

Revisiting the Theory of Broken Windows Policing

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Abstract: How has the academy contributed to the horrors of policing in the United States? While many scholars study policing, few do so from a self-reflective position, which would examine how the production of knowledge has often legitimized policing's harms. As part of a larger effort to encourage researchers to come to terms with the role we have played in facilitating contemporary atrocities, here I reconsider political scientist James Q. Wilson and criminologist George L. Kelling's 1982 "Broken Windows" essay, as well as its intellectual legacy. Their essay is best known for speculating that police foot-patrols, by cracking down on low-level offenses, will reduce serious crime. While this speculation has become the subject of much public and academic debate, the relationship between policing and crime is only a secondary point in the article. Unfortunately, focusing on this secondary point has led scholarly and public discourse to distort the essay's arguments. I correct this distortion through a close reading of the essay. Wilson and Kelling argue that the primary objective of the police should be to maintain order rather than to prevent crime or even to enforce the law. As such, police should discourage behavior inconsistent with neighborhood standards (even if it is not criminal) and should also remove "disorderly" people from public life (even if they are not breaking the law). Indeed, Wilson and Kelling actually endorse illegal actions in certain instances: when these actions are committed by either police or vigilantes to fashion and maintain the authoritarian, classist, ableist, and racist order that the authors envision. After discussing how an accurate understanding of the original "Broken Windows" article has the potential to reorient contemporary studies policing, I conclude by locating broken windows theory as an important member of a family of harmful ideas, generated by academics, that have underwritten a wide range of authoritarian policing practices.

Keywords: Race, policing, academia.

In the aftermath of the historic George Floyd protests, police violence remains a quotidian part of life in the United States of America. Indeed, 2022 was the deadliest year on record since the *Mapping Police Violence* project began collecting data about police killings, in 2013 (Levin 2023).

Many scholars express concerns about police violence, especially about the unequal distribution of violence across racial groups. But fewer scholars take a self-critical position, recognizing that the academy has provided intellectual resources legitimizing the institution of policing and the damage it does to human beings.

As part of a larger effort to encourage a more reflexive scholarly orientation, here I reconsider political scientist James Q. Wilson and criminologist George Kelling's 1982 "Broken Windows" essay, which is one of the most influential written works in the history of policing.

Over the decades since it was written, the essay has provided ideological justifications for a massive expansion of policing, as well as a particularly aggressive form of policing, across the country and even the globe (Camp and Heatherton 2016). Today, as historian Elizabeth Hinton (2021, p. 45) observes,

broken windows theory operates as "the guiding principle of modern American law enforcement."

But what is broken windows theory? In many popular and scholarly descriptions of the theory, its animating purpose is to propose a means of reducing serious crime by having police crack down on low-level criminal offenses. As a result, numerous academic studies have been conducted to out whether this speculation is correct – that is, whether enforcing laws against low-level crimes such as graffiti or fare evasion does in fact prevent more serious crimes such as assault, theft, and murder. These studies have yielded mixed results, and social scientists continue to debate whether broken windows policing "works" (Braga, Welsh, and Schnell 2019; Harcourt 2001a; O'Brien Farrell, and Welsh 2019; Weisburd *et al.* forthcoming).¹

These empirical efforts have yielded valuable insights. However, as I show in the next section, existing representations of broken windows theory are often misleading. In fact, the speculation that policing low-level crimes would affect the frequency of more serious crime was only a secondary point for Wilson and Kelling (WK). The authors make this clear by explicitly arguing at numerous points that police should

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¹An additional line of inquiry investigates the harms caused by broken windows policing practices. As I will discuss below, many of these studies tend to portray these practices as either an unfortunate deviation from broken windows theory or a cost of the broken windows strategy of policing (e.g., Fagan and Davies 2000; Harcourt 2001b; Howell 2016).

not focus as much on preventing crime as on maintaining order. This is because, in WK's view, it is disorder, not crime rates, that signals a unhealthy society. The authors argue that many order-undermining behaviors (e.g., gang members standing on a street corner) are not illegal but should nonetheless be eradicated by police; conversely, many illegal actions (e.g., police and vigilante violence) are necessary if order is to be achieved.

Therefore, evaluations of broken windows theory should *not* merely focus on attempting to answer the empirical question of whether policing low-level crimes affects rates of serious crime. This question, which has funneled scientific studies of broken windows theory into a narrow path, ignores WK's explicit argument that police should *not* be focused on crime-fighting; instead, they write, police should prioritize order-maintenance.

