

Social Explanation

Introduction

I approach the central question of this volume indirectly, by considering what seems to me to be a central fallacy, or series of fallacies, regarding the task of a human science. To illustrate the issues I begin with a sketch of a very impressive study now underway, a \$32 million project entitled 'The Project on Human Development In Chicago Neighborhoods.' Its size and expense suggests that what it represents is not marginal in the human sciences. Quite the contrary, very much social science shares in its most fundamental assumptions.

Writing in defense of this project, James Q. Wilson, perhaps the nation's best known criminologist, notes that 'two children of the same family often turn out very differently. This casts doubt on the notion that the shared environment of the children is the principle--or even a very important factor in their development.' He asks 'what is going on?' 'Correlational studies,' he says, cannot help much since they 'can tell us next to nothing about what causes what.' Thus:

We may find that crime and unemployment are correlated, but we can't tell from this association whether unemployment causes crime, whether crime causes unemployment (as it would if people found drug dealing more profitable than work), or whether some common factor (such as impulsiveness or poor work habits) causes both crime and unemployment.'

Some of what we know, he says, comes from longitudinal studies, but:

...Most longitudinal studies cannot tell us very much about causality because they did not begin when their subjects were young enough and did not involve a sufficient number of measures, such as looking at early patterns of mother-child bonding.¹

The Chicago study, directed by Harvard psychiatrist, Felton J. Earls and Yale sociologist, Albert J. Reiss, Jr. is 'interdisciplinary' and begins with the assumption that previous research 'doesn't go far enough.' It includes a selected sample of 11,000 research subjects, grouped into overlapping cohorts. Along with community studies, each will be 'followed' for eight years. 'By the year 2001 data will be available on the entire development process of a large number of criminals and non-criminals.'²

It is clear that Wilson thinks that to explain crime, one needs to find the causes in individual biography (or perhaps in individual biology--a crime gene, perhaps). He thinks that if we look at enough individual cases and do enough multiple regressions, we will find the key 'factor' or perhaps the right combination of factors. We will have the causes of crime.

Human Development

It is surely true that 'two children of the same family often turn out very differently.' But Wilson draws the wrong conclusion from this. Indeed, it is easy enough to explain why this happens and why it also is a mystery. Before looking critically at the guiding assumptions of the study, let us consider what are, I think, some fairly elementary general facts.

As seems clear, the psychological traits of persons: personality, cognitive ability, etc., are causal outcomes of a complex epigenetic process which begins with conception and ends with the death of the organism. A particular and *unique* genome, itself the product of the conjunction of haploid sex cells, is in embryogenesis, the locus of continuous transactions both in itself and in relation to its 'environment.' It subsequently emerges from the womb and is then in a continuous transaction with an natural and human

environment, acquiring a language and basic conventions of human interaction, eventually forming a self and traits of personality. Through both of these conditions, in the womb and then after, as the biologist Paul Weiss remarks, 'the latitude for epigenetic vagaries of the component elements on all levels is immense.'

To say that the process is epigenetic is to say that in this immensely complicated process--misleadingly called a chain--the causes are transactional and not additive.³ With the exception of mechanical causation where forces are interactive and can be added (as vectors), this is true of all causality. For example, a plant's growth depends upon water, fertilizer and a host of other 'factors.' But As Lewontin remarks, it would 'absurd to say what proportion of the plant's height is owed to the fertilizer it received and what proportion to the water...'⁴

As regards human development, there are many causes working at various levels. Biochemical processes (and interventions at the biochemical level, e.g., nicotine) have effects on molecular processes which then have effects on higher-order complexes, organelles, organs, organ systems, finally to the intact functioning organism. And these causal transactions are both 'bottom-up' and 'top-down.' As Pattee writes: 'Coordination in biological organisms takes the form of hierarchical controls which at each level provide greater and greater freedom or adaptability for the whole organism by selectively adding more and more constraints to its component parts.'⁵ Not only is there considerable contingency between levels in this dynamic process, but our knowledge of interlevel processes is still very much incomplete. Indeed, as Hull remarks, 'in some cases, the analyses are not even compatible.'⁶

Since each moment of development establishes new conditions for what comes after, time is also critical. Some changes are unimportant relatively; others, including those which are irreversible, are not. Although preceded by a host of more marginal changes, the emergence of the self, for example, is monumental.

The epigenetic 'vagaries,' of course, are not unlimited: They are, if you will, restricted by our 'biologically determined' human nature. It may be useful here to give a restricted meaning to a term used widely but vaguely (and usually wrongly). We can say that some trait, capacity, or difference is a feature of our (biologically determined) 'human nature' only if the person realizing that trait would have realized it had she been in any other time or place. That is, time and place are irrelevant as regards features of 'human nature.'

There are some obvious biologically determined traits: Our human anatomy and physiology is one. Others, related to this include manifest physical traits which mark family resemblances, such as facial features, body type, and skin color. (Race is *not* biologically determined since on all the evidence there are no biological grounds for grouping people according to race. Race (like ethnicity) is a social construction, a fact of some importance.)⁷

We can also distinguish realized capacities, e.g., the ability to speak (say) Dutch, from capacities as potentialities, the ability to acquire language, and hold that the latter are biological determined although the former are not. There are a host of distinctly human (species-specific) capacities which presuppose our distinct evolutionary history. These are a critical part of 'human nature.' *Homo sapiens* everywhere and anywhen can acquire language. But of course, depending upon the time and place, children acquire some very different languages. There are as well biologically grounded propensities or tendencies of other sorts, e.g., toward cancer and schizophrenia. Like the human powers just mentioned, these need not be realized, and like these other capacities, they are still very poorly understood. We do know, however, that *all the distinctly human capacities require for their realization a human environment*. It follows, accordingly, that all these realized capacities are social in a very obvious sense.⁸

The Mark of the Social

What then is the special or defining character of a human environment? Although there are alternative ways to approach this question, G.H. Mead's account is powerful and convincing. He writes:

The 'peculiar' character possessed by our human social environment...is to be found in the process of communication, and more particularly in the triadic relation on which the existence of meaning is based: the relation of the gesture of one organism to the adjustive response made to it by another organism, in its indicative capacity as pointing to the completion or resultant of the act it initiates...Such a response is its meaning, or give it its meaning.⁹

Further,

When this conversation of gestures can be taken over into the individual's conduct so that the attitude of the other forms can affect the organism, and the organism can reply with its corresponding gesture and thus arouse the attitude of the other in its own process, then a self arises.

Mead's formulation (not to be developed here) generates some important implications. First, the self (personality) is a concrete, and thus idiosyncratic incarnation of a local community: a particular instantiation of the social mind. As Dewey says, there is a radical difference between 'individuals with minds' and 'individual minds.' It follows that, for example, a Harlem youth will incarnate a social world common to many Americans, but that he will also incarnate a local world shared by 'significant others.' Second, humans act on the basis of the meanings which are not merely 'in the head,' but in public space. These are reproduced and transformed through an interpretative process. One illustration must suffice. Brent Staples comments:

I'd been a fool. I'd been walking the streets grinning good evening at people who were frightened to death of me. I did violence to them by just being. How had I missed this? I kept walking at night, but from then on I paid attention.

