

Broken Windows Theory

Does the state of our neighbourhood induce or reduce crime? And what can be done to stop the cycle?

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This article was originally submitted as a seminar paper as part of the Philosophy of Law study-unit (CVL1024) and is being reproduced on the OLJ with the author's permission. In it, **Michael Spiteri** explores the Broken Windows Theory which shaped policing and social policy in many American cities and beyond.

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Just past the turn of his 20th birthday, Michael remains, as he always was, engrossed with the changing world around him.

Interested mainly in Criminal Law, Constitutional Law, Human Rights and Politics, Michael notes how law and politics, when wielded and engaged in correctly, may be two of the greatest tools of mankind – fostering cooperation and leading to a better life for all.

It is through these two tools, that Michael hopes to affect his goal of contributing to a better life for those around him, leaving a positive legacy through the fulfilment of his belief that with innovation, hard work and some fortune, the days ahead promise to be better than those past.

1. Introduction:

From the early 1970s until mid-1990s, America experienced a crime epidemic without equal. This crime wave, unprecedented in modern times, saw almost every category of crime, including serious crimes such as homicide, reach its historic peak levels, according to American crime statistics.¹ However, interestingly, this increasing crime trend was reversed in the mid-90s, with crime levels reaching lows by the early 2010s which far exceeded what many people's expectations had been just a couple decades before.²

The cause for this reverse of fortune is widely debated among legal, sociological, criminological, and academic spheres. Moreover, included in this wider fierce debate, is the impact of 'Broken Windows Theory' thinking and policies on the depression of crime levels, particularly in areas where the theory of 'Broken Windows' was especially influential due to the belief in the tenets of this theory held by certain prominent people in charge of district- and even city-wide mandates.

Thus, it is this author's belief, that for any person involved in any of the above-mentioned spheres, as well as for laymen and law-abiding citizens, knowledge of what this theory entails; its influence, results, history, and chiefly its validity, are of great benefit.

2. 'Broken Windows Theory' Explained:

The 'Broken Windows Theory' can be described as a criminological theory which attempts to offer an explanation for crime in neighbourhoods and describes ways to combat it. It was thrust into the spotlight via a prominent article in the March 1982 issue of 'The Atlantic' magazine, written by two of the theory's champions, George Kelling and James Q Wilson.³

The theory essentially asserts that a 'continuum of disorder' exists. This aforementioned continuum starts from mere disorder in neighbourhoods, which if tolerated, proliferates, gradually increasing from small disorders to larger ones.⁴ This, in turn, spurs an increased fear of crime among citizens who, as a result, withdraw from their community. This withdrawal, according to Broken Windows theorists, prompts a decline in priceless informal social controls which, consequently, results in criminals and potential lawbreakers starting or

¹ Alexia D Cooper, Erica L Smith, 'Homicide Trends in the United States, 1980-2008' (*Bureau of Justice Statistics* November 2011) <<https://bjs.ojp.gov/library/publications/homicide-trends-united-states-1980-2008>> accessed 10 April 2023.

² *ibid.*

³ Joshua C Hinkle, David Weisburd, 'The Irony of Broken Windows Policing: A Micro-Place Study of the Relationship Between Disorder, Focused Police Crackdowns and Fear of Crime' (2008) 36(6) *Journal of Criminal Justice* 503 <<https://www.sciencedirect.com.ejournals.um.edu.nt/science/article/pii/S0047235208001128>> accessed 11 April 2023.

⁴ George L Kelling, Catherine M Coles, *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities* (Free Press 1996) XV.

increasing their criminal and disorderly activities in the area.⁵

Finally, one should note that academics supporting this hypothesis also state that this cycle is an ever-exasperating one since disorder indirectly leads to crime and more disorder, which in turn induces more frequent and serious crime and evermore disorder.⁶ Importantly, the side effects of this vicious cycle also worsen the situation since the cycle leads to neighbourhood instability, the out-migration of those with the means to do so, as well as a general abandonment of the neighbourhood to criminals and other disorderly members of society, besides other negative effects.⁷

Kelling and his co-writers thus emphasised that this ‘incivilities thesis’ (a synonymous term for ‘Broken Windows Theory’) has merit and that disorder, formerly viewed as little more than a nuisance, requires immediate and aggressive mitigation through various means. This is so owing to the snowball effect such ‘incivilities’ produce if untreated in the early stages, which climaxes in serious crime being caused in a community.⁸ Essentially, this can be summarised as a ‘take back the streets’ type of movement, which advocates for tackling the root cause of crime, which is purportedly disorder.