In the subsequent section of this article, I argue that to evaluate broken windows theory more appropriately, scholars need to consider exactly what kind of "order" WK have in mind (c.f., Harcourt 2001a). Appallingly, as I show, WK envision an authoritarian, classist, ableist, and racist society, and they view police as its requisite manufacturers. I then discuss how this more accurate understanding of WK's essay has the potential to reorient existing scholarly approaches to the study of broken windows theory and its consequences.

To conclude this article, I locate broken windows theory as a member of large family of damaging ideas about race and policing generated by scholars. Focusing on the discipline of political science, I briefly consider damaging ideas produced and circulated during two historical periods: the end of the nineteenth century and the end of the twentieth century. With this context in mind, it becomes clear that broken windows theory should be viewed less as a testable hypothesis about crime rates than as one of many cases in which academics have used their power, privilege, and intellectual authority to legitimize policing and its harms.

A CLOSE READING OF THE "BROKEN WINDOWS" ESSAY

Making Order, Not Fighting Crime

WK open their essay with a discussion of a Police Foundation (1981) study analyzing the effects of "predominantly white" police foot patrols that were introduced in the mid-1970s into "predominantly black" neighborhoods in Newark, New Jersey, as part of a

"Safe and Clean Neighborhoods Program" in the state (Wilson and Kelling 1982, p. 30). According to the authors, the study concluded "to the surprise of hardly anyone" that these police patrols "had not reduced crime rates" (p. 29). Yet the authors deem the program a success because residents *believed* that crime had been reduced.² What is more, WK argue that the residents' apparently faulty interpretation was actually correct: "the citizens of Newark were not fooled at all...they knew that having officers walk beats did in fact make their neighborhoods safer" (p. 29). The authors then motivate the remainder of their essay with a question: "how can a neighborhood be "safer" when the crime rate has not gone down—in fact, may have gone up?"

WK's answer to this question acknowledges that some community residents are frightened by crime but argues that "we tend to overlook or forget another source of fear—the fear of being bothered by disorderly people. Not violent people, nor, necessarily, criminals, but disreputable or obstreperous or unpredictable people: panhandlers, drunks, addicts, rowdy teenagers, prostitutes, loiterers, the mentally disturbed" (pp. 29-30).

In the opening of their article, then, WK do not propose broken windows policing as a solution to crime. To the contrary, *the authors encourage the reader to move away from a view of the problem in terms of crime*. WK believe that the most important indicator of neighborhood safety is not the crime rate but "the fear of being bothered by disorderly people." Later in the essay, the authors again downplay the importance of crime: p. 32. "The prospect of a confrontation with an obstreperous teenager or a drunken panhandler can be as fear-inducing for defenseless persons as the prospect of meeting an actual robber; indeed, to a defenseless person, the two kinds of confrontation are often indistinguishable." It is fear, then, that is the appropriate metric for safety, not crime. If this fear is reduced, the neighborhood has become safer – even if crime has increased.

What, then, was done in Newark to reduce community members' fear of "disorderly people"? WK attribute the Newark program's success to the efforts of foot-patrol police officers to "elevate, to the extent they could, the level of public order in these neighborhoods" (p. 30). Critically, in WK's conception of "public order,"

²WK also note improved citizen perceptions of the police, improved police perceptions of neighborhood residents, and increased police job satisfaction.

police officers are *not* primarily concerned with enforcing the law. Drawing on Kelling's experiences "walking with Newark foot-patrol officers to see how they defined "order" and what they did to maintain it", the authors put forward an example (perhaps stylized) of ideal police conduct, in which an officer was less concerned with enforcing the law than with making sure people obeyed a set of "informal rules" (p. 30):

The people were made up of "regulars" and "strangers." Regulars included both "decent folk" and some drunks and derelicts who were always there but who "knew their place." Strangers were, well, strangers, and viewed suspiciously, sometimes apprehensively. The officer—call him Kelly—knew who the regulars were, and they knew him. As he saw his job, he was to keep an eye on strangers, and make certain that the disreputable regulars observed some informal but widely understood rules. Drunks and addicts could sit on the stoops, but could not lie down. People could drink on side streets, but not at the main intersection. Bottles had to be in paper bags. Talking to, bothering, or begging from people waiting at the bus stop was strictly forbidden. If a dispute erupted between a businessman and a customer, the businessman was assumed to be right, especially if the customer was a stranger. If a stranger loitered, Kelly would ask him if he had any means of support and what his business was; if he gave unsatisfactory answers, he was sent on his way. Persons who broke the informal rules, especially those who bothered people waiting at bus stops, were arrested for vagrancy. Noisy teenagers were told to keep quiet.

