
Crime

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A CENTRAL PROBLEM—perhaps *the* central problem—in improving the relationship between white and black Americans is the difference in racial crime rates. No matter how innocent or guilty a stranger may be, he carries with him in public the burdens or benefits of his group identity. If you are walking down a street alone at night and you encounter two men in business suits, you are not frightened. If you encounter two teenage boys in blue jeans, you may become a bit nervous. And if you encounter two teenage boys wearing leather jackets and sporting Mohawk haircuts, you will probably be very nervous. You know in advance that the appearance of these six males is no sure guide to their behavior, but given the magnitude of the possible harm—perhaps a sudden assault, possibly a serious injury—you assign a high value to what little you can observe about them. And what you can observe is their group identity.

Estimating the crime rates of racial groups is, of course, difficult because we only know the arrest rate. If police are more (or less) likely to arrest a criminal of a given race, the arrest rate will overstate (or understate) the true crime rate. To examine this problem, researchers have compared the

rate at which criminal victims report (in the National Crime Victimization Survey, or NCVS) the racial identity of whoever robbed or assaulted them with the rate at which the police arrest robbers or assaulters of different races. Regardless of whether the victim is black or white, there are no significant differences between victim reports and police arrests. This suggests that, though racism may exist in policing (as in all other aspects of American life), racism cannot explain the overall black arrest rate.¹ The arrest rate, thus, is a reasonably good proxy for the crime rate.

Black men commit murders at a rate about eight times greater than that for white men. This disparity is not new; it has existed for well over a century. When historian Roger Lane studied murder rates in Philadelphia, he found that since 1839 the black rate has been much higher than the white rate.² This gap existed long before the invention of television, the wide distribution of hand guns, or access to dangerous drugs (except for alcohol). America is a violent nation. The estimated homicide rate in this country, *excluding* all those committed by blacks, is over three times higher than the homicide rate for the other six major industrial nations.³ But whatever causes white Americans to kill other people, it causes black Americans to kill others at a much higher rate.

Of course the average African American male is not likely to kill anybody. During the 1980s and early 1990s, fewer than one out of every 2,000 black men would kill a person in any year, and most of their victims were other blacks. Though for young black men homicide is the leading cause of death, the chances of the average white person's being killed by a black are very small. But the chances of being hit by lightning are also very small, and yet we leave high ground during a thunderstorm.

However low the absolute risk, the relative risk—relative, that is, to the chances of being killed by a white—is high, and this fact changes everything. When whites walk down the street, they are more nervous when they encounter a black man than when they encounter a white one. When blacks walk down the street, they are more likely than whites to be stopped and questioned by a police officer. It is important, of course, for whites to know that a chance encounter with a black creates little risk and for police officers

to know that they should have more criteria than just skin color to decide who is worth questioning. Many whites and many police officers know this, but in spite of what people know, the racial tension persists. Countless white pedestrians have been worried by the sight of a young black male, and countless innocent black men have had their cars stopped or their walk interrupted by a suspicious cop. White pedestrians may be embarrassed by their own caution; certainly black pedestrians are upset by unwarranted police intrusions.

The differences in the racial rates for property crimes, though smaller than those for violent offenses, are still substantial. The estimated rate at which black men commit burglary is three times higher than it is for white men; for rape, it is five times higher.⁴

The difference between blacks and whites with respect to crime, and especially violent crime, has, I think, done more to impede racial amity than any other factor. Pure racism—that is, a visceral dislike of another person because of his skin color—has always existed. It is less common today than it once was, but it persists and no doubt explains part of our racial standoff. But pure racism once stigmatized other racial minorities who have today largely overcome that burden. When I grew up in California, the Chinese and Japanese were not only physically distinctive, but they were also viewed with deep suspicion by whites. For many decades, Chinese testimony was not accepted in California courts, an Alien Land Law discouraged Asian land purchases, the Chinese Exclusion Act (not repealed until 1943) prevented Chinese immigration, and a Gentlemen's Agreement, signed in 1907, required Japan to cut back sharply on passports issued to Japanese who wished to emigrate to California. When World War II began, the Japanese were sent to relocation camps at great personal cost to them. Yet today Californians of Asian ancestry are viewed by Caucasians with comfort and even pride. In spite of their distinctive physical features, no one crosses the street to avoid a Chinese or Japanese youth. One obvious reason is that they have remarkably low crime rates.

