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It's a Question of Connections

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IT'S A QUESTION OF CONNECTIONS

TRACEY L. MEARES[*]

I. INTRODUCTION

A symposium on teenage violence and drug use is timely indeed. Recently-released drug use surveys indicate that illegal drug use by teenagers is becoming increasingly prevalent. Media reports of violence among young people in central cities are almost mind-numbing in their frequency. At the same time that we hear of young lives being destroyed by guns and drugs, we learn that increasing numbers of young people are involved in the criminal justice system due to drug-related offenses. The proportion of state prison inmates under the age of twenty-one incarcerated for some drug-related offense doubled between 1986 and 1991.[1] And we cannot overlook another very salient aspect of drug use and teenage violence connected with it—race. While it is true that statistics indicate that most drug users and most drug offenders are non-minority, it is also clear that African Americans make up a disproportionate number of both drug users and offenders. Consider data from a 1991 survey of illegal drug use estimating that 41.2% of frequent cocaine users were African American.[2] Even more sobering are BJS statistics from 1991 indicating that *all* of the juveniles (those seventeen and under) incarcerated in state adult correctional facilities for some drug offense in 1991 were black.[3] It is against this disheartening picture that I offer my comments to this symposium.

I have two goals for this short piece. First, I would like to lay out briefly a theory from sociology that should inspire a change in the direction of law enforcement policy in general and drug-law enforcement policy in particular. As I will explain, these insights provide a basis for very concrete policy proposals, which I believe can make a positive difference in the lives of many

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1. Every five years the Bureau of Justice Statistics (BJS) conducts a Survey of Inmates of State Correctional Facilities. I calculated the statistics for the increased proportion of inmates under 21 among incarcerated drug offenders from the 1986 and 1991 data. Those data reveal that the proportion of inmates under 21 surveyed in 1986 and in 1991 increased from 3.4% to 6.4%.

2. *See* John P. Walters, *Race and the War on Drugs*, 1994 U. CHI. LEGAL F. 107, 137 chart 25 (1994).

3. BJS's survey of prison inmates uses a sampling procedure in order to provide individual-level data on prisoners incarcerated in state facilities. BJS's weighted estimate of the number of juveniles incarcerated in a state correctional facility for some drug offense in 1991 was 459.

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teens and those of their families plagued by violence and drugs. Second, I would like to use these sociological insights to comment on the ideas offered by my fellow panelists, Professors Daniel Polsby and Mark Kleiman.

II. COMMUNITY SOCIAL ORGANIZATION AND CRIME REDUCTION

A. *Theory*

Currently the most popular method of dealing with the problem of drug offending by teens and adults is the promotion of punitive law enforcement strategies that focus on extremely long sentences. Whether this "get tough" approach actually improves the lives of the teens and their families experiencing problems related to prevalent drug use and marketing in their neighborhoods and the violence that often accompanies it is not immediately obvious. Certainly, simply counting the numbers of drug users or drug dealers who are penalized by the current regime tells us little. To determine whether raising the numbers of incarcerated drug offenders actually makes a meaningfully positive difference in the lives of the most embattled requires a theory that holistically and systematically assesses the costs and benefits of the current regime.

In 1942 two Chicago School researchers, Clifford Shaw and Henry McKay, advanced such a theory in a book called *Juvenile Delinquency and Urban Areas*. In their book, Shaw and McKay argued that low socioeconomic status, ethnic heterogeneity, and residential mobility led to the disruption of community social organization, which in turn accounted for variation in crime and delinquency.[4] The important feature of Shaw and McKay's hypothesis is their argument that community structures mediate individual-level factors such as low socioeconomic status and criminal or delinquent behavior. To see why this feature is so important, we need only consider the connection between low socioeconomic status and a crime like burglary. Few would be surprised by data demonstrating that low socioeconomic status is associated with burglary. Common sense tells us that, on average, a poor individual is more likely to steal than a wealthier one. But we also know that most poor people, like most people generally, do not engage in burglary. Thus, any explanation of the criminal behavior that relies too much on an offender's individual characteristics is bound to leave questions unanswered. Shaw and McKay's theory of community social organization tells us that the structure of the community in which an individual lives interacts in important ways with the individual's own characteristics to either facilitate or retard criminal or delinquent behavior such as drug offending and violent conduct.
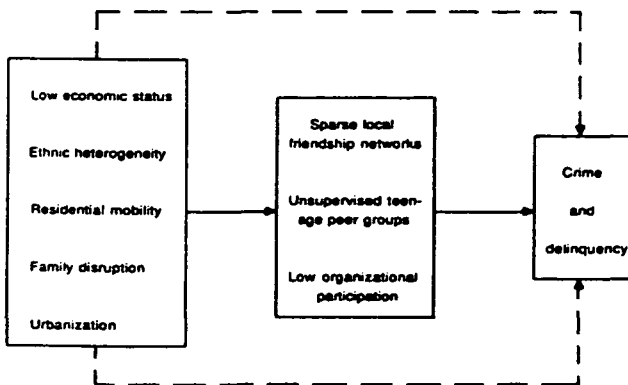
4. *See* CLIFFORD R. SHAW & HENRY D. MCKAY, JUVENILE DELINQUENCY AND URBAN AREAS (1969).

