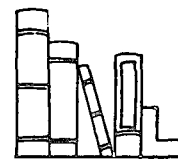




# BOOK REVIEWS



## The Mugger And His Genes

*Crime and Human Nature*, by James Q. Wilson and Richard Herrnstein (New York: Simon and Schuster, \$16.95).

Reviewed by Edward I. Koch

James Q. Wilson and Richard J. Herrnstein's new book *Crime and Human Nature* has created a stir in the criminal justice community because it resurrects an explanation of why some people habitually commit crime that has long been abhorrent to intellectual elites. Its central thesis is that certain individual biological—indeed genetic—traits, when combined with an uncertain moral environment, produce criminal behavior. Moreover, these traits can barely be changed, if at all. Such a conclusion slaps in the face the conventional wisdom of the past 20 years that criminal behavior can be socially engineered out of criminals. Wilson and Herrnstein insist that it cannot, and argue that shaping policies on that false premise will only lead to more crime.

Through contemporary criminological analysis, Wilson and Herrnstein revive a pre-20th-century view that criminal behavior results principally from weak or inadequate character. Two character traits in particular—lack of intelligence and innate aggressiveness—are strongly identified with anti-social activity. These traits do not condemn a person to a life of crime, however. The

reinforcement of constructive social values at an early age can help reduce the likelihood that an individual will become seriously anti-social, and rob and kill other people. Studies cited by the authors indicate that it is essential to mold good character in the first few years of life because later attempts to influence subjective values have proven fruitless. At best, external conformity may be attained at later stages through intensive "behavior modification."

The problem with behavior modification is that it's mainly jargon—it doesn't work. Even someone who has been successfully treated through behavior modification finds that the behavior reinforcement he relied on in an institutional setting is lacking in civilian life, and may return to crime and mayhem. Even the most successful experiments in rehabilitation appear to fail in the long run because they cannot affect the underlying character that discounts integrity, compassion, willingness to defer rewards, and other qualities of civilized behavior.

Wilson and Herrnstein do not really suggest ways in which society can act to encourage the building of moral character during the formative years of a child's life. They merely note that interfering with family relationships is extremely sensitive and difficult, though some studies show that intensive family counselling can have a positive impact on delinquency. The book is very clear in its implications for the formulation of public policy, however: fair and swift punishment is indispensable if crime is to be deterred and reduced. By punishment the authors mean jail. By deterrence they mean both keeping multiple offenders away from the general public and strongly discouraging prospective

criminals from acting out their proclivities.

### Individual Responsibility

The authors' principal theory of criminal behavior asserts that "the larger the ratio of the rewards (material and non-material) of non-crime to the rewards (material and non-material) of crime, the weaker the tendency to commit crimes." The bite of conscience, the approval of peers, the opinion of family, friends, and employers are all important benefits of non-crime, as is the desire to avoid the penalties that can be imposed by the criminal justice system. These are balanced in the criminal mind against the wages of crime—both material gains and psychological rewards. Wilson and Herrnstein correctly note that the "reinforcers," or rewards for committing or not committing crime, are modified by innate and learned ability to discern and anticipate the consequences of antisocial behavior.

The basic assumption here is that "a person will do that thing the consequences of which are perceived by him or her to be preferable to the consequences of something else." Crime isn't particularly time-consuming or unpleasant work, and it brings rewards. If a criminal cannot anticipate punishment or being held accountable *at some point* by society, he will continue to commit crimes. As he sees it, there is no reason to stop.

Wilson and Herrnstein refute the prevailing notion that society somehow makes criminals. Instead, they insist upon the fundamental insight that an individual commits crime because of enduring personal characteristics. These innate factors include level of intelligence, genetic inheritance, anatomical configura-

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tion, gender, age, and early developmental pressures rooted in the nature of parental influence. Parental skills, especially the capacity to blend warmth and discipline, are especially crucial in the rearing process. The authors find only marginal roles for schools, neighborhoods, peer group values, television violence, and job market conditions as causes of crime. For the most part, their evidence is very persuasive. The people who try to blame civilization for criminal behavior look pretty foolish.

Of particular interest is the authors' genetic findings that criminals are more likely than non-criminals to be the sons of fathers with criminal records. This relationship holds even with adopted sons who have been removed from the influence of their fathers at a very early age. It appears to be indisputably clear that criminals have markedly lower intelligence than non-criminals.

