Law and (Norms of) Order in the Inner City

Tracey L. Meares Dan M. Kahan

This article surveys recent works that seek to enrich criminal law policy analysis by incorporating *social norms*. The article does not purport to adduce the "true" or even the "best" definition of "social norms"; rather it breaks that term down into a cluster of related concepts that are frequently subsumed within it, including "social organization," "social meaning," and "social influence." The motivation for grouping these concepts together, moreover, is as much political as conceptual. Using a pragmatic standard of assessment, the article uses the social norms literature to identify a host of politically feasible law enforcement policies—from curfews to gang-loitering laws to order-maintenance policing to reverse stings—that deter as well or better than severe prison sentences but that avoid the destructive effect of those sentences on inner-city communities.

America's inner cities remain extremely dangerous, and as a result tragically hopeless, places to live. Although the crime tide is receding nationally, America's predominantly minority, inner-city neighborhoods remain awash in violent lawbreaking.[1] The high rates of crime that continue to plague these communities divest residents of their security, weaken legitimate economic life, and spawn pathological cultures of violence that ruin the lives of victims and victimizers alike. Diagnosing the source of the inner city's crime malady and prescribing an effective cure are among the most important missions of the social science and legal academies.

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[1] For example, Grumman (1997) notes that the homicide rate of the predominantly African American and very poor Garfield Park is a notable exception to the declining trend of the City of Chicago's homicide rate. Reporters in Louisville, KY, noted a similar trend in 1996 in the predominantly black western part of the city (Schaver, Adams, & Hopkins 1997). Indianapolis, too, experienced an upsurge in murder as the rest of the nation saw a decline (Ford 1997).

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Our goal here is to spotlight an emerging body of scholarship that we believe can make a significant contribution to that mission. Grounded in early sociological theories that are now enjoying a renaissance in both the legal and social science academies, this scholarship focuses on the phenomenon of *social norms*. Individuals, these works emphasize, don't decide to obey or break the law in isolation; rather their decisions interact with and reinforce each other, creating norms of order or disorder within their communities. By shaping preferences for crime, accentuating the perceived status of lawbreaking, and enfeebling the institutions that normally hold criminal propensities in check, disorderly norms create crime. Social norms furnish an especially plausible explanation for crime in the inner city, where the density of the population multiplies social interactions and magnifies the reverberations of disorderly norms throughout the community.

Our primary motive for grouping these works together, however, is as much political as conceptual. Contemporary policies of criminal law, particularly those targeted at fighting inner-city crime, focus on severe punishments. This approach suffers from well-known defects, both practical and moral.[2] Nevertheless, the public demand for "get-tough" law enforcement policies stems from deep-seated political, ideological, and even psychological dynamics (e.g., Beale 1997). Scholarly works that merely criticize existing criminal law policies do nothing to alter these public views and are thus likely to prove politically inert (e.g., Pillsbury 1995).

The emerging norm-focused scholarship, in contrast, generates an intensely practical agenda. Norms are created through social dynamics that are important enough to be worth regulating but discrete enough to be regulated efficiently. Understanding these dynamics suggests a variety of politically feasible and morally attractive alternatives to the severe punishments that now dominate America's inner-city crime-fighting prescriptions.

Before we turn to substance, we offer an explanation of our methods. This article is an exercise in practical appropriation. Our goal is not to break new ground but only to call attention to works and ideas—some of which are in fact quite old—that we believe suggest effective and morally attractive solutions to inner-city crime.

In particular, we aim to present an account uninhibited by certain craft norms that sometimes temper social scientists' own

[2] Jeffrey Fagan (1994) has shown, for example, that increases in sanction severity for 6,800 of New York's drug arrestees between 1983 and 1986 were not associated with any decrease in recidivism. See also Fagan (forthcoming 1999) noting that the massive increase in American imprisonment between 1975 and 1989 was accompanied by an *escalation* in American crime rates. Other scholars (e.g., Butler 1997; Davis 1997) point out the moral injustice of incarcerating so many African American men.

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willingness to engage in pragmatic policy speculation. One prominent tenet of social science, for example, holds that an empirical finding is not entitled to be taken as established unless it is significant at a .05 level of confidence—or in other words, unless there's a 95% chance that the finding could not have occurred by chance. If there's only a 75%, an 80%, or even a 90% chance that a finding is valid, social scientists treat the evidence as inconclusive. That standard may be well calculated to discovering scientific truth, but it is far too cautious to guide practical action in many settings. The civil justice system, for example, awards damages on the basis of a mere preponderance of the evidence. Professional money managers, too, often invest large amounts in stocks that have only a modest probability of appreciating in value but that offer potentially high yields.

A similar pragmatic standard, we believe, ought to apply to policy. If a policymaker believes that the potential benefits of a policy in reducing crime are sufficiently high and the costs of implementing it (including the damage that could be done if it fails) sufficiently low, then that policymaker might be rationally justified in trying that policy even if social scientists, applying their own craft norms, are not yet prepared to call the policy a sure winner. We'll call this the *political confidence* standard to distinguish it from the scientific confidence standard that governs in social science.[3]

Social scientists also tend to insist on models that employ a minimal number of lawlike generalizations. The "rational actor" model of economics, for example, attempts to derive all behavior and institutions from the assumption that individuals rationally seek to maximize their utility. The preference for parsimonious causal models reflects the equation of scientific knowledge with predictive power. A theory that posits "given *X*, then *Y*" satisfies this predictive criterion. One that posits "given *X*, then *sometimes Y*" does not, and in fact is insusceptible to empirical falsification.

[3] More formally, the conventional 5% significance standard reflects a much greater aversion to type 1 errors (findings of false correlation between independent and dependent variables) than to type 2 errors (findings of no correlation). If a practical decisionmaker is in fact as averse to type 2 errors as to type 1 errors, then she is warranted in employing a less demanding standard of certainty (Leamer 1978:94–98). Thus, Fisher (1980) defends the appropriateness of relaxing the scientific confidence standard in various litigation settings, such as employment discrimination suits, in which the law is relatively averse to underenforcing legal rights. A version of our political confidence standard also exists in both the public health and environmental protection arenas. There is currently a debate about the relationship between electromagnetic fields and health disorders, and some legislatures have proposed a "cost-benefit" approach whereby new exposures are minimized at limited cost even though the data on causation are not yet conclusive (Wartenberg 1996). Similarly, groups such as the Sierra Club, as well as some political leaders, have taken as a call for aggressive policy intervention the United Nations–sponsored Intergovernmental Panel on Climate Change's conclusion that the balance of evidence suggests a discernable human influence on global climate (Becker 1997).

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But as Elster (1998) argues, claims of the latter type aren't necessarily valueless. An analyst who is equipped with a set of contextually limited and even potentially inconsistent social mechanisms—such as "adaptive preferences" and "wishful thinking," or "behavioral spillover" and "behavioral displacement"—might not have been able to *predict* a particular state of affairs ex ante, but might nevertheless be able to *explain* it much more cogently ex post. The *explanatory* power of such mechanisms might generate normative insights insofar as our appraisals depend on knowing how the world came to be the way it is. Even more important, contingent social mechanisms might generate prescriptive insights: Even if we couldn't have predicted that a particular mechanism would take hold, once we can see that it has, we may know enough (at least from the point of view of the political confidence test) to fashion a policy that counteracts or exploits it.

We believe the legal-academy scholarship on social norms and crime is best assessed in this openly pragmatic spirit. This work, we will try to show, identifies a variety of social mechanisms that are pregnant with explanatory insights into the nature of inner-city crime. These insights, in turn, support a diverse array of normatively attractive policy prescriptions—from curfews, to gang-loitering laws, to reverse stings, to police-sponsored prayer vigils—that meet the political confidence test.

Our discussion proceeds in three parts. Part I presents a taxonomy of phenomena typically embraced within the concept of social norms and demonstrates the utility of these phenomena for explaining inner-city crime. Part II demonstrates the prescriptive value of taking social norms into account by identifying a range of law enforcement policies that reduce crime through bolstering norms or order. Part III concludes with a comment on the positive effects of these law enforcement strategies on the political vitality of inner-city communities.

