything, been proven false by the New York experience. Since this is a rather astonishing claim, let me quickly elaborate. The theory argues that cracking down on minor infractions signals an intolerance towards major infractions, and that criminals respond to vigorous enforcement of what we now call quality-of-life offenses by restrained behavior engendered by that official intolerance.

Mayor Rudolph W. Giuliani did indeed crack down on quality-of-life offenses, quickly and pervasively, and no one was in doubt about his seriousness. Nevertheless, it was not any signal or message he sent in so doing that resulted in the precipitous drop in New York’s crime level. *Rather, the crime drop consists entirely in the fact that the real bad guys who are responsible for serious crime are not well-behaved citizens when they are off-duty. No; they are then committing lesser infractions in between more serious ones.* By arresting doers of minor offenses committed with far greater frequency than serious crimes, Giuliani removed from the population the doers. For the *same* people, by and large, are responsible for both sets of social ills.

This is confirmed by the experience of arresting officers during quality-of-life apprehensions: the discovery of drugs in one pocket, a gun in the other, a suspect in two felonies, a bench warrant for a missed court appearance, another for a missed probation appointment, and the like. By arresting people for minor infractions, in other words, we simply stumbled onto a new method of apprehending the major doers. They are just about all locked up now—that is why New York is a safer city, not because of any signals or messages sent to criminals or prospective criminals.

If anyone doubts this analysis, let him consider another oft-repeated claim that is untrue—that New York is as safe as it was in the early to mid-‘60s. Certainly the crime levels, both in absolute numbers and per capita, match those of that period. But the city is most assuredly not as safe, because it is not as free. A large number of subway exits are closed for much of the day; underground passageways have been sealed off; stores have metal coverings which leave

nothing exposed; the famed 59th Street-Columbus Circle subway station no longer has trains open on both sides during rush hours—the middle platform is no longer used; private security guards are in many, many buildings; after 10:00 P.M. you can request-a-stop on a city bus; there are mirrors in elevators now and video cameras everywhere; and so many other precautions and countermeasures are in place that it is impossible to enumerate them all. Simply ask yourself what would happen to the crime rate if all these precautions and countermeasures were abandoned—that is, if we went back to the freer way of the early-to-mid '60s—the period serving as the basis for comparison? You know the answer, and we won't dare do any such thing. The criminal class has not been signalled enough for that and even the most vigorous law enforcement will not make up for the growth of that class by leaps and bounds—and the concomitant growth of prison populations by leaps and bounds—should we return to the freer ways of yesteryear. The large success New York has had in crime control has not come from a change in criminal sensibilities due to official signalling; it has come entirely from a new method of detecting and apprehending criminals, and then incarcerating them. This explains why *Kirkus Reviews* was able to write of the 1996 book:

While statistical backing for the authors' specific assertions is light, their larger program appears to have worked wonders wherever it has been tried. This may very well be the future of policing.   Ω