The black murder rate, though it is much higher than the rate for whites or Asians, does not always change in the same way as the white rate.

Between 1976 and 1991, the murder arrest rate for black males aged twenty-five and older fell dramatically even though the murder arrest rate for the nation as a whole did not change at all. Apparently, adult black men were becoming less violent.⁵ But in some years, such as 1965 to the early 1970s, the black murder rate increased much faster than the white rate. By the late 1960s the black rate was over eighteen times higher than the white one. Then, beginning around 1975, the black rate declined while the white rate continued to increase, so that the ratio of black arrests to white arrests fell to around six to one. From 1980 until the present, the rate at which adult blacks and whites are arrested for murder dropped more or less steadily. By contrast, the rate at which black and white juveniles are arrested for murder increased sharply from 1985 to the early 1990s, with the white rate almost doubling and the black rate more than tripling. Starting in the mid-1990s, the juvenile rate fell again, almost down to the level it was at in 1985.⁶ In short, though the gap sometimes widens and sometimes narrows, white and black homicide rates tend to remain different.

What are we to make of all this? There are four possible responses. One is to deny the facts, but this makes no sense to any objective observer. The high black crime rate cannot be wished away by talk of racism, overarresting, excessive punishment, or whites having allegedly drugged or armed blacks. A second response is to admit the facts and say that people are behaving rationally.⁷ Of course whites avoid blacks; of course police officers stop and question blacks. What can you expect? Though it is true that this may be a rational response, it comes at a very high price. Whites are fearful of living amid large numbers of blacks and of sending their children to predominately black schools. Any hope of residential or school integration is dealt a powerful blow by high black crime rates. Moreover, blacks interpret the way they are treated on the streets by white strangers and by police officers as a sign that they can never make much social progress. "No matter what I do, I can never be regarded as innocent," many embittered black men will say. "I cannot hail a cab as easily as a white, and I will be stopped and questioned by the police more than any white. Integration is a joke."

Race matters, and race is unchangeable; hence, race differences that put people at risk pose a difficult burden on almost everyone.

A third strategy, suggested by Professor Randall Kennedy, is to change police practices so that they do not single out blacks for undue attention. He directs our attention to a number of court cases that evaluate the legality of police behavior that uses race as a proxy for dangerousness. In his summary, "Most courts that have confronted the issue have authorized police to use race in making decisions to question, stop, or detain persons so long as doing so is reasonably related to efficient law enforcement and not deployed for purposes of racial harassment."⁸ Some state and federal judges have dissented from this view, but it appears to be the leading one. Though in most areas of public policy, the use of a racial test must pass the tough standard of "strict scrutiny," in police investigations a much lower standard is allowed.

To deal with this problem, Kennedy proposes that the courts never, except in extraordinary cases, sustain the use of race as a clue. Because this might lead the police to ignore some forms of suspicious behavior, he suggests spending more money on law enforcement so that it can be an equal burden for whites and blacks. I am not entirely clear, however, how his proposal would work in practice. Should the police question blacks no more often than they now question whites? That raises the question of what, if any, would be the law enforcement losses from abandoning the race proxy. Would there be more crimes? Fewer arrests? Fewer solved crimes? We do not know; as far as I am aware, no information on this subject exists. As an alternative, should the police question whites as often as they now question blacks? How many more police would this require? Is there much chance of hiring them?