We emphasize here the prospects for the social mechanisms we discuss to inform law enforcement policy. This does not mean we believe that other policy options typically considered outside of the law enforcement arena—especially macro-level social programs that focus on jobs, housing opportunities, and the like—are useless or irrelevant. In fact, such programs are often consistent with the promotion of the prosocial norms we describe below (Wilson 1996). But to defend the improvement of social conditions as the exclusive alternative to get-tough law enforcement strategies is a recipe for political impotence and ignores how milder, norm-focused law enforcement can itself improve social conditions. By discussing the relevance of norms to law enforcement policy directly, we hope to fill this gap.

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I. Norms: A Taxonomy

The concept of norms has central place in the social sciences. Indeed one of the two entries concerning norms in the *Encyclopedia of Social Sciences* begins: "No concept is invoked more by social scientists in explanations of human behavior than 'norm'" (Coleman 1990). Nevertheless, a specific definition of the concept is elusive.

The lack of a clear definition is of course a perilous ground for ignoring a phenomenon altogether. If norms are important regulators of daily life—as many social scientists and legal academics maintain[4]—then theories that leave norms out are unlikely to provide adequate explanations of violent crime in the inner city and elsewhere. Ignoring norms can also have disastrous policy consequences. All too often, policymakers and law enforcers focus exclusively on the power of legal sanctions to deter violent conduct. These sanctions do not operate in a vacuum, however. Law and norms can interact in ways that either enhance the deterrent aims of the law or inhibit them. Devising effective law enforcement policies requires taking this interaction into account.

We will try to solve the problem of definition not by being more comprehensive about the nature of social norms but in a sense by being less so. Scholars use the concept "social norm" to embrace a variety of discrete social dynamics. We focus here on three that we believe are relevant to inner-city crime: social organization, social influence, and social meaning. We make no general claims concerning the relative weight or importance of these three phenomena or their relationship to each other. Our goal, to reiterate, is practical rather than theoretical: We seek to make clear the role of these mechanisms in creating inner-city crime and in constraining the effectiveness of law in combating it.

A. Social Organization

Research has shown that neighborhoods in which parents collectively share the responsibility for supervising children and teens are less likely to experience high crime rates than neighborhoods in which parents do not attempt collective supervision

[4] An exhaustive citation to this vast body of work is impractical. For two important accounts of the centrality and strength of norms in our daily lives, see Coleman 1990 (chapters discussing the demand for effective norms, the realization of effective norms, and social capital) and Ellickson 1991 (emphasizing the importance of norms and the irrelevance of law for resolving disputes between neighbors in Shasta County). An emerging body of work probes the interrelationship between law and norms—specifically, the potential for law to regulate behavior indirectly by manipulating the norms that constrain (or enhance) human action. Lessig (1998) has referred to this work as the "New Chicago School."

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(e.g., Sampson, Raudenbush, & Earls 1997; Sampson & Groves 1989). Common sense suggests that this proposition is correct, but why exactly is this so?

Clifford Shaw and Henry McKay, two Chicago School researchers, suggested an answer 50 years ago. They argued that local community-level social processes, or the "social organization" of communities, have much more to do with the prevention and promotion of crime and delinquency than do the characteristics of individual offenders (Shaw & McKay 1969). In their classic work *Juvenile Delinquency and Urban Areas*, they maintained that low economic status, ethnic heterogeneity, and residential mobility led to the disruption of community social organization, which in turn accounted for variation in crime and delinquency rates. To support their theory, Shaw and McKay demonstrated that high rates of juvenile delinquency were specific to certain areas in the cities they studied, and, more important, that these high rates persisted in the same areas over many years, despite population turnover. Given these data, Shaw and McKay concluded that the characteristics of inner-city areas, rather than the characteristics of the individuals who lived in them, contributed most to crime.

The social organization theory has recently enjoyed renewed prominence.[5] Though Shaw and McKay's work focused primarily on juvenile delinquency, modern researchers have extended their theory to explanations of violence (Sampson & Lauritsen 1994). These theorists have also refined the definition of community social organization. The term is currently defined as the extent to which residents of a neighborhood are able to maintain effective social control and realize their common values (Sampson & Groves 1989; Wilson 1994).

Figure 1 illustrates the theoretical relationship between structural factors, community-level social processes, and crime victimization and offending.[6] The hypothesis is straightforward: When prosocial kinds of social organization are absent or weak, crime and delinquency increase; when prosocial kinds of of social organization are present, then a community is much better able to resist crime and delinquency.[7] Although the characteristics of in-

[5] Sampson and Wilson (1995) have discussed the reemergence of social organization theory and explain some of the modern refinements of the theory, such as the addition of family disruption and urbanization to the list of factors that predict the breakdown of social organization which then leads to crime.

[6] Figure 1 is a modified version of Sampson and Groves's (1989) Figure 7. The social disorganization model of crime suggests that the relationship between factors such as low economic status and crime is indirect, but the empirical studies of this relationship are inconclusive. Some studies, e.g., the Sampson and Groves study, show no direct effect of economic factors on crime, while others make contradictory findings. For a summary of these contradictory findings and an attempt to resolve them, see Bursik & Grasmick (1993).

[7] Sampson and Groves (1989) empirically demonstrated the link between shared parental responsibility for the supervision of youth in communities and lower crime

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dividuals may have a direct effect, the importance of the characteristics of people residing in a neighborhood lies largely in the implications this has for the social organization of a community.

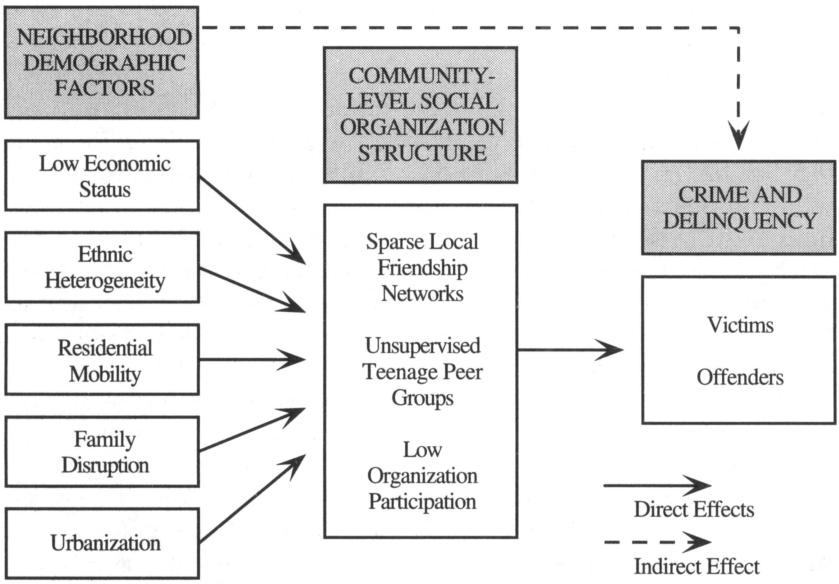

Fig. 1. Theoretical relationship between structural factors, community-level social processes, and crime victimization and offending.

As the figure indicates, the level of supervision of teenage peer groups, the prevalence of friendship networks, and the level of neighborhood participation in formal and voluntary organizations like PTAs, local school boards, and community policing organizations help to explain the often-noted link between the structural characteristics of a community (such as race, family disruption, and low economic status) and crime. Importantly, the community-level processes that are so critical to a neighborhood's capacity to combat crime are not simply the result of aggregating individual traits and demographic characteristics. Rather, the neighborhoods themselves can be described through multidimensional traits—a few of which have already been mentioned above—that provide a context for individual interactions (Elliot et al. 1996).

levels. In a study of the British Crime Surveys of 1982 and 1984, Sampson and Groves found that the largest overall effect of personal violence offending rates in 1982 came from unsupervised teen peer groups. These groups also had the largest overall effect in 1982 on both victimization by mugging and stranger violence.