Moreover, one should also note that Kelling and his subordinates advocate for the tackling of disorder and the resultant fear of crime it causes as ends in themselves.⁹

3. Disorder and its Effect on Crime:

One cannot understand the ‘Broken Windows Theory’ without first understanding what disorder is. Despite this, the original Broken Windows theorists themselves stated that one could not formulate an exhaustive list of what constituted disorderly behaviour since it is a rather subjective term. However, this is not necessarily a weakness of the theory, since a broad description dividing disorder into two primary groups, namely, physical disorder and social disorder,¹⁰ offers a definition of disorder which is adequately inclusive of the large number of things which form part of this category. One should note that both subgroups are said to contribute to the formerly mentioned fear of crime, which in the end leads to actual crime occurring.¹¹

⁵ Joshua C Hinkle, David Weisburd (n 3).

⁶ George L Kelling, Catherine M Coles (n 4).

⁷ Peter K Manning, ‘Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities’ (1998) 4(1) *Social Pathology* 68 <<https://ejournals.um.edu.mt/login?url=https://www.proquest.com/scholarly-journals/fixing-broken-windows-restoring-order-reducing/docview/194809760/se-2?accountid=27934>> accessed 11 April 2023.

⁸ George L Kelling, Catherine M Coles (n 4) 1.

⁹ *ibid* 242.

¹⁰ Adam J McKee, ‘Broken Windows Theory’ (*Encyclopædia Britannica*, 1 April 2023) <<https://www.britannica.com/topic/broken-windows-theory>> accessed 11 April 2023.

¹¹ *ibid*.

In his famous book on Broken Windows, published in 1996, Kelling and his co-author state that in ‘its widest sense, social disorder is incivility, boorish and threatening behaviour that disturbs life, especially urban life’.¹² Behaviour which often falls under this category are unwarranted panhandling, publicly displayed lewd behaviour, and ‘squeegeeing’.

Meanwhile, physical disorder constitutes environmental features which paint an image of disorder in a neighbourhood and invokes fear in the residents and visitors that social controls are lacking, and that crime is prevalent.¹³ Such features include graffiti and broken windows, to which this theory owes its namesake.

The effect disorder can have on crime is notoriously illustrated via the thought experiment devised by James Q Wilson, in the March 1982 ‘The Atlantic’ magazine issue, which brought the ‘Broken Windows Theory’ to prominence. Wilson initially describes a factory with a singular broken window. He states that if this broken window is not attended to immediately then onlookers would deduce that there is no effort by authorities or the community at large to maintain standards and prosecute offenders is being made. Noting this, others may be encouraged to partake in breaking some windows of this dilapidated factory themselves. Unless treated, this will only encourage more offenders, who may presume that the whole street is not monitored. In turn, law-abiding citizens, who previously maintained civility via coalesced social control, now fearful of the situation, will, if able to, vacate the scene. If not by moving, then the latter is done by psychological withdrawal from the community.¹⁴ This short thought experiment highlights the fact that the continuum of crime finds its indirect founding in the decline of situational crime prevention by the community, due to the latter’s fear sourced primarily from unmitigated disorder in their neighbourhood.

Kelling and his co-author, in their book, express the integral role of situational crime prevention and efficient mitigation, stating that when done effectively it elevates the effort required by criminals to successfully complete crimes and the risks they take in their commission, and decreases the potential benefits of criminal activities.¹⁵ These, they state, are all factored in by potential criminals, and thus, making the situation less conducive to crime stops crime from occurring.

Therefore, they propose the establishment of ‘arbitrary yet enforceable standards in public areas’,¹⁶ established with the consensus of the community and balancing the individual’s rights of all with those of the community.¹⁷ This, according to Broken Windows theorists and believers, necessitates a strategy of

¹² George L Kelling, Catherine M Coles (n 4) 14.

¹³ Adam J McKee (n 10).