I became expert in the language of fear.¹⁰

His decision to use his blackness on his walks near the University of Chicago, depended upon some distinct meanings derived from interactions on those walks. The 'interpretative process' is, as Mead analysed it, a conversation of the actor with himself employing the materials at hand. Blumer puts the matter clearly: 'the actor selects, checks, suspends, regroupes, and transforms the meanings in the light of the situation in which he is placed and the direction of his action.'¹¹ Following on this, finally, the self is not fixed but is being transformed through action in a continuous process. There will be differences in the possibilities for change and the degree of change, critical junctures in the maturation process and in the life history of selves. These last, of course, will vary widely in individual life histories.¹²

The Chicago Study

If the foregoing is even approximately correct, then there *no* possibility that the Chicago study will produce what it aims to produce. My criticism begins with some broadly philosophical concerns regarding causality and agency and concludes with some methodological remarks regarding some standard statistical techniques.

First, the study assumes a fundamentally flawed notion of causality and explanation, an essentially Humean picture in which causes are construed as invariants of the form, whenever this, then that. This has been usefully termed 'regularity determinism.'¹³ It depends on a false model of science constructed on the paradigm of classical celestial mechanics. Unfortunately it is an idea still very much alive in the human sciences.

There is an alternative, realist view. For the realist, the world is not a determined concatenation of events, but a contingent concatenation of real structures. The world is stratified and contains 'powerful particulars' which conjointly, but contingently produce what is actual. Laws of nature are not, as regularity

determinists hold, 'invariant relations of succession and resemblance' (to quote Comte's classic formula). They must be analysed, as Bhaskar argues, as tendencies 'which may be possessed unexercized and exercised unrealized, just as they may ...be realized unperceived (or undetected).' Because the world is not a Laplacean closed system, there is genuine novelty and in principle unpredictability as regards everything that happens, even while, at the same time, everything that happens is caused and thus, in principle, can be explained.¹⁴ Versus the conventional deductive-nomological model of explanation, there is, accordingly, a radical asymmetry between explanation and prediction.¹⁵ There is a stability in the world, and this gives rise to patterns. We can, therefore, establish true generalizations. But there are also surprises. Sugar *usually* dissolves in water and it will not explode. Regularity determinism is *not* consistent with the developmental process sketched in the foregoing. The realist alternative is.

Second, because the Harvard study assumes regularity determinism, it must deny human agency. It assumes that the 'factors' identified by the study as potential causes of crime *determine* the behavioral outcomes: The criminal acts of Sam, Edith, etc. are the result of factors X,Y,Z, etc. As above, these 'factors' are causes in the sense that if they are present (usually in this or that combination), they explain given instances of behavior.

But once we have genuine contingency and novelty in the world, it is possible to make a place for genuine human agency--and, I would hasten to add, responsibility. Persons are 'powerful particulars' in that they are causes. Once self is decentered from consciousness (as in Mead's formulation), we can see that as Giddens says, 'agency refers not to the intentions people have in doing things, but to their capability of doing those things in the first place.'¹⁶ Indeed, it is analytic to the concept of action that the agent could have done otherwise.

The idea should not be either minimized or misunderstood. It is not an anti-naturalistic concession to 'free will' as an uncaused cause. Rather, it means that by virtue of our emergent minded capacities, persons act for reasons (which are causes), and that action is characterized by radical contingency. I may reach to close the window, but stop because a bee suddenly flies into my field of vision. I may decide to marry but get cold feet at the last moment. As argued, what we are, including our personalities, skills, habits, attitudes, beliefs, etc. is the product of a complex epigenesis and of course, this gives us some measure of confidence in what others *might* do. But 'might do'--even with a strong probability--is not 'will do.' The in principle unpredictability of action is a consequence, not only of the open-system character of the world--the flight of the bee in the window, but of reflexivity--a process, as G.H. Mead insisted, of communication of the actor with himself.

Third, the Chicago study cannot hope to establish causality (or causal chains) because it must rely on multiple regression as the preferred method of inquiry.

The Limits of Multiple Regression

We can think of the longitudinal study as an extended effort at applying a version of Mill's joint method: Look at a large number of positive and negative cases, identify the potential 'causes' by seeing whether there is some 'factor' (or factors) present in the positive cases and absent in the negative cases.

We should note, first of all, that there are severe limits on the use of this method *where experimentation is possible*. We must assume, e.g., that the positive cases represent a unitary phenomena and that our analysis has not obscured some common factor, perhaps at a different level of analysis. Moreover, where experiment is possible, the *most* that can be said is that some identified factors are eliminated as not necessary conditions and some identified factors are eliminated as not sufficient conditions. This mode of proceeding is essential to causal analysis even if inferences to causality are always tentative and revisable. But, of course, experiment is not possible in our case. Characteristically, in the social sciences, one appeals to multiple regression as a second best alternative.

Roughly the idea is this: We have a 'dependent variable' (crime) and number of independent variables, for example, IQ, family environment, race, income, and educational level--each operationally defined. By

the use of well-known mathematical techniques, we hold each of the `variables' constant and then consider the relation of the others to the dependent variable. We hope to find differences in the Beta coefficients of the variables, thus establishing the relative importance of the factors as regards the outcomes.

The National Longitudinal Survey of Youth (NLSY), a two year study of a `nationally representative sample' of some 12,686 American youths compares neatly with the Harvard study. It was employed heavily by Murray and Herrnstein in *The Bell Curve* (1994). To focus our discussion, we can provide one result reported by them:

With reference, then, to IQ and SES [socio-economic status], Murray and Herrnstein ask:

How does each of these causes of poverty look when the other is held constant. Or to put it another way: If you have to choose, is it better to be born smart or rich: The answer is unequivocally "smart."

There are some obvious criticisms to make. First it is no longer possible to assume that IQ measures a real property of the person.¹⁷ Second, we need to assume the accuracy of self-reports of participants.¹⁸ Gould summarizes a third criticism: `...almost all their relationships are weak; very little of the variation in social factors is explained by either independent variable.' He points out that they admit as much when they say that `one cannot predict what a given person will do from his I.Q. score.'¹⁹

These remarks lead to the deeper criticism. Gould comments: `But a few per cent of statistical determination is not causal explanation.'

We need here to distinguish analysis of variation and causal explanation.

Assume first a set of dependable, meaningful independent variables with a linear relation to the dependent variable.

$$Y = a + b_1 + b_2 + b_1b_2 + e \text{ (Equation 1)}$$

The problem is then one of variable selection. The goal of the analysis is a `good fit.' If we do our work well, what we end up is `a useful statistical description defensible against plausible alternative interpretations.'²⁰ It is critical to emphasize that *the very best result is a statistical description*, a point nearly always missed. At best, the result is a highly simplified picture, a statistical snapshot, of a fantastically complicated concrete social situation. For example, as an abstract ratio, the crime rate represents a picture of crime in the real world. It leaves much out--obviously. On the other hand, as Achen remarks: `A picture of a friend is useless if it covers a football field and exhibits every pore. What one looks for instead is an interpretable amount of information, with the detailed workings omitted (p. 13). As regards the crime rate, the `detailed workings' include, of course, the specific structured actions of *everyone* in society: both criminals and non-criminals. While it would be agreed that a crime rate is such snapshot taken from a very long distance, the same is true of all other statistical results, including the results of regressions.