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The strength of these social processes in counteracting crime, moreover, depends not only on the degree to which inner-city residents share values that support law-abidingness but also on their commitment to collectively promoting these values. For example, community-wide adult supervision of teen peer groups will not occur unless a substantial proportion of the adults in that community participate in or at least support peer supervision programs. Such support is best mobilized by norms—behavioral expectations guaranteed by the threat of social sanctions. The likelihood that locally embedded norms of this sort will emerge turns in large measure on a community's social structure. If, for example, the friendship networks in a community are sparse and shallow, the threat of social sanction for failure to participate in community supervision will not be credible. Weak networks facilitate free riding, and prevalent free riding undermines the incentives of neighbors with a cooperative disposition to participate in supervision in the first place. Friendship networks and other community-level social processes also can influence the extent to which a community holds common values, and common values, together with a sanctioning system that promotes the institutionalization of those values, lead to communal organization.[8] The structural and cultural (value) components of the social organization of communities are intertwined; together, they produce a resource—a species of social capital—that a community can direct toward prevention of crime and violence (Meares 1997).[9]

The point for policymakers and law enforcers is straightforward. Law enforcement policies should have as a goal the promotion of social organization—both the structural and cultural components of it—where the social processes that it comprises are weak. Attention to both aspects of social organization is important. Numerous studies have shown that serious violent crime is spatially concentrated in poor, often disproportionately minority areas (Sampson & Lauritsen 1994). Social organization theory's focus on a community-level explanation of crime is, therefore, uniquely suited to shed light on the ways in which law enforcement policy can help or hurt the residents of predominantly minority inner-city neighborhoods. A policy that is attuned to fostering social organization—by, for example, directly

[8] See Anderson (1990) for an ethnographic account of the way the weakened structural fabric of an urban community called "Northton" attended the transmission of two competing sets of norms—decent values (norms associated with hard work, family life, the church, and law-abiding behavior) and "streetwise" values (norms associated with drug culture, unemployment, little family responsibility, and crime).

[9] Meares explains the relationship between social and cultural organization of communities and social capital that prevent crime. This discussion presupposes a prosocial (anticrime) cultural component. While communities and subgroups in communities can hold antisocial views values which support a culture that promotes crime, in even the most crime-ridden inner-city communities, adult values are predominantly prosocial and anticrime.

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assisting parents in supervising teen peer groups in the community through the enforcement of youth curfews—can amplify a law enforcement agency's crime-fighting prowess. In contrast, traditional deterrence-oriented approaches to crime that attempt to manipulate an individual offender's incentives to commit crime by heaping more severe punishment on a particular offense may confound that goal: Mass incarceration of individuals from disproportionately poor neighborhoods produces more broken families, higher levels of unemployment, a general reduction of the community's economic well-being, and other conditions that disrupt social organization. This does not mean that arresting individuals will necessarily increase crime. It does mean that depending on who is arrested, how many people are arrested, what they are arrested for, and the consequences that follow arrest (probation or prison), a deterrence-oriented strategy that aims at arrests and incarceration and the disruption of criminal networks can unwittingly discourage law-abiding residents from working collectively to prevent their own victimization and from transmitting law-abiding values to their children. For example, by removing high numbers of individuals from the community for extended periods of time, the mass incarceration of black males for minor drug and property offenses compromises this group's future employment prospects and removes from the community a group of people who, in adulthood, might otherwise have been strong leaders in promoting neighborhood order.

B. Social Influence

"Social influence" is the term that social psychologists use to describe the propensity of individuals to conform to the behavior and expectations of others. It is a pervasive phenomenon in social, economic, and political life. Movie goers prefer to go to the movies that they believe others are going to see (Frank & Cook 1995; Becker 1991). Citizens choose to vote for candidates whom they know others support (e.g., Bartels 1985). Teenage girls are more likely to become pregnant when they see that other students are having babies (Akerlof, Yellen, & Katz 1996), and adults are more likely to commit suicide when they learn that others have taken their own lives (e.g., Phillips 1974). There are many other examples (see generally Aronson 1994).

Social influence also fuels decisions to commit crimes. This effect is most obvious in "mob" offenses such as looting and lynching. Those arrested for such crimes typically have arrest records no different from persons in the general population, confirming that the spectacle of rampant criminality can spark

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criminal behavior by individuals who wouldn't otherwise break the law.[10]

Social influence can also explain the decision to commit even apparently individualistic crimes, such as tax evasion. Steenbergen and his colleagues, for example, attempted to determine whether and how the 1986 federal tax reforms had altered patterns of compliance (Steenbergen, McGraw, & Scholz 1992). Their initial hypothesis was that those whose tax liability increased the most would show the greatest relative increase in evasion. But that turned out not to be so. Instead, the best predictor of compliance turned out to be the nature of a person's interactions with other taxpayers in the months leading up to reforms: Those individuals who reported encountering others with generally positive attitudes toward the reforms were the ones most likely to comply, whereas those who reported encounters with person with negative views were the ones most likely to evade. Thus, the perceived attitudes and intentions of others mattered more than the individual costs and benefits of cheating on one's taxes.

Indeed, statistical studies from a variety of social science disciplines suggest that this conclusion applies to all manner of crime (e.g., Kahan 1997). Some show that a community's past crime rate does more to determine its present crime rates than do socioeconomic or law enforcement variables; because individuals tend to imitate those around them, crime can become a self-perpetuating local norm (e.g., Glaeser, Sacerdote, & Scheinkman 1996; Schrag & Scotchmer 1997). Other studies show a "contagion" or "fad" pattern for particular crimes: News of one hijacking, for example, produces others, which spark still more and so forth until the cycle is broken by a law enforcement crackdown or otherwise (e.g., Bandura 1973; Berkowitz 1973). Attitudinal studies, too, show that individuals are much more likely to commit a wide range of offenses—from larceny, to burglary, to drug use—when they believe that committing these crimes is a common or normal thing in their "crowd," their community (e.g., Tittle 1980; Grasmick & Green 1980).

The role of social influence in producing crime has important implications. It suggests that the extent of crime is unlikely to be fully explained by either the simple law enforcement variables that economic analyses focus on or the richer demographic

[10] See, e.g., Curvin & Porter 1979:6–7 (documenting that looting draws in individuals without prior criminal records); Lang & Lang 1968 (same, riots); Quarantelli & Dynes 1968 (persons arrested for looting do not differ in criminal history or socioeconomic background from general population in affected area). The "group" nature of criminality is especially pronounced among juveniles. See Erickson & Jensen 1977, documenting that juveniles are much more likely to commit a wide range of offenses in groups than individually; see also Butterfield 1996b ("[The principal] added that after carefully questioning all of the students, he had come to believe they really did not understand why they had taken part in the [shoplifting spree], except that they were in a group").

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considerations that sociological accounts conventionally emphasize. For if individual decisions to commit crime reinforce each other, there can be either more crime or less depending on whether individuals perceive others to be breaking or obeying the law (Kahan 1997). Part of the variance in crime rates across similarly situated communities, this account suggests, is attributable to self-reinforcing perceptions about the extent of crime.

The phenomenon of social influence gives policymakers grounds for both caution and optimism. Policymakers should take into account the effect of law not just on behavioral incentives but also on individual perceptions of the extent of criminality. A policy that seems to be a cost-effective means of deterring crime—say, the substitution of severity of punishment for certainty of conviction or private precautions for public law enforcement—might backfire if it magnifies perceptions of rampant criminality (Kahan 1997). But social influence also suggests grounds for optimism insofar as it suggests that altering legal incentives and improving social and economic conditions do not exhaust the possibilities for attacking crime. Even when "raising the price" of lawbreaking is not cost effective, or when attacking the social "roots of crime" is not politically feasible, policymakers might be able reduce crime through inexpensive law enforcement techniques that promote the perception of order within particular communities (Kahan 1997).

C. Social Meaning

Social meaning refers to the interpretations that people place on information they receive about a person's (or community's) values. Individuals interpret behavior (as well as institutions and laws) against a background of social norms that define how persons who value particular goods—whether the welfare of other persons, their own honor or dignity, or the beauty of the natural environment—should behave (Lessig 1996). Selecting actions that express commitment to the goods that one values (or believes that others expect one to value (e.g., Kuran 1995)) is an element of rationality (Anderson 1993).

