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THINKING ABOUT PUNISHMENT: *James Q. Wilson and Mass Incarceration*

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ABSTRACT

This essay addresses five questions:

1. What does James Q. Wilson still have to teach us about crime and punishment?
2. What could Wilson have learned from Machiavelli about “cruelty well and badly used”?
3. What conceptual and political errors led to mass incarceration?
4. How do we know that Becker’s rational-actor theory of crime was wrong, and that Beccaria was right about the importance of swiftness and certainty and the inefficacy of severity?
5. Where do we go from here?

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INTRODUCTION

James Q. Wilson was a political scientist and (secondarily, in his mind) an analyst of public policy. In both of those roles, he was interested in crime: in how to explain the behavior of officials and voters with respect to crime and punishment, and in evaluating the likely impacts of their actions, with a view to making policies with greater benefits and smaller costs. He was also a social scientist in the broader sense, interested in what crime had to teach us about human nature, in all its variety, and about the processes of social and political interaction.

Wilson was only mildly interested in social criticism: using crime and punishment to explore the flaws of contemporary society. Nor was he especially interested in the history of ideas about crime. Wilson didn't much care how his thoughts related to those of Beccaria, any more than a typical engineer reflects deeply on what his work owes to that of Newton or Maxwell. When Wilson read the works of others – which he did, voraciously and with good taste – it was mostly in search of data and ideas, not as a critic or an intellectual historian. Most of the grand theories criminologists offer – about “strain” or “anomie” or “routine activities” – seemed to strike him as a mixture of obvious common sense with obfuscation and mere gibberish. Nor did he pay much attention to the history of political thought: he was a political scientist, not a political theorist, with the scientist's instinct that the most interesting paper was likely to be the most recent, rather than the most ancient.

I, too, am a policy analyst of crime, and frankly a disciple of Wilson, though I never had the honor of being his student. Re-reading *Thinking About Crime* in preparation for a conference on his legacy I was repeatedly struck by how many of what I imagined to be my best thoughts turned out in fact to have been Jim's. But Wilson – and I and others in his name – helped lead the cheering section for what looks in retrospect like a catastrophically bad choice to expand the prison population. Eventually, that population grew to five times its historical American level and five times the level of any other economically and politically advanced society. Jim and I – more slowly than some others – came to see mass incarceration as a social threat on a par with crime itself. That leads me to ask, “Where was the flaw in our thinking?”

In addition, I am an amateur of political theory; not from the merely antiquarian interest that glories in how much smarter we are than

our ancestors, but from the belief that documents treasured over the ages might actually have something to teach us that we have lost track of.

This essay will attempt five tasks: to lay out, briefly, what I take to be Wilson's central teachings about crime and crime control; to point out what I take to be a central similarity of project between Wilson and Machiavelli; to explore other aspects of Machiavelli's thought (and that of Hobbes and Plato) that Wilson failed to re-invent, or to appreciate, thus falling into errors that he (and I) otherwise might have avoided; to point out a crucial calculation that should have led Wilson and the rest of us to decisively reject Becker's rational-actor theory of crime, and thus to anticipate that ratcheting up severity would be counter-productive; and then to attempt to state what might be called (over Jim's vigorous objection) a neo-Wilsonian approach to crime and punishment. It will surprise no one to discover that the Wilson of my imagination agrees with me substantially, though not entirely.

WILSON'S ACCOUNT OF CRIME AND CONTROL

The following bullets sketch JQW's approach to “thinking about crime.”

- Crime creates damage that extends far beyond its immediate victims. Crime control deserves to be a central governmental function.
- Crime is partly determined by individual (“constitutional”) factors and partly by social conditions, but those variables act indirectly through their influence on the choice to offend or not, and in particular by influencing how the potential offender weighs the gains and losses from offending against the gains and losses from not offending.
- The outcome of that weighing process depends on (1) objective circumstances – the potential offender's opportunity set – (2) how he (much more rarely, especially for violent crime, “she”) balances the present against the future, and (3) his perception and valuation of the social disapproval (or, in some circumstances, and with



respect to some audiences, social approval) of the contemplated criminal conduct.

- The level of disapproval – both as expressed socially and as internalized in the form of guilt and shame – is among the important background conditions that determine the frequency and severity of offending. As a result, purely scientific inquiry, in striving for the morally neutral attribution of causation, can have a practically destructive edge if the impulse to understand leads to a commitment not to blame, and still more so if the blame is turned back on “society” in a way that seems to justify offending, or at least to exonerate the offender.
- In general, the idea that life should be led according to pleasure and on impulse rather than reflectively and according to virtue or principle leads to discordant societies and, in the end, unhappy individuals. So does the related doctrine that society should support and only minimally constrain individuals in seeking what seems to them their own happiness.
- Social class – as distinct from income – resides largely in variations in behaviors and norms that involve the willingness to sacrifice the present to the future and to exercise self-constraint for the common good; “lower-class” individuals in this sense need help primarily in changing their behavior, and the “middle class” needs protection from those whose “lower-class” behavior would otherwise impinge on the pursuit of more orderly lives. (Racial segregation, by denying “middle-class” African-Americans the chance to separate themselves from “lower-class” behavior, helps explain high rates of black-on-black crime and makes it very difficult for “middle-class” black parents to raise their children successfully.) [The scare quotes mark my extreme reluctance to follow Wilson down this particular path; “middle-classness” seems to me as much a consequence of adequate cultural and social capital, and of

material sufficiency and security, as it is as a cause of these things.]

- Crime policy should pay more attention to the interest of the law abiding than the needs of the offender. To this extent the instincts of the masses are superior to the wisdom of the legal and academic elites. The U.S. has more retributive criminal justice than other economically and politically advanced societies primarily because it is more democratic.
- Most people who live in crime-fostering circumstances still don’t commit much crime, so it’s fair to blame those who do. Mark Moore has pointed to the seeming contradiction between the emphasis on crime-as-choice in *Thinking About Crime*, and the emphasis on crime-as-product-of-causal-factors – many of them “constitutional” and biological and therefore outside the offender’s voluntary control – in *Crime and Human Nature*. The resolution, I suggest, is that Wilson gave priority to the social over the personal. If – he seems to say – criminality is due to offenders’ “constitutional factors,” that’s their bad luck, but we still can’t afford not to punish them, or even not to blame them. Not punishing and not blaming will certainly harm future victims and may in fact harm offenders as well if it leads them to offend more. The failure to blame blameworthy behavior encourages such behavior, not merely by removing the disincentive of punishment but also by weakening the moral sense that might otherwise constrain the behavior of those contemplating crime. Under-punishing, therefore, can strengthen the anti-social personal traits associated with criminal behavior. Once these traits become habitual, they are not under voluntary control. Softheaded criminological theories are thus among the root causes of crime.
- If punishment is to be effective, swiftness and certainty matter more than severity, and resource constraints, due process, and the compassion



of officials make severity the enemy of swiftness and certainty. But certainty is hard to achieve because most crime is undetected, and swiftness is constrained by “the law’s delays.” Thus some unjust and unlawful police activities of the pre-Warren era might have nonetheless had important crime-control functions, and court decisions that forced lawfulness on the system may have contributed to the great crime wave. (I would add, though JQW did not always add, that official lawlessness is a toxic remedy for unofficial lawlessness, and that the process of cleaning up the system, at whatever short-term cost, was utterly necessary and remains uncompleted.)

