

## What's So Bad About Crime?

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Among the concerns of the British Public, crime – or perhaps law and order – always features near the top of the list. Yet it is worth pausing to ask the question: ‘what is so bad about crime?’ This, clearly, is rather provocative. If asked in the spirit of an economist one would expect the answer that, when we look into it, crime isn’t such a bad thing after all. Karl Marx ironically remarked on what would now be called the ‘technology forcing’ aspects of crime. The need for secure locks led to developments in precision engineering which no doubt had many beneficial applications elsewhere. As Marx says ‘Doesn’t practical chemistry owe just as much to the adulteration of commodities, and the efforts to show it up as to the honest zeal for production?’ and ‘Torture alone has given rise to the most ingenious mechanical inventions, and employed many honourable craftsmen in the production of its instruments’. (Theories of Surplus Value v-183) Crime prevention – not to mention the academic study of crime – is a major enterprise and this way contributes to growth and national wealth.<sup>1</sup>

All of this, though, rings rather hollow, and perhaps does more to discredit particular economic indicators rather than show that crime is a good thing, after all. However I raise the question ‘what’s so bad about crime?’ not from

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<sup>1</sup> (Marx’s comments are included here as an appendix.)

the standpoint of an economist, but from the standpoint of moral and political philosophy. Asking this question, and thereby placing crime in a broader context, may help with two tasks; not only understanding what is so bad about crime, but understanding what is so bad about anything at all. That is to say, any philosophical account of human well-being will have to be able to give an account of what it is about crime which gives rise to so much misery. Hence crime is an important testing ground for philosophical theory.

To understand what it is for a human life to go well or badly we need some sort of theoretical approach. One standard answer is that a good life is one filled with happiness or satisfaction; a different answer is that a good life is one that is well-resourced, in terms of income and wealth, allowing a good standard of living. The two accounts are, of course, related insofar as resources can buy happiness, but it is well-known that the correlation is imperfect. A life can be intolerable even though well-resourced, and happy though poorly resourced, at least by normal standards, for a whole range of reasons.

According to the first theory presumably what is wrong with crime is that it makes people unhappy in some way. There is, no doubt, a great deal of truth in this. One has only to think of the misery, to the point of despondency, in which a mugging or burglary can leave people. A convicted housebreaker told me that he went straight after his parents were burgled and he saw at first hand for the first time, how devastating this was for them, even though they

hardly lost anything. He said that he had no idea that breaking into people's houses could have such an effect, and it shocked him to find out what he must have been doing to people. Perhaps this was because he formerly had implicitly held the second view of well-being; that a good-life is a well-resourced one, or, more likely that there is a strong correlation between possession of goods and happiness. So if you steal from the rich, as he had been doing, or from the adequately insured, this should not affect their well-being in any serious way. Yet the experience of this burglar's parents convinced him, I suppose, that this view was wrong.

The happiness view seems closer to the truth, yet it also seems in some way superficial. What it doesn't tell us is why crime makes people so unhappy. My own experience of having to deal with a minor burglary is that, objectively, it is comparable to having to put together some badly made self-assembly furniture with some missing pieces, while at the same time querying a utility bill and investigating the mis-location of a recorded delivery parcel. Very nasty, but, in itself, no worse than a visit from the Quality Assurance Agency. A mugging, in its purely physical aspects, is about at the same level as a mid-scale sporting injury. A character in Ian McEwan's *Saturday*, expecting to receive a beating in the street, has a flash forward to the months of convalescence and recovery that would follow. This would be to take a purely 'objective' aspect of crime. Yet these objective aspects hardly seem to capture what we worry about, as McEwan's novel brilliantly illustrates. There is something about being a victim of crime which goes much deeper than

this. Hence fear of crime is not, or at least not always, for example, fear of the average expected objective effects of crime.