This excerpt gives us a sense of the kind of order that WK have in mind. Here some people ("decent folk," especially business owners) are elevated above other people: "drunks," "addicts," "noisy teenagers," poor people (those without "means of support"), and "strangers."

Police foot-patrols maintain this hierarchy through surveillance, dispute resolution, verbal commands, and arrests. What is more, police conduct has only a loose relationship to the law, as much of the behavior prohibited by police is not in fact illegal. Indeed, in the

only instance in which the law is mentioned in this excerpt, it is applied in a way that, from a procedural justice standpoint, is wholly inappropriate: arresting "for vagrancy" people whose actual offense was to bother someone at a bus stop. In WK's account, then, the law should not be an end in and of itself but a means to an end: a tool that police officers have at their disposal to maintain order.

To be sure, the law is only one of many tools that police possess – and one that is often inappropriate for the task. "Sometimes what Kelly did could be described as "enforcing the law," but just as often it involved taking informal or extralegal steps to help protect what the neighborhood had decided was the appropriate level of public order. Some of the things he did probably would not withstand a legal challenge" (p. 31). While the language here is a bit vague and euphemistic, it appears that WK, instead of suggesting that police should be primarily concerned with crime prevention, *actually encourage police to commit crimes* as long as doing so helps protect order.

This interpretation of WK's claims becomes fully substantiated later in the essay, when the authors look back nostalgically to the days before World War II. During this period, they write, police "act[ed], sometimes violently, on behalf of the community. Young toughs were roughed up, people were arrested "on suspicion" or for vagrancy, and prostitutes and petty thieves were routed. "Rights" were something enjoyed by decent folk, and perhaps also by the serious professional criminal, who avoided violence and could afford a lawyer" (p. 33).

The authors then go on to lament that (as they believe) police violence is less common today, due to a "shift of police from order-maintenance to law enforcement," which has "brought them increasingly under the influence of legal restrictions" that govern their behavior with "suspected criminals" (p. 34). This development is unfortunate, the authors argue: "For centuries, the role of police as watchmen was judged primarily not in terms of its compliance with appropriate procedures but rather in terms of its attaining a desired objective. The objective was order..." (p. 34).

Fortunately, however, WK observe, police still have ways of acting within these legal restrictions to maintain order. "Until quite recently in many states, and even today in some places, the police make arrests on such charges as "suspicious person" or "vagrancy" or "public drunkenness"—charges with scarcely any legal meaning. These charges exist not because society

wants judges to punish vagrants or drunks but because it wants an officer to have the legal tools to remove undesirable persons from a neighborhood when informal efforts to preserve order in the streets have failed” (p. 35). In other words, society is not and should not be rooted in the rule of law, in which adjudicative principles are used in procedurally-neutral ways. Instead, the law is a tool, intentionally written to have little substantive meaning so that police have the flexibility to use it against undesirable persons.

What is more, the law is not the only tool police have at their disposal; as mentioned above, they can also act outside the law, or defy the law, by engaging in violence. The authors turn to the example of Robert Taylor Homes in Chicago, a public housing project where “nearly 20,000 people, all black” reside, claiming that policing in the project had vastly improved in recent years.³ Critically, the authors argue, police would be unable to do much about gangs in this housing project if they were to enforce or even follow the law: “Though the police can obviously make arrests whenever a gang member breaks the law, a gang can form, recruit, and congregate without breaking the law. And only a tiny fraction of gang-related crimes can be solved by an arrest; thus, if an arrest is the only recourse for the police, the residents’ fears will go unassuaged. The police will soon feel helpless, and the residents will again believe that the police “do nothing”” (p. 35). Fortunately (in WK’s view), however, police use violence to enforce order:

What the police in fact do is to chase known gang members out of the project. In the words of one officer, “We kick ass.” Project residents both know and approve of this. The tacit police-citizen alliance in the project is reinforced by the police view that the cops and the gangs are the two rival sources of power in the area, and that the gangs are not going to win. None of this is easily reconciled with any conception of due process or fair treatment (p. 35).