¹⁴ Hope Corman, Naci Mocan, ‘Carrots, Sticks, and Broken Windows’ (2005) 48(1) *The Journal of Law & Economics* 235, 237 <<http://www.jstor.org/ejournals.um.edu.mt/stable/10.1086/425594>> accessed 11 April 2023.

¹⁵ George L Kelling, Catherine M Coles (n 4) 136.

¹⁶ Peter K Manning (n 7) 69.

¹⁷ George L Kelling, Catherine M Coles (n 4) 168.

partnering legislation conducive to disorder and misdemeanour reduction along with a partnership between state enforcement and citizen bodies, such as business and citizen groups rooted in the areas, which are to collectively take an aggressive stance on street crime on the ground, especially in areas defined by high levels of disorder, fear, crime, and decay.¹⁸

4. The Support and Criticism for ‘Broken Windows Theory’:

It is an understatement to describe the ‘Broken Windows Theory’ as controversial. This is so since the term does not sufficiently encompass the vehement debate about both the validity of the theory itself as well as the crime reduction methods which were inferred from its conclusions.

One prominent criticism levelled against this theory at the outset was the lack of empirical evidence validating the Broken Windows hypothesis which links disorder to crime in a continuum. This is based on the lack of studies which clearly show that the continuum exists.¹⁹

Despite this, there are a few experiments and ‘field’ applications which substantiate the theory. Notoriously, the Zimbardo study of 1969, Wesley Skogan’s 1990 findings, and the New York City applications of ‘Broken Windows’-inspired policies under the direction of Mayor Rudolph Giuliani and Police Commissioner William Bratton, are perhaps the most divisive of them all.

A quick summary of each would not be amiss in setting the stage for this debate. Zimbardo’s study demonstrated the continuum of crime posited by the ‘Broken Windows Theory’ in a simple experiment which saw two identical cars, in a state that was ripe for criminal exploitation, being parked and observed in two different locations in the United States. One was placed in the Bronx in NYC, a neighbourhood renowned for its crime and disorderly state, while the other was placed in Palo Alto in California, which was significantly less crime-ridden. The car in the Bronx was vandalised immediately, to the extent that within a day it was stripped of anything of value and the insides were left in a deplorable state. Meanwhile, the other car was not touched for a whole week until, interestingly, the person conducting the experiment himself broke one of the windows. After that, despite being in a well-to-do neighbourhood, the car was vandalised in less than a day.²⁰ This showed how visible signs of disorder can lead to crime via opportunity signalling.

Skogan’s works, on the other hand, showed a multitude of interesting results. Importantly, it demonstrated that in communities with rampant crime, there was also a lot of disorder (both of the physical and social nature) and that this link

¹⁸ *ibid.*

¹⁹ Trevor Jones, ‘Review of *Illusion of Order: The False Promise of Broken Windows Policing*’ (2003) 43(2) *Br J Criminology* 442, 446.

²⁰ Phillip G Zimbardo, ‘The Human Choice: Individuation, Reason, and Order Versus Deindividuation, Impulse, and Chaos’ (1969) 17 *Nebraska Symposium on Motivation* 237.

between disorder and crime was even stronger than the link between crime and other oft-cited sources of crime such as poverty and a predominant racial minority population.²¹

However, Skogan's work has been increasingly critiqued. This is especially so by Bernard E Harcourt who, in a reanalysis of Skogan's data, found that the tentative link between disorder and crime disappeared when poverty, race, and neighbourhood stability were considered.²²

The New York City applications of the 'Broken Windows Theory' in the 1990s is perhaps its most well-known application in practice. Principally, within this time span, one can notice the especially conspicuous application of this theory in the NYC subway system, the campaign against 'squeegeers' as well as the large increase in misdemeanour arrests and convictions in general.

During this time, crime in NYC in general fell drastically by around 56% for violent crimes and approximately 65% for property crimes.²³ While an impressive and welcome change that supporters of the 'Broken Windows Theory' attribute to the validity of deterrence to crime offered by the theory's inspired initiatives, opponents have been vocal in their beliefs that the crime drop was not due to these initiatives, and that even if it were, Broken Windows policing does more harm than good.