- Policing, prosecution, and corrections are done by public officials organized in agencies. No agency is infinitely plastic; it can do some things but not others, and the constraints created by organizational capacity and culture are just as real as the constraints imposed by budgets, laws, or external conditions. Incentives matter, but officials are not generally motivated primarily by financial reward; they have professional and organizational commitments, and both officials and organizations prize autonomy and will fight to achieve it and preserve it. Deprivation of autonomy tends to worsen morale and thus performance. The impulse to over-regulate the public sector is a destructive impulse: that includes civilian review boards and correctional consent decrees. The powers and culture of the court system make it ill-adapted to the tasks of supervising bureaucracy; there is hardly a public agency so mismanaged that it can’t be made worse by court order and the imposition of ignorant, meddling, and overpaid monitors.
- Schemes of social improvement go awry due both to bad theories and to bad execution. Good intentions do not guarantee good results either in schemes to abolish poverty or in schemes to reform criminals. Rather than demanding that prisons turn burglars into Rotarians, we should be satisfied if

they keep inmates from further offending through incapacitation, deter some potential offenders, reinforce social norms, and substitute public justice for private revenge.

WHAT WILSON SHARED WITH MACHIAVELLI

Wilson and Machiavelli, I submit, saw themselves faced with similar problems. (Though I doubt Jim saw, or would have much cared about, about the resemblance I think I see.) They both lived in intellectual milieux characterized by a sort of high-minded soft-heartedness that tended to shy from necessary unpleasantness by denying the harsh realities that make it necessary. The thinkers and actors Machiavelli and Wilson mocked tend to imagine forms of social organization “that have never been known or seen” (Machiavelli did not call them “Great Societies”) and to “neglect what is done for what ought to be done.” This Machiavelli and Wilson took as their task teaching their fundamentally “good” political allies – for example, Piero Soderini or Hubert Humphrey – that it is necessary for those who rule to “learn to be able not to be good”: to put aside good-heartedness in the name of hard-headedness. Wilson and Machiavelli saw clearly that mercy to lawbreakers – always a minority – can create avoidable suffering among the larger population of victims and potential victims. The *verità effettuale* – the “effectual truth” – of ill-considered mercy can therefore be cruelty.

He who quells disorder by a very few signal examples will in the end be more merciful than he who from too great leniency permits things to take their course and so to result in rapine and bloodshed; for these hurt the whole State, whereas the severities of the Prince injure individuals only. [*The Prince*, c. XVII]

Thus the violence-minimizing approach to criminal justice will not merely minimize the harm done by public authority to offenders, but the sum of all the harms done by offending and punishment combined: what Sheldon Wolin called Machiavelli’s “economy [= minimization] of violence.”

WHAT WILSON MISSED THAT MACHIAVELLI NOTICED

When Machiavelli discusses punishment, his keyword is *crudeltà*



(cruelty) – as opposed to *pietà* (pity or mercy or compassion). To Machiavelli, who had represented Florence at the court of Cesare Borgia and who himself underwent torture at the hands of the Medici, cruelty was both a fact of life and the name of a vice. Machiavelli is aware of uttering a paradox when he speaks of “cruelty well used;” he immediately adds “if it is permitted to speak good of evil.” Machiavelli does not flatter the cruel and powerful by speaking of justice; he speaks only of cruelty, which can be necessary or unnecessary, and used well or ill. Of course, that is exactly what good-hearted people who need to engage in punishment prefer to deny: the Eighth Amendment, for example, forbids “cruel and unusual punishment,” as if “usual” punishment were not “cruel.” But Machiavelli doesn’t talk about “justice,” let alone “tough love”: he frankly says that punishment – the infliction of suffering by public authority – necessarily partakes of cruelty, an evil and a vice.

Aware of punishment as cruelty, Machiavelli then asks how it is possible to use it properly, and he offers a maxim: well-used cruelty diminishes with time, while badly-used cruelty grows. And cruelty can be ill-used not just due to misjudgment, but due to the fact that some people, including rulers, either start with or develop a taste for inflicting it.

Wilson, while insisting with Machiavelli that anyone unwilling to punish when punishment is necessary is, to that extent, unfit to rule, was too good-hearted to accept that he was endorsing cruelty. He seemed to believe sincerely what Hobbes said tongue-in-cheek when he defined “cruelty” as “contempt, or little sense of the calamity of others For, that any man should take pleasure in other mens’ great harms, without other end of his own, I do not conceive it possible.” But of course it is all too possible, as Hobbes well knew: thus he wrote it down as a law of nature that revenge (in which category he placed punishment) be undertaken only with respect to the future and not the past.

Treating punishment as a morally neutral or justified tool, rather than as a dangerous vice, led Wilson (and me, among others) to neglect its inherent risks. “He who sups with the Devil must bring a long spoon.” After all, making public policy isn’t writing a linear program; political choices about crime and punishment, and the institutional expressions of those choices, change not only the character of those punished but also the character of

politicians, officials, and citizens. And when those choices are in the direction of more cruelty, none of the resulting changes in character is likely to be for the better.

WILSON, PLATO, GBS, AND THE PARADOX OF REFORMATIVE PUNISHMENT

George Bernard Shaw summed up in three lines a discussion that takes up several pages of Book I of *The Republic* [332c-336a].

To punish someone you must injure him.

To reform someone you must improve him.

Men are not improved by injury.

This idea is linked to the Socratic paradox that all wrongdoing is involuntary, stemming from the offender’s ignorance of the nature of good and evil; if someone chooses to do what is wrong, there must be something amiss in that person’s opinions, and what he needs and deserves is instruction by those wiser than himself. (One might then take the Wilson and Herrnstein “constitutional factors” as the efficient causes of ignorance in action; it’s not hard to see how someone with low ectomorphy and high mesomorphy, and therefore with little capacity to feel pain and great capacity to win fights, might be slow to learn that fighting is bad.)

Now at some level this is obvious nonsense; of course people choose to do things they believe to be morally wrong, usually because they regard them as advantageous. But Plato’s Socrates would answer that the notion that wrongdoing can be advantageous stems from a misunderstanding of the nature of human existence; someone who truly understood what was good for him would not make the mistake of sacrificing virtue – and thus damaging his *psyche*, his soul, the truly valuable part of himself – for mere material advantage. That makes somewhat more sense, but remains paradoxical unless we understand moral “knowing” as “acting as if one knows,” and “instruction” as extending to the sort of “teaching” embodied in the phrase “That’ll learn you.” Moral cures, like physical ones, may require the imposition of suffering.