A useful description--a good fit--is not so easy to come by. One test of this is the 'coefficient of determination,' R^2 . It is usually said that R^2 gives 'the percentage of variance explained' in the dependent variable by the regression. But as Achen comments: This is an expression that, 'for most social scientists, is of doubtful meaning but great rhetorical value' (p. 58f.) The rhetorical value lies in the supposition that first, a large R^2 guarantees 'a good fit' and second, in the more radical confusion, that the number represents the causal importance of the factor in the regression.

Neither supposition can be sustained. As Achen says, R^2 'is best regarded as characterizing the geometric shape of the regression points and nothing more' (p. 59). It is easy to see why this is so. Achen says: 'The central difficulty with the R^2 for social scientists is that the independent variables are not subject to experimental manipulation.'

There are several lines of argument. One regards the problem that 'variances are a function of the *sample*, not the underlying relationship.' That is, the linear model (eq. 1) is a *local analysis* whose result depends upon the actual distributions of the variables in the population sampled. Thus, 'in some samples, they vary widely, producing large variance; in other cases, the observations are more tightly grouped and there is little dispersion.' For this reason, then, 'they cannot have any real connection to the "strength" of the relationship as social scientists ordinarily use the term, i.e., as a measure of how much effect a given change in the independent variable has on the dependent variable..'

Second, there is the problem of assuming that the measured variables 'add up' to 1.0. Achen offers an example:

If the regression describes, say, domestic violence in countries as a function of violence in prior years plus economic conditions, can one say which variable is more important in causing violence? For most purposes the answer is no. The units of one variable are violence per amount of prior violence; the units of the other are violence per amount of economic dislocation. One can say only that apples differ from oranges. *As theoretical forces abstracted from any historical circumstances, they have no common measure* (p. 70).

Equation 1 makes us believe that the variables are both additive and independent (with b_1b_2 taking into account the 'interaction effects of the variables.) But this is (almost?) never the case. The best sort of example to illustrate the general principle is to see the confusion in the mostly meaningless discussions of the relative effects of heredity and the environment. Consider a parallel (idealized) biological study.

Take a genotype replicated by inbreeding or cloning. This minimizes genotypic individuality. Place them in a various carefully controlled environments. It is then possible to establish rough tables of correspondence between phenotype on the one hand and genotype-environment combinations on the other. The results, called the 'norm of reaction,' are *never* predictable in advance. They are not predictable since genetic and environmental factors are not additive (and hence cannot be represented by linear equations.) They are causes in transaction in exactly the sense that genes cause different outcomes in different transactional environments.

If such norms could be experimentally established for persons in their development, then across the range of controlled environments and (cloned?) genotypes, one could relate the variances in outcomes with the changes in the independent variables. This would still not provide the proportion of causation since causation does not suddenly become additive. But one could talk sensibly about their relative 'importance.' One could 'explain the variance' sensibly. More dramatically, as Achen says, put some children in middle-class homes and the others in closets. There surely will be differences in cognitive ability, personality, etc. Almost certainly, most of the differences in personality will be 'explained' by environment. Conversely, put them all (*per impossible*) in *the same* environment, most of the variation surely will be 'explained' by heredity.

I hope, however, it is obvious that except, for identical twins, not only are no two genotypes the same,

but that in the concrete real world, there is not any way *in principle* to specify all the relevant environmental 'variables' --exactly because *these are not independent*. The social world is real enough, but the mere fact that *necessarily* it is mediated by the consciousness of agents makes it impossible to say how a condition will be experienced and understood by the agent, and thus what affect it will have on him and his behavior. Accordingly, there is no hope that the Chicago study will produce anything like what it hopes to produce.

Social Explanation and the Explanatory Goals of Social Science

If the foregoing is correct, does it follow that we cannot hope to explain crime? Not in the least. But we need first to offer some preliminary considerations.

What are we asking for when we are asked to explain crime? I have argued that it is not sensible to hope for a scientific explanation of the particular criminal acts of concrete persons, e.g., why Sam mugged a woman in Central Park on the eight of July, 1994. Our ordinary, unscientific explanations will have to suffice. Yet, it is true and important that there is a crime rate because of the criminal actions of Sam and the many others who end up in crime statistics. We need a way to acknowledge this and at the same time have explanatory goals that can be realized.

Although it is too often overlooked, the explanatory goals of the successful sciences are modest. Physics does not try to explain the trajectory of a leaf falling in Central Park, even though the processes are very well understood. Chemistry does not try to explain the failure of my sugar to dissolve in my iced tea, although, again, the processes are very well understood. In general, science seeks an understanding of the causal mechanisms at work in the world. Molecular chemistry gives us an understanding of processes in its domain; similarly as regards particle physics or the physics of space and time. Of course, these very powerful--and abstract-- theories can be put to work in explaining events and kinds of events, and in designing technologies. But application brings in all the problems of the concrete: complexity, the open-system character of outcomes, contingency and predictive failure. We can expect no more--or no less--from social science.

We can think of social explanation, then, as explaining social phenomena in terms of *social mechanisms*. Since I do not think that there is a useful way to define or classify 'social phenomena,' I shall mean by 'social phenomena' *everything but* the concrete acts of individuals.²¹ Thus, I include: poverty, crime, revolution, electoral victories, war, marriage, inflation--including the descriptions of these as provided by statistical analysis. But I include, as well, group behavior, the genesis (and reproduction) of institutions, e.g., the current system of criminal law, institutional changes and changes in norms, values and much else besides.

As regards 'social mechanisms,' the root metaphor is the famous text from Marx's *Eighteenth Brumaire*, '[Persons] do make their own history, but do not make it just as they please; they do not make it under circumstances chosen by themselves, but under circumstances directly encountered, given and transmitted from the past.' Giddens has suggested that his entire body of work is an extended gloss of that text; but one can find variant formulations from among a wide range of recent writers, including recent Marxist writers who insist on the need for a micro-foundation for so-called 'macro-explanations' and in the recent work of James Coleman, who identifies himself as pursuing a 'special variant' of methodological individualism. The thesis I will defend is well put by Daniel Little:

an assertion of an explanatory relationship at the social level (causal, functional, structural) must be supplemented by two things: knowledge of what it is about the local circumstances of the typical individual that leads him or her to act in such a way as to bring about this relationship and knowledge of the aggregative processes that lead from individual actions of that sort to an explanatory relationship of this sort.²²

In what follows, I try to illustrate this, but we should note here, perhaps, that this is not methodological individualism as that is usually understood. There is no claim here that the *meaning* of social concepts is translatable without residue into terms that refer only to individuals. Indeed, not only can we not translate, e.g., the concept of a bureaucracy in terms of predicates that refer only to persons and their actions, but we cannot talk about human action without appeal to predicates which are irreducibly social. That is, as I argued, *persons* are irreducibly social beings.