If these practical questions are resolved, more principled ones persist. Race is not the only proxy for crime. So also are age and sex, and, like race, neither can be changed by plan. If the courts impose their traditional strict scrutiny test on police questioning of blacks, should they impose a similar test on questioning young men (most of whom, like most blacks, are not offenders)?

Perhaps the courts should adopt a tougher posture on the use of race as a proxy. If a racial distinction is suspect and has to meet the test of strict scrutiny in employment and contracting, there is a case for its meeting that test in police behavior. But producing, by statute or court decision, this outcome will not be easy. And if it can be achieved, it is not obvious that it will change much behavior. Innocent people questioned by the police rarely go to court, and so their complaints would rarely be heard whatever view the courts took. Police practices might change little when the oversight mechanism is so weak. And many police officers can easily find justifications other than race alone to support street stops. ("A crime was reported in the neighborhood." "The black man attempted to flee." "The black man resembled known suspects.") Moreover, restraining police behavior will have little effect, as Kennedy admits, on private behavior. Taxicab drivers may still ignore black customers, and people can still cross the street to avoid young black men. Neither residential nor educational integration will be hastened by tighter rules on police conduct. Schools and neighborhoods will still tend to become overwhelmingly white or black.

The fourth option is to find ways of driving down the high black crime rate. This is a far more difficult task than passing laws, altering court rules, or raising more money to support the police. Though there are programs that help reduce the crime rate of people exposed to them, they have generally been small demonstration programs that as yet have had no significant effect on society as a whole.⁹ (This may change if and when the programs become more generally applied.) The rate at which young black men were murdered tripled between 1960 and 1990, and all this in spite of the government's having spent hundreds of billions of dollars on education, welfare, vocational training, food stamps, and crime prevention programs.

It is not hard to think of reasons why many programs have failed to reduce crime. Character is formed by families and reinforced by schools. If, as is the case, families have become weaker and schools less effective, then no one should be surprised that whatever was spent on new schools and social welfare has done little to strengthen character.

Consider families. Though for many years, some sociologists urged us

to believe that single-parent families were an “alternative” to two-parent ones, hardly anybody believes that any more. The evidence shows that single-parent families are a major source of misconduct. A federal survey of the families of sixty thousand American children found that at every income level except the highest (over \$50,000 a year) and for whites, blacks, and Hispanics, children living with a never-married or a divorced mother were much worse off than those living in two-parent families.¹⁰ A survey of all the leading studies shows that both poverty and living in a single-parent family contribute to children’s problems.¹¹ When William Comanor and Llad Phillips examined data in the National Longitudinal Survey of Youth (NLSY), they found that “the most critical factor affecting the prospect that a male youth will encounter the criminal justice system is the presence of his father in the home.”¹² Another look at the NLSY data suggests that African American boys without fathers were 68 percent more likely to be in jail than those with a father. Fatherless Latino boys were nearly three times as likely to be in jail than those with fathers; fatherless white Anglo boys were over four times as likely to be in jail than those with fathers.¹³

These facts suggest that any effort to change a boy’s prospects must somehow compensate for an absent father. Many of the crime-prevention programs that have been most rigorously evaluated contain some form of this compensation. Big Brothers–Big Sisters programs equip children with adult mentors, nurse home visitation programs instruct single mothers on how to cope with children, and multisystemic therapy programs try to improve family life. Not all successful programs have these elements, and no one can be certain what it is about any given program that makes it effective.

Compensating for an absent father is no easy task. Some programs, led by a dedicated, highly motivated staff, can make a difference. But whether what such talented staffs do for 100 or 500 children can also be done by ordinary staffs for 100,000 or 500,000 remains to be seen. Scaling up prevention programs so that they reach most of the families that can benefit from them is no easy matter. Happily, some of these efforts are now being

tried on a wider scale, and in time we shall learn whether they can be effective on a broad scale.

