®LS2¯®FC¯Self Defense and Public Justice

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Four years ago, Bernard Goetz shot four young black men, ostensibly in self-defense. To many, Goetz became a hero: a private citizen, goaded beyond endurance, who finally acted to defend himself. To others, Goetz was the threat: a frightened, gun-toting, racist who laced the city's violent milieu with his own neurotic viciousness.

More recently, as the crack epidemic has overwhelmed urban neighborhoods, citizens have acted to defend their communities and children as well as themselves. In Washington, D.C. Black Muslims began patrolling a housing project in response to residents concerns about violence and drug dealing. In Detroit, Michigan, two angry citizens set fire to a neighboring "crack house". Two monts ago, Lee Arthur Lawrence, a Miami grocer who had waged a lonely two year war against drug dealers in his neighborhood was shot dead in the doorway of his shop - apparently by drug dealers. Two weeks ago, Maria Hernandez, a women who had resisted drug dealers in New York City, fatally shot in a drive-by shooting.

These dramatic incidents are the visible signs of a broad social trend. Citizens are increasingly assuming the burdens of their own self defense. They are relying less on public justice. The result is that the production of crime control is becoming increasingly "privatized."

The emergence of self-defense as a key element of the society's overall response to crime poses two pressing policy questions. First, to what extent is it wise for the society to encourage and rely on private self-defense? Second, how should the partnership between private self-defense and public crime control efforts be managed to restore orderly, civil communities?

In our current predicament, the pro's of community self-defense are more obvious than the con's. Any help we can get is welcome. Particularly so as community generated order is more appealing to a free people than state imposed control. Besides, a free society can do little to prevent citizens from defending themselves against criminal attack. Private self defense is an inescapable fact of life.

But there are important reasons to be worried. Private efforts to defend oneself or one's community may expose citizens to retaliation, or create conflicts where none now exist.

Some forms of self defense insure the safety of one individual or group only at the expense of others; for instance, when a frightened citizen mistakenly shoots another; or when one neighborhood group forces drug dealers into an adjacent community; or when citizens shift from community-protecting conduct (patrolling streets and parks) to self-protecting conduct (staying at home or buying guns).

Reliance on private self-defense also distorts the equitable distibution of public security. If the rich or well organized can adequately defend themselves, they might lose interest in supplying resources for more general public protection. The poor and disorganized, wholly dependent on the public police, might find themselves with reduced protection. Even worse, the constantly ringing alarms and ever vigilant security guards of the rich will summon more than their fair share of public police resources.

Finally, private security efforts may be less skilled in using force, and less respectful of the rights of suspects. Angry neighbors bent on vengeance, or poorly trained "rent-a-cops" may pay more attention to their own or their clients' pusposes than to the constitutional rights of the citizens they encounter. We should remember we created public police forces in the first place to substitute disciplined and equitable public justice for private vengeance.

Public police have to accept that the growth of private self-defense is inevitable, and potentially useful. In the U.S far more is now spent on private security than on public policing. The challenge facing society and its police is how to channel the trend towards self-defense in constructive and useful directions.

Traditionally, the police have tried to do this by making themselves broadly accessible through 911 networks, by enlisting citizens in crime prevention activities, and by helping to organize and equip auxiliary patrols or neighborhood watch groups - all of which is useful.

The problem has been, however, that the police have tended to do all this on their own terms. They have focused their attention on serious crime despite the fact that citizens were often frightened more by minor instances of disorder than the objective risks of criminal victimization.

Police enlisted citizen aid when citizens were prepared to fit into their plans; not when citizens were critical and sought to supplant them (as the Guardian Angels often did), or treat them as irrelevant (as the Black Muslims often do), or where no acceptable citizen groups seemed to exist (which is often the case in the most desparate parts of a city).

Perhaps most importantly, police have not taken adequate notice that they - and the philosophy of public justice more generally - have been losing market share in a competitive struggle to remain society's principal agent for controlling crime and the fear of crime.

The challenge for society is to develop a combined private and public capacity for controlling crime and creating fair and orderly communities. Private citizens acting alone, without guidance, only make things worse. Police acting alone are impotent, and feel embattled and embittered.

For their part the police must find the path to greater effectiveness and to better justice through private/public collaboration. To foster that collaboration they will have to pay closer attention than ever to the problems which communities nominate and to resist the temptation to break off the relationship as soon as they are criticized or misunderstood. To ensure justice they will have to keep in mind the values they are pledged to defend and advance - not merely security for some at the expense of others, but equitable protection for all. The terrifying alternative is a world in which the powerful defend themselves, the poor are abandoned, and the police are employed by the rich to control the poor.

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