Here again we see that WK are less concerned with crime than with order, and indeed that they see the commission of crimes (though not named as such) against certain people as not only useful but necessary to fabricate order. Violating principles of procedural justice, abrogating the constitutional rights of people who are not “decent folk,” beating people up, and simply treating people unfairly *are all required precisely because disorderly behavior is often legal*. As a result, if police officers do not violate the law themselves, they will be unable to enforce order.

To be sure, police are not the only ones whom WK encourage to commit illegal acts of violence. In WK’s view, there are not nearly enough police on the streets to maintain order, and the police who do exist are too often focused on enforcing the law. What is more, police are too often assigned to high-crime areas instead of to “tipping point” neighborhoods “where the public order is deteriorating but not unreclaimable” (p. 38). Fortunately (in WK’s account), some citizens may decide to step in to fill the gaps. Following a “tradition” of the “vigilante” in “frontier towns that grew up in advance of the reach of government,” such citizens “take the law into their own hands, by acting as judge, jury, and often executioner as well as policeman” (p. 36). Ignoring the despicable history of vigilante lynchings – often with the active participation of police – of Black people (Royster 1997) and Latinos (Delgado 2009), WK suggest that vigilantism is rare today but speculate that this may change in the future.

In sum, WK propose a three-pronged approach to fabricating order. First, police can use the law against disorderly people. This is challenging, since in many cases disorderly people do not break the law. But in many cases laws are written vaguely enough that police can use them against undesirables. Second, in those cases in which the law cannot be stretched enough to be useful, police can operate outside the law, using violence to control people. Finally, when police aren’t up to the task, vigilantes can “take the law into their own hands” – which is to say, they can break the law, committing violence in service of order.

The Potential for Broken Windows Policing to Influence Crime Rates

As the above discussion makes clear, WK are less concerned with reducing crime than with maintaining order. Indeed, at several points in the essay, the authors explicitly argue that the function of policing should be order maintenance rather than law enforcement.

³WK’s account is distorted and simplistic. For a more nuanced examination of the relationships between police and residents of the Robert Taylor Homes public housing project, see Venkatesh (2000) and Wilson (2007). Here it is evident that the Black resident/Black gang member distinction, so critical to WK’s account of policing, does not appear to have been as salient for actual police (although there did exist) a brokerage system, in which certain tenants served as liaisons between other residents and police (and in some cases received payoffs for doing so). As Venkatesh’s (2000, p. 139) study of the Robert Taylor Homes project points out, “gang-police altercations are never far removed, in time or place, from police abuse or harassment of other blacks.”

That said, WK's essay is best known for its speculation that police foot-patrols reduce crime. As has been summarized over and over again in scholarly articles and the popular media, they develop this speculation through a discussion of how people react to a broken window: "Social psychologists and police officers tend to agree that if a window in a building is broken and is left unrepaired, all the rest of the windows will soon be broken...one unrepaired broken window is a signal that no one cares, and so breaking more windows costs nothing. (It has always been fun)" (p. 31). Just as a window can be broken, so too can community norms such as a "sense of mutual regard and the obligations of civility". A broken window, then, is analogous to "untended behavior" (p. 31); "serious street crime flourishes in areas in which disorderly behavior goes unchecked. This is because untended behavior sends the signal that no one cares: "If the neighborhood cannot keep a bothersome panhandler from annoying passerby, the thief may reason, it is even less likely to call the police to identify a potential mugger or to interfere if the mugging takes place" (p. 34). In sum, "The unchecked panhandler is, in effect, the first broken window" (p. 34).

WK do speculate, then, that police can prevent serious crime – but not necessarily by cracking down on low-level crime, although many have incorrectly interpreted their essay to say as much. Instead police can prevent crime by enforcing seemingly minor offenses against public order: *offenses which may well be legal*, such as a poor person talking to a businessman at a bus stop.

In any case, the hypothesized connection between order and crime prevention is only a secondary point in WK's essay, though certainly an important one. As discussed above, the authors view order as an end in and of itself, separate from any relationship between order and crime prevention. The primary question WK are concerned with is: "how can the police strengthen the informal social-control mechanisms of natural communities in order to minimize fear in public places?" (p. 35). The minimization of fear requires something different than crime prevention, in WK's view. After all, "A gang can weaken or destroy a community by standing about in a menacing fashion and speaking rudely to passerby without breaking the law" (p. 36).