But Plato – as later Hobbes – is really insisting that the proper purpose of punishment is moral improvement, rather than revenge. Again, that seems to me a half-truth; revenge has its



place in making the dignity of the victim and those who care about the victim whole from the insult bundled with the injury of victimization. But Plato and GBS still have a point: there is something deeply paradoxical in a crime-control intervention that makes its subjects more criminal, and in general we should expect that damaging offenders will make them worse – and more criminally active – rather than better.

Liberal criminology of the sort Shaw made fun of has long sought to dodge this issue by insisting on the possibility of rehabilitative punishment, starting with the invention of the “penitentiary” as a place designed to produce penitence in its inmates and continuing through the current fad for “correctional therapy” and “prisoner re-entry.” Wilson, while not frank enough to acknowledge the cruelty of punishment, was at least not so fatuous as to claim that men could in fact systematically be improved by injury. He seemed content that prison should incapacitate and deter. John DiIulio, whose *Governing Prisons* is fully in the Wilsonian tradition and spirit, explicitly excluded recidivism rates from the list of outcomes to be used in evaluating the quality of prison governance. Wilson himself proposed that the parole system stop trying to supervise offenders and simply become a broker for services.

All of this seemed to follow from the famous finding that “nothing works” when it comes to rehabilitation. But perhaps that conclusion was too hasty; the finding that incarceration does not, on average, reduce recidivism might easily conceal a mix of harmful and helpful practices; if so, changing the mix could have important benefits.

But the larger error – as it now seems to me – was neglecting the possibility that existing punishments failed to be reformative not because people can never be improved by punishments but because we’d been doing the punishments all wrong; as if studies of lead balloons were used to prove that dirigibles can’t fly. Before returning to that theme, we need to examine the evidence that contemporary blue-collar crime does in fact reflect poor judgment rather than the rational choice described in economic theories of crime.

WILSON, BECKER, AND BECCARIA

Without fully embracing Becker’s rational-actor theory of

crime, Wilson did embrace the less sweeping claim that actual and potential offenders weigh the gains of offending against the losses, where the losses include the risk of punishment. On this account, inadequate punishment is an invitation to criminality.

That common-sense idea seemed to be borne out by a calculation I did – under the spell of *Thinking About Crime* – shortly after I arrived at the Justice Department in 1979. Count all the inmates of adult and juvenile prisons and jails. Multiply that by the share of incarceration due to, say, burglary. Multiply by 365. That gives you an estimate of the number of person-days behind bars for burglary that year. Divide that by the number of burglaries that year, and (assuming more or less a steady state) you have the expected value of days-behind-bars for a burglary. (Of course that expected value is an average of many zeros – all the instances where the burglar is never caught – and a few big numbers reflecting long sentences.)

Answer, for 1976: 6 days. (Depends to some extent on how you count burglaries; if you want a number for adult burglars, you have to factor out juvenile burglary and juvenile incarceration, and the adults-only number winds up somewhat higher.) Still, six days, more or less. “Aha!” I said. “Wilson was right! No wonder we have so damned many burglaries, when the punishment is so meager.”

I said that reluctantly, rather than triumphantly: as a card-carrying soft-hearted liberal – and therefore only a reluctant Wilsonian with respect to crime control – I would have preferred to have had the calculation endorse less punishment rather than more punishment, but (it then seemed to me) the conclusion was what it was. I therefore dutifully began to urge building more prisons. What was the point, I said, of hiring more police when the existing police forces were already arresting more criminals than the courts could convict, and the courts already convicting more criminals than the prisons could hold?

I should, of course, have known better than to do a benefit-cost calculation, even a vicarious one, without calculating the benefits. Six days isn’t very much; but how does it stack



up against the rewards of low-skilled burglary? That was a calculation I didn't perform until more than twenty years later, after most of the damage had been done.

Taking homeowners' (no doubt generous) reported burglary losses as the gross value of the property stolen and adjusting for the parsimony of fences, the numbers suggest that a 1976 burglar took home an average of something like \$240 (if working alone). Suddenly 6 days doesn't look like such a small number. \$40 per day behind bars is less than \$2 per hour. "The wages of sin," Peter Reuter once said, "are well below the lawful minimum."

In the intervening years, the deal has gotten worse, with the take growing only slightly, total burglary incarceration up about threefold, and the number of burglaries down about twofold. So the expected value punishment is more like 40 days and the expected gain per day locked up is about \$6, or 25 cents an hour.

Thus the *Thinking About Crime* project of making crime not pay was already accomplished when the book was written. The expected-value punishment for (blue-collar) crime has always exceeded the expected gain; from a rational-actor perspective, crime has never paid.

But if crime already didn't pay even at a low level of punishment per crime, that should have greatly weakened the case for the belief that increasing the punishment – and in particular increasing its severity rather than its swiftness or certainty – would discourage offending. That should have pointed us toward either making punishments that work with imperfectly rational offenders or making offenders more nearly rational, or somehow doing both. It would certainly not have pointed us in the direction of "truth in sentencing" or three-strikes laws. Thus we erred by paying too much attention to Becker and neglecting Beccaria and Bentham (and Ainslie and Kahnemann and Tversky and the rest of the pioneers of behavioral economics).

CRUELTY BADLY USED AND THE TRAGEDY OF MASS INCARCERATION

To that analytical error about offender behavior there corresponded a political error about the behavior of citizens and officials. As noted, Machiavelli defines "cruelty well used" in terms of concentration at the beginning and diminution over time: what might be called a "surge" of punishment. But in fact incarceration in America continued to grow for fifteen years after

the crime wave peaked in 1994 and then fell by 50%. Being tough on crime – on the Wilsonian/Platonic/Machiavellian account a sad necessity – became in political terms something to brag about. When Texas Governor Ann Richards, running as a liberal Democrat for re-election against George W. Bush in 1994, pointed with pride to having built more prisons than all the previous governors combined, we should have noticed that the political system had come to treat punishment as a benefit, rather than a cost. Cruelty – cruelty badly used – had become fashionable. And that should have led us to ring loud alarm bells.

It is still possible to argue that the first doubling of prison and jail capacity from its post-1960s low point of about 500,000, in the face of the great crime wave, was justified by necessity and by the gains in reduced victimization and fear that came from locking up some very high-rate serious criminals. But there is nothing to be said for the more-than-doubling from that already historically high level. The vice of cruelty had taken root in the political system, with those of us who intended only to protect victims and neighborhoods cheering it on.