   Recently, Shaw and McKay's theory of community social organization has enjoyed renewed prominence. Modern proponents of the theory have looked to factors such as family disruption and urbanization, in addition to low economic status, ethnic heterogeneity, and residential mobility, in order to predict the breakdown of social organization.[5] Modern theorists also have sought to refine the notion of social organization in order to emphasize its continuous rather than dichotomous character. The term community social organization is currently defined as the extent to which residents of a neighborhood are able to maintain effective social control and realize their common values.[6] Thus, neighborhoods are either more or less organized rather than organized or not. In describing the continuous nature of community social organization, modern theorists look to two dimensions: (1) the prevalence, strength, and interdependence of social networks; and (2) the extent of collective supervision that the residents direct and the personal responsibility they assume in addressing neighborhood problems.[7] The hypothesis is straightforward: when structures of community

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   5. *See* Robert J. Sampson & William Julius Wilson, *Toward a Theory of Race, Crime, and Urban Inequality, in* CRIME AND INEQUALITY 46 (John Hagan & Ruth D. Peterson eds., 1995). *See also* Robert J. Sampson, *Urban Black Violence: The Effect of Male Joblessness and Family Disruption*, 93 AM. J. SOC. 348 (1987) (discussing the effect of family disruption of crime independent of joblessness and welfare).
   6. I rely on the definition advanced by Professors Robert Sampson and William Julius Wilson. *See* Robert J. Sampson & W. Byron Groves, *Community Structure and Crime: Testing Social Disorganization Theory*, 94 AM. J. SOC. 774, 777-82 (1989). *See also* William Julius Wilson, The 1994 Nora and Edward Ryerson Lecture: Crisis and Challenge: Race and the New Urban Poverty, *in* U. CHI. REC., Apr. 8, 1994, at 3.
   7. Sampson & Groves, *supra* note 6, at 777-82. Professors Robert Sampson and Byron Groves use the following figure to demonstrate the relationship between individual-level factors, community structures, and crime and delinquency:

Low economic status	Sparse local friendship networks	Crime
Ethnic heterogeneity		and
Residential mobility	Unsupervised teen-age peer groups	delinquency
Family disruption		
Urbanization	Low organizational participation	

Id. at 783. 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, such as the Sampson and Groves study, show no direct economic

social organization are prevalent and strong, crime and delinquency should be less prevalent and vice versa.

While the definition of community social organization offered above emphasizes the structural, there also is an important cultural aspect of the definition that must not be ignored. If the mark of an organized community is its ability to realize common values,[8] then a community's inability to settle on common values, which are then reinforced in daily community life through conduct and discourse, is an indicator of community disorganization. One way to assess cultural disorganization in a community, then, is by looking to the diversity or fragmentation of community values and norms that is likely to flow from weak community organizational structures.[9] A community that is concerned about crime can organize around law-abiding values and norms in order to promote lower levels of offending.

It remains to explain how structural and cultural organization in a community prevents or reduces crime. Recall that one aspect of community social organization is the prevalence and interdependence of social networks. Informal friendship networks are an example. Social networks such as informal friendship networks are a method of creating *social capital* in a community that can be harnessed toward prevention of crime and delinquency. James Coleman has described the concept of social capital this way: "Social capital . . . comes about through changes in the relations among persons that facilitate action . . . . Just as physical capital and human capital facilitate productive activity; social capital does as well."[10] Social capital has dimensions of both structure and content. Thus, the notion of social capital importantly reflects both the structural and cultural aspects of community organization.

The link between crime reduction and social capital engendered by structural components of community organization such as supervision of teen peer groups, friendship networks, and participation in formal organizations has been tested empirically. Professors Robert Sampson and W. Byron Groves

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factors on crime, while others make contradictory findings. For a summary of these contradictory findings and an attempt to resolve them, see Robert J. Bursik & Harold G. Grasmick, *Economic Deprivation and Neighborhood Crime Rates, 1960-1980*, 27 L. & SOC. REV. 263 (1993).

    8. Professor William Julius Wilson notes that "culture" may be defined as "the sharing of modes of behavior and outlook within a community." WILLIAM JULIUS WILSON, WHEN WORK DISAPPEARS: THE WORLD OF THE NEW URBAN POOR 66 (1996).

