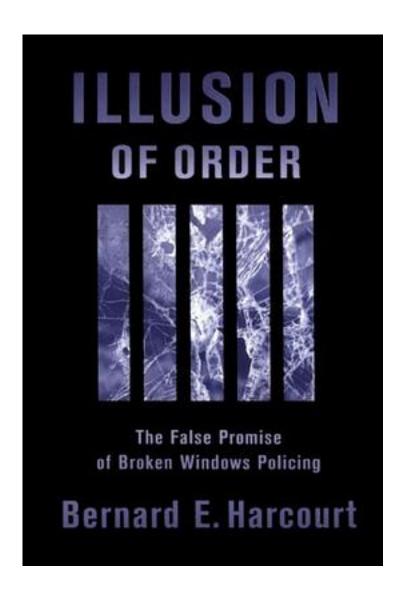
Illusion of Order



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This is the first book to challenge the "broken-windows" theory of crime, which argues that permitting minor misdemeanors, such as loitering and vagrancy, to go unpunished only encourages more serious crime. The theory has revolutionized policing in the United States and abroad, with its emphasis on policies that crack down on disorderly conduct and aggressively enforce misdemeanor laws. The problem, argues Bernard Harcourt, is that although the broken-windows theory has been around for nearly thirty years, it has never been empirically verified. Indeed, existing data suggest that it is false. Conceptually, it rests on unexamined categories of "law abiders" and "disorderly people" and of "order" and "disorder," which have no intrinsic reality, independent of the techniques of punishment that we implement in our society. How did the new order-maintenance approach to criminal justice—a theory without solid empirical support, a theory that is conceptually flawed and results in aggressive detentions of tens of thousands of our fellow citizens—come to be one of the leading criminal justice theories embraced by progressive reformers, policymakers, and academics throughout the world? This book explores the reasons why. It also presents a new, more thoughtful vision of criminal justice.

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