But the problems that these programs must tackle are not of recent origin. Since the early 1960s there has been a dramatic increase in the number of children living in single-parent families. In 1960 only 6 percent of white children lived with one parent; by 1990 that number had more than tripled. For black Americans, matters are much worse. The proportion of black children living with only one parent rose from about 20 percent in 1960 to 53 percent in 1996. And among black children in single-parent families, those who were living with a mother who had never married rose from less than 10 percent in 1960 to nearly 58 percent in 1996.¹⁴

In 1965 Senator Daniel Patrick Moynihan pointed out these worrisome trends and suggested that blacks suffered because so many of them were the product of single-parent families. He was immediately attacked for having been wrong on the facts and mistaken in their implications.¹⁵ Many writers said that blacks had had two-parent families until they experienced economic disadvantage, after which their families broke apart. In any event, single-parent families were resilient alternatives to two-parent ones. We now know, however, that these revisionist attacks on the Moynihan view were wrong.

Careful studies of census data now make it clear that at least back to 1880, and perhaps much earlier, black children were more than twice as likely to grow up in a mother-only family than were white children.¹⁶ These differences were not the product of blacks having suddenly moved from farms to cities or from the South to the North, for they existed in both urban and rural locations and in all geographical regions. The differences were universal, but their cause is not well understood. One possibility is that slavery, by denying to blacks the ordinary rites of marriage, destroyed the possibility of family life that had already been powerfully undermined by the African capture and transatlantic shipment of slaves. Another is that in Africa itself nuclear family ties were weak. A third is that the combined effect of slavery and postslavery racism produced this effect.

Whatever the explanation, in the early 1960s differences that had long

existed suddenly exploded in magnitude. These new trends affected white as well as black families, though the latter were hardest hit. What caused these trends is a matter of dispute. Some believe the dramatic decline in family unity was the result of the expansion of welfare payments, others that it was caused by the decline in social stigma that attached to out-of-wedlock births, and still others that it was the result of the growing inability of some men, especially black men, to find jobs.

If crime is to a significant degree caused by weak character; if weak character is more likely among the children of unmarried mothers; if there are no fathers who will help raise their children, acquire jobs, and protect their neighborhoods; if boys become young men with no preparation for work; if school achievement is regarded as a sign of having “sold out” to a dominant white culture; if powerful gangs replace weak families—if all these things are true, then the chances of reducing by plan and in the near future the crime rate of low-income blacks are slim. In many cities there are programs, some public, many private, that improve matters for some people. But the possibility that these programs can overcome the immense burdens confronting poor, badly educated, fatherless children is remote.

What, then, is left? Only, I think, broad social and cultural changes as great as those that caused our problem in the first place. Crime is not, happily, the chief feature of African American life today. There has developed, along with a black underclass, a large and growing black working class and a black middle class. Black and white children now complete high school at the same rate. Birthrates among black women, including teenagers, have fallen dramatically. These changes are about what one would expect when the material condition of a people improves. The principles on which these changes have occurred are evident to most of the beneficiaries. They embody three old-fashioned rules: Work hard, get an education, and get married before you have children. These principles are so obvious to so many people that even American professors cannot talk people into ignoring them.

They are principles that most people learn from intuition and experience. They are reinforced by churches and required by life. In the decades

ahead, I hope that the reach of these principles will grow and that more and more people learn that the opposite rules—have fun, ignore school, and get sex for free—are, for all but a few entertainers, recipes for disaster. But I also know that there will be reversals. In bad times or when the culture takes an odd spin, fun, drugs, gangs, and sex will appear more attractive.

If my hope is correct, economic growth will stimulate the elemental forces that shape human society to reduce the size and power of any underclass, white or black. In many of our large cities, after all, matters were much worse at the end of the nineteenth century. Life in many parts of Chicago, New York, and San Francisco was dominated by criminal gangs, corrupt police, quick tempers, and floods of alcohol. At night you did not walk in the Five Points area of New York without guards. Crime data are not available in any systematic way for these periods, but the rates were, according to contemporaries, very high. Except for juvenile crime, matters are, I think, much better today.

