Disorderly Conduct

The Illusion of Order: The False Promise of Broken Windows Policing
by Bernard E. Harcourt
Harvard, 287 pp. $35.00

Reviewed by
Brian C. Anderson

Less than a decade ago, New York was the most dangerous city in America, averaging more than 2,000 murders and 400,000 serious felonies a year. Today, it is widely considered one of the safest, with the overall crime rate having plummeted almost 60 percent since 1993, including a 65-percent drop in the incidence of murder. Thanks in part to this turnaround, businesses that fled in droves during the late 1980s and early 1990s have come back; the city’s population, after shrinking for decades, is growing; and neighborhoods once considered lost to blight and disorder are now flourishing.

The primary reason for this change in the city’s fortunes, many observers believe, has been the new approach to crime that Mayor Rudolph Giuliani and his then-police commissioner William Bratton brought to the New York Police Department (NYPD) shortly after Giuliani took office in 1994. The heart of this approach was “broken-windows” policing, an idea developed by the social scientists James Q. Wilson and George Kelling. In Wilson and Kelling’s view, a causal link exists between street disorder and serious crime: a society that tolerates “quality-of-life” crimes like aggressive panhandling, prostitution, and public drinking signals to all potential wrongdoers that no one is in charge, and that they can get away with anything. Conversely, cracking down on such lower-level infractions, as New York has done for the last seven years, makes it clear to would-be criminals that law enforcement is watching, thus helping to deter them.

Though broken-windows policing has been popular with politicians and the public—and has been emulated by police forces from New Orleans to Caracas, Venezuela—not everybody thinks it is a good idea. Left-wing academics have been particularly agitated, for the new approach to policing seemingly explodes the liberal shibboleth that nothing can be done about crime without addressing its “root causes” in poverty and racism. In The Illusion of Order, University of Arizona law professor Bernard E. Harcourt launches the most comprehensive attempt yet to discredit this revolution in policing. His main target: the vaunted success of the NYPD.

Despite repeated claims that the broken-windows theory has been empirically verified, there is, Harcourt argues, “no reliable evidence” that disorder causes crime. The study most often cited as proof suffers in his view from crippling weak and inconsistent data. As for New York, broken-windows policing had little or nothing to do with its celebrated drop in crime. Far more important, according to Harcourt, were the end of the crack-cocaine epidemic, a booming economy, and a population with fewer males between the ages of eighteen and twenty-four. Indeed, cities like San Diego and San Francisco saw crime fall throughout the 1990s at rates comparable to New York’s, but without resorting to the same anti-crime strategy.

Besides, even if broken-windows policing has contributed in some small way to a lower crime rate in New York, the overall result, Harcourt believes, has been a frightening increase of police surveillance, power, and abuse. Law enforcement has now extended its reach into every corner of the city, resulting in as many as 80,000 new arrests a year. At the same time, he writes, there has been a “significant increase” in civilian complaints against the NYPD, with African-Americans bearing the brunt of the new war on crime. This is visible not only in such bloody instances of police wrongdoing as the cases of Abner Louima and Amadou Diallo but, more generally, in the city’s eagerness to further the “stereotyping of black criminality.”

But the real problem with broken-windows policing extends beyond such street-level considerations to the way in which it encourages us to define criminality itself. In Harcourt’s view, we have too readily accepted “an uncritical dichotomy between disorderly people and law abiders.” After all, he argues (taking his cue from the radical French philosopher Michel Foucault), notions of order and disorder are mere “social constructs,” with no reality independent of the preferences of those in authority. Hobos and winos, for example, used to be considered society’s harmless “losers”—nuisances, to be sure, but hardly deserving of police attention. Now, thanks to the proponents of broken-windows policing, they are seen as agents of crime and urban decay who need to be “controlled or banished.” The new policing, Harcourt charges, has created the very threat to society it seeks to get rid of.

And who is to say, in the end, that the values of the “law abiders” deserve more respect than those of the “disorderly”? Perhaps the problem is not with them but with us. “Urinating in the street,” Harcourt writes, “signals that rules have broken down only if the meaning of public urination is associated with rule-breaking.”