    9. For a discussion of cultural disorganization, see RUTH ROSNER KORNHAUSER, SOCIAL SOURCES OF DELINQUENCY 75 (1978).

    10. James S. Coleman, *Social Capital and the Creation of Human Capital*, 94 AM. J. SOC. S95, S100-01 (1988) (introducing and defining the concept of social capital and noting that "a group within which there is extensive trustworthiness and extensive trust is able to accomplish much more than a comparable group without that trustworthiness and trust").

analyzed the British Crime Surveys of 1982 and 1984 to test the relationship between local organizational structures and levels of both criminal offending and victimization.[11] The results of this analysis provide important confirmation of Shaw and McKay's theory of social organization. At the same time the study gives content to the connection between social capital and crime reduction. The basic finding of Sampson and Groves was that the data reveal important relationships between each of the components of community social organization tested (levels of teenage peer group supervision, prevalence of friendship networks, and participation in formal organizations) and crime. Specifically, they found that the largest overall effect on personal violence offending rates in 1982 came from unsupervised teen peer groups.[12] Unsupervised teen peer groups also had the largest overall effects on both victimization by mugging and stranger violence in 1982.[13] Local friendship networks were found to be substantially and negatively related to robbery, and organizational participation had significant inverse effects on both robbery and stranger violence.[14] Importantly, Sampson and Groves found that the effects on crime of the community organization factors tested were much larger than the direct effect of socioeconomic status on crime.[15]

These empirical results confirm the predictions of a theory of social capital flowing from community social organization. When adults in a community inculcate a community expectation that each will supervise the community's children collectively, then increased supervision of teen peer groups should follow.[16] This expectation will not be meaningful unless substantial numbers of adults in a community believe they are obligated to meet it. Therefore, a community of people must encourage adults to engage in beneficial community-wide supervision of children—perhaps by threatening social sanction for the failure to do so. In order for such a threat to be credible, however, there must be connections, or social networks, among adults in a community. Without them, it is much too easy for any adult in the community to free-ride on the contributions of his neighbors. All of this means that local friendship networks should reinforce the supervision of teen peer groups, which in turn leads to lower levels of both victimization and offending.

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11. For a description of the data and methodology behind the study, see Sampson & Groves, *supra* note 6, at 782-86.

12. *Id.* at 778.

13. *Id.* at 789.

14. *Id.* at 779.

15. *Id.*

16. *See* Coleman, *supra* note 10, at S102-03 (pointing to mutuality of obligation as an example of social capital).

In addition to increasing the level of supervision of teens, friendship networks potentially create another form of social capital in a community if they facilitate the transmission of information among residents of a community.[17] It may be very costly for individuals to form social networks solely for information transmission; however, the fact that relationships exist among community residents for other reasons produces the ready and relatively inexpensive exchange of useful information. These information channels may be especially important to residents of crime-prone neighborhoods in central cities. Urbanization is almost synonymous with densely populated communities, and population density can be a barrier to social capital formation among city-dwellers. The problem for many city-dwellers is not so much that they have fewer acquaintances or weaker friendship networks than non-city dwellers; rather, the problem is one of relative proportion. The networks that a city-dweller creates typically have less potential to include all of the individuals in a community with which a resident will come in contact. Put simply, high population density increases the number of strangers. Friendship networks, on the other hand, make it easier for residents to identify who "belongs" and who does not. In their analysis of British data, Sampson and Groves found that urbanization had a large and very significant positive effect on robbery and mugging victimization, but they also found that local friendship networks had almost as large a negative effect on robbery and mugging.[18] One interpretation of the inverse relationship between friendship networks and robbery and stranger violence in the Sampson and Groves study is that such networks made it easier for neighborhood residents to identify strangers and engage in defensive behavior that prevented victimization.[19]

Participation in formal organizations, a third aspect of structural organization of communities tested by Sampson and Groves, theoretically should reinforce the crime-reduction benefits of both teenage supervision and friendship networks. First, participants in formal organizations may create networks with one another where none might otherwise exist. Second, local formal organizations provide community residents with important opportunities to create overlapping relationships. Overlapping relationships subject the residents of a community to expectations and obligations in multiple contexts, and these

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17. *Id.* at S104.

18. *See* Sampson & Groves, *supra* note 6, at 789-90 (explaining and comparing the effect of urbanization and local friendship networks on personal violence and victimization).

19. This interpretation of the data is bolstered by the results Sampson and Groves found for the effect of friendship networks on offending. The Sampson and Groves study shows a much weaker effect of friendship networks on offending compared to its effect on victimization. *See id.* at 792-93. The authors suggest that friendship networks and organizational participation help community residents defend themselves more than they prevent offenders from offending. They also note that defensive strategies may simply provide offenders·with an incentive to offend outside of the neighborhood. *Id.* at 793.

obligations and expectations often are transferable across different contexts. The existence of multiple, overlapping relationships among a community's residents has important implications for crime prevention.[20] The idea is that friendships among neighbors that are reinforced through individual participation in church groups, PTAs, community policing organizations, and the like are very likely to lead to increased supervision of teenage peer groups in a community and increased information transmission—two methods of reducing crime. In their study, Sampson and Groves found only modest effects for formal organization participation on stranger violence and total crime victimization, but the direction of the effect supported theoretical predictions.[21]

So far, I have described how structures of community social organization help residents create social capital that they can direct toward crime reduction. The Sampson and Groves study indicates that community social organizational structures are most effective in preventing victimization. Yet given that the theory of social organization relies on a strong connection between a community's cultural organization and transmission of law-abiding norms, it is important to explore the unique potential of a culturally organized community to reduce offending through promotion of law-abiding norms. Just as Sampson and Groves provide empirical confirmation of the theoretical link between a component of structural disorganization such as unsupervised teen peer groups and crime, there is also some evidence of the link between cultural disorganization and crime. However, while evidence that can be marshaled behind the structural story is quantitative, the evidence in support of the cultural aspect is, appropriately, qualitative.