While concrete evidence in favour or against remains lacking, due to the difficulty in attributing the change seen to a singular source such as the initiatives, some evidence in favour of the 'Broken Windows Theory' has arisen. A paper investigating this hypothesis has stated that the decline in crime has been impacted more greatly by deterrence measures than by a change in economic variables.²⁴ It stated that, should the theory be in fact valid, then crime would lower when misdemeanour arrests (which are arrests made for disorderly behaviour) increase and when economic conditions, police numbers (whose increased presence may inhibit crime), and the prison population (people who are more likely to commit crimes) are controlled for.²⁵ This was all found to be true with respect to robbery, motor vehicle theft, and grand larceny.²⁶ The final results show that for each 10% increase in misdemeanour arrests, a 0.5-3.2% decline was observed for each of the aforementioned crimes, and that misdemeanour arrests were second only to felony arrests in impact on the crime rate.²⁷

²¹ George L Kelling, Catherine M Coles (n 4) 24-25.

²² Adam J McKee (n 10).

²³ Hope Corman, Naci Mocan (n 14) 235.

²⁴ *ibid.*

²⁵ *ibid* 243.

²⁶ *ibid* 251.

²⁷ *ibid* 255.

Harcourt disagrees with this analysis stating that the crime drop was due to economic factors, such as falling unemployment, or the fact that more police were about in the streets, intimidating would-be offenders.²⁸ Another critique raised by Harcourt is the fact that the term ‘disorder’ itself is very subjective and that Broken Windows policing conveniently leaves out the actions used to deal with such disorder and fear out of the definition of ‘disorderly’. Certain actions deemed as disorderly, according to Harcourt, could be given other definitions by different people, while other actions such as instances of police brutality to deal with people purportedly engaging in disorderly actions could be seen as disorderly or fear-inducing themselves.²⁹ The latter was confirmed by another study which, while expressing support for the ‘Broken Windows Theory’ as a valid theory of how crime comes to be, stated that the tactics employed to deal with disorder created more fear among residents than the disorderly actions themselves.³⁰

Another critique raised has been that the ‘Broken Windows Theory’ plays a key role in subject creation by changing how people see disadvantaged individuals and groups which engage in so-called disorderly actions due to their socio-economically disadvantaged status or merely due to the fact that such actions, while harmless, are seen as immoral or offensive by the majority of others.³¹

Kelling and his co-author reply to these arguments by quoting Skogan’s work in stating that, regardless of differences, people within the same geographic neighbourhood tended to agree on what composed disorder and how much of it existed in the region, thus effectively disproving the ‘tyranny of the majority’ accusations.³² The pair also stated that the ‘Broken Windows Theory’ did not attempt to label minority or disadvantaged people themselves as disorderly but only advocated for dealing with behaviour that negatively affects communities regardless of who it is done by for the benefit of the majority, while not forgetting the rights of the minority.³³

Other critiques also persist, such as the backlogging of courts which would occur if the theory influenced policing strategies to be harder on misdemeanours, the incapacitation effect of causing many individuals’ lives to be impacted due to excess court cases, and others. These have been arguably proved to not be the case, but are treatable via adaptations of the system or are part of a system which is potentially beneficial to society when the benefits are measured against the cons.³⁴

²⁸ Taylor Jones Taylor (n 19) 447.

²⁹ *ibid.*

³⁰ Joshua C Hinkle, David Weisburd (n 3) 507.

³¹ Taylor Jones (n 19) 447.

³² George L Kelling, Catherine M Coles (n 4) 24-25.

³³ *ibid.* 68.

³⁴ Hope Corman, Naci Mocan (n 14) 251-253.

5. Conclusion:

The ‘Broken Windows Theory’ remains a divisive topic to this day, advocating for a substantial change in not only how we treat crime, but also how we view serious crime as actions which have a history and future; the former must be understood and the root cause – disorder – must be dealt with so that the latter’s severity is mitigated.

Several of the ‘Broken Windows’-inspired initiatives have not withstood the courts’ protection of individual rights to liberty and free speech. However, while viewed by some as a pestilence that just will not die, the ‘Broken Windows Theory’ remains an intriguing view of crime, one which, if true and taken in by all parts of society including civilians, enforcement, and the legal world, could possibly lead to a utopian tomorrow.



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