Adding social meaning enriches the standard accounts of crime by more fully specifying what motivates people to obey or break the law. Imagine that we offer an individual an opportunity to exchange a sum of money for a range of possible sums, some of which are greater and some of which are smaller than the original sum, but which on average exceed it. The standard rational expectations model predicts that he'll accept the exchange. But according to experimental data, whether he will or not will depend on the *form* of the exchange: If we structure the transaction to resemble a wager in a casino game, he is likely to accept it, but if we structure it to resemble a decision to conceal taxable in-

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come, he probably won't. The *meaning* of accepting the exchange—that one is a smart gambler in the former, that one is a calculating cheater in the other—can either increase or diminish the value of that behavior for the person undertaking it.[11] The differing significations of tax evasion across cultures can help to explain the divergence between the relatively high tax-compliance rate in the United States, where paying one's tax is viewed as an important civic duty, and the relatively low ones in Europe, where evasion is viewed as a trivial infraction (Kahan 1997).

Again, this dynamic generalizes. Students carry guns to school when and because doing so is a signal of strength and defiance. Youths in the inner city are more likely to join gangs and engage in acts of delinquency when and because such behavior is perceived to be status enhancing among their peers (Kahan 1997). The leaders of political protest movements are more likely to advocate violence when and because they perceive that their followers treat such advocacy as signs of devotion to their cause (Bandura 1973). Thus, to understand these and other types of criminal behavior, and to identify effective legal strategies for combating them, policymakers must take the phenomenon of social meaning into account.

II. Reinforcing Norms of Order: A Menu of Policy Options

Taking social norms into account increases not only the power to explain inner-city crime but also the power to control it. We illustrate this by identifying various law enforcement strategies that can be expected to reduce crime through their effect on social organization, social influence, and social meaning.

Some of these policies have already been shown to reduce crime. But even the ones that remain untested offer the prospect of high returns at a low cost relative to the morally suspect and largely ineffective get-tough policies that now characterize American criminal law. Consequently, these norm-informed policies satisfy our political confidence standard.

A. Reverse Stings

With its heavy reliance on severe penalties, the current approach to drug-law enforcement is a prime example of a policy crippled by a failure to appreciate the implications of norms. Targeting those who sell drugs for severe penalties does not appear to be completely irrational. Most people think that those who sell drugs are more culpable and do more harm than those

[11] Baldry 1986 reports the results of such an experiment.

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who simply use or possess them,[12] and the standard deterrence model suggests that we should penalize more heavily those activities we would like especially to deter (Zimring & Hawkins 1973). In addition, since low-level drug retailing is an important economic activity for the many unemployed individuals in the inner city,[13] one might argue that poor African Americans will disproportionately *benefit* from a policy that removes so many low-level dealers from their midst (e.g., Kennedy 1994). But it should be obvious that the incarceration of geographically concentrated, low-level dealers inevitably leads to family disruption, unemployment, and low economic status—all of which create social *dis*organization. Theoretically, a seller-focused strategy could produce social organization improvement *if* the policy's rate of crime reduction outpaced the inevitable disruption to a community's social organization structure. But unless that happens, social organization theory suggests that a drug-law enforcement policy that focuses on low-level dealers could actually produce *higher* levels of crime (Meares 1998a). This is a plausible explanation of why the conventional "buy-bust" strategy—in which an undercover police officer arranges to purchase drugs from a seller and then arrests the seller—doesn't do much to stifle the drug trade. As long as poor, African Americans disproportionately engage in low-level retailing of drugs in open air markets, the buy-bust policing will concentrate the negative effects of long sentences in poor, inner-city neighborhoods. This geographic concentration of harsh penalties disrupts the community-level social processes that are essential to a community's own capacity for warding off crime.

A drug-law enforcement policy that is more sensitive to social organization is the reverse sting. In the reverse sting, police officers pose as drug dealers and arrest would-be purchasers. Drug buyers are much more diverse demographically than drug dealers (Walters 1994). In fact, many purchasers of drugs come from neighborhoods that are far wealthier and far more socially cohesive than neighborhoods in which open-air drug markets are prevalent.[14] Buyers are also more likely to be dispersed among

[12] For example, 75% of the respondents to a national survey conducted by the Gallup Organization in 1996 stated that criminal penalties should be more severe for drug sellers than for drug users (p. 34). Interestingly, African Americans were more likely than other groups to believe that drug users should be punished more harshly than drug sellers.

[13] See Wilson (1996) (discussing increased incentives to deal in drugs as opportunities for employment in the formal job market decline); Myers (1990) (explaining why young black males are likely to be attracted to drug dealing even as the drug market becomes less profitable); Reuter et al. (1990) (noting that the District of Columbia Pretrial Services Agency data for 1985 to 1987 describe the District's drug-dealing population as predominantly young and male and overwhelmingly (99%) black).

[14] See <http://www.ci.chi.il.us/CommunityPolicing/SuccessStories/Dist11.96.03b.html> (discussing the fact that many of those nabbed in reverse stings conducted in Chicago's high-crime Eleventh Police District are suburbanites); Alvarez 1995 (discussing the use of reverse drug stings as part of a multifaceted strategy in Hartford, CT); Fountain

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multiple communities than are sellers, who tend to cluster in particular neighborhoods. Accordingly, whereas the buy-bust visits a large social disorganization burden on the neighborhoods that are ill equipped to absorb it, the reverse sting parcels that impact out among numerous communities all of which are more likely to contain the social buffers that can blunt and absorb it.[15] The reverse sting conserves the deterrent benefits of drug-law enforcement while reducing its social organization cost.

These distributive effects also construct the social meaning of drug-law policy. Like segregated ghettoes, prisons in which half of the inmates are African Americans help to forge an African American identity that "color codes" to crime and that is separated from the "mainstream" American identity.[16] To the extent that all African Americans are stigmatized as lawbreakers in this way, they are less likely to perceive that strategy (and the criminal justice system that promotes it) as legitimate and as worthy of allegiance. Lower levels of support in turn lead to higher levels of lawbreaking (Tyler 1990; Meares 1998a; Sampson & Jeglum Bartusch 1998), not to mention less cooperation between citizens and the police.[17] In addition, the stereotyping of African Americans generally, and African American men in particular, as criminals leads to distrust *within* communities—Reverend Jesse Jackson is not unique among African Americans in fearing victimization by young African American men (Cohen 1993).

Reverse stings, in contrast, can affect the social meaning of drug offending in ways that encourage residents of minority communities to cooperate with police officers and with each other to

1994 (describing a march to a suburb of Chicago by residents of Chicago's West Garfield community in Chicago the day after a reverse drug sting collected 100 potential drug buyers, 80% of whom were from Chicago suburbs).

[15] Note, too, that the punishment suffered by the offenders netted in the reverse sting is typically much less severe than the punishment that the typical low-level retailer experiences. In Illinois, attempted drug possession is a misdemeanor exposing the defendant to no more than six months in jail and perhaps impoundment of his or her car, while manufacture or delivery of a controlled substance is a felony. See 720 ILCS 570/401.

[16] For an argument explaining the ways in which a mythological African American identity is maintained in opposition to "mainstream" American identity, see James 1994. Anderson (1990) expands on this idea in his perceptive book *Streetwise:* "The public awareness is color-coded: white skin denotes civility, law-abidingness, and trustworthiness, while African-American skin is strongly associated with poverty, crime incivility, and distrust. . . . This simplistic racial interpretation of crime creates a "we/they" dichotomy between whites and African-Americans."