Indeed, WK worry that in recent years, police themselves have been too concerned about crime and not concerned enough about disorder. In their account, police increasingly think that "they will be judged exclusively on their capacity as crime-fighters," leading

police administrators to, among other things, "join too quickly in campaigns to decriminalize "harmless" behavior" (p. 38). This is a mistake, in WK's view, because some behaviors, even if legal, are more dangerous than crime: "public drunkenness, street prostitution, and pornographic displays can destroy a community more quickly than any team of professional burglars" (p. 38).⁴ In the authors' view, it would be ideal if more harmful behaviors were illegalized – but since they are not, police should try to eradicate them anyway.

In sum, while it is certainly true that WK suspect that cracking down on low-level offenses will reduce serious crime, this speculation is not the animating purpose of their broken windows essay. Indeed, they explicitly argue against a law-enforcement model of policing and for an order-maintenance model of policing. It is nothing short of baffling that so many readers have missed this fundamental point, which WK make explicitly and repeatedly throughout their essay. The final paragraph of WK's essay actually criticizes crime statistics – the very statistics used by many researchers to measure the effectiveness of broken windows policing:

Above all, we must return to our long-abandoned view that the police ought to protect communities as well as individuals. Our crime statistics and victimization surveys measure individual losses, but they do not measure communal losses. Just as physicians now recognize the importance of fostering health rather than simply treating illness, so the police—and the rest of us—ought to recognize the importance of maintaining, intact, communities without broken windows.

REORIENTING TWO SCHOLARLY PERSPECTIVES ON BROKEN WINDOWS THEORY

Here I discuss how a more accurate understanding of broken windows theory has the potential to inform two different approaches to the study of policing in the United States.

⁴WK make this same point earlier in the essay as well (p. 35): "This wish to "decriminalize" disreputable behavior that "harms no one"—and thus remove the ultimate sanction the police can employ to maintain neighborhood order—is, we think, a mistake. Arresting a single drunk or a single vagrant who has harmed no identifiable person seems unjust, and in a sense it is. But failing to do anything about a score of drunks or a hundred vagrants may destroy an entire community. A particular rule that seems to make sense in the individual case makes no sense when it is made a universal rule and applied to all cases. It makes no sense because it fails to take into account the connection between one broken window left untended and a thousand broken windows."

The Effects on Broken Windows Policing on Crime

Many researchers design their studies to test broken windows theory's speculation that if police crack down on low-level offenses, this will reduce rates of serious crime. While scholars disagree about the answer to this question, more important for my purposes is that their focus on this empirical question has distorted the essay's central argument, which is actually that policing should move away from fighting crime and toward maintaining order. Bearing the essay's central argument in mind raises more fundamental questions. What sort of order does broken windows theory envision? Is it one scholars should endorse?

As I have shown, order is defined by WK not as the absence of crime but as the absence of fear. What is more, only some people's fears qualify as indicators of disorder. For example, disorder is *not* signified by an unhoused person's fear that police will beat her up, but disorder *is* signified by a businessman's fear that a poor person might talk to him at a bus stop.

Disorder, in turn, lies along two dimensions. The first dimension is in individual human beings. Some of these suffer from mental illness, substance abuse, or poverty – or perhaps they are merely strangers or teenagers. These individuals embody disorder (Ansfield 2020); in contrast to “decent folk,” they are, in WK's terminology, “disorderly people.” The second dimension is spatial. Disorderly people have a tendency to create disorder as a social problem; their actions or perhaps just their presence of these people causes disorder in certain neighborhoods, manifested in the fears of “decent folk.”

To combat disorder, police do *not* need to follow or even necessarily enforce the law, but rather to wield it, exceed it, or defy it – whichever is deemed necessary to maintain the hierarchy between decent folk and disorderly people. Violence, whether consistent with the law or not, is the requisite tool at hand.

This appalling vision of policing has in many ways been realized in the United States today. As indicated by an ever-expanding list of Department of Justice investigations (e.g., DOJ 2014; 2015; 2016; 2017; 2023), police across the country frequently surveil, harass, intimidate, and beat those they are supposed to protect and serve. Despite widespread evidence of police verbal abuse (e.g., Ganeva 2021), theft (e.g., Janey and Winton 2023), brutality (e.g., Kalven 2016), sexual assault (e.g., Gaynor and Blessing 2022),

torture (e.g., Ralph 2020), political repression (e.g., Estes and Dhillon 2019), and, of course, police killings (Levin 2023), the institution of policing has proven difficult to reform, to say the least (e.g., Purnell 2022). If anything, each successive wave of police reform efforts appears to strengthen rather than weaken police authority (Murakawa 2020).