The prison boom finally peaked around 2012, but we are left with a set of laws and practices, with powerful bureaucratic interests, and with a political discourse all tilted toward excessive punishment. We're now back to roughly 1965 crime levels. To get back to the 1965 incarceration level – which was near the top of our historical range – would mean reducing the headcount behind bars by 80%. Letting four out of five prisoners loose without letting the crime rate – and especially the homicide rate, still well above the developed-country norm – go back up again will require theoretical insight, political will, and high-quality public management. Most of all, it will require a more sophisticated model of crime and punishment.

SELF-COMMAND AND THE MORAL SENSE

If – as suggested by the discussion of impulsivity in *Crime and Human Nature* – short time horizons and defective self-command are among the leading "constitutional factors" implicated in crime, and if chaotic environments shorten time horizons and damage self-command, then putting actual and potential offenders in more predictable environments ought to reduce the rate of criminal activity. This, the existing criminal justice system signally fails to do, instead relying on randomized Draconianism. That point is related to, but different from, the Beccarian point



that swiftness and certainty of a threatened punishment have more effect on its deterrent value than does severity. The idea is that swiftness and certainty can help create the perception of a predictable environment, thus changing the offender's capacity for self-command. Swift and certain sanctions are thus potential enablers of the moral sense.

A recent extension of the famous "marshmallow test" helps make the point. The original marshmallow study by Mishel and colleagues showed that inability to defer gratification at an early age – as shown in a test where children were told that if they waited to eat one marshmallow, they would be given a second in addition – predicts a wide range of bad outcomes, including involvement with the criminal justice system at later ages. That finding suggests that self-command is a relatively stable personality trait. But the more recent "crayons" study by Kidd, Palmeri, and Aslin suggests that it may be more malleable. In the later study, children were given the marshmallow task only after the experimenter had defaulted on an earlier promise of a reward (more supplies for an art project) in return for patience. Such pre-conditioning to a world where promises are not kept dramatically reduced willingness to wait for an extra marshmallow, suggesting that the predictability of future rewards influences the willingness to delay gratification, and that self-command is a malleable state, not a fixed personal trait.

A question not yet addressed is the extent to which trust or distrust of future promises generated by past experience may become trait-like, and, if so, whether that trait can be changed by placing people in environments where their outcomes are more tightly coupled to their behaviors.

Programs using swift, certain, and mild sanctions to enforce conditions of community corrections (HOPE, SWIFT, WISP, Sobriety 24/7) have been shown to occasion very large changes in behavior. Considered alone, that result might be simply a Beccarian or behavioral-psychology-lab demonstration of the power of immediacy, though the effect sizes seem too large to be entirely explained by the rather unspectacular intervention. But deterrence can hardly explain why those effects seem to outlast the interventions, or the similarly long-lasting results of contingency-management approaches (with rewards rather than punishments) in drug abuse treatment.

Perhaps (I offer this as speculation leading to a research program, not yet as science) what is really going on in these programs is that offenders are being placed – for some of them, for the first time in their lives – in a predictable environment, and that the result is to change their capacity to control their own behavior. A methamphetamine user who has found himself unable, over a period of years, to abstain from his drug today in the face of the likelihood that doing so will make him better off (or prevent his being worse off) six months from now, may find himself fully able to abstain today to avoid being in jail tomorrow. The discovery that he has the capacity *not* to use might then be expected to change his self-efficacy, to move his "locus of control" toward the "internal" setting.

"The moral sense" sounds rather grand. And it can be, when it reflects a willingness to sacrifice self for others or interest for principle. But there's another version of the moral sense: the version reflected in the definition of "conscience" as "the still, small voice that tells you someone might be watching." That smaller moral sense – the capacity to do today what is good for you tomorrow, even if that only means abstaining from today's wrongdoing to avoid tomorrow's punishment – may be within what Wilson always reminded us was the fairly narrow range of good effects that can be brought about by deliberate policy intervention. If so, rehabilitative punishment may be a practical possibility rather than a pipe-dream.

CONSTITUTIONAL FACTORS AND LIBERAL PROGRAMS

Crime and Human Nature is sometimes thought of as a "conservative" book because its emphasis on innate causes of criminality is seen as contradicting the supposed optimism of contemporary liberal thought about the perfectibility of humanity and, consequently, the power of do-gooderism. If – contrary to what the Jets tell Officer Krupke – some people are depraved innately, and not merely because they have been deprived, then midnight basketball and incentives to graduate from high school might not get you very far in dealing with crime.

(That is only one reason the world of criminology has largely passed over the book in embarrassed silence; the other is that, to people who think of themselves as social scientists, bringing in biology – dealing with human behavior as if human beings had bodies, as well



as personalities and social connections – seems like cheating.) But the biological approach to explaining crime – the notion that crime has physiological causes as well as motivations - leaves open the possibility of non-punitive interventions to get at crime’s material causes; some of those interventions look quite a lot like liberal social engineering. And James Q. Wilson, Ronald Reagan Professor at Pepperdine and Fellow of the American Enterprise Institute, did not shy away from those implications. He was relentlessly hostile to the (surely false) notion that any sort of arbitrarily chosen increase in social-service spending will have natural crime-reduction effects. But he was utterly open to the possibility of targeted efforts. Reducing fetal alcohol exposure; protecting children from the effects of lead in the environment; improving the parenting performance of young, poorly-educated mothers with the Nurse-Family Partnership coaching program: all are consistent with the conceptual approach of *Crime and Human Nature*, and all (conditional on demonstrated efficacy) had Jim’s support.

A NEO-WILSONIAN APPROACH TO CRIME CONTROL

Much of what Wilson said about crime in 1975 he would no doubt repeat today. In particular, he never saw any reason to re-think the proposition that, whatever or whoever else might be responsible for crime, the moral onus falls primarily on criminals, and that saying so – maintaining, and if possible strengthening, the stigma on hurting people and taking their stuff – contributes to reducing criminal activity. Nor did he waver in his conviction that blue-collar crime is a huge social problem – most of all for its primarily blue-collar victims – and that punishment is one necessary means of responding to it. On those central points it seems to me that Jim is still right and the bulk of academic criminological opinion still wrong.

But insofar as the “Wilsonian” program involved increasing the number of people behind bars, Wilson came to think that it had gone out of control, and that mass incarceration had become as big a social problem as crime itself. Of course there is no logical contradiction between thinking that we needed more than the 450,000 prisoners we had in 1976 and thinking that we need fewer than the 2.3 million we have today, but the continuation of the prison-building boom for 15 years after the peak in crime rates did leave many of us who were advocates of prison-building in the 1980s feeling like the Sorcerer’s Apprentice: “Hey! Doesn’t this thing have an ‘Off’ switch?”

What would a contemporary crime control program designed on Wilsonian principles look like? A full exposition of that question can hardly fit within the confines of an essay; it would require a book, and indeed I have already attempted to write that book. But it is possible to briefly sketch the major features of such a program.