[17] See Akerlof & Yellen 1994. The stereotyping of African Americans as criminals affects how law enforcement agents relate to African Americans and how African Americans in turn relate to them. Consider the following account:

> One summer evening after work I was standing on the street talking to my neighbor when we spotted a new patrol. . . . Each of us gave the young man and his partner our friendliest hello. They each answered us, but the effort was obvious. The older man just didn't care; but the fear on the face of the younger man was striking. I remember his hand, how close he kept it to his revolver. I remember, too, how at some point my eyes would not leave his hand. (Bray 1994:34)

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reduce crime. The high visibility of the reverse sting procedure helps erode the skepticism of residents, who believe that they have been neglected by law enforcement officials, toward police (Kornblum 1991). Additionally, the fact that reverse-sting arrestees are likely to be more racially and economically diverse than the drug offenders arrested under a buy-bust procedure lessens the stigmatizing effect of such policies on African Americans. Reducing the stigmatizing connection between race and criminality should lead to better relations between police and private citizens and should lessen those neighborly suspicions that block community guardianship. Greater African American cooperation with police and within neighborhoods should thus lead not only to more effective drug-law enforcement but to more effective law enforcement generally.

B. Gang Loitering Laws and Curfews

Why are some communities plagued with gang crime and others not? When it comes to gangs, the considerations that are normally thought to explain crime don't explain much. Residents of gang-ridden neighborhoods are not invariably poorer than the residents of relatively gang-free ones. Nor is law enforcement in gang-ridden neighborhoods invariably more lax (e.g., Huff 1990a; Miller 1990).

A norm-focused account sees gang criminality as another form of conduct fueled by social influence. The level of gang activity reflects in part whether individual juveniles believe that others value and expect gang membership. To reduce gang activity, the law should regulate the sources of social meaning that construct that impression (generally see Kahan 1997).

Juveniles in high-crime neighborhoods do not necessarily value gang membership for its own sake. A Louis Harris poll reveals that they are just as likely as those in low-crime neighborhoods to see gangs as violent and destructive. But those in high-crime neighborhoods are much more likely than those in low-crime neighborhoods to believe that a *majority of their peers* admire gang members, according to the Harris poll. Whereas only 19% of teens in low-crime communities believe that gang members are generally admired, 66% of those in high-crime communities do (Louis Harris & Associates 1995).

These perceptions can reinforce themselves and ultimately determine the level of gang criminality in a particular community. In gang-free neighborhoods, the belief that others disvalue gang membership strengthens the aversion that individual juveniles have toward joining them. But in gang-ridden ones the belief that their peers admire gang members can make joining one seem worthwhile even to juveniles who are otherwise only weakly committed to or even opposed to gangs. When those who

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have private reservations join gangs, they publicly affirm that they value gang membership, regardless of their reservations, and so increase the pressure on other teens to do the same (Matza 1964; Short & Strodtbeck 1965; Jensen 1972). This "system of shared misunderstanding" (Matza 1964) is one mechanism by which social influence fuels criminal gang activity.

Another is the effect of visible gang activity on emotional dispositions. As Nussbaum (1997) shows, emotions are constructed by norms. In a community pervaded by gang activity, individuals are likely to form the aggressive disposition that gang members prize. Their apparent authority and status imbues that persona with connotations of strength; indeed, a male living in a gang-pervaded neighborhood who fails to imitate the gang members' demeanor is likely to appear weak and vulnerable. These considerations make it rational for nongang members to cultivate the aggressive bearing associated with gang membership (Anderson 1990). As a result, gang membership can appear more widespread than it actually is, thereby amplifying social influence pressures to join gangs. In addition, violent crime itself is likely to increase: When people with a stake in maintaining aggressive demeanors encounter each other, it is difficult for either to retreat without a fight (Fagan, forthcoming 1998).[18] Finally, appearing to be a gang member creates obstacles to interactions with law-abiders, who strongly disvalue aggression, and can lead to opportunities to criminal behavior that might not otherwise exist (Anderson 1990).

This norm-focused account not only helps to explain why gangs exist but also identifies which policies for fighting them are likely to work. The conventional "crackdown" strategy is ineffective, in part because severe penalties for gang activity can actually reinforce the meanings that point social influence in the direction of gang membership. Delinquency can be status-enhancing because many juveniles view willingness to break the law as a sign of strength and courage (e.g., Miller 1958). The more severe the penalty, the more strength and courage law-breaking projects. Thus, the crackdown strategy is at war with itself.

A potentially more effective approach is to attack the public signs and cues that inform juveniles' (mis)perception that their peers value gang criminality. That's what gang loitering laws attempt to do. A current Chicago ordinance, for example, authorizes the police to disperse known gang members when they con-

[18] A similar phenomenon exists the American South: Because of the reputational benefits of conforming to local honor norms, it is *individually rational* for men to react with anger to perceived affronts; this shared disposition is *collectively irrational,* however, insofar as it produces a higher incidence of homicide. See Nisbett & Cohen 1996.

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gregate in public places.[19] California courts have issued civil nuisance injunctions that operate the same way.[20] By preventing gangs from openly displaying their authority, such laws counteract the perception that gang members enjoy high status in the community. As that perception recedes, the perceived reputation pressure to join and emulate them should diminish.

Juvenile curfews operate on the same theory. Participating in nighttime street life appears to be another form of behavior that juveniles engage in not primarily because they find it intrinsically valuable but rather because they think it's what others expect them to do.[21] Once on the street, particularly late at night, youth are exposed to further social influence pressure to participate in gang criminality, not to mention risks of criminal victimization. Curfews help extricate juveniles from these pressures. Against the background of such laws, being out at night becomes a less potent means of displaying toughness because fewer of one's peers are around to witness such behavior. Likewise, staying off the street loses much of its reputational sting once the street loses its vitality as a center of nighttime social life (Kahan 1996).

Curfew and loitering ordinances can also reinforce social organization by increasing the supervisory authority of adults in the inner city. As discussed earlier, work by Sampson and Groves (1989) establishes a critical empirical link between lack of supervision of teen peer groups and juvenile delinquency and victimization. Their work suggests that strategies designed to assist adults in the community-level supervision of teen peer groups should thus lead to lower crime levels. Such assistance is especially desirable in the poorest urban communities where the parent-child ratio often is very low.[22] Enforcing loitering and curfew ordinances augments parental supervision of teens and teen peer groups both by reducing the number of groups that need supervision and by moving teens indoors, where they are more accessible to oversight. Also, enforcement of these laws can facilitate a community's overall commitment to law-abiding values—a form

[19] See, e.g., Chicago Municipal Code sec. 8-4-015 (1992). This ordinance was struck down as unconstitutional by the Illinois Supreme Court in a decision now being reviewed by the U.S. Supreme Court. See City of Chicago v. Morales, 687 N.E.2d 53 (1997), *cert. granted*, 118 S. Ct. 1510 (1998).

[20] See, e.g., People *ex rel.* Gallo v. Acuna, 929 P.2d 596 (Cal. 1997).

[21] Teens in high-crime neighborhoods, for example, usually support curfews by an overwhelming margin. See "Poll Says 77% of Youths Support District's Curfew," *Washington Post,* 7 Nov. 1995, p. B1.

[22] Chicago Housing Authority ("CHA") data collected in August of 1991 indicate that the ratio of individuals 15 years old and older to those 14 and under living in the Robert Taylor Homes and Stateway Gardens projects, two contiguous CHA projects, was 0.946 (Chicago Housing Authority 1992). The Robert Taylor Homes are located in one of the ten poorest U.S. census tracts. See McRoberts & Wilson 1995. To put this ratio in perspective, note that the same ratio for residents of Hyde Park, the Chicago community in which the University of Chicago is located, is 5.77. (Underlying data for this calculation are located at <http://www.cagis.uic.edu/demographics/demographics_intro.html>.)

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of cultural organization—redistributing social networks away from a community's youth toward adults. In this way, adults are in a better position to transmit law-abiding norms to children in their neighborhoods, thereby paving the way for transmission of law-abiding norms from adults to children (Meares 1997).

There is already a respectable body of evidence documenting the effectiveness of norm-focused strategies for fighting gangs. Law enforcement officials in Chicago, for example, report dramatic reductions in violent offenses in neighborhoods in which that city's gang-loitering ordinance is most vigorously enforced (Meares 1998a). Numerous other municipalities report the effectiveness of curfews in reducing the incidence of juvenile victimization and juvenile crime.[23] The evidence that the reductions are a consequence of these laws is not conclusive because properly controlled studies have not been done.[24] But given the theoretical support for curfews and similar strategies, the substantial cost savings that it offers relative to the conventional strategy of severe penalties, and the low social value of youth congregating outdoors at night, these results certainly justify continued experimentation with suppression of open gang activity.