Jeremy Bentham, as so often, clarifies the issue:

The great point is, to clear the country of those crimes, each instance of which is sufficient to awaken and keep alive, in every breast within a certain circle, the fear of boundless injury to person or property, as well as of destruction to life itself – in comparison of this wide-spreading – this almost universally extending mischief – this fear of boundless injury – the sum of the mischiefs resulting in each instance from losses and other injuries actually sustained would be found relatively inconsiderable. Jeremy Bentham Panopticon Versus New South Wales (p. 244)

There are two important points to note in respect of passage. First, Bentham implicitly recognises a point insisted on in contemporary criminology – crimes can be very different in their nature, and our psychological reaction to different forms of crime can be equally distinct. First, a distinction to which we will return: some crimes have an immediately identifiable victim, such as a mugging or a burglary. Others do not. These might include benefit fraud, non-payment of taxes, drug use, buying stolen or counterfeit goods. The point is not that no one is harmed, but the harm is very diffuse, and there is no obviously identifiable victim at the time of the crime. However even where

there is an identifiable victim we need to make a distinction. In a different context Robert Nozick makes the point by contrasting two cases: suppose that you know that sometime in the next year that your car will be stolen, and that, in a different incident, your arm will be broken by an attacker. The effect of these on your mental life is likely to be quite different. 'Fear of crime' as a generic analytic concept may not be helpful, and indeed recent studies suggest that earlier surveys have tended to give an exaggerated account of public fear of crime. Yet it is clear that some crimes are particularly feared. For Bentham these are the ones which threaten 'boundless injury' to person or property. These can induce not just fear but terror, and Bentham plausibly argues that the fear such crimes induce may be worse than the damage of such crimes. The point is not that our fear is out of proportion to the likely harm – although this is likely to be true. Rather, it is that for any particular person the harm is actually very unlikely indeed, yet the fear can be ever-present for a great number of people, depressing their lives. The total fear is, Bentham suggests, more significant than the total harm. Whether or not we are comfortable with the quantitative comparison we can certainly see Bentham's point. And there seems something right about the idea that crimes which threaten 'boundless injury' are particularly feared. What seems especially terrifying is the idea of a situation escalating entirely out of one's control, even to the point of not being able to predict the likely consequences of one's action. Will an attempt to defend oneself or property frighten off the attacker, or just make things worse, for example? How will it end?

Yet I cannot help thinking there Bentham is missing something in these remarks. Boundless injury can be threatened by a tornado, a flash flood or a shark, and these are also terrifying to contemplate. Yet the fact that a crime is something one person does to another seems to add a further moral and political dimension. And this can also make us disproportionately concerned about criminal incidents which do not engender such extreme fear: where the loss is known to be relatively insignificant or bounded. It is, then, necessary to take a deeper look at risk, anxiety and fear in relation to crime.

### Risk and Fear of Crime

An important insight into the way crime affects people can be gained from considering what was, for a time, a mission statement from the Home Office in the area of crime: 'Reducing Crime, Reducing Fear of Crime'. This is clearly inspired by the recognition that fear of crime can have a deeper impact on people's lives than crime itself, coupled with the thought that one way of reducing crime is to make people hyper-vigilant, which may make them hyper-scared too. So the two goals have a complex relation. It is often noted that on average women have a greater fear of crime than men, but men are more likely to be victims of crime. But it is likely that there is a causal relation here: women, being more afraid of crime, take greater precautions.

The message, then, is that if we want to reduce crime, and are not worried about anxiety levels in individuals, then it would be better for officials to scare people stiff, so they don't go out on their own, and double lock every door and window even when home. If this seems unattractive one likely reason is that we value anxiety reduction alongside crime reduction. And there are at least two reasons to be concerned about anxiety. First it is unpleasant in itself; and second, it can have extremely undesirable further effects.

In addition to the fear, anxiety, or concern which falls short of fear or anxiety itself, which has already been discussed, we can add the cost of the steps one may take to try to reduce either the probability or the extent of the harm. That is, fear and anxiety can have further effects on one's life in terms of the steps one may take to try to deal with it. Probability-reducing measures may include such things as the expense of moving house, into a safer neighbourhood, purchasing security measures, such as alarms and other security devices, or changing one's lifestyle by not going out, or not stopping to talk to strangers in the street. 'Extent'-reducing measures are less common in the case of crime, but it might mean, for example, not carrying much cash, or keeping credit cards in different pockets so that if one has one's pocket-picked less is taken and one will still have the means to get home.

Precautions to reduce the probability of crime and now so widespread we

simply take them for granted. But security is now a huge industry, if one thinks of the money spent on locks, alarm systems and security guards. The total annual turnover must be in the billions. Given this it is hard to interpret claims that people are not as afraid of crime as was previously thought. Is the fact that so much money is spent a sign that people fear crime, or a reason why they don't fear it very much? Clearly it is both, and this will be hard to pick up on surveys.