Nor is it assumed that social phenomena can be *explained*, without residue, in terms of the psychological attributes and actions of persons. As Little argues, we must allow that social facts supervene upon individual action. He gives an excellent example. There are true generalizations about bureaucracies, e.g., that they tend to be conservative. But this statement is not about ensembles of persons, but about bureaucracies. What is critical is the fact that the activities of persons in bureaucracies are structured by the form of a bureaucracy. It is this which gives bureaucracies properties which are not reducible to the properties of individuals and their actions. There is a sense that the particular characteristics of the persons are wholly irrelevant. Who the individuals are, whether for example, they are individually conservative or altruistic, etc. is irrelevant insofar as the concern is properties of bureaucracies.

On the other hand, it is surely true (versus many readings of Durkheim) that there are no independently existing social forms, and no such thing as 'society.' There are only persons engaged in interaction. Thus all the 'institutions' and/or 'social structures' which comprise 'society' are constituted solely and entirely by persons and their interactions. Social forms exist only as incarnate in persons and their interactions, or as Giddens has put it, they have but 'virtual existence.'²³ This means, critically, that there are no 'social forces.' Persons are the sole causal agents of social phenomena: every social phenomenon is what it is because of the actions of persons, past and present--and nothing more.

This is, of course, a powerful reason for insisting that a social mechanism be unpacked in terms of the actions and the consequences of actions of individuals using materials at hand, but there is another relevant reason: Once we abandon the regularity determinist theory of science, we see that it is silly to suppose that there could be *causal* regularities at the level of social phenomena.²⁴ The assumption that there could be, of course, is symmetrical to the assumptions made by the Chicago development study. Instead of trying to be 'interdisciplinary' and include biological, psychology and social 'factors' in the explanation of behavior, the typical 'sociological' explanation makes both dependent and independent variables 'macro' (social phenomena). The interest is not in individuals. Indeed, as in most forms of structuralism (Parsonian and Marxist), persons simply drop out. Instead of trying to explain the social in terms of the acts of individual, there is an inversion: what persons do is 'explained' by the causal regularities at the macro-level. For quantitative applications of this, the regression, then, looks for 'strong relations' between 'social facts,' e.g., anomie and suicide rates.

Anti-naturalistic writers rightly reject both versions of regularity determinism. In despair, they give up hope for *scientific* explanation and retreat to description, 'thin' or 'thick,' to 'interpretation' or 'genealogy,' or merely to story-telling!

The other alternative is the one promoted here, to turn to an analysis of the underlying social mechanisms that produce the weak generalizations, probability statements and exception-laden patterns and regularities--the very stuff of statistical description.

Explaining Crime

What follows is not meant to be either complete or definitive. It is meant to be an illustration--and, if you will, to offer that we know a great more about crime and its causes than our social scientists often tell us that we do. It may also suggest that studies of the Chicago type serve only to obscure matters, not to help us to understand them.

As it obvious, 'crime' is a social construction in the very straightforward sense that acts are criminal only insofar as they are proscribed by the criminal law. (The idea that there could be genetic or biological

cause of crime is, accordingly, patent nonsense.) Morality (moral codes, norms, values, etc.) are also social constructions. But the relation between crime and morality is contingent--a consequence of the fact that the social mechanisms which produce them are different, though related. There need not be universal agreement among members of a society on what counts as moral (and immoral). Not everyone thinks that sodomy or smoking marijuana, e.g., is immoral. There are a number of important consequences of this contingent relation. For example, if morality is a constraint on behavior, morality may not constrain people from doing things which are illegal and conversely, laws will not make people moral.

Moreover, not all acts which are harmful to others are criminal. For example, willfully ignoring work safety regulations which lead the unnecessary death of workers is not a crime.²⁵ And, not all criminal acts are harmful to others, e.g., prostitution and possession or use of marijuana.²⁶ This leaves us with a set of illegal acts which are not harmful to others and contestably immoral and another set of acts which are manifestly harmful (and thus presumably immoral) and yet are not illegal. One may wonder why we allow tens of thousands of workers to die because we lack adequate laws and we fail to enforce those which we have, and at the same time, we put millions of dollars into enforcing laws to prohibit behavior which does not harm others?

Answering this will require a social explanation. It will no doubt be complicated and I do no more than suggest here what would be involved in such an explanation. It will involve giving a historical account of the genesis of the relevant institutions and beliefs, and should include an account of how these are reproduced by individuals: lawmakers, police, the media, schools, and ordinary citizens. We will need to discriminate between the explicit goals of typical agents and the consequences, intended and unintended of their (typical) actions. We will need also to consider whether the typical beliefs and attitudes of legislators, enforcement agencies, teachers, journalists and ordinary citizens are heavily ideological in the clear but restricted sense that these beliefs are (1) distorted, (2) essential to the reproduction of existing institutions--and, (3) in the interests of those with power in society. And if so, we will need to consider how this has been produced and gets reproduced.²⁷

There is a second set of preliminary considerations. We need to be clear that there are at least three very different sorts or kinds of crime: crimes without victims (acts which are not harmful to others), white-collar crime, crimes whose victims are usually indirectly affected, e.g., embezzlement, bribery, fraud, fee-splitting, and what is perhaps best termed one-on-one crime, murder, rape, assault, robbery, etc. That is, sociologically, crime is not a unitary phenomena.

Talk about crime, including 'wars' on crime, is *never* about white-collar crime, even if the costs of such crime is quite astronomical.²⁸ The fixation on drugs, one-one-one crime and prostitution by the general public, lawmakers--and one should not exclude criminologists--also cries out for explanation. And no doubt, the explanation will take much the same form as the previous explanation. I do not attempt it here.

Keeping these considerations in mind, consider again the explanation of crime. Of course, we cannot 'predict' *who* will become criminal. There are criminals of every class, gender, race and ethnicity, age, religion, etc. But suppose, instead, that we tried to explain these social facts:²⁹

1. Between 1987 and 1992, Federal bank regulators investigating the Savings and Loan scandal, filed 95,045 criminal referrals with the FBI. 75% of these were dropped without prosecution. Those convicted served an average of 2.4 years in minimum security prisons, compared with 7.8 years for those convicted of bank robbery. From October 1988 through June 1992, courts ordered defendants to pay more than \$846.7 million in fines and restitution. 4.5% of this amount had been collected as of 1992.³⁰

2. In 1993 the US lost its lead in incarceration rates. Russia led with 558 incarcerations per 100,000, the US was second with 519, South Africa was next at 368. France had a rate 84, The Netherlands 49, Japan 36.³¹

3. In 1992, 58% of persons in federal prisons and over 30% in state prisons were sentenced for drug

offenses. Over two thirds of drug arrests were for possession and less than a third for the sale or manufacture of drugs. According to the US Justice Department (February 1994), over 21% of all federal prisoners were 'low-level offenders with no current or prior violent offences on their records, no involvement in sophisticated criminal activity and no previous prison time.' They served an average of 81.5 months.