C. Order-Maintenance Policing

Order-maintenance policing involves the use of law enforcement resources to attack visible signs of disorder—from aggressive panhandling, to graffiti, to prostitution, to public drunkenness (see generally Kelling & Coles 1996). Targeting these relatively trivial forms of misconduct does not directly increase the price of serious crimes like robbery, burglary, and theft, much less correct the social conditions that are at the root of these offenses. So there's little reason under the standard economic and sociological accounts of crime causation to expect order-maintenance policing to reduce the incidence of these more serious crimes.

But the effect of order maintenance in reducing crime has been empirically documented (Skogan 1990; Sampson & Cohen 1988). More anecdotally, the effectiveness of order maintenance seems to explain the recent crime-fighting success of New York City, which has seen a 61% drop in homicides and a 47% drop in robberies since the city began an aggressive order-maintenance

[23] See *Washington Post* story cited in note 21 discussing data on effectiveness of curfews in Chicago, Dallas, Denver, New Orleans, North Little Rock, and Phoenix; James Q. Wilson 1994 (discussing success of Charleston, SC, curfew law); Gesalman 1994 (reporting 77% drop in victimization of juveniles in period during which curfew was adopted as part of antigang policy in San Antonio).

[24] One study, focusing on the use of curfews in California, purports to find that curfews do not affect juvenile crime rates. See <http://www.cjcj.org/curfew.html>. However, because the authors merely correlated crime rates with curfew enforcement and made no effort to control for the myriad other influences on crime rates, this study is essentially worthless.

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campaign in 1993 (Kocieniewski 1997; generally see Kahan 1997).

Order maintenance is likely to prevent crime through its effect on social influence. Social influence theory posits that individuals are more likely to commit crimes when they perceive that others are either engaged in or expecting crime. One of primary cues that crime *is* tolerated or expected is visible public disorder. Public drunkenness, prostitution, aggressive panhandling, and similar behavior signal that the community is unable or unwilling to enforce basic norms of civility. A community that cannot do that, individuals infer, is probably powerless to prevent more serious crimes, since the openness of disorderly behavior suggests that violating basic norms carries little social sanction. In this environment, individuals who are otherwise inclined to engage in crime are much more likely to do so (Wilson & Kelling 1982; Kelling & Coles 1996; Skogan 1990). And their decisions to commit crime reinforce the disposition of still others to do the same.

Disorder can also influence the behavior of committed *law-abiders* in a way that is likely to increase crime. If they can, law-abiding citizens are likely to leave a neighborhood that is pervaded by disorder. Their departure from the neighborhood increases the concentration of lawbreakers, thereby multiplying their interactions with each other and accentuating their mutually reinforcing propensities to engage in crime (Anderson 1990). Law-abiders who stick it out, moreover, are more likely to avoid the streets, where their simple presence would otherwise be a deterrent to crime (Jacobs 1961). They are also more likely to distrust their neighbors and thus less likely to join with them in monitoring their community for signs of trouble (Skogan 1990). Finally, they may be less likely to call the police or otherwise be less supportive of them because they see the police as tolerating behavior that breaks both legal and social norms. The law-abiders' fear of crime thus facilitates even more of it.

Order-maintenance policing can help to reverse these effects. When citizens obey norms of orderliness—and when authorities visibly respond to those who don't—onlookers see that the community does not tolerate criminality. This reverses the social influence effects. It also reassures law-abiders, inducing them to engage in patterns of behavior that themselves discourage crime.[25] In this way, the perception of obedience to law becomes reality—and by means that are less costly than stiff penalties and more feasible to implement than policies aimed at correcting the social inequities asserted to be the root causes of crime.

[25] See, e.g., Gladwell 1996: "On the streets of [Brooklyn] today, it is possible to see signs of everyday life that would have been unthinkable in the early nineties. There are now ordinary people on the streets at dusk—small children riding their bicycles, old people on benches and stops, people coming out of the subway alone."

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D. Juvenile Gun Possession: Snitching and Order-Maintenance Crackdowns

Guns play a prominent role in the lives—and deaths—of young inner-city black males. A recent Bureau of Justice Statistics report indicates that although young black males remained only 1% of the population between 1984 and 1994, their representation among homicide victims increased from 9% to 17%, and their representation among homicide offenders increased from 17% to 30%. These homicide statistics are driven by one weapon—the gun. Between 1984 and 1994 juvenile homicides by handguns jumped up about 380% (Fox 1996).

The norm-based dynamics discussed here—especially social influence and social meaning—underlie the prevalent violence among America's inner-city youth. These phenomena interact in ways that makes *not* carrying a gun almost inconceivable in some inner-city neighborhoods. Social influence and social meaning help to explain why norms governing gun possession "tip" from nonpossession to possession (Gladwell 1996).

While gun carrying and gun violence are acknowledged features of the drug trade, the contribution of drugs to a culture of gun carrying is complex and mediated by norms. In fact, youths who carry guns often have no association with drugs (e.g., Blumstein 1995:29–32). But because those involved with the drug market, many only part-time (Reuter et al. 1990; Fagan 1992), carry guns full time, those who don't participate in the market often feel constrained to acquire a gun as a defensive measure (Kennedy, Piehl, & Anthony 1996).

It is at this point that social influence kicks in. Once a few youths outside of the drug market acquire guns, the perception that gun carrying has become a general phenomenon rather than a drug-specific one can generate higher levels of fear among youths, which in turn support ever higher levels of gun carrying (Blumstein & Cork 1996).

Moreover, high levels of gun carrying infuse guns with social meaning (e.g., Wilkinson & Fagan 1996:77–85; Pattillo & May 1996). Gun possession can confer status on the carrier because it expresses confidence and a willingness to defy authority. Failure to carry a gun, on the other hand, may signal fear and thus invite aggression. Indeed, juveniles often rank social meaning incentives ahead of safety as reasons for possessing a gun.[26]

The question for policymakers is how to counteract these incentives. A common policy that is *insufficiently* attentive to the

[26] Louis Harris & Associates 1993:60 table 4.7 (among students who carry guns, 66% list "to impress friends/be accepted by peers" as reason, 56% "for self esteem/to feel powerful/important," and 49% "for protection/self-defense/fear going to and from school"); Webster, Gainer, & Champion 1993 (finding that influence of peers is more significant than fear in motivating gun possession by juveniles).

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norms that underlie youth gun carrying is to reward students who voluntarily turn in their guns and to severely punish those who don't. This carrot-and-stick approach is notoriously ineffective (Kopel 1995). Social meaning can help to explain why: Because it demonstrates just how strongly opposed official authorities are to the activity, aggressive efforts to disarm youths in this way reinforce the message of defiance associated with carrying guns and thus *increase* the expressive value of that behavior.

A policy that *is* believed to be effective is to pay rewards to students who turn in gun possessors (Blumstein & Cork 1996; Harrington-Lueker 1992). This tactic works not just because it facilitates seizure of weapons, but also because it interferes with norms that give guns their meaning. When students fear that their peers will report them, they are less likely to display their guns; when students are reluctant to display them, guns become less valuable for conveying information about attitudes and intentions. In addition, the perception that onlookers are willing to sell out possessors counteracts the inference that possessors enjoy high status among their peers.[27] Encouraging snitching thus reduces the incidence of gun possession both by deconstructing its positive meaning and by disrupting behavioral norms—including the ready display of guns—that are essential to that activity's expressive value.