Distinct from this, there is the costs of steps taken to reduce the impact of the risk, so that if the feared event happens the impact is minimized. In the case of crime this most obviously means taking out insurance. Insurance doesn't, in itself, reduce the probability of crime, or its magnitude, but it does reduce its impact. Again a vast amount of money is spent on insurance against crime. And again we can ask whether this is a sign that people fear crime, or a reason why they do not. For a different type of example imagine someone who lives in a area of high car crime, and is considering taking a job in which it is absolutely essential to have regular and reliable access to a car. Such a person may decide not to take the job, to avoid cranking up their stress levels even further.

As a further factor there is the 'planning blight' of living with uncertainty in terms of the difficulty of planning one's life under such conditions. I take this term from town planning. For example, at one time it was proposed that

there would be a major new railway station in Peckham to link up with the channel tunnel. This pretty much killed the property market in the area. If the plans were definitely to be implemented it would be possible to put a reduced market value on the houses; likewise if the plans were abandoned a higher value would be likely. But with the uncertainty, which lasted several years, no one would take the risk of buying and so no one could sell. This type of situation is common in business: the point is made that uncertainty is an expensive commodity. Now, crime has a low probability, and so it is unlikely that planning blight will affect people in exactly the same way. However, there is a related phenomenon. Those who have been victims of crime, or attempts, especially when repeated, may suffer something related to planning blight, which is a type of paralysis of the will, leading to fatalism, which then may make them less likely to take precautions. One striking fact about crime, to which I will return, is that people who have already been victims face a much higher risk of being victimised in the future.

Given that fear or anxiety can lead to costs and modification to behaviour, those who believe themselves to be subject to the risk of crime will find that risk spreads. This can happen in two ways. Those who have been victims of crime may find their health, employment prospects and social relations also suffer. So risk and anxiety about crime may spread to risk and anxiety in other areas of life. However, the examples we have seen point to a different causal pathway: the steps that people take to protect themselves against crime may expose them to greater risks in other respects. If you are

spending money on extra locks, or on taxis rather than walking home late at night after work, maybe you are not buying such nutritious food as you might, and taking a risk with your health, or perhaps will be tempted not to declare all your cash in hand earnings to the taxman, and take the risk of a fine or prosecution, and so on. But whether or not spending money or taking precautions against crime increases risk, it does reduce what one has to spend on other things.

There are extreme examples of the way in which precautions taken against crime can lead to other risks. A particularly poignant example of this is documented in Eric Kleinenberg's book *Heatwave*, which explores the Chicago heatwave of 1985, in which many people, especially the elderly and already sick, died. As is often the case most of these deaths were in poor neighbourhoods. But Kleinenberg noted that there were a disproportionate number of deaths in high-crime poor neighbourhoods. Those who died were very often elderly people, living on their own, in low-standard accommodation. There are hundreds of thousands of elderly people living like this in the Chicago area. In high crime neighbourhoods people were less likely to keep their windows open at night, or go out to air-conditioned shops or cafes during the day, and so stayed home with the windows shut in literally stifling conditions. A fear of crime, then, can lead you to take steps which, in these cases, led in the worst cases to death, and in others to poorer health, and an increased risk of death.

Bearing in mind that people can be prepared to make the sacrifices that they do to avoid becoming a victim of crime, this returns us to the question of why it is that crime is so feared. So far we have Bentham's suggestion of the 'boundless injury', which I read as the concern to avoid a situation which chaotically spirals beyond one's control or even influence. Yet we have also seen that people appear prepared to expose themselves to other extreme risks – perhaps even risks of boundless injury - so as to avoid the risk of crime.

I think it is impossible to make progress on this without considering further what it is to be a victim of crime. It might be useful to start by thinking of the difference between being a victim of an attempted crime, which has been foiled perhaps by preventative measures, and being a victim of an actual crime. In both cases one has been victimised, there is an important difference. In the failed attempt, one may be rather shaken but there may also be a rather triumphal feeling 'I got the better of him!'. When the crime is successful, there is no such comfort. Victims of crime – and here we need to recognise that things differ case by case – report shock, anger and trauma. This can be true even for relatively small losses. But even in these cases they also report in some cases a feeling of violation, and even humiliation and shame. There is something about becoming a victim which is particularly upsetting. It seems to be an assault to the self, even to the point of putting one in a different category: that of a victim (which may go some way to explain why victims of crime are more likely to suffer crime).

