

First Reply to My Critics



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Please forgive my delay in replying to these criticisms, as my schedule has been especially tight the last few days. I will offer a brief response now, and will write more over the next week or so. Bruce Western's response is largely supportive of my original thesis, and so I will say nothing now about his post. But, I do have few words for my critics.

It would appear that I and my critics — the eminent political scientist, James Q. Wilson, and the economist, John R. Lott — are, to some degree, talking past one another. Both Wilson and Lott complain that, by expressing revulsion and disgust at what I take to be a horrid, and uniquely American, practice of mass incarceration, I am overlooking the crime-reducing benefits of this policy, and giving short shrift to the welfare of the victims of crime. Moreover, both are alarmed by my focus on racial disparities in imprisonment in America, disparities which they do not see as raising any larger questions of social justice.

And yet, of course, I am fully aware that crime produces victims, and that one consequence of imprisonment is to deter or inhibit criminal offending. I also know that low-income, minority neighborhoods in American cities can be very dangerous places, both for those who visit as well as for those living there. Finally, I would of course agree with Lott and Wilson that the proper assessment of the rationality of our punishment policies requires one to weigh the benefits of imprisonment alongside its costs. None of this should need saying, but I am happy to say it explicitly if doing so will help a reader not to overlook my main point: that a truly disturbing set of institutions and practices for dealing with criminal offenders have arisen over the last three decades; and that the current situation reflects poorly on the nation as a whole, and demands to be reformed. This is no radical idea. Nor, indeed, is it original to me. One finds no less a centrist than Virginia Democratic Senator James Webb, agreeing with precisely this thesis in his opening statement for the hearings he convened on some 18 months ago under the title, "[Mass Incarceration in the United States: At What Costs?](#)"

I have written as I have, emphasizing the costs imposed on lawbreakers and those connected to them by our ways of dealing with crime, because in my opinion (a view that is shared by Sen. Webb among many others), our policy discourses and our punishment practice have given too little attention to such matters. We have, I would maintain, lost sight of the humanity of the "thug." What Wilson calls my "cry from the heart" is intended, in part, to rectify this imbalance. (Would that we could hear more cries from the hearts of those who have conceived, advocated for and now administer this monstrous

system. I am not seeking their apologies — just their considered reflection and constructive self-criticism. Being guided by the heart and using one's brain are, in my view, complementary and not mutually exclusive activities.)

There is no shortage of pronouncements — from the journalists, the politicians and the academics who address these issues — about the risks posed by criminals, and the sufferings endured by the victims of crime. Everywhere one looks in the culture one sees voice given to how imprisonment serves the interest of the law-abiding. I simply want to rectify what I take to be an imbalance in our deliberations in this nation on the moral calculus of punishment. What's so wrong with that?

John Lott seems to have scoured my writings on this subject searching for some recognition from me of the fact that black criminals prey largely on black victims. He is clearly disappointed not to have found the right quotation. Why, he seems to be asking — if I am really concerned about the well-being of black people, as such — would I take the side of the thugs? Lott writes as if he believes that it is only because society as a whole values the suffering of black victims rather more than do I that our prisons are so filled to overflowing with young black men. Forgive me if I find that suggestion to be just a bit disingenuous. I doubt seriously that the law-and-order political rhetoric directed at swing voters in America's suburbs — which is, in fact, the motive engine behind the development of these policies — derives its appeal to those voters from their concern to reduce the depredations endured by inner-city residents. Nor do I believe that “stop snitching” campaigns — which proliferate in black communities around the country and which clearly show the low esteem and limited legitimacy enjoyed by the forces of law and order in those black communities — reflect a failure of black people to see their real allies in an eternal struggle against the common domestic enemy. Neither do I believe that the resentment of police behavior in their neighborhoods felt by many law-abiding black residents — resentment of the stop-and-frisk harassments, and the occasional shootings of innocent but “suspicious-looking” persons — reflect a lack of gratitude from those residents for the devotion of the police to keeping them safe.

The obvious and complex fact of the matter is that residents in these communities are deeply ambivalent about the law enforcement mobilizations to which they have become subject. And this is because, unlike most of the rest of the nation, those black urban residents know firsthand about the costs of mass incarceration to which I have been attempting of late to call attention. What Lott doesn't say, but what is certainly the case, is that black victims and criminals are often the same persons; they frequently belong to the same households; and, on many an occasion, they are subjected to the same indiscriminate subjugation by the forces of order-maintenance deployed near their homes at the behest of majority. This is all to say that my lamentation at the devastating effects on poor and black communities of concentrated imprisonment hardly signals ignorance of, or indifference toward, the damage done by the criminals who may operate there.