To tell a story of culture, it makes sense to look to ethnography. In his book *Streetwise*, Elijah Anderson compellingly recounts how the weakened structural fabric of an urban community attended the transmission of diffuse norms in the community of "Northton."[22] Anderson describes in great detail the clash between "decent" values (norms associated with hard work, family life, the church and law-abiding behavior) held by some families in Northton and "streetwise" values (norms associated with drug culture, unemployment, little family responsibility, and crime) held by others. A central part of Anderson's story is the gradual breakdown of a community tradition involving the transmission of decent values by neighborhood "old heads" to neighborhood youngsters that accompanied the constriction of employment opportunities for youngsters, increased neighborhood transience, and increased crime.

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20. *See generally* Coleman, *supra* note 10 (explaining the concept of appropriable social organization).

21. *See* Sampson and Groves, *supra* note 6, at 792-93.

22. ELIJAH ANDERSON, STREETWISE: RACE, CLASS, AND CHANGE IN AN URBAN COMMUNITY (1990).

Anderson's ethnography of Northton reflects the predictions of social organization theory. As the social networks in Northton weakened and contracted due to residential instability, unemployment, and increased drug use, a rival set of values—streetwise values—flourished. The streetwise norms that Anderson describes are at once a product of affirmative reinforcement of lifestyles that focus on drug use and crime, and the vacuum created by the breakdown of social networks. For example, when work is not available for significant numbers of a community's residents, a value system among nonworkers that affirms the pursuit of economic opportunities in the informal economy or even the illegal drug economy may arise.[23] And these values are less likely to be countered by values that emphasize the importance of seeking work in the formal labor market when social networks are weak.

Anderson's finding that streetwise values did not completely overtake decent values in Northton is critical to thinking about cultural disorganization in a community. While many in Northton continued to adhere to decent values, the streetwise code of conduct presented a significant and rival set of values that Northton residents were forced to negotiate in their daily lives. It should be obvious that it is more difficult for a community in which there are competing value systems to achieve and reinforce a common set of values. Such a community can be considered culturally disorganized. In Northton, the link between streetwise value and crime, and decent values and promotion of law-abidingness, has much relevance to a general discussion of crime prevention. The good news for Northton residents is that the proponents of decent values provide a counterweight to proponents of streetwise values, creating a barrier to community consensus on streetwise values as the common set of goals for community pursuit. The bad news is transparent.

B. Application

The ideas sketched out above have important implications for law enforcement policy in general and drug-law enforcement policy in particular. I will direct most of my comments now to the pertinence of these ideas for drug-law enforcement policy.

First, the framework outlined above illuminates both the potential benefits and the likely costs of our current "get tough" approach to drug-law enforcement. It suggests that a sentencing policy such as the 100 to 1 disparity in sentencing between crack offenses and powder cocaine offenses might not be

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23. *See* WILSON, *supra* note 8, at 66-72.

as misguided as many have claimed. Randall Kennedy has argued that the disparity in sentencing benefits law-abiding African Americans in neighborhoods in which crack dealing is prevalent.[24]

Residents of these neighborhoods might welcome a sentencing regime that removes offenders for long periods of time—especially if such residents are unable to leave the neighborhoods for a less crime-prone area. If the people I have in mind are convinced that "get tough" strategies reduce crime, they might also hope to achieve long-term crime reduction benefits if the organization of their community also improves as crime is reduced. The work by Professors Sampson and Groves provides both theoretical and empirical support for such a supposition. Though their work indicates that the causal arrow runs in the other direction, as it shows that better community social organization is associated with less offending and victimization, it is likely that the causal arrow runs in the other direction as well. Less crime could and should promote better social organization, which in turn should lead to long-term crime reduction.

Note, however, that the power of this argument depends absolutely on the potential for "get tough" strategies to reduce crime. If crime is not appreciably reduced, there is no reason to be confident that already weakened structures of community social organization will be strengthened. Does our current "get tough" approach to drug offending reduce such offending? There are many reasons to be skeptical of the potential of our "get tough" approach to drug offending, which relies on incapacitation and deterrence through long sentences, to reduce such crimes in communities where social organization is low—very poor communities in central cities that are disproportionately African American.

Joblessness is the hallmark of many very poor inner city communities.[25] The significance of this point for a theory of community social organization directed at solving problems related to crime cannot be understated. Some proportion of those without jobs will, unsurprisingly, resort to drug-selling. The interaction between "get tough" policies and jobless ghettoes should be obvious. When one drug-seller is caught, convicted, and incarcerated for a long period, another eager seller will take the first dealer's place. In the absence of a deterrent effect of drug-law enforcement, huge numbers of drug offenders must be incarcerated before any meaningful impact on the population of offenders will be detected. Shaw and McKay predicted as much over fifty years ago. They wrote, "[i]ndividualized methods of treatment probably will not be successful in a sufficiently large number of cases to result in any substantial diminution of the

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24. *See generally* Randall Kennedy, *The State, Criminal Law, and Racial Discrimination: A Comment*, 107 HARV. L. REV. 1255 (1994).