To theorize this state of affairs, Arsiniega and Guariglia (2022, p. 34) develop their conceptualization of police as “supercitizens”: those “who enjoy special privileges of membership in US society not afforded to any other members.” As supercitizens, police possess additional rights and legal protections bestowed on them from federal, state, and local governments, including access to “unofficial, often unwritten, perks and privileges solidified by cultural and social expectations and practices” (p. 49), such as get-out-of-jail-free cards, free or discounted goods from businesses, and fundraising efforts to support relatives of deceased officers.⁵ Police also enjoy special categories of victimhood, legal protection from civil lawsuits, deference from judges and juries, and criminal immunity from the vast majority of cases in which they kill people.

Arsiniega's conceptualization of police as supercitizens is clearly pejorative, but it is not all that far from the idealized vision of policing espoused by broken windows theory. In order to help “decent folk” feel safe from “disorderly people,” WK argue, police should be given wide discretion – to “take informal or extralegal steps,” to send people on their way, to arrest people on charges “with scarcely any legal meaning,” to “kick ass.” If, in doing so, police violate someone's rights, that may not be a problem:

We have become accustomed to thinking of the law in essentially individualistic terms. The law defines my rights, punishes his behavior, and is applied by that officer because of this harm. We assume, in thinking this way, that what is good for the individual will be good for the community, and what doesn't matter when it happens to one person won't matter if it happens to many. Ordinarily, those are plausible assumptions. But in cases where behavior that is tolerable to one person is

⁵One might also add that police have immense power in local politics, in no small part due to police unions, which engage in substantial political activity and also give officers access to collective bargaining rights (DiSalvo 2020).

intolerable to many others, the reactions of the others—fear, withdrawal, flight—may ultimately make matters worse for everyone, including the individual who first professed his indifference” (p. 36).

In this context, the academic, political, and public debate about whether broken windows policing “works” starts to seem a bit silly. We should not want it to work. That is, we should emphatically reject a vision of political order that bifurcates people into “decent folk” and “undesirables,” reserves rights for those falling on one side of this dividing line and violence for those falling on the other, grants police (and vigilantes) the discretion to wield, exceed, and defy the law, and glorifies the brutalization of human beings.

Assessing the Costs of Broken Windows Policing

A second scholarly approach examines the harms caused by broken windows policing practices, such as racially disproportionate rates of police stops or arrests. These harms are great indeed, and work documenting them is certainly worthwhile. But some critics let broken windows theory off the hook; they portray the pathologies of broken windows policing as either (perhaps unanticipated) costs of following the suggestions of broken windows theory (e.g., Harcourt 2001b) or the (certainly unfortunate) result of deviations from broken windows theory (e.g., Fagan and Davies 2000, pp. 463, 476, 496, 497).⁶

For example, K. Babe Howell (2016, p. 1059) argues that:

If we took the theory underlying Broken Windows policing seriously, we would be fixing broken windows. We would be replacing broken light bulbs. We would be repairing broken doors and broken elevators in public housing. We would be improving parks and schools and after school programs in underserved communities. We would be making our public spaces safe by addressing unsafe conditions.

While of course Howell’s policy priorities are commendable, this account misrepresents broken

windows theory. In fact, broken windows theory prescribes no role whatsoever for the welfare state. Only one dismissive sentence in WK’s essay raises the possibility of any government agencies besides police dealing with social problems: “Of course, agencies other than the police could attend to the problems posed by drunks or the mentally ill, but in most communities—especially where the “deinstitutionalization” movement has been strong—they do not” (p. 35). According to WK, the essential prerequisite for a healthy society is not better infrastructure or government services but order, and no one can fabricate and maintain order better than police. The threats to order, moreover, are not so much broken windows themselves but the disorderly people that these windows metaphorically represent. The irony at the heart of broken windows theory is that there is no room in it for anyone to fix broken windows.

Furthermore, while Howell titles her article “The Costs of Broken Windows Policing,” what she is (rightly) most concerned about are the harms dealt out by police to “black people, Latino people, poor people, LGBTQ+ people, people with substance abuse problems, people with mental health problems, and homeless people” (p. 1060). From the perspective of broken windows theory, these folks are generally considered to be undesirables (see also Roberts 1999). Police violence against these rightless, disorderly people, therefore, does not register as a cost to broken windows theorists. If anything, such violence is something to be celebrated: “we kick ass.”