It would be wrong, I think, to say that people have a fear of becoming a victim: the fear is of the injury. Yet as it were on top of this there can be a very strong aversion to being made a victim. Minor examples of the same thing are those people who cannot bear being teased, or being duped by a street magician, in that, perhaps, it undermines their sense of themselves and their dignity, in the case of becoming a victim of crime one loses the sense of being master of one's own fate. Furthermore one can become the object of pity, which many people can find diminishing. As I have said I don't think it is right to say that people have a fear about becoming an object of pity. Perhaps a 'dread' or a 'horror' would be better. 'Very strong preference' is accurate perhaps, but also rather colourless.

To try to capture more of this, it may be helpful to supplement Bentham's remark with one from Rousseau.

As soon as men began to value one another, and the idea of consideration had got a footing in the mind, every one put in his claim to it, and it became impossible to refuse it to any with impunity. Hence arose the first obligations of civility even among savages; and every intended injury became an affront; because, besides the hurt which might result from it, the party injured was certain to find in it a contempt for his person, which was often more insupportable than the hurt itself. Rousseau Discourse on the Origin of Inequality

Of course contempt is expressed even through an unsuccessful attempt at crime. But when the attempt is successful perhaps one begins to harbour the thought that the contempt is deserved. If I am unable to protect myself, what sort of person am I? Victims of violent crimes, in particular, report 'loss of confidence'. But again one can wonder whether the survey instruments really get to the heart of the psychology.

What, I think, this exploration shows us is that how you are regarded by others, and how they are able to express that regard, becomes an essential component in an individual's well-being, both directly and indirectly in terms of its further effects. Perhaps we already know it, but thinking about how much people often wish to avoid becoming victims of crime helps reinforce the message.

### Crime and Social Justice

What is to be done about crime? There is a political dimension here. Crime is not randomly distributed throughout the population. The IPPR have produced statistics which explain that, with the exception of car crime, the poor are much more likely to be victims of crime than the rich. This may seem surprising at first, but perhaps not after reflection. The poor are also less likely to have taken steps to mitigate the effects of crime, such as insurance, and so suffer greater impact. The poor, then, have more to worry about in

this respect, as in so many others. Actual worrying is distributed in a different way. While elderly women are most fearful of crime, young men are most likely to be victims, especially those who go out a lot a night. This, again, is not a surprise. Presumably those who go out looking for a fight are the most likely victims of all, but we don't seem to have figures on this. Some areas are crime-ridden, others are not. Quite a lot is known about how to design neighbourhoods which are more likely to have lower crime rates: the right type of lighting; the right type of public space. However, this may simply displace crime to other areas.

Furthermore, it is not surprising to learn that people who live in poverty are more likely to be perpetrators of crime.

As Shadow Home Secretary in 1992, Tony Blair famously remarked that Labour would be 'tough on crime and tough on the causes of crime'. In the public spending review of 2000 this phrase was recycled, and increased spending in a number of areas was proposed. Jack Straw was quoted as saying: "Offending is too often associated with abuse of drugs and alcohol, having truanting from school or having been in care. By getting Whitehall departments working together, we can win the war on crime." Noble sentiments, although perhaps we would now be a bit more careful about declaring war on anything. Indeed the various targets, including the target for reduction in reporting Class A drug use – 25% for people under 25 – expire this year. I don't know what has happened to it.

It is, though, remarkable that at least in the press release there is no discussion of deeper structural factors, despite the inclusion of statistics pointing this way. Could drug and alcohol abuse, truanting, being in care, all be symptoms of something else? If Rousseau is right, then what gives rise to at least the most serious crime is contempt for other human beings.

But not all crime is of this nature. As mentioned above there are crimes with no identifiable immediate victim: benefit fraud, and so on. Now government policy is to try to make such people pariahs. Yet I wonder about this. Some people committing benefit fraud and ordinary, decent people who wish to achieve a fairly modest standard of living and lack other ways of doing so. This can also true of people who buy stolen goods, don't pay their car insurance. Their economic disadvantage leads them to take risks at the margins of the law, whether they want to or not. Indeed these people suffer in three ways: they take the risk of breaking the law; they feel bad about doing it; and they can't complain because they will end up in court. Many have not crossed the line into burglary or other personal victim crimes. Hence they are not showing contempt for particular other people – as distinct from the system – in their actions. Hence if this is right, then the answer is to relieve the pressures that push people into crime.