25. *See generally* WILSON, *supra* note 8.

volume of delinquency and crime."[26] In other words, individualistic strategies are unlikely to effectively fight delinquency in communities where the level of social organization is low.

What about deterrence? The little empirical work on the topic suggests that tough sanctions do little to deter those who already have offended from offending again.[27] One reason that tough sanctions may be associated with low levels of specific deterrence is that despite a high *lifetime* likelihood of arrest, the probability that an individual will be caught committing a *particular* offense is incredibly low. Inciardi and Pottieger's work provides an especially striking example of this phenomenon. In their sample of 254 crack dealers from Miami, approximately 87% had been arrested at some point within the year of the survey. However, out of over 220,000 offenses the likelihood of arrest for each particular incident was less than 1%![28]

Inciardi and Pottieger's work refers to specific deterrence, but the theory of community social organization places emphasis on how law-abiders remain so. Assessment of the potential for long sentences to effect general deterrence is a difficult problem. It is possible that the law-abiding African American community in general and the subset of poor African Americans in particular who reside in impoverished neighborhoods in central cities interpret the disproportionate impact of long sentences on the drug offenders among them as a way to prevent individuals on the margin from slipping across the line of the law. If this is true we might expect greater general deterrence to flow from the current drug-law enforcement regime among African Americans. However, I think it is likely that the asymmetry in drug incarceration undermines, rather than enhances, the deterrent potential of long sentences for at least three categories of reasons: (1) group distrust of law enforcement for historical reasons kept alive by current scandals suggests that African Americans are not going to jump on the harshest law enforcement remedy possible to solve their problems; (2) African American belief in linked fate both in terms of empathy with family and friends and in terms of group identity is likely to make African Americans less likely to desire to treat harshly members of the group who may victimize them;[29] and (3) when presumably law-abiding victims of crime in one

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26. SHAW & MCKAY, *supra* note 4, at 321.

27. *See* Jeffrey A. Fagan, *Do Criminal Sanctions Deter Drug Crimes?, in* DRUGS AND CRIME: EVALUATING PUBLIC POLICY INITIATIVES 188 (Doris Layton MacKenzie & Craig D. Uchida eds., 1994).

28. *See* Inciardi & Pottieger, *Kids, Crack, and Crime,* 21 J. DRUG ISSUES 266, 266-67 (1991).

29. There is some empirical support for this argument. In my analysis of public opinion data relevant to an assessment of national support for a "get tough" approach to drug-law enforcement, I found that African Americans in 1987 were less likely than whites to favor more harsh courts for criminal offenders in the area. *See* Tracey L. Meares, *Charting Race and Class Differences in Attitudes Toward Drug Legalization and Law Enforcement,* 1 BUFF. CRIM. L. REV. (forthcoming

instance are law-breaking offenders in the next instance, and when there is mutual support between so-called law-abiders and lawbreakers, it may be difficult to draw lines between them by penalizing lawbreakers very harshly for nonviolent offenses.[30]

Recall that the theory advanced above hypothesizes that structures of community social organization will improve when crime decreases. We now have several reasons to be skeptical of arguments in support of significant crime reduction in poor minority communities. An additional problem for "get tough" law enforcement policy that depends on accelerated and disproportionate involvement of the minority poor in the criminal justice system is that such a policy is bound to exacerbate the precursors to social disorganization. While the number of African Americans incarcerated in state correctional facilities has long been disproportionate to the percentage of African Americans in the population, African Americans now comprise about half the state prison population.[31] And as the numbers of those incarcerated for drug offenses has increased over time the racial gap in the demographics of prisoners has widened. My analysis of Bureau of Justice Statistics data is illustrative. These data indicate that incarceration for drug offending of African Americans with less than a high school education has increased from 60 in 100,000 in 1979 to 800 in 100,000 in 1991. The same rates for whites with a high school education increased from 6 in 100,000 in 1979 to 20 in 100,000 in 1991. The bottom line? High levels of drug-law enforcement, as currently implemented anyway, are likely to generate negative consequences for community social organization—family disruption, unemployment, and low socioeconomic status.[32] Less obviously, high levels of incarceration of poor, minority individuals for drug offending is likely to lead to lower levels of civic participation. Twenty-First Century Vote excepted,[33] convicted felons are unlikely to be active politically, and in many states convicted felons are

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1997).

30. For a more detailed analysis of this point, *see generally* Tracey L. Meares, Social Organization and Drug Law Enforcement (Oct. 1996) (unpublished manuscript, on file with author).

31. For a historical look at racial differences in incarceration, see Samuel L. Myers, Jr. & William J. Sabol, *Unemployment and Racial Differences in Imprisonment, in* THE ECONOMICS OF RACE AND CRIME 189, 194 tbl.1 (Margaret C. Simms & Samuel L. Myers, Jr. eds., 1988). In 1993, blacks represented 49.7% of the state prison population and 33.7% of the federal population, while whites represented 45.6% and 63.1% respectively. BUREAU OF JUSTICE STATISTICS, U.S. DEP'T OF JUSTICE, 1993 SOURCEBOOK OF CRIMINAL JUSTICE STATISTICS 546 (Kathleen Maguire & Ann Pastore eds., 1994) [hereinafter 1993 SOURCEBOOK].