Rather than a deviation from or a cost of broken windows policing, then, many contemporary police practices are better viewed as realizations of the ideals of broken windows theory. In particular, when police deal out harms to people considered to be rightless and disorderly, these actions play an essential role in what Gordon (2020, p. 6) calls “place-consolidation,” defined as the maintenance of a social order “rooted in historic racial discrimination and persisting structural inequalities.” For example, in wealthy, white neighborhoods as well as business districts,⁷ police take steps to remove those who seem out of place,

⁶Some scholars do both, blaming broken windows theory for some harms while blaming deviations from the theory for others (e.g., Soss and Weaver 2017, p. 570).

⁷This includes Black business districts. For a discussion of demands from Black political leaders and Black middle-class residents (joining the demands of many whites) for order-maintenance policing in business districts in Atlanta during the mid-twentieth century, see Wiggins (2020, p. 723): “Drawing from a black reformist tradition that prioritized orderliness and black middle-class quality of life, Maynard Jackson, Lee Brown, and black business owners articulated a connection between disorder and harm years before Wilson and Kelling made the case.”

thereby materially and symbolically constituting “place” in terms of race, class, gender, and sexuality – and the intersection of all of these (Gaynor and Blessett 2022). In other words, the subordinating features of segregation are the result of policing’s “routinized, individualized, hierarchic, *daily spatial practices*” (Bell 2020, p. 679, emphasis in original). It is exactly such daily, spatial practices that WK endorse: “If a stranger loitered, Kelly would ask him if he had any means of support and what his business was; if he gave unsatisfactory answers, he was sent on his way.”

Police, then, are “central actors in the daily maintenance and definition of space” (Bell 2020, p. 683). That said, they work in tandem with other actors, including resident associations, merchant associations, city agencies, politicians, and individual residents who call them to make complaints. In his ethnographic study in San Francisco between 2014 and 2017, Herring (2019, p. 773) observed a pattern “of logics and practices of policing homelessness” that he calls “complaint-oriented policing.” In this mode of policing, which Herring estimates accounts for over 90 percent of police interactions with unhoused people, officers are reactive rather than proactive. That is, police usually approach an unhoused person because someone has complained about them. The lion’s share of these complaints come through calls to 911 or 311. Critically, calls to police are not made merely by isolated individuals; Kurwa’s (2020) investigation of a Los Angeles suburb finds that some local residents act collectively to push out those they believe to be out of place, through word of mouth, over social media, and on apps such as NextDoor; their coordinated activities include filing complaints with police agencies. It appears, in sum, that neighborhood residents appear to have devised answers to WK’s question: “how can the police strengthen the informal social-control mechanisms of natural communities in order to minimize fear in public places?” (p. 35).

The ideas of broken windows, then, have done great harm: not by suggesting a well-intentioned strategy to reduce crime that ended up having unanticipated costs, but by promoting a racist and classist vision of society, upheld by violent and illegal police practices that construct place on a daily basis, which is supported and directed by many community residents. Broken windows theory also became a key ideological resource for government authorities, who used it to refashion policing techniques, justify massive increases in resources to local police, and expand the

authority and reach of local policing (Soss and Weaver 2017, pp. 570-572).

CONCLUSION: ACADEMIC CONTRIBUTIONS TO THE INTELLECTUAL UNDERPINNINGS OF POLICING

Of course, not all police wrongdoing can be blamed on broken windows theory. Police, after all, surveilled, beat, intimidated, harassed, sexually assaulted, and killed people, all in service of a hierarchial and authoritarian order, long before 1982. Even the particular form of policing endorsed by WK, order-maintenance policing, predated the publication of the broken windows essay (Thacher 2004; Wiggins 2020).⁸ That said, an accurate understanding of broken windows theory is essential if we are to locate it where it belongs: as part of a wider range of academic ideas that have long underwritten police atrocities.

Consider just a cursory historical examination of some of the ideas generated by one group of scholars over the years: political scientists. Perhaps the earliest conceptualization of “the police power” in political science that of the discipline’s founder, John Burgess, was in many cases “draconian” (Blatt 2018, p. 31) and certainly expansive (Singh 2014). This followed from Burgess’ belief that the rights of “barbaric populations” (by which he meant “American Indians, Africans and Asiatic” people) were “petty and trifling in comparison with the transcendent right and duty to establish political and legal order everywhere” (Burgess 1890, p. 46). In Burgess’ view, then, extensive authority, should be extended to police so that they could protect the nation from racialized threats to order (see Blatt 2018). There is a homology with broken windows theory here, most notably in the elevation of order over rights and the designation of racialized segments of humanity as particular threats to order.