The book also argues from studies that tend to find a high correlation between criminality and impulsiveness, and the inability of the offender to realize the consequences of his act. The lack of verbal ability is especially damaging to the capacity of an offender to engage in what the authors refer to as "the internal monologue" essential to seeing behavior in light of consequences that will or may materialize sometime in the future.

### **Don't Spare the Rod**

Through their painstaking and comprehensive analysis of a massive amount of scientific research conducted within the last 10 years, Wilson and Herrnstein effectively destroy the shibboleth that poverty causes crime. This notion has been used to justify a list of rapes and broken heads in the past. The authors demonstrate that "as income rises so does crime," and that "chronically criminal biological parents are likely to produce criminal sons" irrespective of economic conditions.

Public officials are responsible for maintaining public safety and reducing crime. What lessons should they draw from this complex and controversial book? Wilson and Herrnstein seem to urge a policy of progres-

sively severe punishment to replace the social experimentation of recent years. They do not think we can afford to play games with criminals.

In my view, it is undeniable that lax and indulgent crime control policies encourage those with the predisposition to commit crime to do it—and on a grand scale. Since the government can have only a marginal effect upon the quality of parental care, we must achieve an effective deterrent through criminal justice sanctions to blunt or dissuade the undesirable and dangerous behavior of those inherently inclined to crime. To be frank, we must start treating criminals as criminals. The history of crime control policies in this country during the 20-year period prior to 1980 demonstrates that high crime rates are partly caused by policies that do not hold guilty defendants to account and impose upon them an appropriate punishment.

In New York City, every major category of offense rose relentlessly from the levels of the late 1950s. A 1981 analysis by the city police of criminal offender patterns in the city for the decade of the 1970s disclosed a class of habitual felons of truly awesome dimensions. During these years, almost half a million individuals were arrested at least once in the city for a felony. Almost 20,000 of those had more than seven felony arrests in this period without a single felony conviction. Almost 40,000 had three felony arrests without a felony conviction. With respect to robbery, the most intimidating and socially destabilizing felony, approximately 100,000 individuals had been arrested in the city for that crime and two-thirds of these defendants had no felony convictions.

### **Who's to Blame?**

How did this mess come about? How did this legion of habitual predators swell to such dimensions? The answer, in retrospect, is clear. The crime control policies of the city, the state, and the nation in those years directly contributed to the huge increase of dangerous felons on our streets. In the early 1970s, as crime rates soared, the state was actually closing down pris-

ons. Riots in Attica and other state corrections facilities led to a policy of ever greater numbers of felons being placed on probation, and no significant new prison construction took place. In the city, riots in the Tombs led to the same consequence. City leaders decided that the appropriate policy was not to put dangerous felons in jail and prison, but rather to keep them *out*. Somehow, prisons and jails were said to be the cause of crime, rather than the answer to crime.

A policy of tea and sympathy replaced traditional theories of crime and punishment. The federal government, through the Justice Department and its Law Enforcement Assistance Administration, committed during those years almost \$7 billion to the major cities of America to, in large measure, underwrite diversion programs, unconventional theorizing, and non-institutional mechanisms for dealing with arrested criminals. A curious collection of ad hoc experimental projects, largely grounded in theories of social engineering, were created to accomplish anything but punishment of offenders. A host of psychological counseling services, job programs, and mediation schemes sprang up. It seemed that every lawyer had just the client for whom a federally funded project had been designed.

The criminal justice system, always vulnerable to blandishments that promise to alleviate its caseload, cooperated. By 1981, the grim consequences were only too clear. A New York police analysis of 235 career robbery specialists who had been operating over the previous decade, disclosed an average of 12 previous arrests, seven of them for felonies, with an average prior conviction rate of significantly less than one felony and four misdemeanors. The aggregate amount of time served for the 12 previous arrests was less than three months.

### **Public Intuition**

In New York City, these shocking trends were aggravated by the severe reduction of police strength brought about by fiscal irresponsibilities from the late 1960s through the mid-1970s, which led to the worst finan-


cial crisis in the city's history. The Police Department shrank in size by one-third as crime rates rose in the mid-1970s to reach unprecedented levels in the late 1970s. The reduction of visible police patrols in the neighborhoods and on the thoroughfares of the city invited more crime in much the same way that the new criminal justice system's experimental practices encouraged it.