32. For a more detailed explanation of this process, see Meares, *supra* note 30.

33. *See* Matt O'Connor, *Pac Tied to Gang's Drug Cash Ex-Disciple: We Helped 21st Century Vote*, CHI. TRIB., Feb. 2, 1996, Metro 1 (discussing how Gangster Disciple gang members regularly delivered drug money to the offices of 21st Century Vote, a political action committee); George Papajohn & John Kass, *21st Century Vote Giving Gangs Taste of Real Power*, CHI. TRIB., Sept. 28, 1994, News 1 (describing 21st Century Vote's political organization efforts).

disenfranchised.[34]   People who do not vote are less likely to be politically active than those who do. Formal organization participation is an important component of community social organization.

Moreover, the asymmetry of drug-law enforcement affects African American communities in a unique way because such asymmetry reinforces negative stereotypes that compromise African American crime prevention efforts in at least two important ways. First, 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. This is especially true when law enforcement agents are white. Some white law enforcement agents may view African Americans, law-abiding or not, through the negative lens of criminality.[35] Though the change in African American representation on city police forces has been positive and dramatic,[36] poor African Americans continue to face a high probability of being policed by non-African American officers.[37] Additionally, high levels of criminal offending in poor communities relative to offending in other areas can exacerbate the negative perceptions police officers have of those they are sworn to protect. The mutual distrust between African Americans and law enforcement officers makes it less likely that African Americans will report crimes to the police, assist the police in criminal investigations, and participate in community policing programs that lead to greater social control of neighborhoods. Second, by crystallizing the

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34. *See generally* Andrew L. Shapiro, *Challenging Criminal Disenfranchisement Under the Voting Rights Act: A New Strategy*, 103 YALE L.J. 537 (1993) (finding that about four million Americans, disproportionately African American, have lost their right to vote because of a criminal conviction).

35. For an especially telling account, see Rosemary L. Bray, *Blacks on Blues: What Blacks Think of White Cops*, NEW YORK, July 11, 1994, at 34:

> One summer evening after work, I was standing on the street talking to my neighbor when we spotted a new patrol. . . . [E]ach 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.

36. Consider the "Index of Black Representation." 1993 SOURCEBOOK, *supra* note 31, at 49 tbl.1.36. This index is calculated by dividing the percent of African American police officers in a department by the percent of African Americans in the local population of several major cities. *Id.* Los Angeles' index went from .55 to 1.00 between 1983 and 1992. *Id.* Detroit went from .49 to .70 during the same period. *Id.* Chicago, San Diego, Dallas, and Phoenix posted indexes of .64, .80, .64, .77 in 1992, respectively, each an increase from 1982 levels. *Id.* However, New York's index of .40 did not change between 1983 and 1992, and Milwaukee's index decreased from .50 to .47. *Id.*

37. I do not mean to suggest that all white police officers view African Americans negatively. Nor do I mean to suggest that only white police officers hold this view. However, given the theories of group identity I have advanced, it is much more likely that non-African American police officers will hold negative views of African Americans than will African American police officers.

connection between African American men and criminality, a high-incarceration strategy promotes distrust within African American communities. Reverend Jesse Jackson is not unique among African Americans in fearing victimization by young African American men. Neighborly distrust leads to greater atomization of African Americans in poor communities, which leads, in turn, to a breakdown in social cohesion in the places where the need for social cohesion is the greatest.[38] Individuals who keep to themselves reduce opportunities for enforcement of law-abiding norms in the community.

When evaluated through the lens of social organization theory, it appears that the current strategy fails on two levels. First, the strategy appears very unlikely to effectively reduce crime in the communities that are the most plagued by crime. Second, the strategy itself is criminogenic in that it exacerbates the precursors to social disorganization in a community. If harsh sentences for drug offenders are unlikely to remedy problems associated with teen drug use and violence, what will help?

An effective policy should have as its main goal increasing the social organization of inner city communities. Greater social organization promotes community guardianship and makes crime less likely. Greater social cohesion also creates more fertile ground for the transmission of law-abiding social norms. Thus, a drug-law enforcement policy that pays greater attention to the responses of the community as opposed to the incentives of an individual is likely to have beneficial long-term effects. Perhaps counterintuitively, the key point for policymakers and lawmakers is that law enforcement *can and should* help to strengthen social organization by strengthening social networks.