One of the discipline’s earliest discussions of vigilante violence, meanwhile, was Woodrow Wilson’s defense of the Ku Klux Klan at the turn of the twentieth century; he portrayed the Klan’s actions, which he recognized as illegal, as a necessary response to Black criminality (Skowronek 2006) - particularly in the era of Reconstruction, in which police could not be counted

⁸What is more, scholarly defenses of order-maintenance policing predated the publication of the broken windows essay. As Thacher (2004, p. 32) observes, one of the consequences of the broken windows essay was to divert scholarly debate away from the question of the “intrinsic propriety” of order-maintenance policing and toward the question of whether such a form of policing has indirect effects on crime rates.

on. This was because the National Guard was called in, over the wishes of local police, to enforce Reconstruction, described by Wilson as an “extraordinary carnival of public crime” resulting from slaves being placed in an “unnatural” ascendancy over whites (quoted in Blatt 2018, p. 44). Here too we see resonance with broken windows theory, in the formulation of police as (under certain conditions) inadequate to combat racialized danger, and the necessity for vigilantes to enter the breach.

About a century later, images of Black danger were refashioned, invoked, and circulated widely by political scientists in a range of venues, including public discourse, policy debate, and media outlets. These images included John Dilulio Jr.’s “superpredator” myth in *The New York Times* (1996), Charles Murray’s claims (with his co-author Richard Herrnstein) that Black people were genetically predisposed to commit crimes in the best-selling *The Bell Curve* (1994), and a series of race/class-ist rants from broken windows author James Q. Wilson (e.g., 1992; 1993; 1994a; 1994b).

In one of these rants, Wilson (1992) de-legitimized the political protests that followed the acquittal of the police officers who beat Rodney King, claiming that “As we obtain a greater perspective on the events in Los Angeles, it will become clear that much of what happened had nothing to do with protest and everything to do with greed, high crimes, and the settling of old scores” (p. 91). Wilson went on to criticize the Great Society because “it did nothing about crime, and especially nothing about young males who inseminate women, abandon children, join gangs, deal drugs, and shoot innocent people” (p. 91), castigated Black people for “a preference for joining predatory gangs to accepting low-wage jobs” (p. 92), and argued that attempts to create jobs in Black neighborhoods would not work because the businesses would be destroyed. Furthermore, Wilson claimed, even if jobs were created, many would not be willing to become skilled enough necessary to work these jobs: “the commitment that is the necessary precondition to acquiring such skills will be hard to make if one lives in a disorganized, drug-infested neighborhood surrounded by friends who taunt you with having sold out to “the man” or forsaken your homeboys” (p. 92). Here once again there are echoes of broken windows theory, in particular a distaste for the welfare state or other strategies of economic uplift, a racist and classist outlook on place-based pathologies, and a preference for policing as a response to these pathologies.

Of course, broken windows theory is not identical to any of the ideas reviewed here.⁹ That said, it is related to them, and these relationships are much more important than broken windows theories’ speculations about crime reduction. Broken windows theory sits in an interconnected web of concepts, constructed over a century by a wide range of actors,¹⁰ which infuse each other with meaning. Here categories of criminality, danger, and indecency are mutually constitutive with categories of race, class, disability, and place. Taken as a whole, these interconnected ideas have long legitimized and continue to legitimize American policing, which uses routine and systematic violence to fabricate and maintain a hierarchical, authoritarian order. Scholars have a lot to answer for.

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⁹Its central focus on place stands out, as does the particular flavor of ideological work it conducts against potential charges of racism (Ansfield 2020). As one instance, when describing extralegal police violence in Robert Taylor homes (a predominantly Black public housing project), WK claim that the residents of the housing project want them to engage in this violence against gang members, and then go on to claim that “Since both residents and gang members are black, race is not a factor” (p. 35). The essay thereby assures readers that it is not racist to beat up Black people as long as some other Black people approve of it. WK’s argument thereby uses a model minority logic to provide cover for its racism, unlike, for example, Wilson’s (1992) disgusting and explicit invocation of anti-Black stereotypes and imagery discussed above.

¹⁰My purposes here are illustrative; therefore, I have reviewed only a few ideas from a handful of scholars in a single discipline. A more comprehensive treatment would tell a very similar story about the harms done by scholars in other disciplines such as criminology and sociology – as well as, of course, actors outside the academy.

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