If they continue to improve, the issue of police “profiling” black persons will slowly disappear. In the long run, I think they will improve, but I confess that my optimism rises and falls with changes in the crime rates. And in the short run, the tension that irritates so many whites and angers so many blacks will persist.

We can do one thing: adopt rules that constrain police freedom to stop and question people based on race alone. We can hope for another: the slow reduction in black crime rates. Doing the first is relatively easy, but it will have little effect. Achieving the second is harder and will take much longer, but it will have a large effect. For the foreseeable future, we must accept small changes with little results and hope for large changes with greater ones.

Notes

1. By estimated crime rate, I mean the racial differences in arrest rates. For nondrug crimes, these arrest rates conform rather closely to the underlying crime rate as shown by Alfred Blumstein, “On the Racial Disproportionality of U.S. Prison Populations,”

Journal of Criminal Law and Criminology 73 (1982): 1259–81, and Blumstein, “Racial Disproportionality of U.S. Prison Populations Revisited,” *University of Colorado Law Review* 64 (1993): 743–60.

2. Roger Lane, *Violent Death in the City* (Cambridge, Mass.: Harvard University Press, 1979), p. 113.

3. Randall Kennedy, *Race, Crime, and the Law* (New York: Pantheon, 1997), p. 145.

4. These estimates are from Franklin E. Zimiring and Gordon Hawkins, *Crime Is Not the Problem* (New York: Oxford University Press, 1998), p. 75.

5. Arnold Barnett and Jesse Goranson, “Misapplication Reviews: Good News Is No News?” *Interfaces* 26 (May–June 1996): 35–39.

6. These data were kindly supplied to me by Professor Alfred Blumstein of Carnegie Mellon University.

7. On the concept of “rational discrimination,” see Cass R. Sunstein, “Three Civil Rights Fallacies,” *California Law Review* 79 (1991): 751–74; Edmund Phelps, “The Statistical Theory of Racism and Sexism,” *American Economic Review* 62 (1972): 659–61.

8. Kennedy, *Race, Crime, and the Law*, p. 141.

9. For lucid and scientifically careful summaries of the leading crime prevention strategies, see Delbert S. Elliot, ed., *Blueprints for Violence Prevention* (Boulder: University of Colorado Center for the Study and Prevention of Violence, 1998). As of July 1998, ten effective programs have been described in these reports.

10. Deborah A. Dawson, “Family Structure and Children’s Health: United States, 1988,” *Vital and Health Statistics*, series 10, no. 178 (June 1991).

11. Sara McLanahan and Gary Sandefur, *Growing Up With a Single Parent: What Hurts, What Helps* (Cambridge, Mass.: Harvard University Press, 1994).

12. William S. Comanor and Llad Phillips, “The Impact of Income and Family Structure on Delinquency,” working paper in economics 7-95R, Department of Economics, University of California at Santa Barbara.

13. This analysis of the NLSY data was done for me by Charles Murray (personal communication).

14. *1998 Green Book*, Committee on Ways and Means, U.S. House of Representatives, May 19, 1998, pp. 1252–53.

15. The Moynihan Report, as it was called, was *The Negro Family: The Case for National Action* (Washington, D.C.: U.S. Government Printing Office, 1965). The debate it engendered is analyzed in Lee Rainwater and William L. Yancey, *The Moynihan Report and the Politics of Controversy* (Cambridge, Mass.: MIT Press, 1967).

16. Steven Ruggles, "The Origins of the African-American Family Structure," *American Sociological Review* 59 (1994): 136–51; Ruggles, "The Transformation of American Family Structure," *American Historical Review* 99 (1994): 103–28; S. Philip Morgan et al., "Racial Differences in Household and Family Structure at the Turn of the Century," *American Journal of Sociology* 98 (1993): 798–828.