Probably the most important goal for law enforcement policy directed toward social organization improvement is redistribution of the social networks among both young people and adults in communities where social organization is weak. For example, supervision of teen peer groups is likely to be more effective when the level of social capital among adults exceeds that among teens in the community. If parents cannot count on each other to supervise each other's children, then individual parents may be forced to counteract the norms developed by groups of teens—norms that may promote lawbreaking behavior. Unfortunately, when the social capital among teens is high, which often is true in the communities containing street gangs, individual parents face a dilemma. Each parent has little power to counteract the power of the teen group; moreover, the power of the teen group may cause the individual parent to

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38. *See* ANDERSON, *supra* note 22, at 3-4 (explaining how "old heads" (community leaders) withdraw from community life). *See also* WESLEY G. SKOGAN, DISORDER AND DECLINE: CRIME AND THE SPIRAL OF DECAY IN AMERICAN NEIGHBORHOODS (1990) (explaining the positive relationship between neighborly distrust and crime).

attempt to exert even less supervisory control than she otherwise would. This is, of course, a very general description of some of the mechanisms that underlay the withdrawal of Northton's "old heads" from community life. Such consequences to structural and cultural community organization should be prevented.

The following diagrams illustrate the advantages of networks redistribution. Figure 1 illustrates the best conditions for norm transmission. There are networks between the community's adults represented by A and B, and there also are networks between the children of A and B, a and b. Moreover, there are networks between A and a and B and b. James Coleman used Figure 1 to illustrate the notion of "intergenerational closure."[39]
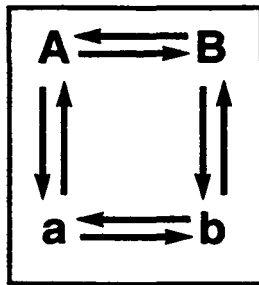
Figure 1.

Figure 2 illustrates a community in which social networks among adults are weak, while those among children are strong. This figure represents the conditions that predict the breakdown of social organization in a community like Northton. The social capital of a and b (streetwise youngsters) outweighs that of A and B (old heads). The solution is to build up the capital between A and B. To do that, however, it is necessary to weaken the networks, and therefore the social capital, between a and b.

Figure 2.

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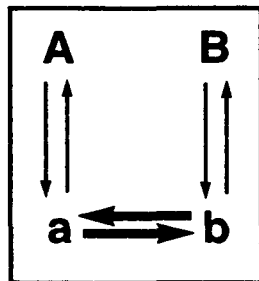
39. *See* JAMES S. COLEMAN, FOUNDATIONS OF SOCIAL THEORY 318-19 (1990).

By making it difficult for teens to congregate on street corners and in other public areas, law enforcement strategies such as curfews and loitering ordinances have the potential to redistribute the proportion of social capital away from a community's teens to a community's adults. These law enforcement strategies impede the accumulation of social capital among teens in a neighborhood and allow promotion of social organization structure and transmission of law-abiding norms that disfavor drug-selling. Additionally, disorder-reducing strategies such as reverse drug stings can have a similar social organization improvement effect. Reverse drug stings focus on buyers who come into poor inner city neighborhoods, often from crime-free suburbs, to purchase drugs. The reverse sting procedure reduces disorder by making it more difficult for suburban drug users to locate inner city dealers. Street drug prices fall, and the open-air market constricts. When disorder in a crime-prone neighborhood is reduced then, fear, a prominent barrier to local friendship network formation, also is reduced. Finally, each of these law enforcement strategies is less likely than the current "get tough" approach to brand teens with the scarlet letter that reduces employment opportunities and levels of civic participation.

III. COMMENTARY

Professors Polsby and Kleiman offer two different approaches. They are not mutually exclusive, but I believe Professor Kleiman's approach to be more consistent with the dictates of community social organization improvement.

A. Decriminalization

Professor Polsby argues in favor of decriminalization of drugs. His argument depends in part on convincing the reader that decriminalizing drugs forces the individual drug user to bear more of the costs of his habit than the current regime does. My argument is congenial to his in at least one respect. If drugs are decriminalized, much of the harm I have noted that flows from incarcerating disproportionate numbers of black and poor drug offenders should be diminished. While I certainly support the reduction of harm created by incarcerating large numbers of black drug offenders, I am less confident than Professor Polsby that decriminalization is the way to do it.

Professor Polsby notes that many children in poor neighborhoods currently are harmed by prohibition. Much of this harm is connected to the fact that poor, minority neighborhoods are very fertile places for drug retailing if nothing else. Importantly, many drug users *go to* the ghetto to purchase drugs. That means that their habits help reinforce the conditions that Polsby argues are connected to prohibition—conditions that I would call community disorganization. While reducing the harm to these neighborhoods that flows from massive incarceration of poor black drug dealers is undoubtedly a good

thing, it is not immediately clear to me that real social organization improvement also would flow from decriminalization. If decriminalized drugs are readily available to residents of still poor and overwhelmingly minority communities such that overall drug use increases in any significant way, one should expect exacerbation of social organization problems.

If readers are not convinced by Polsby's claim that decriminalization forces drug users to internalize the costs of their habits, he also argues that decriminalization is still a good idea for another more basic reason. "Self-medication with a psychoactive drug is, from society's viewpoint, simply no big deal."[40] This seems right. We self-medicate all of the time. We wake up to a cup or two of coffee. We chase the morning coffee with a can or two of Diet Coke and perhaps a cigarette. We wind down at the end of a work day with a pre-dinner Makers Mark, and then we have a glass or two of cabernet sauvignon with our dinner steaks. Moreover, we understand that we are doing all of this not just because we like the taste of coffee, cigarettes, whisky, and wine, but because we like the way these products make us feel. We believe that we need these particular products at certain times to help us negotiate our lives. So is it not time that we expanded our view of socially acceptable psychoactive substances?

