Stuart A. Scheingold

THE POLITICS OF STREET CRIME

CRIMINAL PROCESS AND CULTURAL OBSESSION

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For Heinz Pol and Victor Bernstein
who
each in his own uniquely disputatious way
nurtured the concerns
that lie beneath the surface of this book

Preface

Americans are obsessed with street crime. Our politicians continually campaign against street crime, but if they were somehow successful in ridding our streets of crime, it would continue to flourish in our imaginations. We profess a fear and abhorence of street crime and street criminals, but we seek them out, albeit vicariously, in virtually all forms of popular culture. Street crime is big business in television, film, books, and the theater—not to speak of its contribution to journalism.

How is this obsession to be explained? And what difference does it make to politics and policy that Americans are hooked on street crime? My answer to the first question is that our obsession is only partially due to the extraordinarily high levels of street crime that have plagued this country for more than a quarter of a century. At least as important are a variety of anxieties that are themselves culturally constructed—meaning, therefore, that our obsession with crime has a life of its own. The consequences of this obsession are corrupting. It poisons and trivializes our politics, particularly our national politics, and focuses policy on scapegoats rather than on solutions—once again more destructively at the national level.

My own fascination with these matters, which is what this book is all about, goes back a long way. Having addressed them in one book, *The Politics of Law and Order*, I was struck by how little directly relevant primary research was available. The result was a book rooted primarily in indirect and circumstantial evidence. Accordingly, I sought and received support from the Law and Social Science Program of the National Science Foundation

to generate directly relevant data. In effect, I ended up treating the findings of *The Politics of Law and Order* as hypotheses for the research presented in this book.

What struck me initially as a terrific idea had a decidedly seamy side. If my hypotheses were borne out by the new data, then there would be little reason to publish another book. Conversely, if the new findings cast substantial doubt on my hypotheses, *The Politics of Law and Order* would be discredited. While this no-win scenario presents the alternative outcomes too starkly, it is suggestive of a more fundamental problem that subliminally delayed progress on this manuscript. The idea of refining and reevaluating ideas and problems that I had already worked through was not a particularly inviting challenge.

At this point, I was trebly blessed—although the first of these blessings was very well disguised. The reviews of *The Politics of Law and Order* were generally favorable, but Alan Hunt took me sharply to task for writing a book that was myopically American. At first, I was genuinely puzzled by this review, since my explicit focus was on the United States. But Hunt was not suggesting that I should have done a comparative study but rather that I take account of research and researchers who were working on analogous problems, especially in the United Kingdom. Just as I began to sense what he had in mind, my colleague Lance Bennett directed my attention to a wonderfully insightful and evocative book on the politics of law and order in the United Kingdom, *Policing the Crime* by Stuart Hall, Chas Critcher, Tony Jefferson, John Clarke, and Brian Roberts. This book suggested ways of rethinking my enterprise so as to link the politics of law and order to the cultural values and material conditions of contemporary American life. And then in 1986 and 1987, I spent six months sabbatical leave in London, working primarily on another project. With David Nelken as my tutor, I was put directly in touch with the exciting work of the British school of criminology. Thus, while in one sense my sabbatical clearly delayed this book, the chances are that there would have been no book at all without this interlude. Certainly, it would have been a different and considerably narrower study.

As to the book itself, I do not claim to have fully or conclusively illuminated the political significance of America's obsession with street crime. I do, however, hope that I have made a

strong case for taking this issue seriously. It has until now gotten relatively little systematic attention—probably because it lies in something of a scholar's limbo. While of residual concern to criminologists, sociologists, and political scientists, the cultural meaning of street crime and the interplay among culture, politics, and social conditions are not of central concern to any of these disciplines.

Perhaps it is another kind of myopia that leads me to believe that we cannot understand American criminal justice policy or the politics in which it is embroiled without understanding more about the nature and extent of our obsession with street crime. I do, however, hope that this book establishes that there is such an obsession, that it is a meaningful force influencing politics and policy, and that its influence depends less on the incidence of street crime than on the broader conditions of American life.

At best this book can be only a beginning. It is, after all, essentially a single case study that covers a little more than fifteen years in a single pseudonymous community, "Cedar City," the urban center of "Park County." I apologize to the reader for concealing the identity of my research site. My suspicion is that none of my respondents would have cared one way or the other, but that was not the case with the Human Subjects Review Committee at the University of Washington. To get my research under way, I was prepared to promise them almost anything. The result was a written agreement with each of my respondents to keep both their identities and that of the research site secret.