4. White high school students are twice as likely to report using illegal drugs as African-American students. 24% of whites report marijuana and 3.3% report cocaine; 11.5% of black students use marijuana; 1.3% use cocaine. But young black males account for 40% of drug arrests and 60% of prison commitments for drug offences.

5. Between 1987 and 1991, juvenile arrests for murder climbed 85%. Arrests on charges of robbery, assault, rape, and other violent crime rose by 50% among juveniles, double the adult rate.³²

6. Perhaps 85% of those processed through the criminal justice system come from the lowest 15% in income.³³

7. In Chicago, 80% of the men jailed are high school dropouts; since 1973, the income of dropouts has declined 37%.³⁴

Unsurprisingly, class, race, gender, age and drugs leap at us as critical variables in explaining these social facts. We can think of these as structuring the activities of typical persons: they are 'materials' which enable and constrain activity and, insofar, they structure opportunities, expectations, values, attitudes, etc.

We can start with a fairly simple model. Individuals are reared in households characterized by class, race and family condition (e.g., male or female headed, two parents, one working, both working, etc.). Households are in neighborhoods structured by race and class. Schools are in neighborhoods structured by race and class. So much, perhaps, is obvious.

Begin the explanation of white collar crime. Because committing white-collar crime requires institutional access to a position of trust and authority, white collar criminals are *never* either poor or uneducated and with some exceptions, they were not reared in slums in broken homes. They were seldom 'problem-children' and did not appear in juvenile courts. Why do they commit these crimes?

Social theory has tended to be divided into two schools as regards 'social control,' Durkheimians who hold that internalized social norms constrain behavior and 'utilitarians,' who hold that individuals act on the basis of a cost/benefit analysis. Actual motivated behavior, of course, does not so easily get divided up and, I think, it is always overdetermined. But no sophisticated psychological theory is necessary here, neither a strong theory of rationality nor a Freudian theory super-ego domination. Still, accepting that the distinction is useful as far as it goes, we can say here that as regards white collar criminals, neither constraint would seem to be operative. Indeed, as is well understood--but evidently ignored, white-collar crime does pay! One anecdote, not in the least an exception, makes the point.

John McNamara defrauded GM of \$436 million. In exchange for his freedom, he agreed to testify in a bribery trial. The officials he testified against got off and Mr. McNamara kept nearly \$2 million. *The New York Times* commented: "But with all the tough 'three strikes' talk, he'd better watch out: If he steals \$436 million from G.M. two more times, he's going to be in *real* trouble.' Sutherland summarized the issue well:

The crimes of the lower class are handled by policemen, prosecutors, and judges, with penal sanctions in the form of fines, imprisonment and death. The crimes of the upper class either result in no official sanction at all, or result in suits for damages in civil courts, or are handled by inspectors, and by administrative boards or commissions, with penal sanctions in the form of warnings, orders to cease and desist, occasionally by the loss of a licence, and only in the extreme cases by fines or prison sentences.³⁵

White collar criminals know that they will not be arrested, if they are, they will not face criminal charges, if they do, they will pay a fine or serve a light sentence in a comfortable prison. There is, accordingly, next to nothing to lose and very much to gain. Explaining this stunning difference in the structure of law enforcement will, of course, require a social explanation. It will parallel or be part of the explanation of what social mechanisms produces the criminal law and the criminal justice system.

What then about the criminals who fill our prisons? As above, there are two social mechanisms at work. One structures choices for crime; the other structures who ends up in prison. As regards much one-one crime, prostitution, and drug possession and sale, poverty is a cause of crime in the sense that it makes these sorts of criminal activities rational alternatives. There is here a vast ethnographic literature to draw upon.

Felicia Lee comments on the circumstances of Lakeshea Hill, a sixth grade graduate PS 158 in East New York:

For Lakeshea and the other students who graduated in the past week, the choices are complex and painful, like staying in school or dropping out, selling drugs or fast food, carrying a gun for protecting themselves or staying in the house. They ask themselves: 'Can I make it?'³⁶

A classmate, Pedro, knows kids who sells drugs because it is the only way to make money. He comments: 'If you don't wear name-brand sneakers, they dis you.'

The principal of PS 158, Anita D. Harrison, wept at the graduation:

Some of these kids, this is the only graduation they will have...Some of these kids, by some quirk of fate, might be killed. Some girls might have babies. They're good kids and the opportunities aren't there for them. The experiences aren't there for them.

Terry Williams shows that the young drug dealers he spent several years with are deeply committed to mainstream values, including the work ethic and the American dream.³⁷ Says Masterrap:

Selling dope is just any other business...You gotta work hard, stay on your toes, protect what's yours.

Williams makes it clear that the drug business is a direct response to the absence of legitimate opportunities. Charlie reports:

I don't plan to be in this business forever; I've got potential to do better, and I will. But right now, the thing is to make some money. After I do that, I can think about college and all that.

Charlie knows, of course, that what he is doing is illegal. But is it wrong? How can one criticise a hardworking young man like Charlie? He is not harming anyone. After all, he is merely providing others what they want.

Yet, as Gina Kolata remarks:

Despite the popular notion that crack sellers wear gold jewelry and get rich quick, most of the people in the business work round the clock, six to seven days a week, for low real wages in an atmosphere of physical threat and control.³⁸

Most are, of course, on the bottom rung of the distribution chain. But because it is easy to believe that there is opportunity for those who are sufficiently clever and hardworking, it is easy to find new recruits.

Richard Price, researching for his novel, *Clockers*, reports the observation of a drug dealer:

The scariest thing to a kid out here in the streets is not drugs, AIDS, guns, jail, or death. It's words on a page. Because if a 15-year old kid could handle words on a page, he'd be home doing his homework instead of selling dope with me.³⁹

There is a vicious trap. Not only are his opportunities structured by his circumstances but because he is intelligent, he knows what he can expect from life. There is no good reason to struggle with the books if he is not likely to find more than a part-time work in a dead-end job.⁴⁰

It is often said that, like crime, poverty is ill-understood, that it is, e.g., the complicated result of family breakdown, lack of education, poor motivation, welfare dependency--one could go on. But this so much nonsense. It confuses three different questions: the explanation of poverty, the explanation of what groups will likely be poor and the explanation of who in these groups will likely be poor.

The explanation of poverty is easy. As is very well understood, in a capitalist economy there is no mechanism which guarantees enough jobs for all those who want to work, still less enough jobs which pay wages which would put a family above the poverty line.⁴¹ Who then will be poor?

We know too why African Americans are disproportionately poor: about 3 in 10 as against 1 in 10. Explaining this requires looking at the history of African-Americans in America beginning with slavery and its effects--right up to the present. For example, as late as 1930, 54% of men were in agriculture. 5% were white collar. Since WW II some four million African-Americans were driven from Southern fields and immigrated to northern cities. But as Harrington wrote, by the 1960s, 'there was no growing industrial sector to absorb them.' It requires noting that *only* African Americans suffered net employment losses in the recession of 1990/91 and that as Ellis Cose has written, even the most successful African-Americans 'find themselves haunted by racial demons.'