CONSTITUTIONAL FACTORS

One thing Wilson’s thought still has to offer the contemporary crime-policy debate is its attentiveness to biology. That childhood exposure to lead, for example, might make some people constitutionally disposed to impulsive and aggressive behavior remains a slightly fringe-y thing to think about among academic criminologists, but Kevin Drum’s masterful accumulation and analysis of the published evidence – not, be it noted in a journal, but in a popular magazine – has started to focus academic attention on the question of what might be done to reduce such exposure. The low-hanging fruit, in the form of removing lead from gasoline, has already been plucked in the U.S. and the rest of the OECD (though not yet in some developing countries), and the dealing with the remaining major sources – lead in house paint and residual lead in soil – might involve expenditures in the hundreds of billions of dollars. (That’s cumulative spending over a decade or two, not an annual budget, but it’s still a pretty frightening number.) Even accepting the strong link between lead and crime as proven (which not everyone does), there remains some serious science to be done before starting. The best guess seems to be that scraping paint from house interiors isn’t worth the effort (and might have perverse effects by releasing otherwise dormant lead), but replacing windows and doors, along with their frames, might be a good idea, especially given the secondary benefits in the form of energy savings and comfort. Someone would still have to figure out which windows are worth replacing and how to design a program of paying to replace them. Dealing with lead in soil would require first identifying places with high lead concentrations where children play and then figuring out how to execute, and pay for, removal and replacement, starting with the places where the payoffs per dollar would be greatest. In both cases, crime reduction would be only one among many health and behavioral benefits.

Alas, in the absence of a James Q. Wilson it’s hard to imagine who could convince conservatives that environmental management ought to be part of the crime-control effort; the emergence of



the “Right on Crime” movement of conservative opposition to excessive incarceration is encouraging, but at least to date that movement has not embraced any approach calling for more, rather than less, public spending.

The obvious contribution of alcohol to crime is that much crime, especially violent crime, is committed under the influence. Alcohol weakens impulse control, shortens time-horizons, and provides a convenient excuse for misbehavior. Philip Cook estimates that tripling the federal alcohol tax – thus increasing the price of a cheap drink by about 20% - would reduce other violent crime by about 6% (as well as putting a comparable dent in motor-vehicle fatalities). That’s a huge gain available at very little social cost. The less obvious and less immediate – but not necessarily smaller – link between alcohol and crime is through fetal exposure, which has never gotten the public or political attention that “crack babies” received but which may account for a very large fraction of the population of persistent serious offenders. Neither diagnosis nor treatment is well understood – though there is some evidence for interventions with alcohol-exposed newborns – but prevention is possible: directly by persuading women who may be pregnant not to drink (complicated by the fact that the worst effects of alcohol occur within the first few weeks after conception) and indirectly by making alcohol more expensive through stiffer taxation or minimum unit pricing. Jim was never as vocal about the alcohol problem as he was in opposition to legalization of the currently illicit intoxicants, but if we were to apply his principles rather than merely mirroring his prejudices alcohol would join lead toward the top of the crime-control agenda.

Protecting embryos from exposure to alcohol and children from exposure to lead are not the only approaches to reducing the number of people whose short-sightedness and impulsivity lead them to offend even when doing so is a bad move even from a strictly selfish viewpoint. “Character education” that consists entirely of preaching virtue may have limited capacity to actually shape character, but the apparent success of the Good Behavior Game (a cheap and simple classroom-management technique designed to create peer pressure for appropriate deportment in school) suggests that the schools could indeed improve the character of their students and thereby keep them out of trouble with the law later on. However, the massive indifference to those findings among school administrators is not encouraging.

Competent parental attention clearly helps form good character in children, and there is substantial – though not yet perfect – evidence that the Nurse-Family Partnership and other programs designed to improve the parenting skills of otherwise at-risk mothers can reduce the extent to which their children become involved with the criminal justice system. The same is true of some approaches to early childhood education, though there is no assurance that if we roll out large-scale “pre-K” programs they will in fact have the desired effects on the self-command of the children who go through them. Here again, the politicians most vocally devoted to protecting “law and order” by punishment seem to be least enthusiastic about doing so with services, while those most concerned about mass incarceration seem least enthusiastic about reducing it by reducing criminality rather than the punitiveness of the criminal justice system.

MANAGING OFFENDERS IN THE COMMUNITY

The most obvious – though not necessarily the most important – opportunities for reducing incarceration while also doing a better job of crime control involve improving community supervision for offenders on adult probation, juvenile probation, parole, and pre-trial release.

Wilson was a great enthusiast for programs such as HOPE probation that enforce the conditions of community corrections with systems of swift, certain, and fair (SCF) sanctions as opposed to the sporadic severity now typical of those systems (with the exception of pre-trial release, which tends to forgo supervision entirely). The evidence that such programs, properly conceived and administered, can yield dramatic improvements has continued to accumulate, along (alas) with evidence that the administrative challenges can be profound and that poor implementation can have poor results.

The gains from such programs come in many forms: (demonstrably) reduced crime, incarceration, and expenditure in the short run by those subject to them, (possibly) reduced crime and incarceration in the long run due to persistent effects on offenders’ decision-making patterns and drug habits, (potentially) reduced demand for illicit drugs, with secondary benefits in shrunken illicit markets and fewer drug dealers behind bars, and (conceivably) a change in the willingness of decision-makers (legislators, governors, judges, prosecutors,



parole boards, and voters) to substitute community corrections sentencing for incarceration, either when the initial sentence is handed down or through a process of early release. Now that crime rates have returned roughly to their 1965 (pre-crime-boom) levels, we ought to be considering how to reduce incarceration rates to *their* 1965 levels, which would mean shrinking the population behind bars by 80%. That would get us down to the historical U.S. incarceration rate of 120-140 per 100,000 population, leaving us substantially, but not grossly, above the 100 or so per 100,000 characteristic of other prosperous democratic countries. Doing so seems like a formidable political challenge; we're now 20 years into the Great Crime Decline, and only three years past the peak incarceration rate. Without a community-corrections system that both is and seems to officials and citizens to be effective in punishing and reforming offenders, substantial decarceration will be nearly impossible.

Part of the revolution in policing involved holding police departments and their organizational sub-units accountable for outcomes – in particular, for crime rates – rather than outputs such as response times or arrests. Community corrections agencies have yet to embrace that managerial idea, and their political masters have not been aggressive in enforcing it on them, even though it would seem at first blush that a probation department has at least as much capacity to reduce criminal activity among people specifically committed to its supervisory authority as a police department does to reduce criminal activity in the entire population. If in fact the SCF approach is a powerful means of reducing recidivism, imposing accountability for outcomes at every level – the probation or parole agency as a whole, each organization subunit (whether caseloads are organized by geography or by offense type), and eventually each probation officer or parole agent, would create strong incentives to adopt SCF practices. But probation in particular cannot make use of SCF without either legislative authority to impose sanctions without judicial involvement or judges willing to adopt SCF as an operating principle.