On this analysis crime is a mechanism which clusters together forms of disadvantaged. For some perpetrators of crime, it is a highly risk response to

other forms of disadvantage, and threatens to lead to a downward spiral. For victims, it is a fear which drains energy and resources from other activities, and then, if it happens, compounds existing disadvantage given the difficulties of recovery.

Nevertheless, there does remain a great deal of crime with a personal victim, and Bentham's analysis, supplemented by Rousseau's, gives a good analysis of what, precisely, we find so distressing about it. In this regard it is, amazingly enough, possible to have some sympathy for Tony Blair's recent remarks that to overcome crime we need to build respect, and that this is not a task for governments alone. While one may cringe at the tone of the rhetoric, and wonder what measures, in concrete terms, are actually being proposed, tackling crime at the root is probably not a matter of spending more on locks, video cameras, alarms, the police, prisons and magistrates. In this particular case philosophical analysis appears to support announced government policy. But it would be wrong to think that this type of 'community building' is the answer to everything. Material disadvantage also has a lot to answer for.

Marx, Theories of Surplus Labour 1861-3.

[11. Apologist Conception of the Productivity of All Professions]

||V-182| A philosopher produces ideas, a poet poems, a clergyman sermons, a professor compendia and so on. A criminal produces crimes. If we look a little closer at the connection between this latter branch of production and society as a whole, we shall rid ourselves of many prejudices. The criminal produces not only crimes but also criminal law, and with this also the professor who gives lectures on criminal law and in addition to this the inevitable compendium in which this same professor throws his lectures onto the general market as “commodities. This brings with it augmentation of national wealth, quite apart from the personal enjoyment which—as a competent Witness, Herr Professor Roscher, [tells] us—the manuscript of the compendium brings to its originator himself.

The criminal moreover produces the whole of the police and of criminal justice, constables, judges, hangmen, juries, etc.; and all these different lines of business, which form equally many categories of the social division of labour, develop different capacities of the human spirit, create new needs and new ways of satisfying them. Torture alone has given rise to the most ingenious mechanical inventions, and employed many honourable craftsmen in the production of its instruments.

The criminal produces an impression, partly moral and partly tragic, as the case may be, and in this way renders a “service” by arousing the moral and aesthetic feelings of the public. He produces not only compendia on Criminal Law, not only penal codes and along with them legislators in this field, but also art, belles-lettres, novels, and even tragedies, as not only Müllner’s *Schuld* and Schiller’s *Räuber* show, but also [Sophocles’] *Oedipus* and [Shakespeare’s] *Richard the Third*. The criminal breaks the monotony and everyday security of bourgeois life. In this way he keeps it from stagnation, and gives rise to that uneasy tension and agility without which even the spur of competition would get blunted. Thus he gives a stimulus to the productive forces. While crime takes a part of the superfluous population off the labour market and thus reduces competition among the labourers—up to a certain point preventing wages from falling below the minimum—the struggle against crime absorbs another part of this population. Thus the criminal comes in as one of those natural “counterweights” which bring about a correct balance

and open up a whole perspective of "useful" occupations.

The effects of the criminal on the development of productive power can be shown in detail. Would locks ever have reached their present degree of excellence had there been no thieves? Would the making of bank-notes have reached its present perfection had there been no ||183| forgers? Would the microscope have found its way into the sphere of ordinary commerce (see Babbage) but for trading frauds? Doesn't practical chemistry owe just as much to adulteration of commodities and the efforts to show it up as to the honest zeal for production? Crime, through its constantly new methods of attack on property, constantly calls into being new methods of defence, and so is as productive as strikes for the invention of machines. And if one leaves the sphere of private crime: would the world-market ever have come into being but for national crime? Indeed, would even the nations have arisen? And hasn't the Tree of Sin been at the same time the Tree of Knowledge ever since the time of Adam?

In his Fable of the Bees (1705) Mandeville had already shown that every possible kind of occupation is productive, and had given expression to the line of this whole argument:

"That what we call Evil in this World, Moral as well as Natural, is the grand Principle that makes us Sociable Creatures, the solid Basis, the Life and Support of all Trades and Employments without exception [...] there we must look for the true origin of all Arts and Sciences; and [...] the moment, Evil ceases, the Society must be spoil'd if not totally dissolve'd\*" [2nd edition, London, 1723, p. 428].

Only Mandeville was of course infinitely bolder and more honest than the philistine apologists of bourgeois society. |V-183||