The micro-foundations of reproduced black poverty are also well understood. As Elliot Liebow argued as early as 1967, each man on Tally's Corner

comes to the job with a long job history characterized by not being able to support himself and his family. Each man carries this knowledge, born of his experience, with him. He comes to the job flat and stale, wearied by the sameness of it all, convinced of his own incompetence, terrified of responsibility--of being tested still again and found wanting.

Marriage is an occasion of failure. To stay married is to live with your failure... It is to live in a world whose standards of manliness are forever beyond one's reach.

One can hardly be surprised, if among a minority, there are patterns of abuse, abandonment, womanizing, drinking or drugs? Indeed, the real question is how so many manage to avoid these patterns given the conditions of racism and poverty.⁴²

This is, however, but one side of the 'crime problem.' The other is the criminal justice system itself. As the discussion of white collar already suggested, it, too, is structured by class and race. Arrest records are just that. We do not know how many crimes are committed.⁴³ But that means that the allocation of law enforcement resources will be critical.

We must begin by looking at resources devoted to enforcing safety regulations whose violation often

cause loss of life. As Labor Secretary Robert Reich noted, OSHA's 2,300 employees cannot hope to police the nation's six million employers. While it is difficult to determine from police departments how many officers are assigned to vice squads, almost certainly the number in a dozen or so of our major cities will exceed the number of OSHA inspectors. With the Reagan cuts, these number now approximately 700.

We then can look at other government agencies responsible for enforcing, e.g., laws regulating the \$20 billion coal industry. According to inspectors who head regional offices of the Office of Surface Mining, the director, Harry M. Snyder, ordered them 'to end investigations of violations, reduce fines, eliminate penalties, divert prosecutions and prevent inspections.' As it turned out, ranking officials, including Secretary Manuel Lujan Jr., knew of Mr. Snyder's actions and 'by not interfering, in effect sanctioned them.'⁴⁴ No one served prison time.

Next, we can look at the practices of other critical regulatory commissions, e.g., the Securities and Exchange Commission or the Commodities Futures Trading Commission. For example, Thomas Collins defrauded investors of some \$40 billion. He had been under investigation for five years. Edward T. Joyce, a lawyer representing some of Mr. Collins' former clients asserted that the 'CFTC was utterly and totally incompetent.' The *Wall Street Journal* commented that if this were an exception, it would not be worrisome, but it is not. Indeed, critics contend that 'the CTC remains undermanned and beholden to the interests it is supposed to police.'⁴⁵ Mr. Collins has disappeared.

Finally, we must look at police resources and practices. The US doubled the number of police officers between 1980 and 1990. The 1994 Crime Bill will add another 100,000--even while according to official victim surveys, the crime rate has not changed significantly.⁴⁶

What of police practices? Between 1985 and 1989, the number of white juveniles in locked detention declined, while during the same period, the number of imprisoned non-white juveniles increased by 259%. But it has well established that young males who live in poor neighborhoods and apprehended for delinquency are many times more likely to appear in an official record than males from wealthier neighborhoods who commit the same offences. Since a criminal record is the scarlet letter of our era, this is highly significant. Indeed, not only does it nearly guarantee a lowpaying job, but it ensures that any subsequent apprehensions will guarantee prison-time.

Chambliss' recent work with Rapid Deployment Unit (RDU) of the D.C. Metropolitan police shows that there are two distinct sets of practices for Black and White neighborhoods. It is not merely that the RDU does not patrol predominately white neighborhoods, but the governing assumption in black neighborhoods is that a black male is presumptively guilty of some crime. We can get a sense of this by quoting one field note from Chambliss:

After midnight. The driver of the patrol car points out a car driven by two black men. He tells his partner to check for violations. The partner says, 'pull him over. Broken taillight.'

The officers call for backup. Two other RDU patrol cars arrive and the suspect's car is surrounded by the three cars. Two officers approach the car on each side. The driver rolls down his window, and the officer asks to see his license, which is given without comment. The officer on the other side of the car ask to see some identification of the passenger and is given his driver's licence. The licenses are given to a third officer who removes himself to his car to check for warrants and to check the license of the car.

The officer on the driver's side asks: 'Can we search your car?' The driver says 'No.' The officer then says 'You know what will happen if you refuse a police officer's request?' The driver then says 'OK, yu can look.' Both occupants are told to get out of the car and the car is searched. The officers find nothing.

Apparently satisfied that there are no drugs or guns in the car, the officer says: OK. You can go; but don't let us catch you with any shit, you understand: The driver nods yes, everyone returns to their cars.⁴⁷

But, of course, the class and race bias in the system does not end here. While the US Constitution requires that all defendants have attorneys, it does not guarantee that they should put equal time into a defense, have psychiatric services, investigatory assistance, expert witnesses or bail. Not only are the indigent found guilty more often, but are less likely to be recommended for probation or granted suspended sentences. And mandatory sentencing and the 'three-strikes' policy has exacerbated the differences. Since stiff mandatory sentences for crack has been instituted by the the US Congress, very few whites have been federally prosecuted in the region from San Luis Obispo to the Mexican border while hundreds of blacks and Hispanics have been imprisoned. Nearly all white crack offenders are prosecute in state courts where the sentences are far less--up to eighty years different! Remarkably, the average sentence for murder is six and half years. Possession of seven hundred marijuana plants has a federal mandatory sentence of eight years, with no possibility of parole.⁴⁸

I have argued that too much social science misconceives the proper task of a social science. It asks the wrong questions, too often misunderstands the legitimate role of its methods and draws conclusions which cannot up stand up to critical scrutiny. Worse, too much of this is ideological in that it serves the interests of the powerful. Crime has been my example. I think that we can explain crime. But of course, much depends, as I have argued, on what one thinks one is explaining and how this is to be explained.