Nevertheless, for me, unlike for Lott or Wilson, it would appear, this situation is not a zero-sum game — a game that is characterized by innocent victims, on the one hand, and evil wrong-doers, on the other, and that requires us to take sides. My view of the matter is

more holistic than that. I see damaged, stigmatized and marginalized communities, inhabited by human beings who could, given the right set of circumstances, end up in either camp. What is more, I see our response to the problem of criminal offending in such communities from a holistic point of view. This anti-crime mobilization is the most salient aspect of our social involvement in these communities — it is, as I have said, our social policy, writ large. It's not the simple administration of justice over and against wrong-doers, on behalf of the rest of us. It is, rather, the method we have chosen to deal with the social consequences of our failure to extend equality of developmental opportunity to all of our citizens. And yet, no other country in the world has reacted to the problems of urban privation in quite the same way as we have done. How can Lott and Wilson be so confident that we have got this one right?

The claim that America is more punitive, but it is also safer than England, Denmark, France, or Canada, simply leaves me befuddled at the moral calculus that is being used to reach that conclusion. I've looked at the numbers. And, the differences in rates of burglary, auto theft and so forth between these countries are marginal; while the differences in their rates of incarceration are massive. If it needs to be said, I'll say it: No, I do not see a 20 percent reduction in the risk of criminal victimization to be sufficient compensation for the construction of the institutions of mass incarceration with which we are now burdened, and which, in my view, corrupt our democracy at its very core. Neither would I accede to the implicit claim by Wilson and Lott that these cross-country differences are due primarily to the differences in the scale of imprisonment.

Moreover, and most crucially, I see the broader society as implicated in the creation and maintenance of these damaged, neglected, feared and despised communities. People who live there know that they are viewed by outsiders with suspicion and contempt. The plain historical fact is that such places as North Philadelphia, or the West Side of Chicago, or the East Side of Detroit did not come into existence by accident, or as the result of some natural processes. They are man-made social structures which were created and have persisted because the concentration of their residents in these urban enclaves serves the interests of others. This is what I mean when I say that the desperate and vile actions of some people caught in these social structures reflect not only their individual moral deviance, but also the moral shortcomings of our society as a whole. This claim of social responsibility, even in the actions of deviant individual criminals, is a coherent philosophical and moral position. I wish that my critics would address themselves to it.

There is much more to say, I and will try to say some of it in subsequent posts. Wilson observes, for instance, with what I can only describe as a glib resignation, that current-day racism cannot account for the fact that blacks are to be found among criminals in about the same degree as they are to be found among prisoners. Rather, says Wilson, the real culprit here is racism from an era long since passed — the institution of racial slavery and the abject failures of the post-Civil War Reconstruction. He and other scholars have shown, he claims, that these depredations, for which no remedy is to be had, have irreparably damaged “black culture.”

I strongly disagree with this position. I doubt that any coherent and non-circular definition of a distinctively “black” culture in this country is to be had. We are all symbiotically connected via institutions of the market, the media, and the state. Anything that happens in one quarter of society entails the actions, ideas and interest of those located in other quarters. Indeed, the very segmentation of our residential spaces and our social networks reflects this fact. Moreover, slavery was a very long time ago. There is much evidence to suggest that, while the effects of 19th-century events on the lives of black people in the 20th and 21st centuries are not negligible, the problems of American ghettos are of rather more recent origin. What about jobs? What about unequal access to social supports which have been elaborated since the 1930s, and upon which the working-class and immigrant “white” communities have so much relied? What about our failure to deliver anything approaching equal educational opportunity to the minority poor? What about the racial politics of resentment that conservative politicians have used to mobilize voters for generations — and not only in the South? What about the War on Drugs, which could have been foreseen to impose the vast majority of its punitive costs on black and Hispanic young men in the cities, despite the fact that the demand for illicit substances is to be found in every quarter of society, and knows no bounds of race or class? Lott’s and Wilson’s “see no racial evil” stance simply does not seem tenable to me. I will have more to say about this.

Wilson has said that it is a “profound error” for me to characterize imprisonment policies in this country as unduly punitive, since scholars and activists all across the land have for years been hard at work trying to prevent youngsters from entering upon, or lapsing back into, a life of crime. Nobody can be happy that we are forced to imprison so many of our most disadvantaged fellow citizens, he suggests. If only we knew how to make gangs less attractive to the youngsters living in the ghettos of our great cities; if only the black family were less prone to the scourge of father-absence; if only it were possible to call a spade a spade, so to speak, and in doing so to target what limited resources are available for crime prevention at “black and Hispanic children in welfare homes,” which are the ones most at risk of producing criminals — but for these impediments, things might be otherwise. One cannot write helpfully about this problem without addressing oneself to such matters as these, he says. And, so I will endeavor to do in subsequent posts, though I suspect that much of what I’ll have to say will not be to Professor Wilson’s liking. My bottom line is that I don’t think we have been trying nearly hard enough to resolve these problems. It is a lack of will, not of knowledge, that is the principle impediment, in my opinion. And, this lack of will derives from the fact that those most subject to the imposition of state coercion in the interest of public order are black and brown, poor and poorly educated, threatening and stigmatized, marginal and unsympathetic. They are *them*, not *us*, and we have been content to consign them to a dung heap of human debris to be warehoused in our prisons.