Perhaps. An argument in support of Polsby's statement is this: law must get out of the way if we ever are to start thinking about drugs the way we think of coffee, nicotine, and alcohol. The fact that coffee, cigarettes, and alcohol are legal does not mean that they all are socially sanctioned. To the contrary, there is a rather elaborate set of norms that has grown up around the use of all of these substances. As long as illegal drugs are that—illegal—it will be very difficult for society to settle on norms of drug use. It is time for us to take seriously the notion that social norms are better and more effective constraints on behavior than law ever could hope to be. It is time to give norms a chance.

This argument has a weakness, however. My discussion above indicates that norm transmission may be a particular problem for communities that are most likely to be harmed from the increased availability of drugs that Polsby admits should follow decriminalization. It may be unreasonable to expect communities to effectively achieve consensus on norms of drug use when social organization is low. No doubt alleviation of continuing harm from "get tough" incarceration strategies will help, but cessation of high levels of incarceration

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40. Professor Daniel D. Polsby, Address at the *Valparaiso University Law Review* Conference on Teenage Violence & Drug Use (Nov. 16, 1996).

will not be enough to engender the kind of social organization improvement that is necessary to Professor Polsby's argument favoring norms of drug use instead of law prohibiting it.

B. Preventing Drug Dealing

Strategies such as those promoted by Professor Kleiman might create the conditions that would support the effects of decriminalization that Professor Polsby desires. Professor Kleiman argues that we spend considerable effort persuading potential drug abusers not to start using, but we do not spend similar efforts persuading potential drug dealers not to start dealing. One might think that Kleiman overlooks our considerable persuasion efforts in the form of long sentences for drug dealers. If such heavy penalties do not constitute persuasion, it is difficult to imagine what does. Professor Kleiman has in mind educational efforts—"just say no to drug dealing!"[41] Perhaps, he argues, such educational efforts will more effectively stigmatize drug dealing than the current punitive law enforcement system does. Professor Kleiman may be right. One thing is certain: a focus on educational efforts in affected communities is much less likely than a high incarceration strategy to reinforce social capital among the teen groups that promote drug dealing as a legitimate lifestyle. Increasing the proportion of incarcerated juvenile drug offenders has at least one inevitable consequence: it strengthens rather than weakens bonds among street gang members. When these youngsters are released, they immediately contribute to the social capital among gang members in weakly organized communities, making it that much harder for parents interested in law-abiding norm transmission. An educational campaign, on the other hand, is likely to work to the benefit of these parents.

Also useful is Kleiman's suggestion that we target drug users through such methods as reverse drug stings and car impoundment. Even public humiliation of drug users through posting of their names and photos in their (often suburban) local newspapers might be useful. Each of the these strategies has in common the potential to make open air drug markets less lucrative by reducing demand. Presumably, when drug dealing is less attractive, fewer unemployed boys and young men in the inner city will find it a useful alternative to legal job opportunities such as fast food operation. Like the educational strategy that Professor Kleiman advocates, his proposals to target drug dealers also support community social organization improvement.

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41. Professor Mark Kleiman, Address at the *Valparaiso University Law Review* Conference on Teenage Violence & Drug Use (Nov. 16, 1996).

IV. CONCLUSION

A theory of community social organization confirms what many already have argued—a "get tough" law enforcement approach to problems associated with drug offending is unlikely to address the problems of teen violence and drug use in many communities. But I hope that I have made clear in this short discussion that it is a mistake to conclude that law enforcement is incompatible with social organization improvement. To the contrary, I believe law enforcement is absolutely *critical* to social organization improvement. It must exist as a co-equal partner with attention to so-called "root causes" of crime. Some might consider this point contentious. The scholars who support promotion of community social organization geared toward crime reduction advocate macrolevel inputs such as jobs, education, and housing.[42] Promotion of law enforcement, however, is notably missing from their list. Shaw and McKay themselves suggested that individualized treatment, which often is consistent with traditional law enforcement strategies, is unlikely to effectively reduce crime and delinquency in communities with low levels of social organization. These important points should not be used to discount the potential of public law enforcement to be used for social organization improvement. Greater resources for housing and even employment may not be enough to repair seriously damaged communities without an organizational "spur." Governmental entities, including law enforcement agencies, are uniquely situated to provide resources and direction for affirmative organizational efforts. In fact, participation by residents in formal community policing programs is an example of precisely the type of activity that predicts social organization improvement. Moreover, such participation is likely to lead to law-abiding behavior *directly*. When citizens participate in these programs they are engaged directly in the business of constructing and transmitting law-abiding norms. Finally, as a practical matter, the political impetus for such inputs may be lacking where crime problems are serious. Thus, a carefully considered law enforcement strategy can make other resources politically viable. A middle ground is needed. The potential for the types of policies I have mentioned here to promote, rather than break down, social networks is an important reason to support them.

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42. *See* Sampson & Wilson, *supra* note 5, at 37-54 (advocating policies promoting housing and employment).