Endnotes

1. James Q. Wilson, 'Scholars Must Expand Our Understanding of Criminal Behavior,' *Chronicle of Higher Education* (June 22, 1992).
2. Felton Earls, quoted from *Chronicle of Higher Education* (April 27, 1994). Earls went on to say: 'When we try to predict from those profiles to actual outcomes of children who go on to show delinquency and criminal behavior, it turns out the predictions are pretty weak' (p. A9).
3. Reporting on very recent research in evolutionary theory which shows that a common genetic key triggers the development of eyes of vastly different constructions, Peter Monaghan referred to the process as a 'cascade of biochemical events that take place in eye development' (*Chronicle of Higher Education*, 26 May 1995).
4. Richard Lewontin, 'Analysis of Variance and the The Analysis of Causes,' reprinted in Richard Lewins and Richard Lewontin, *The Dialectical Biologist* (Cambridge, Ma.: Harvard University Press, 1985), Chapter 4.
5. H.H. Pattee, 'Physical Theories of biological Coordination,' in Marjorie Grene and E. Mendelssohn (eds.), *Topics in the Philosophy of Biology* (Dordrecht: Reidel, 1976), p. 154.
6. David Hull, *Philosophy of Biology* (Englewood Cliffs, N.J.: Prentice Hall, 1974), p. 134.
7. For an excellent review and summary of the evidence, see Emanuel Drechsel, 'The Invalidity of the Concept "Race,"' in M. Tehranian, *Restructuring for Ethnic Peace* (Honolulu, Hawai'i: Matsunaga Institute for Peace, 1991).
8. This is true, I believe, of language, the emotions, perception and cognition. For language, see Derek Bickerton, *Language and Species* (Chicago: University of Chicago Press, 1990). For the emotions, see Rom Harre, 'Social Sources of Mental Content and Order,' in Margolis, Manicas, Harre and Secord, *Psychology: Designing the Discipline* (Oxford: Basil Blackwell, 1986). For perception, see J. Van Brakel, 'The Plasticity of Categories: The Case of Colour,' *British Journal for the Philosophy of Science*, 44 (1993). For cognition, see most recently, Marshall Sahlins, *How 'Natives' Think About Captain Cook, For Example* (Chicago: University of Chicago Press, 1995).
9. George Herbert Mead, *Mind, Self and Society* (Chicago: University of Chicago Press, 1967), p. 145.
10. Brent Staples, *Parallel Time: Growing up Black and White* (New York: Avon, 1994), p. 202.
11. Herbert Blumer, *Symbolic Interactionism: Perspectives and Method* (Englewood Cliffs, N.J.: Prentice-Hall, p. 5.
12. In addition to Staples's fine book, a small sample of recommended accounts by African-American males would include the following: Claude Brown, *Manchild in the Promised Land* (New York: Penquin, 1965); Sanyika Shakur, *The Autobiography of a Gang Member* (New York: Penquin, 1993); Henry Louis Gates, Jr., *Colored People* (New York: Vintage, 1995); Ellis Cose, *The Rage of Privileged Class* (New York: Harper, 1993). Each of these accounts illustrates clearly how selves get constructed and changed, and

how remarkably contingent most of this all is. They also show the depth of racism as a social mechanism. See below.

13. The philosophical argument against 'regularity determinism' was set out by Roy Bhaskar, *A Realist Theory of Science*, 2nd Edition (Atlantic Highlands: Humanities Press, 1978).

Jonathan Turner has most recently attempted a compromise which moves in the right direction but falls very short. 'We should,' he writes, 'still view as our goal the isolation and understanding of invariant and basic features of the social universe, but we should be intellectual fascists about it. Moreover, analytical theory must not be concerned with regularities *per se* but with the "why" and "how" of invariant regularities' (Analytical Theorizing,' in J. Turner and A. Giddens (ed.), *Social Theory Today* (Oxford: Polity Press, 1987), p. 159). Not only is the search for 'invariant regularities' misplaced, but for Turner, the 'hows' and 'whys' should be 'abstract and not tied to the particulars of an historical /empirical case.' This seems to me to be exactly the opposite of what we should be doing.

14. Just as genuine emergence and novelty is perfectly consistent with causality, order and structure is perfectly consistent with chaos and complexity--as argued by current complexity theory. One way to say this is to note that 'a lot of nature is not linear--including most of what really interesting in the world...Indeed, except for the simplest physical systems, virtually everything and everybody in the world is caught up in a vast, non-linear web of incentives and connections. The slightest change in one place causes tremors everywhere else'(M. Mitchell Waldrop, *Complexity* (New York: Touchstone, 1992, p. 65).

Waldrop remarks:

Physicists had begun to realize that by the early 1980s that a lot of messy, complicated systems could be described by a powerful theory known as "non-linear dynamics." And in the process, they had been forced to face up to a disconcerting fact: the whole of reality can be greater than the sum of its parts.

...For most people that fact sounds pretty obvious. It was disconcerting for the physicists only because they had spent the past 300 years having a love affair with linear systems--in which the whole is precisely equal to the sum of its parts (p. 64).

15. Most social scientists, of course, would admit that we should be content with statistical regularities; (but see note 13.). If so, however, we lose hold of the individual case, a point of some importance. We can grant that some substantial percentage of those who smoke get lung cancer, but Sam wants to know why he did and his wife did not.

16. Anthony Giddens, *The Constitution of Society* (Berkeley: University of California Press, 1980, p. . For a superb account of agency, see Roy Bhaskar, *The Possibility of Naturalism* (Atlantic Highlands, N.J., 1979), Chapter 3.

17. This was beautifully argued by Stephen Jay Gould in his *Mismeasure of Man* (London: Norton, 1981), but it seems that the lesson has been hard to learn.

18. See Richard Lewontin's critique of the sample survey as a technique in his review 'Sex, Lies, and Social Science,' *New York Review of Books*, April 20, 1995. His general conclusion is worth quoting:

The social scientist is in a difficult, if not impossible position. On the one hand there is the temptation to see all of society as one's autobiography writ large, surely not the path to general truth. On the other, there is the attempt to be general and objective by pretending that one knows nothing

about the experience of being human, forcing the investigator to pretend that people usually know and tell the truth about important issues. How, then, can there be a "social science"? The answer, surely, is to be less ambitious and stop trying to make sociology into a natural science although it is, indeed, the study of natural objects. There are some things in the world that we will never know and many that we will never know exactly...Biology is not physics, because organisms are such complex physical objects, and sociology is not biology because human societies are not made by self-conscious organisms. By pretending to a kind of knowledge that it cannot achieve, social science can only engender the scorn of natural scientists and the cynicism of humanists.

19. Quoted by Stephen Jay Gould, 'Curve Ball,' *The New Yorker*, 28 April 1994.
20. Christopher H. Achen, *Interpretating and Using Regression* (Beverly Hills, Ca.: Sage, 1982). I am indebted to Achen's clear account.
21. As I noted, we are not likely to improve on our ordinary unscientific explanations of concrete acts. These are usually 'psychological' or better, biographical, and employ, inevitably, 'social factors.' See Manicas, 'The Human Sciences: A Radical Separation of Psychology and the Social Sciences,' Chapter 8 of *Explaining Behavior: Consciousness, Behavior and Social Structure*, edited by P.F. Secord (Beverly Hills: Sage, 1982), pp. 155-173.
22. Daniel Little, *Varieties of Social Explanation* (Boulder, Westview Press, 1991), p. 196. In my view, Little remains captured by regularity determinism which leads him to some barely concealed inconsistencies. For example, he takes seriously what he calls 'predictive theory naturalism,' an unabashed neo-positivism (p. 224), and then offers that this is not a useful model for social science. But it is not useful for natural science either.
23. For some discussion, see my *A History and Philosophy of the Social Sciences* (Oxford: Blackwell, 1987), pp. 154-158.
24. Little wants to preserve this assumption, a bedrock assumption of regularity determinists.
25. We lack accurate statistics here, but in 1992, Senator Edward Kennedy reported a Labor Committee report which held that 40 workers were killed every day from occupational injuries. Another 400 more per day will die of occupationally inflicted disease. Of course, not all of these are victims of violations of safety regulations. The absence, of course, of sufficient numbers of OSHA inspectors guarantees countless needless deaths. See below.
26. Strictly speaking, we should include here *all* drugs *and* their sale, but I do not to avoid needless controversy. The analogy to alcohol is quite exact. Buying drugs can only be harmful to the user, assuming that drug use is harmful to the user. One might argue that the harm to others is indirect. There are no laws proscribing either drinking or drunkenness, although, of course, there are laws against 'driving under the influence.' This is a paradigm of indirect harm. But if so, any disanalogy would seem to favor drugs! Indeed:

In reality, the heavily advertised legal drug alcohol is the drug most likely to lead to violence and death. Alcohol is associated with more homicides nationally than illicit drugs, and almost the same

number of people are killed annually by drunk drivers as are murdered (Peter Medoff and Holly Sklar, *Streets of Hope: The Fall and Rise of an Urban Neighborhood*, Boston: South End Press, 1994).