POLICE MANAGEMENT AND STRATEGY

On many dimensions, the performance of American policing has improved dramatically since *Varieties of Police Behavior*. How much of the crime decline is attributable to better policing remains controversial; Wilson pointed out that the crime decline

that started in 1994 was not restricted to places where police management had improved in any obvious way. Still, it's hard to believe that the process that started with problem-oriented policing and continued through community policing, CompStat, and now predictive policing has made no contribution at all.

Unfortunately, the same interaction of fiscal pressure on state and local budgets with decreasing public concern about crime that has helped (belatedly) stem the tide of increasing incarceration has also led to reductions in police budgets: in some cities, those reductions have been drastic. And the fact that policing is financed locally, and that high crime is concentrated in cities under maximum fiscal pressure while also acting as a brake on economic redevelopment, will tend to catch places such as Detroit and Camden in a downward spiral of job loss, population loss, shrinking tax base, reduced policing, and rising crime, unless the courts start to decide that unequal protection of the laws is as much a constitutional violation as unequal access to educational opportunity.

Growing concern about public-employee pension costs is likely to hit police retirement systems especially hard, since police pensions tend to be unusually generous, as they are part of personnel policies designed to keep the force youthful. That in turn will complicate the problem of attracting and retaining high-quality officers; insofar as agencies respond by paying higher current salaries, that response will further tighten the current fiscal squeeze.

The larger problem is that police budgets consist mostly of the services of police officers, thus putting policing, along with education and health care, in the grip of Baumol's "cost disease." Any activity where technological change does not allow fewer people to produce more output over time will find its prices growing, or its wages shrinking, relative to more technologically progressive sectors. Providing an hour's service from a two-officer patrol car cannot be made to cost less than two officer-hours. The only possible countervailing force to the Baumol cost problem is Moore's Law of steady decline in the cost of gathering and handling information. Cameras (fixed or moving) and facial-identification software to identify pedestrians and drivers with outstanding arrest warrants; "shot spotter" microphone arrays to alert authorities to gunfire; electronic monitoring to



track the location of high-rate offenders on probation, parole, or pretrial release; “crowdsourcing” the collection of information about crime by enabling ordinary folks to use their camera-equipped cell phones to send images of criminal activity to the police: the possibilities are as varied as the management and civil-liberty problems are complex. But with the county almost certain past “Peak Cop,” it’s hard to see any alternative to more intensive use of information technology to make each officer-hour do more crime-control work. Perhaps we could even dust off an old JQW idea: equipping patrol officers with remote magnetometers or other advanced devices for identifying who is – and is not – carrying a weapon, thus drastically reducing the need for physical pat-downs and for interactions with pedestrians designed to provide pretexts for such pat-downs. (That could be linked with another information-technology approach to police management: using small portable cameras on police cars and on officers’ hats or tie-clips to video-record every police-citizen interaction, reducing the incidence of both false and true complaints of police misconduct.)

The strategy of dynamic concentration (notably in the programs developed by David Kennedy) is another force multiplier.

Dynamic concentration (e.g., the squeegee, graffiti, and fare-beating clampdowns in New York, the Drug Market Intervention approach to street drug dealing, the Boston Cease-Fire approach to gang violence) uses direct warnings to specific offenders or specific groups, or general warnings about specific offenses in specific locations, to reduce the rate of target activities, and concentrated enforcement to deliver on those warnings. The goal is to “tip” high-violation-rate situations into low-violation-rate situations which will remain stable without the need for continuing investments of large amounts of police attention.

Those approaches demand detailed and rather “thick” knowledge of the actions of, and interactions among, offenders and offending groups, and (in many cases) the active support of residents of neighborhoods where police do not have a reputation either for providing public safety or for acting respectfully. Developing that support – in effect, getting “permission” from the neighborhood before launching a crackdown – requires strategies of police-community relations that go well beyond Officer Friendly. It means that American police will have to pay more attention to what Tom Tyler calls “procedural justice” and Tracey Meares calls

“legitimacy.” Wilson, who relentlessly mocked the preoccupation of liberals with police misconduct and the prescription of civilian review boards to deal with it, might or might not have been cheerful about embracing “procedural justice,” but he was an enthusiastic supporter of dynamic concentration, and would surely have kept an open mind about the claim that using dynamic concentration in the most crime-ridden neighborhoods demands legitimacy-building measures as a precondition.

INCARCERATION POLICY

The current level of incarceration is neither justifiable nor politically sustainable. Bert Useem and Anne Piehl estimate that, at the current margin, adding another prisoner to a prison or another year to a sentence tends, on balance and on average, to increase the rate of future crime rather than reducing it. (That will far more true of some offenders than of some others; the hard problem is figuring out which offenders are worth keeping locked up.)

Improved community supervision using SCF principles is, I have argued above, central to reducing incarceration while also keeping crime rates headed down. But the reduction in prison headcount will not be automatic. Even if governors and legislators come to prefer small prison populations (and prison budgets), those preferences will not automatically be reflected in action. The key decision-makers are prosecutors and judges. Most prosecutors report to locally-elected district attorneys whose professional norms and political incentives do not direct their attention to prison crowding or prison spending.

In most states, prosecution is a county function but the prisons are paid for out of the state budget. Thus the local fiscal pressure that might otherwise curb the enthusiasm of prosecutors and judges for long prison terms does not operate. It is possible both that beneficial change could come from altering the current system of paying for incarceration and that such changes might prove politically feasible. But neither proposition is one on which a prudent person would bet his next month’s rent.

CORRECTIONAL GOVERNANCE

It isn’t hard to make a long list of performance deficiencies in U.S. prisons and jails: prisoner-on-prisoner and officer-on-prisoner violence; contraband dealing; high recidivism rates;



and poor health, educational, and rehabilitative services. An under-appreciated problem is the overuse of extended solitary confinement, especially of the horrors of “SuperMax” institutions and “Special Housing Unit” (SHU) wings in which a population estimated at 25,000 people at any one time is subjected to grossly inhumane conditions, including near-total isolation, despite irrefutable evidence that subjection to such conditions can cause psychosis. The emergence of the prison gang as a central fact of prison life in many institutions is perhaps the most frightening phenomenon of all, especially when those gangs extend their reach from the prisons to the neighborhoods the prisoners come from.

Fixing prison conditions is much harder than criticizing them, especially while institutions remain stuffed to capacity. Taking advantage of reduced census to improve conditions competes with cost-saving, which comes from closing institutions, or at least closing wings of institutions, rather than from (for example) eliminating double-celling.