Another example of how norms can be used to reduce gun possession took place in Boston, which successfully attacked guns through a policy that combined publicity and order maintenance. Authorities first advised gang members that they would tolerate no more violence from them. They then backed up this threat with order-maintenance crackdowns, applying laws against public drinking, driving unregistered cars, and the like against gangs whose members engaged in violence (Kennedy et al. 1996). Additionally, police and probation officers made surprise visits to gang members' homes to ensure that they observed probation and parole terms such as school attendance and 8 P.M. curfews. The police also made sure that gang members knew, through face-to-face communication and fliers, that the crackdown would continue as long as the violence continued. Finally, gang-mediation and social service workers focused on quelling gang rivalries. The results were astonishing: For more than two years not a single juvenile (gang member or otherwise) was shot to death.[28]

[27] See Butterfield 1996a: "The program has . . . reversed the psychology of having a gun . . .[:] 'Before, the more people who knew you had a gun, the greater your prestige. . . . [Now] [t]he more people who know, the more likely you are to get turned in'" (quoting chief of police).

[28] See Grunwald 1997, stating that there has been no juvenile homicide in Boston since July 1995). And see LaTour & Taylor 1997, who state that the homicide of a 16-year-old Dorchester boy ended a stretch of nearly two and a half years without a single juvenile homicide in Boston).

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What accounts for the success of the Boston antigun campaign? David Kennedy, one of the primary researchers involved in the program, suggests that Boston's approach "is in its broadest sense, a classic deterrence strategy," because it emphasizes the certainty, swiftness, and severity of legal sanctions (Kennedy 1997). It seems puzzling, though, to think that youths who previously saw gun possession as valuable enough to risk severe prison sentences were suddenly cowed by the threat of annoying but relatively mild order-maintenance crackdowns. We believe Boston's policy worked because its deterrent effects were multiplied by its positive influence on norms that determine whether gang members and nongang members decide to carry guns.

Juvenile gun possession in Boston, as elsewhere, was fueled by social influence and social meaning. It appears that only a relatively small number of juveniles in the city were strongly committed to violence, but the few influenced a much wider group of gang and nongang members, who thereafter felt constrained to arm themselves out of fear, particularly in light of the loss of face associated with backing down from conflicts once initiated (Kennedy et al. 1996).

The antigun campaign created normative pressures in the other direction. Boston's gang toughs did indeed fear curfews and house arrests more than traditional punishments such as incarceration because of differences in the social meaning of these sanctions.[29] For gang members, incarceration was status-enhancing. House arrest, on the other hand, diminished status. Youths subject to house arrest could not hang out with their friends on the street corners (or in jail). Even worse, early curfews subjected youth gang members to the ridicule of nongang member teens whom they had formerly terrorized. Avoidance of the collective humiliation associated with these community-based punishments created pressure within gangs to prevent their more violent members from running afoul of the authorities' antiviolence directives (Kennedy et al. 1996). It also gave the youths who were less committed to violence an "honorable exit" from situations that often led to violent encounters with rival gangs.[30]

Through social influence, the effect of the antigun campaign on gangs quickly carried over to nongang members who previously had been carrying guns. By inducing some juveniles (including some of the most dangerous) to disarm, the highly publicized antigun campaign created the perception that fewer teens were carrying guns; fewer teens thereafter felt constrained by fear to carry guns; and their decision to disarm reduced fear even further, creating a self-sustaining dynamic of disarmament.

[29] This phenomenon is not unique. See Kennedy 1997.

[30] Conversation with David Kennedy, 24 April 1997.

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Boston's strategy also probably affected the conduct of law-abiding residents of formerly gang-plagued areas of the city. As gun violence fell, these citizens were no doubt more willing to occupy newly calmed public areas and parks. Such activity could well have led to higher levels of individual interaction conducive to social organization. Improved social organization, in turn, helps to keep calmed neighborhoods calm. Indeed, media accounts of Boston's success already suggest that community residents are now working together in a way that they didn't when Boston's juvenile murder rate was skyrocketing (Lakshmanan 1994, 1995; Grant 1994; Delgado 1992).

E. The Church–Police State?

Focusing on social norms suggests that the most effective law enforcement policies are likely to be those that help communities to help themselves (e.g., Posner 1996; Hagedorn 1997). Reverse stings, order-maintenance policing, curfews, and gang-loitering laws all work because they induce law-abiders to engage in behavior—from patrolling the streets, to cooperating with police, to transmitting law-abiding values to youths—that themselves suppress crime. The same effects can likely be achieved by cooperative alliances between the police and community associations. Institutional integration between the police and key community organizations can give new meaning to the term "law enforcement." Rather than a public-centered notion of law enforcement, which envisions the police as the primary agents of social control through the utilization of a politically legitimized monopoly on force, achievement of cooperative alliances among community organizations that are facilitated by government can set the stage for "private" law enforcement, in which social control takes place primarily through the enforcement of norms as opposed to law.

Law enforcement agencies are uniquely situated to provide resources and direction for organizational efforts by private individuals and groups. Participation by residents in community policing programs is itself an aspect of local community solidarity. Such activity, moreover, not only reinforces the community social processes that prevent crime but also constructs and transmits law-abiding norms.

However, realization of the full potential of a norm-based vision of law enforcement requires law enforcement agents to look beyond institutions that have been traditionally concerned with, or have been created for the purpose of, crime control to institutions that have the capacity to produce compliance with the law through norm transmission. Such an institution in the inner city is the church.

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The black church today is one of the few stable social institutions in poor, inner-city neighborhoods (Lincoln & Mamiya 1990). One might expect the police, another stable presence, to have a natural affinity with the church in high-crime neighborhoods, given their overlapping social control missions. However, in many urban areas, predominantly black churches have little contact with the police, and where there is contact it is too often adversarial. Black churches and church leaders have traditionally played a role in criticizing police for their abusive behavior toward inner-city residents and for their nonresponsiveness to the crime problems in poor communities. Consequently, it is very difficult for Protestant church leaders, who serve at the pleasure of their congregants, to assume what might otherwise be their natural roles as trusted intermediaries between congregation members and police. The reluctance (or refusal) of church leaders to "vouch" for police sustains an institutional resource mismatch in many urban poor communities.

Social organization theory, however, suggests the possibility of considerable crime reduction benefits to communities that are able to bridge the gap between the church and the police. An extremely innovative example of an attempt to take this leap recently took place in Chicago, Illinois. In a community all but devastated by violent crime, the commander of Chicago's Eleventh Police District led about a thousand Chicagoans in a 30-minute prayer vigil (Marx 1997; Newbart 1997). In groups of ten, the participants stood on designated corners—the same corners where lookouts often hawked their wares by calling out, "Rocks and Blows!"—and prayed and sang and talked to each other. Following the prayer vigil, the whole group and over seven thousand additional community residents retired to a large park for a "praise celebration," with music provided by a 400-member interchurch gospel choir, food, and inspirational speeches.

It would be easy to dismiss this event as a publicity stunt, and more than a few of the law enforcement officials involved were uncomfortable about the explicit association of religion with policing activity.[31] But attention to norms suggests that such an assessment is misguided, as the link had an important police purpose. A central aim of the prayer vigil was to alter the behavior of the law-abiding residents of West Garfield Park to improve social organization. Vigil participants came from many different churches on Chicago's West Side, and the commander's requirement that each corner post at least ten individuals created oppor-

[31] Some may resist the notion of a police-sponsored prayer vigil on constitutional grounds. While it certainly is possible to imagine aspects of a police-sponsored prayer vigil that would be unconstitutional (for example, requiring police officers to attend and participate), designating every police-initiated prayer vigil unconstitutional clearly would be an unjustifiable instance of civil liberties fanaticism. See generally Meares & Kahan (forthcoming 1999).

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tunities for the members of various churches to meet each other. The gospel choir provided another avenue for interaction, as choir members from more than a hundred churches came together to form a mass choir for the day's event. Because the aim of the vigil was to increase attendance and participation of neighborhoods residents in the Chicago Alternative Policing Strategy (CAPS) programming,[32] the vigil format facilitated the creation of an additional context in which neighborhood residents would be exposed to one another. This is an important point: When people interact with each other in multiple contexts, there are multiple opportunities for transmission of law-abiding norms.[33]

The road to institutional integration between the police and the church has been paved on Chicago's West Side, and as a result, it is likely that the social organization benefits of the first prayer vigil will persist. The barrier between the police and the church was broken when the Eleventh District's commander proposed that a committee of ministers sponsor a community-wide prayer vigil. The newly formed connection between the church and the police has produced new species of social capital that can be directed toward violence control: The police have access to new sources of information that can assist them in criminal investigations,[34] and church leaders have been assured of greater police responsiveness to the crime affecting their congregants. Church leaders are now even playing an active role in recruiting and screening police academy applicants from their congregations.