Not only do we know that prohibition did not reduce consumption, but know very well that educational programs have worked best to reduce alcohol consumption. See below.

27. The only systematic effort to address this is Jeffrey Reiman's excellent, *The Rich Get Rich and the Poor Get Prison: Ideology, Class and Criminal Justice*, 2nd Edition (New York: John Wiley, 1984). In the second edition, Reiman tried to eliminate the conspiratorial aspects of his very useful account. But I doubt that he entirely succeeded in this.

28. Edwin H. Sutherland, who introduced the term, 'white collar crime' only in 1939, was arguing then that we lack any sort of accurate statistical comparison of the numbers of white-collar criminals and the costs, financial and social of white collar crime. This is still the case. Using a 1974 Chamber of Commerce source, Reiman estimated a total of \$75.2 billion for 1980. This is many times the cost of all crimes generally thought of as 'the crime problem.'

29. And some crime, e.g., so-called 'crimes of passion' and crimes committed by genuine psychopaths will not call for a social explanation.

30. Stephen P. Pizzo and Paul Muolo, 'Take the Money and Run,' *New York Times Magazine*, 9 May 1993.

31. I draw much of what follows from the work of William J. Chambliss, 'Policing the Ghetto Underclass: The Politics of Law and Law Enforcement,' *Social Problems* Vol. 41, No. 2 (May 1994) and 'Another Lost War: The Failure and Consequences of Drug Prohibition,' ms.

32. *New York Times*, 1 December 1994.

33. Indeed, while the FBI tabulates arrest rates by race, sex, age and geographical area, neither the FBI nor any other government agency collects statistics on arrest rates by income.

34. Bob Herbert, *New York Times*, 12 June 1994. Herbert's data comes from a report of the Alternative Schools Network, compiled by Jack Wuest, its executive director.

35. E.H. Sutherland, 'White Collar Criminality' (1940), reprinted in David Dressler (ed.), *Readings in Criminology and Penology*, 2nd Edition (New York: Columbia University Press, 1972).

The list of persons who escaped punishment and gained huge profits would be a truly impressive list. As role models, we should add also the Casper Weinbergers and Oliver Norths.

36. Felicia R. Lee, 'Sixth-Grade Graduation: Moment for Pride on Treacherous Path,' *New York Times*, 28 June 1992.

37. Terry Williams, *The Cocaine Kids* (Reading, Mass.: Addison-Wesley, 1989).

38. 'Despite Its Promise of Riches, The Crack Trade Seldom Pays,' *New York Times*, 26 November, 1989.
39. 'Kilos of Crack and \$200 Sneakers: Young Dealers Confide in a Novelist,' Bruce Weber, *New York Times*, September 6, 1992.
40. See J. Ogbu, *Minority Education and Class: The American System in Cross Cultural Perspective* (New York: Academic Press, 1978). Ogbu's point was simply that persons who are members of poor minority group know the limits of their adult roles. They behave toward school accordingly.
Compare here also Paul Willis's brilliant study, *Learning to Labor: How Working Class Kids Get Working Class Jobs* (New York: Columbia University Press, 1981).
A recent study by my colleague Herbert Barringer on marginal income for additional education completed for minorities makes the point in a stunning way. For Filipino males, the marginal increase of income with a high school education is \$1251, for Hawaiians, \$1922; for whites, \$4968! With a college education, the marginal increase for Filipino males is \$5450, for Hawaiians \$2451, for whites, \$10,142. See H. Barringer and Nolan Liu, 'The Demographic, Social and Economic Status of Native Hawaiians, 1990,' a Study for *Alu Like, Inc.*: Honolulu, Hi., 1994.
41. It is also easy to provide the micro-foundations for this consequence: Capitalists facing competition will seek to reduce costs. Since Say's so-called law does not hold, even in a perfectly competitive economy, there will be at least periodic unemployment and, since workers are in competition for available jobs there will be low wages for many of those who find work.
42. In the words of Orlando Patterson, we need to remember 'the forgotten majority of working class black men who pay their bills, fear their god, respect their women, and cherish their friendships.' For a recent study, see Mitchel Duneier, *Slim's Table: Race, Respectibility and Masculinity* (Chicago: University of Chicago Press, 1992).
43. Keeping in mind all the problems of such research, Reiman reports that a Presidential Crime Commission survey of 10,000. 91% reported that they had violated laws which could have subjected them to imprisonment. Domestic violence, income tax evasion, drunken-driving would surely figure hugely here.
44. Keith Schneider, 'US Mine Inspectors Charge Interference by Agency Direction,' *New York Times*, 22 November 1992. Or consider FDA. In 1987, Beech-Nut paid \$2 million in fines for illegally selling 'apple juice' that was nothing more than sweetened water and chemicals. But the practice, widespread in the industry, continued, nonetheless. *The New York Times* reported:
And while Federal officials say they are committed to pursuing adulteration cases, court exhibits and interviews with investigators and juice industry executives show that enforcement efforts are still haphazard, plagued by inadequate resources and an institutional tradition that has put a low priority on cases that, at least until recently, were not considered a threat to public safety (31 October 1993).
45. Jeffrey Taylor and Jeff Bailey, 'CFTC Failed to Halt Trader Accused of Scam,' *Wall Street Journal* 4 October 1994.
46. William Chambliss, 'Policing the Ghetto Underclass...', p. 184. It is easy to confuse arrest rates, incarceration rates and rates of victimization, e.g., the number of persons who report being robbed or raped.

47. Chambliss, 'Policing the Ghetto...' p. 18. Police concentrate on minority neighborhoods in all US cities on grounds that this is where the crimes are committed. California Counties have now moved to a new form of 'prevention' in which named males, 'incidentally' black, who are suspected of being gang members are prohibited in engaging in what would otherwise be quite legal activity. Putting aside the manifest attack on civil liberties, the costs of this sort of police activity are, of course, extraordinary.

48. *New Yorker*, 13 April, 1992. In LA County alone, while hundreds of whites have been prosecuted for crack between 1988 and 1994, not one white was prosecuting federally.

As a recent McNeil/Lehrer program showed, demands on the criminal justice system in California have reached crisis proportions. There are not enough prosecutors, public defenders or courts--not to mention prisons. The fantastic expense, of course, is at the expense of education and social services. To make room for persons convicted of possessing small amounts of crack who will, as three-time offenders, serve mandatory life sentences, charges are being dropped for other kinds of offences, especially misdemeanor which seriously affect the quality of life. One consequence, already feared by prosecutors is the further erosion of any possible deterrent effect for committing violent crimes. If a person is guaranteed a life sentence for possession of drugs, he has nothing to lose.