As with policing, corrections is a personnel-intensive activity. And, as with policing, there may be important opportunities to use information technology to improve the terms of the tradeoff between cost and quality. The corrections commissioner in the state capital tends to have imperfect knowledge and even less perfect control over the behavior of the superintendents who run the institutions, while the superintendents in turn face grave difficulty in knowing what their subordinates, and especially line correctional officers, are up to. Here again, the emergence of the cheap webcam might be made to change the cost of monitoring the performance of employees and the behavior of inmates. But doing so will require a painful process of institutional change, and the helplessness of the governor to effectively supervise the corrections commissioner is at least as great as the corresponding problems further down the chain.

One conceptually simple (though operationally complex) step might be to start compiling detailed recidivism data – not just the one/zero “Did the guy come back?” question but a calculation of offense-weighted crime rates post-release – by institution, adjusted for demographic and other predictors, to be able to say, “Alumni of Institution X have 157% of their expected criminality, while alumni of Institution Y have only 68% of theirs.” (The rapid

movement of prisoners among institutions would complicate that measurement process.) That would help prison administrators focus on a key outcome for which they are not currently held accountable, and perhaps make them more open to searching for and implementing programs designed to reduce future criminal activity, whether that means literacy, pre-release counseling and preparation, starting inmates with a heroin history on methadone, or (as Angela Hawken has suggested) paying attention to the details of prison diets, including their content of micro-nutrients that may turn out to contribute to self-command.

Especially for programs concentrated on the last few months pre-release, the fact that recidivism (along with mortality) peaks immediately post-release would simplify the evaluation problem. I have no confidence that anyone could sit down today and write out a recidivism-minimizing system of correctional management, but every confidence that if wardens started getting fired for turning out high-crime-rate alumni prison administrators would quickly figure it out, just as New York City police precinct captains figured out how to reduce crime when CompStat made them accountable for their outcomes.

DRUG POLICY

Drugs and crime interact in multiple ways. Some aspects of drug control policy – for example, as noted above, increasing alcohol taxation – have crime-control benefits. But it is not, in general, the case that increasing police and prosecutorial attention to drug-dealing and drug-possession offenses will tend to reduce non-drug crime; the reverse is more likely to be the case. Drug enforcement competes with enforcement against predatory crimes for the attention of all criminal-justice agencies: police, prosecutors, courts, and both institutional and community corrections. Advocates of what is called “drug policy reform” have grossly exaggerated the share drug enforcement takes: in fact, it accounts for approximately 20% of incarceration and a yet smaller proportion of police attention, and police budgets account for more than half of all criminal-justice spending. Still, drug law enforcement in the U.S. is a massive enterprise; on a per-capita basis, the United States has more prisoners for drug-law violations than any other rich country has for all crimes combined.



Illicit drug-selling contributes to non-drug crime in several ways: violence among and against dealers, income-producing crime by habitual drug users, and disorderly conditions surrounding the markets themselves; a drug house or street market can be a very potent “broken window,” and dealers and buyers alike make themselves attractive robbery targets because of their fear of involving the police.

That being the case, it might seem that drug law enforcement would have the natural tendency to reduce non-drug crime. In fact the relationship is more complex, and sometimes perverse. Undifferentiated enforcement pressure tends to increase violence in drug markets both by making violence more rewarding (insofar as it deters informing) and by the shifts it creates in the population of dealers. (Markets in untaxed cigarettes are comparable in dollar volume to the markets in specific illicit drugs, but, subject to far less enforcement pressure, they also involve far less violence; by the same token, cannabis markets are less violence-intensive than cocaine markets.)

On the other hand, anything that reduces demand for illicit drugs without draining police resources – drug testing with SCF sanctioning for offenders on community corrections, greater availability of drug treatment, improved prevention efforts – would unambiguously reduce non-drug crime by and against users and dealers.

Drug law enforcement can also be designed to reduce non-drug crime: both the Drug Market Intervention strategy and less formalized decisions to concentrate on flagrant dealing (drug houses or street transactions) while largely ignoring discreet dealing (hand-to-hand transactions in multi-purpose indoor locations, or telephone or computer order-taking with delivery to the consumer’s residence) tend to do so. Drug enforcement can also reduce violence when targeted specifically at the most violent organizations, or the violence-wielding individuals within those organizations, rather than at drug-dealing generically (focusing on conduct rather than scale). But either approach involves an implicit or explicit decision to give priority to non-drug crime over reductions in illicit market volumes: in effect, choosing the public-safety goals of reduced predatory crime and disorder over the public-health goal of reduced drug consumption. Such decisions can face challenges both from drug police and prosecutors and from elected officials.

Arrests of drug users (on the charge of possession of a controlled substance) account for a large share of drug arrests, although a small share of incarceration. Such arrests might contribute to public safety in several ways: by maintaining public order, by suppressing drug consumption by deterring drug purchase, putting post-arrest pressure on users to desist from drug use, or at least to enter drug treatment (shrinking the volume of drug dealing from the demand side of the market), and by giving the police reasons to stop, question, frisk, and sometimes arrest actual or suspected drug users in ways that discourage their non-drug criminal activity (e.g., by increasing the risk to them of carrying weapons).

From this perspective, “decriminalization” – ending or drastically reducing criminal penalties for drug possession while continuing to treat drug dealing as a serious crime – might seem a perverse strategy, increasing demand while leaving supply entirely in criminal hands. Empirically, however, it does not appear that the risk of arrest for possession (a tiny risk for any given user on any given occasion, though in the aggregate a substantial number of arrests) has much actual influence on demand. The costs of such arrests – budgetary, human, and in terms of police legitimacy – are sufficiently substantial to suggest that a drug strategy designed to minimize non-drug crime might include the decriminalization not merely of cannabis possession but of all drug possession. Such a policy might be combined with the aggressive use of SCF supervision to suppress drug demand among active offenders. (The actual James Q. Wilson would have been, if not firmly opposed to, at least profoundly skeptical about, this element of what I claim as a neo-Wilsonian approach.)

The scope of illicit drug dealing can also, of course, be reduced by making one or more currently illicit drugs legal. Time will tell whether cannabis legalization in Washington State and Colorado indeed contribute to reductions in non-drug crime – an outcome that may depend, in part, on federal decisions about allowing state-licensed cannabis dealers to use the banking system rather than making themselves robbery targets by dealing only in cash – but that would seem to be the most likely effect of the change. The extent of the increase in problem cannabis use likely to follow legalization, especially if prices are allowed to fall substantially and if marketing activity is unrestrained, is a different question, as is the effect – positive or negative – on heavy drinking, which



might either exacerbate or offset the direct effects on the cannabis problem.

Again, JQW would have been extremely reluctant to go along either with decriminalization of drug possession or with the legalization of cannabis production and sale, for two reasons. First, drug-taking seemed to him a central example of the life lived according to impulse or current pleasure rather than according to principle or purpose or virtue or duty, and any social accommodation to that practice a dangerous concession to what he called Woodstock Generation ethics. Even if decriminalization or legalization proved to be crime-reducing in terms of its immediate effects, Wilson worried that the broader consequence of adopting “Do your own thing” as a social maxim would be bad both for social cohesion and, in the end, even for individual happiness.