I close this book with some rather bold and sweeping generalizations, which are offered as no more than plausible extrapolations. There may well be other ways of interpreting my findings, and additional research will probably yield findings that directly call into question what I have to say. If this book leads to such research, I will consider it a resounding success.

Given the length of time that I have been working on this project, a full acknowledgment of all my debts would read like the telephone directory of a sizable city. Even the abbreviated accounting that I provide may tend to obscure how important each of those persons listed has been to the enterprise. Of course, there would have been no enterprise without the support of the Law and Social Science Program of the National Science

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Street Crime, Criminology, and the State

For almost three decades street crime has been a volatile, persistent, and intractable issue in American politics. Yet the significance of all this sound and fury remains unclear. At first glance, the problem seems to be primarily criminological. We have failed to keep street crime within acceptable limits despite what appear to be very favorable circumstances. In the struggle against street crime, there seems to be a veritable army of trained professionals backed by committed political leaders and an aroused public pitted against people who are for the most part marginalized Americans without much talent or training.

Upon closer examination, this first impression turns out to be profoundly misleading. To begin with, the institutions of criminal process are unable on their own to cope with street crime, which is rooted in problems beyond the reach of the police and the criminal courts. More to the point, the mystery of this Sisyphean struggle leads beyond criminology and criminal process to our cultural understandings of street crime and our political responses to it.

Put simply, the central thesis of this book is that the political will to tackle the problem of street crime is more apparent than real. For all of its attention to street crime, the political process tends to divert and to dilute rather than to mobilize purposeful political energy. This is not primarily a matter of manipulation and deception, although they do play a prominent role. More fundamentally, our responses follow a path of least resistance through a complex tangle of criminological uncertainty, social cleavage, cultural truths, and political prudence. All these issues

will be explored here in Chapter 1, their net effect is to lead us to diagnose and treat the problem of street crime in the punitive terms associated with the cops and robbers images of popular fiction. Before considering these criminological and political matters, an introductory look at the research site is in order.

The Setting

At its empirical core, this is a case study of the politics, police, and criminal courts of "Cedar City," a medium-sized urban center in the western United States. Cedar City is the largest city in "Park County"—a metropolitan area with a population of slightly more than one million during the period from 1964 to 1980 covered by this inquiry. Cedar City prides itself on its "livability"—beautiful vistas, easy access to superb four-season recreational opportunities, and a good selection of urban amenities. Despite all of these attributes, Cedar City has had its share of urban problems that are directly relevant to criminal process.

Beginning in the mid-1960s, street crime in Cedar City became a salient political issue with a distinctly punitive edge to it, just as it did elsewhere in the United States. Another problem was the area's volatile economy, which was especially unstable during these years. Through most of the 1960s business boomed, but at the end of the decade a severe slump struck the city's dominant corporate employer. This slump continued into the mid-1970s and resulted in fiscal problems for the city, the county, and the state as well as a loss of population and skilled professionals. The corporation did not rebound until the late 1970s, and by then the national economic downturn had had a serious impact on the area's other major industry, forest products. Thus, for most of the period of this study Cedar City and Park County were suffering severe economic distress—with resultant pressures on public services and on the sense of civic well-being. At one point, billboards began to appear with the following message: "Will the last person to leave Cedar City please turn off the lights."

The traditionally placid politics of the region were disrupted by this economic volatility as well as by the social volatility that characterized urban America in the 1960s and early 1970s. During the prosperous years, the machine-style politics of the city,

county, and state underwent significant reform, which began at the state level and filtered down to Park County and Cedar City. The most notable event was the exposure of a large-scale payoff system centered in the Cedar City Police Department but also implicating the Park County prosecutor, who files Cedar City felony cases in the county superior courts. The reform impulse was, however, broader than the payoff scandal and led to a significant turnover of elected officials at all levels of government as well as to a more open political style. By and large, these reformers were liberals—inclined to take a softer line on street crime.

Running counter to these liberal tendencies were the public-order anxieties that gripped Cedar City and many other American cities in the late 1960s and early 1970s. The large university, which provides identity to a major section of the city, was the center of protest activities that polarized the public, engaged the city police, and culminated in one of the federal government's celebrated conspiracy trials. The trial added fuel to the fires of protest, which were already burning brightly. In addition, the black community, while comprising just under 10 percent of the city's population and relatively prosperous, was politically mobilized on racial issues during this period. Street crime was a third factor in the public-order package and another symbol for expression of dissatisfaction with the "permissive" orientation of the liberal reformers.