Needless to say, there are more and less serious parts of this relentless indictment. It is true, as Harcourt charges, that social scientists have yet to prove definitively that

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disorder causes crime; considering the limits of social science, it is unlikely that they ever will. More important, one would think, is the fact that wherever broken-windows policies have been adopted, crime has fallen—a real-world correlation that holds not just for New York but for many other big cities as well, including San Francisco, which (contra Harcourt) was among the first to adopt this new philosophy of policing. Nor is it surprising that a relatively small, affluent, majority-white city like San Diego has made progress against crime without the broken-windows strategy: street disorder has never been much of a problem there.

As for Harcourt’s alternative explanations for New York’s precipitous drop in crime, they simply do not stand up to scrutiny. Was it the city’s flourishing economy? Probably not, for since much of the period New York’s unemployment rate remained at nearly double the national average. A shift in the city’s demographics? Unlike, since the minority teen population—a group that commits a disproportionate number of crimes—actually increased over the last decade. A drop in the use of crack? Hardly decisive, since drug use as a whole has remained about the same since the early 1990s.

For Harcourt, in any case, explaining New York’s drop in crime is a less pressing task than demonizing Giuliani and the NYPD. But what he ignores is the range of indicators suggesting that, far from becoming more repressive or uncontrolled, the NYPD has been transformed in recent years into one of the least violent and most professional big-city police forces in the country.

Although the ratio of civilian complaints per officer went up immediately after Giuliani took office, this is hardly the whole story. In recent years, and despite much more frequent interaction between the police and the public, the ratio has fallen steadily, and today it is no higher than before the advent of broken-windows policing.

Perhaps more important, New Yorkers now lodge far fewer complaints concerning the use of excessive force than they did in the mid-1980’s, and police shootings are at their lowest level in almost three decades. Nor, finally, has the NYPD treated blacks unjustly. The percentage of blacks arrested or stopped and frisked by police is actually lower than the percentage of criminal suspects identified as black by victims.

None of this is to deny that there has been tension between minorities and the police in New York. But as residents in predominantly minority neighborhoods like Central Harlem will attest, they have been the biggest beneficiaries of the new gains in public safety. They know—as perhaps only a professor from sunny, distant Arizona cannot—that the problems once posed to their daily lives by hookers, drug-pushers, and homeless people were quite real, and that their outrage over such things as public urination was anything but a “social construct” imposed from above.

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Jew could make a lot of money at this.” Other aspiring entrepreneurs, with names like Goldwyn, Fox, Loew, Mayer, and Warner, had the same idea. Lengthening those early shorts, adding stories and recognizable actors, eventually adding sound, these men transformed a faddish novelty amusements into a lasting, wildly popular form of entertainment. They became wealthy and powerful.

Too powerful, some believed. In Hollywood and Anti-Semitism, Steven Alan Carr, a professor at Indiana University, traces the rise and eventual fall of the idea that Jews not only dominated the movie business but were exploiting their control for nefarious purposes. This idea emerged, he shows, in the years before the Great Depression, just as the film industry was being born, when ancient stereotypes of Jews as Judas and Shylock converged with a growing antipathy toward immigrants, making “Jewish influence” seem a logical explanation for unwelcome changes that were taking place in American society.

Among the pieces of evidence Carr adduces are vicious cartoon caricatures of Jews in Life, a humor magazine of the era (no relation to the later weekly of the same name), and a boys’ novel, Tom Swift and His Talking Pictures (1928), whose hero battles sinister Jewish film moguls and their agent—an anarchist by the name of Jacob Greenbaum—for control of a futuristic invention: television. Carr also discusses the most important anti-Semitic voice of the period, the automobile magnate Henry Ford, whose newspaper, the Dearborn Independent (which Ford dealers were required to stock), carried allegations of Jewish conspiracy and quotations from The Protocols of the Elders of Zion to every corner of America.

By the 1930’s, the volume of anti-Semitic rhetoric in the U.S. had assumed alarming proportions, and much of it centered on Jewish influence in Hollywood. The venom

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A Jewish Plot?

Hollywood and Anti-Semitism: A Cultural History Up to World War II
by Steven Alan Carr
Cambridge. 342 pp. $69.95

Reviewed by Rhoda Rabkin

ONE DAY in the early 20th century, a young man named Adolph Zukor looked around at the “moving pictures” in his Manhattan penny arcade and said to himself: “A

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