During these years, the systematic downgrading and reduction of state and local prisons, court diversion policies driven by federal grants-in-aid programs, the degeneration of plea bargain practices, and unprecedented reductions in police strength were accompanied by comprehensive legal restrictions on police power, imposed largely by federal courts in the wake of the 1961 exclusionary rule case, *Mapp vs. Ohio*. The criminal law became progressively more complex, and absurdly difficult for the cop on the beat to comprehend and apply. This was no less the case for lawyers and judges, and the net effect brought about the release of countless numbers of demonstrably guilty defendants on the basis of increasingly technical and subtle distinctions of procedural law.

These conditions led most Americans to regard their institutions of criminal justice as simply useless. Broad perceptions abounded that nobody got punished for anything, from shooting the President to running a red light. Fortunately, an ideological sea change in crime control policies has occurred in the years since 1980.

A systematic attempt to reverse the dynamic operating in our criminal courts for two decades has begun to transmit to potential offenders the axiom that crime does not pay. This is at the heart of the calculus in the Wilson-Herrnstein formulation that the choice of pursuing crime will be less attractive as the unattractive consequences become more clear. Thus, the number of convicted felons in New York prisons has more than doubled since I assumed office in 1978, and the indictment rate of arrested felons has also doubled. The visible presence of police on street patrols in New

York City has dramatically increased, and the aggregate size of the force will reach pre-fiscal crisis levels by the end of next year. The federal courts have begun to introduce a strong antidote of common sense to a criminal procedure law which has become murky beyond all power of reason to penetrate. Most importantly, a new realism has been introduced in the crime and punishment debate, a recognition that government cannot be expected to reshape human nature.

This is, in the final analysis, the indispensable virtue of the work of scholars like James Q. Wilson and Richard J. Herrnstein. They have reflected the average citizen's intuition about crime and its causes, and through comprehensive learning and painstaking research, they have raised that intuition to a formidable argument on the need for imposition of the criminal law as a vehicle for "moral education." They find the source of all crime in human greed and cruelty, and reaffirm the need for its ringing condemnation by our public institutions. 

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## Lessons of Nicaragua

**Nicaragua: Revolution in the Family**, by Shirley Christian (New York: Random House, \$19.95).

*Reviewed by Adam Meyerson*

**I**n July 1979, the people of Nicaragua freed themselves from the brutal kleptocracy of Anastasio Somoza Debayle, only to deliver themselves, with the help of the Carter Administration and much of the western hemisphere, into the hands of a Marxist-Leninist tyranny much more systematic in its oppression. This book, written by a distinguished Central America reporter now with the *New York Times*, is the most comprehensive history of the Nicaraguan tragedy yet available.

It ought to be read by everyone who wants to build democracy and respect for human rights in countries run by right-wing dictators. For it is a classic textbook on how not to run American foreign policy and how not to conduct a democratic revolution.

Somoza was the third member of a family dynasty that had lorded over Nicaragua since seizing power in a 1936 coup. The family controlled the National Guard, the country's only military force, and it took over many of Nicaragua's most attractive coffee and sugar properties, while building up industrial, shipping, and airline empires. Elections were fraudulent, yet the dynasty was relatively benign. It tolerated harsh criticism from *La Prensa*, the country's largest newspaper, and from opposition parties that were prevented from coming to power but otherwise permitted to operate relatively freely. Until the 1970s, torture and political killings were infrequent by Central American standards. "Almost any problem" under the Somozas, writes Miss Christian, "could be straightened out by relatives, friendships, or money."

Three events in the 1970s made the Somoza dictatorship intolerable to Nicaragua's political, business, and religious leadership. Private enterprise groups accused Somoza of massive corruption in his handling of disaster relief after an earthquake destroyed 80 percent of the capital city of Managua in 1972. In 1976, the country's bishops, led by Archbishop (now Cardinal) Obando y Bravo of Managua, sharply criticized the National Guard for killing at least 200 peasants in a campaign against what was then a tiny band of Communist guerrillas called the Sandinista National Liberation Front. The last straw was the assassination in January 1978 of Pedro Joaquin Chamorro, the editor of *La Prensa* and Somoza's principal political opponent. Though it is highly unlikely that Somoza was behind the murder, Chamorro's death triggered mass demonstrations against the dictator. Miss Christian writes that "Even

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