While attempts to politicize street crime and public order were largely unsuccessful, a significant amount of political energy was generated. Indeed, a superficial survey of events could lead to the conclusion that street crime was effectively politicized in Cedar City. There is no doubt that the liberal reformers of the 1960s were put under increasing pressure in the 1970s and that policy did move rightward during that period. On the other hand, liberal policies had considerable staying power within the agencies of criminal process.

In all these ways, Cedar City seems more typical than special. It is true that the tensions in Cedar City were rather moderate compared with the more stratified and strife-ridden cities of the East and the upper Midwest. It is, moreover, likely that these differences might explain variations in politicization from place to place. But on the basis of evidence and argument to be pre-

sented in Chapter 2, it seems reasonable to believe that urban centers in general are heavily influenced by the same moderating forces operative in Cedar City but generally missing from national politics, where cultural stereotypes and symbolic politics promote the politicization of street crime.

Conceptions of Crime

Generally speaking, there are two contrasting ways of thinking about street crime. Structural explanations focus on social disorganization with its roots in hierarchy, deprivation, coercion, and alienation. The alternative view associates street crime with individual pathologies—be they moral, emotional, or genetic. From a structural point of view, street crime is *determined* by the material conditions of the society, whereas those who think in terms of individual pathology see street crime as *volitional*—a matter of personal choice. There are a number of ways in which this dichotomy is false and misleading. Surely, a fair reading of criminological findings indicates that street crime is attributable to an interdependent web of social forces and individual characteristics.

Nonetheless, as I argue, dichotomous understandings tend to dominate political and even criminological discourse, and in the political arena there is a marked tendency to privilege volitional explanations of street crime. These two tendencies to simplify the complex reality of street crime can be explained by a combination of instrumental and expressive factors, which will be explored in this chapter.

Ostensibly the controversies among political leaders, criminal-process professionals, and criminologists and within the general public have to do with the causes of and the most effective responses to street crime. But even if the available criminological research were more convincing and less equivocal than it is, the public controversy would not be stilled, because the search for causes and effective policies is only part of the story. In the first place, and speaking in strictly *instrumental* terms, criminological validity may not be decisive. Empirical findings may lead in policy directions that are unwelcome because they are too costly, threaten vested interests, or are beyond the reach of existing institutions.

More fundamentally, there are *expressive* reasons for public controversy over street crime transcending its ostensible purposes of identifying causes and fashioning effective responses. Problem solving is not necessarily the primary objective of public policy. As Lance Bennett puts it, "Policies become means of affirming the larger images of the world on which they are based. In most policy areas it is more acceptable to suffer failure based on correct theories than it would be to achieve success at the price of sacrificing social values."[1] What is true of policy in general is likely to be particularly true of crime control policies. As its core, controversy over street crime comes down to competing visions of the good society and of human nature. Volitional criminology is anchored in Lockean and Hobbesian premises, while structural criminology can be traced to Rousseau and Marx—thus suggesting why volitional criminology tends to be privileged in American political discourse. Moreover, in an imperfect world from which crime cannot be purged, we must necessarily settle for the solace of "failure based on correct theories"—or, as Murray Edelman has put it, on "words that succeed and policies that fail."[2] Accordingly, an understanding of the society's approach to street crime is at least as much a reflection of its political culture and its institutional capabilities as of the current state of criminological knowledge.

The focus of this book is, therefore, on political culture and on the institutions of criminal process rather than on street crime's causes, consequences, or cures. By and large, the institutional issues are fairly straightforward, requiring relatively little in the way of introductory explanation. The institutional emphasis will be on the relative autonomy of the criminal process and on the insulation from politics thereby accorded to the policies pursued by the police and the criminal courts. Political culture is a more elusive idea, both in its own right and in terms of its applicability and relevance to criminal process. This chapter, then, will be devoted to developing a frame of reference for exploring the political culture of criminal process.

At the heart of this frame of reference are the competing conceptions of street crime—as rooted in social and individual pathologies, respectively. As I have already suggested, Americans are, generally speaking, much more willing to attribute street crime to individual pathology than to structural problems.