Evaluation of this ground-breaking program is ongoing.[35] Review of early data collection indicates that cooperation between the church and the police has yielded positive benefits. Perhaps the most striking initial finding is the fact that church and community leaders who participated in the vigil overwhelmingly report that a vigil of this scale would not have taken place without the involvement of the police. The reasons given vary but point generally to the fact that the Protestant churches located in Chicago's low-income West Side neighborhoods have difficulty coop-

[32] For a discussion of CAPS, see Skogan & Hartnett 1997.

[33] See Krohn 1986, who calls this process "multiplexity" and explains it this way: "if a person interacts with the same people in differing social contexts it is likely that his behavior in one context will be affected by his behavior in another."

[34] In fact, the value of information flow between church leaders and police is not confined to information about criminal incidents. For example, at a follow-up meeting that occurred three weeks after the prayer vigil, the Eleventh District's commander insured that Police Ambassadors (officers who recruit for the Chicago Police) attended the meeting to distribute information about police qualification exams and applications to ministers. Importantly, the ministers were asked to do more than simply pass on the information to their parishioners. They were asked to function as gatekeepers to ensure that the applicants would be good police officers.

[35] Attention is being paid to the number of young men who join a church as a result of the vigil. There is some empirical research indicating a connection between church participation by young black men and crime reduction (Freeman 1986).

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erating because they are in competition for ideological or denominational influence, parishioners, or for other resources, as most of these churches are not supported by a central authority. This competition makes it incredibly difficult for any one church to sponsor an event on the scale of the prayer vigil described here. However, an actor that is perceived as *neutral* (especially one with resources) such as the police could facilitate a grand collaboration.

The role of social organization in nourishing community's own self-policing capacity suggests that the Eleventh District's prayer vigil has the potential to be an important "law enforcement" tool.

III. Community Empowerment through Law Enforcement

So far we have used the explanatory force of social norms to identify crime-fighting policies that we believe pass a political confidence standard. But we also believe that the explanatory power of norms sheds light on the appropriateness of these policies as a normative matter.

Normative issues are at the heart of lawsuits attacking the constitutionality of curfews and loitering laws. These suits are typically initiated by civil liberties proponents, who argue that these laws are instruments of racial harassment and impermissibly interfere with choices of inner-city youths. Courts often (but not invariably) agree.[36]

What the civil libertarian critique ignores is the grounding of these laws in the efforts of inner-city African Americans to shape their own norms. Far from opposing curfews and gang-loitering laws, the African American residents of the inner city have in fact supplied much of the impetus for the resurgence of them. They see such crime-preventive techniques as tolerably moderate alternatives to the draconian prison sentences, which they understand to visit intolerable effects on both offenders and the community as a whole. These residents also see these techniques as methods to address the disorderly conditions that hold them and their children captive in their homes. Accordingly, the claim that these laws are instruments of racial harassment is hard to credit.

So is the claim that these laws substantially interfere with individual autonomy. What this argument overlooks is the pressure that *unchosen* and widely resented norms put on teens to participate in inner-city street life. Curfews and gang-loitering laws help to counteract these norms by taking the reputational sting out of the decision to stay off the streets. Because they lower the social-meaning cost of the choice to stay home, these laws can enhance

[36] See, e.g., Hutchins v. District of Columbia, 1996 (invalidating District of Columbia curfew); Chicago v. Morales, 1997 (invalidating Chicago gang-loitering law). But see, e.g., Qutb v. Strauss, 1993 (upholding constitutionality of Dallas's teen curfew).

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the autonomy of inner-city youth. That's why such laws in fact enjoy the overwhelming support of both inner-city teens and their parents (Kahan & Meares 1998).

None of this is to say that norm-regulatory policing techniques involve no risk of abuse. One would have to be out of touch with reality to believe that police brutality is a relic of the past.

At the same time, only someone who reads the papers with astonishing selectivity could believe that the problem of police brutality today is indistinguishable from what it was before the Civil Rights Era. In 1968, Frank Rizzo emerged as a national political figure because of his orchestration of racial terrorism as Police Commissioner (and later Mayor) of Philadelphia (Paolantonio 1993:97–98, 142–54). In 1998, ambitious urban mayors like Rudolph Giuliani make a public point of energetically disciplining racists cops (Cauchon 1997); urban police chiefs such as Daryl Gates, who oversee racist forces, find themselves unceremoniously forced out of their jobs and relegated to the cultural and political fringe (Puig 1993).

This welcome change is a consequence of the same political dynamics that account for inner-city minorities' growing support for effective community policing. Along with more effective law enforcement, African American political leaders have demanded and obtained more effective bureaucratic procedures for punishing police brutality (Pildes 1995).

These procedures do not completely eliminate the risk of harassment associated with the new community policing. But the willingness of inner-city residents to support this form of law enforcement nevertheless reflects their judgment that in *today's* political and social context, the continued victimization of minorities at the hands of criminals poses a much more significant threat to the well-being of minorities than does the risk of arbitrary mistreatment at the hands of the police.[37]

[37] As Kennedy (1997:19–20) has written:

> [T]he principal injury suffered by African-Americans in relation to criminal matters is not overenforcement but underenforcement of the laws. Whereas mistreatment of suspects, defendants, and criminals has often been used as an instrument of racial oppression, more burdensome now in the day-to-day lives of African-Americans are private, violent criminals (typically black) who attack those most vulnerable without regard to racial identity. Like many activities in America, crime tends to be racially segmented; fourth-fifths of violent crimes are committed by persons of the same races as their victims. Hence, behind high rates of blacks perpetrating violent crimes are high rates of black victimization. Black teenagers are nine times more likely to be murdered than their white counterparts. While young black men were murdered at the rate of about 45 per 100,000 in 1960, by 1990 the rate was 140 per 100,000. By contrast, in 1990 for young white men the rate was 20 murder victims per 100,0000. One out of every twenty-one black men can expect to be murdered, a death rate double that of American servicemen in World War II. Such figures place the now-mythic beating of Rodney King in a somewhat different light than it is typically put. . . . In terms of misery inflicted by direct criminal violence, blacks

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Indeed, there is another even more fundamental problem with the civil libertarian lawsuits: they can preempt community deliberative experiences that can themselves reduce crime. According to social organization theory, inner-city crime both creates and is sustained by atomization and distrust, forces that lower individuals' ability to engage in the cooperative self-policing characteristic of crime-free communities (Sampson 1997). A healthy democratic political life can help to repair these conditions. That's exactly what residents of the inner city enjoy when they are free to decide for themselves whether to adopt innovative law enforcement strategies like gang-loitering ordinances, curfews, and even community prayer vigils. Thus, in addition to standing in the way of potentially effective law enforcement policies, the constitutional invalidation of these policies preempts deliberative experiences that reduce crime through their effect on public dispositions and habits.

Ironically, while inner-city residents have supplied much of the political energy behind the resurgence of curfews and similar policing techniques, residents of affluent, mainly white *suburban* communities have in many cases supplied the main political opposition. The success of suburban residents in these lawsuits comes at the expense of inner-city residents who are attempting to check the social forces that contribute to violence in their communities. To replace choices of the inner-city residents who are plagued with violence with the choices of those who do not have a stake in these communities compounds the enfeeblement of political life in the inner city (Kahan & Meares 1998).

In sum, *where* law comes from can be just as important as its content in determining its effectiveness in fighting crime. Norm-focused law enforcement strategies emphasize policymaking from the bottom up rather than from the top down. When inner-city residents can choose *for themselves* the law enforcement policies that will work for them, crime is reduced through community empowerment.

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(and other people of color) suffer more from the criminal acts of [other blacks] than they do from the racist misconduct of white police officers.

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