This line of thinking seems to me largely mistaken, because it attempts to draw a firm line between the use of some drugs and the use of other drugs – with cannabis on the “bad” side and alcohol on the “good” side – rather than between controlled and out-of-control drug use. Wilson tended to speak and write as if out-of-control use was typical of illicit drugs and atypical of alcohol, which is not the case. (I think he was right to stress the conceptual difference between a health-damaging and potentially addictive practice such as cigarette smoking and a behavior-changing and potentially addictive practice such as cocaine smoking, but alcohol belongs with cocaine and not with tobacco in that taxonomy.) No doubt it is true that managing multiple socially accepted intoxicants would be harder, for individuals and policy-makers, than managing a single such intoxicant, but that consideration seems to me one among many rather than a reason for a categorical rejection of any change in the legal status of the currently illicit drugs. And Wilson’s relative indifference to the alcohol problem suggests that his fervent opposition to “drugs” had more to do with culture-war prejudices than he would have wanted to admit. On what basis, after all, can Super Bowl weekend be said to be a lesser threat to the principle of self-restraint than Woodstock? Surely not on the basis that it involves less intoxication or less sexual misconduct.

OTHER POLICIES AND INSTITUTIONS

Since crime is pervasive, and since anything that affects anyone’s character or circumstances might make crime more, or less, attractive to that person, it is hard to imagine an institution,

an agency (public, civic, or private), or a policy that could not, in principle, influence the crime rate. Since the most dramatic forms of crime are concentrated among the victims of poverty and social exclusion, and among males between the ages of 15 and 35, agencies and policies that deal with poor and young men are especially likely to have opportunities for highly cost-effective intervention. Since plasticity declines with age, anything that deals with infants and children (again, especially males from poor and socially marginal families) is also a good place to look for crime-control opportunities. And of course some adult populations are richer than others in people already engaged in criminal activity as identified by the criminal justice system, and we might reasonably ask whether the units that deal with such populations pay adequate attention to their opportunities to reduce the extent of criminal activity among their clients.

In practice, though, the demand for “justice reinvestment” – moving resources out of the punitive effort and into social services – is not accompanied by any evident eagerness among social-service providers to design their effort with crime control in mind, still less to be held accountable for criminality among service recipients. (When I asked a distinguished academic expert on poverty why his writings never mentioned the potential of improved income support to reduce crime, he replied “I want people to think of welfare recipients as ‘us’ and not ‘them.’”)

As Wilson would have been the first to remind us, there’s a genuine management problem here, one that won’t go away. An agency needs to be held accountable for something, not for everything. Surely there must be things that managers of public-housing projects could do to reduce criminal activity among project residents, but that, by itself, doesn’t imply that having those managers worry about crime, rather than about providing a clean, quiet, safe, and orderly place to live, would be beneficial on balance. Whether adding crime control (measured how?) to the accountability menu of a specific agency requires a careful weighing of the costs of doing so against its benefits.

Changing the ways in which agencies do their business is always hard, but at least police departments, probation and parole agencies, prosecutors’ offices, and the courts start out concerned with crime and punishment; by contrast, persuading schools or public health agencies or housing departments to hold themselves



accountable for the future criminality of the populations they serve creates a threshold barrier to any program designed to use them to bring about crime reduction. So even if criminal justice operations turn out not to hold the best opportunities for shrinking victimization and incarceration, they may hold the opportunities easiest to take advantage of.

All of that said, here are some specific instances in which agencies not centered on crime control might still serve the crime-control cause, in addition to the Nurse-Family Partnership, the Good Behavior Game, and the lead-and alcohol-reduction programs mentioned above. Their variety will, I hope, suggest the large range of possible generalization. How to choose, manage, pay for, and evaluate such efforts is a hard problem, but I submit that it is a problem well worth wrestling with.

VIOLENCE PREVENTION IN SHOCK-TRAUMA UNITS

Improved shock-trauma treatment has reduced the homicide rate by keeping a larger share of gunshot victims breathing. But often enough the victim in one shooting is the perpetrator in the next. It might be said that gunshot wounds are infectious: receiving one can lead to giving one. In the case of sexually-transmitted disease, a diligent physician would not be satisfied merely to have treated the current infection, without doing something to reduce the risk of both re-infection and re-transmission. The surgeon who has saved someone's life might be expected to enjoy a certain prestige in the eyes of his patient, and there is some evidence that making violence prevention part of shock-trauma care can help "prevent the next shooting." Yet that approach has not yet become part of the effective standard of care.

ASSERTIVE COMMUNITY THERAPY (ACT)

Several mental-health conditions increase the rate of interactions between those who suffer from them and the criminal-justice system. While it is not the case that de-institutionalization led to a mass transfer of mental-hospital patients to the prisons, it is the case that the mentally ill (especially the mentally ill homeless) constitute a significant fraction of the "career misdemeanants" whose frequent arrests on low-level charges keep the police busy and the lock-ups and jails crowded. A mental health services system that passively waits for those people to show up for treatment, and then merely hopes that they will take their medications regularly, makes a smaller contribution to public

safety and order than a more aggressive approach that finds patients and nudges them toward adherence with medication regimes. (Simply having a nurse appear every day to ask "Have you taken your meds?" can be highly effective.) ACT programs are widespread, but there seems to be a strong case that increasing their scope (and perhaps their intensity) would yield benefits in excess of costs, especially if crime-reduction and enforcement-reduction benefits are figured in.

SHIFTING THE SCHOOL DAY

The standard American school day starts sometime between 7:30 and 9 a.m. and ends around 2:30 or 3 p.m. That lets students out when workers are still on the job and many homes unoccupied and therefore tempting burglary targets. Unsurprisingly, juvenile burglaries seem to peak in the hours just after school. (So does juvenile sexual activity.) Starting the school day later and ending it later could shrink or eliminate those peaks. It might also provide educational and health benefits by increasing sleep time, and thus attentiveness in class, and reducing absenteeism. (This assumes that teenagers would choose to sleep in rather than getting up early, which seems a safe assumption.)

Such a shift in the school day would impose various costs on grown-ups, especially school employees who would have to come home at, rather than before, the afternoon rush hour. Truancy might increase because working parents would no longer be able to get their kids out the door before heading to work. Extra-curricular activities might become much less popular if scheduled before the school day rather than after it. How those costs would balance out against the crime-reduction and other benefits of a later school-day remains an open question, but it seems unlikely that the burglary rate will figure largely in the decision-making of school departments in the absence of outside political pressure.

CONCLUSION

Crime and punishment are both great evils. We can have less of both if we approach the question of crime control strategy by asking James Q. Wilson's questions with something like James Q. Wilson's clear-headedness in distinguishing helpful from unhelpful answers. But Wilson never wrote down an agenda for crime control. He left that as an exercise for his students.