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The War on Cops: How the New Attack on Law and Order Makes Everyone Less Safe

Heather Mac Donald

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New York: Encounter Books

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The War on Cops is a collection of previously-published essays by Heather Mac Donald, a public intellectual in the United States who belongs to the ‘small faction’ of secular conservatives (Mark Oppenheimer, “A Place on the Right for a Few Godless Conservatives”, *New York Times*, February 18, 2011). The essays are journalistic rather than academic, having appeared in the *City Journal*, *National Review*, *New York Daily News*, *InsideSources*, *Wall Street Journal*, and *Weekly Standard*, but the volume is nonetheless significant to contemporary philosophers due to both its form and content. First, Mac Donald presents a logical argument for her position and makes explicit use of philosophical devices such as thought experiments. Second, this argument concerns the controversy surrounding the killing of African American males by police officers in the last three years and she provides the first sustained criticism of the rationale for the Black Lives Matter movement. Mac Donald’s argument proceeds as follows:

- (1) The activism of BLM has changed policing strategy from proactive to reactive.
- (2) The change in policing strategy from proactive to reactive has caused the current crime surge in the US.
- (3) The negative impact of the crime surge on the quality of life in African American communities is higher than the negative impact of discriminatory policing practices.

(4) Therefore BLM has had a net negative impact on the quality of life in African American communities.

(1) and (2) combine to create ‘the Ferguson effect’ (p.70). In addition to her criticisms of BLM, President Obama, and liberal academics, Mac Donald offers a positive thesis, claiming that the breakdown of the African American family is the cause of the disproportionate crime rate in African American communities and that the solution to the crime problem is ‘to rebuild the family – above all, the black family’ (p.233).

There are times when Mac Donald brings a refreshing rigour to issues that have become supercharged with opacity, hyperbole, and emotion. She argues, for example, that the statistics on stop-and-frisk are no more evidence of racism than they are sexism (p.97). African American men commit a disproportionate number of gun crimes and are therefore more likely to be stopped by police and also more likely to shoot at – and be shot by – police. Mac Donald is correct that statistics need to be both analysed and contextualised before they can be offered as evidence, but she employs the very same rhetorical devices that she criticises in her opponents in making her own case. The use to which she puts the proactive/reactive dichotomy and her selection of examples are paradigmatic. Mac Donald follows many contemporary criminologists in dividing policing strategy into two value-laden and mutually-exclusive categories, proactive and reactive. She regards the former as positive – tellingly referred to as ‘Broken Windows policing’ (p.31) rather than the more accurate and aggressive-sounding Zero Tolerance Policing – and the latter as negative. Reactive policing is an essential part of police work just as it is for the other two emergency services and proactive policing can be positive (in reducing crime) or negative (in straining police and community relations), depending upon the tactics used. Second, Mac Donald exploits a technique that is used by both sides of the debate, the focus on examples at the expense of

counter-examples. She concentrates on those cases where there may have been justification for the use of deadly force rather than the cases where police officers have shot unarmed African American suspects in circumstances where the force used was either avoidable (such as Ezell Ford and, subsequent to her writing, Alton Sterling) or inexplicable (Walter Scott and, subsequently, Philando Castile). Each one of these regrettable incidents needs to be assessed in isolation on a case-by-case basis and Mac Donald's attempts to gloss over unjustified homicides on the principle that some of the homicides have been justified is every bit as misleading as attempts to exaggerate police culpability by means such as using Trayvon Martin's death as an example of police aggression. Mac Donald accuses both President Obama and New York Mayor Bill de Blasio of irresponsibility in speaking out against the police, but she is no less irresponsible in her blanket defence of the police.

This irresponsibility is perhaps most flagrant in the lack of evidence offered by Mac Donald for her argument. There has been a recent surge in violent crime and although James Comey, the Director of the Federal Bureau of Investigation, supports the idea of the Ferguson effect, the cause of the crime wave remains highly disputed (Eric Lichtblau & Monica Davey, "Homicide Rates Jump in Many Major U.S. Cities, New Data Shows," *New York Times*, May 13, 2016). Similarly, the efficacy of Zero Tolerance Policing is the subject of much debate rather than the received wisdom that Mac Donald takes for granted. She assumes, for example, that stop-and-frisk is a successful police tactic without quoting the statistics. In the United Kingdom, stop and search has drawn a great deal of criticism, not only because of the potential for racial profiling and the negative consequences for community policing, but because it is claimed to be, in the words of Theresa May in an address to parliament on 30 April 2014, 'an enormous waste of police time'. The stop to arrest ratio in the UK was extremely low – and the costs thus believed to outweigh the benefits – but Mac Donald

makes no such analysis of the situation in the US. There is thus no convincing evidence for the Ferguson effect, premises (1) and (2) above, nor is any offered for (3) beyond reports of a handful of interviews with African Americans who have the misfortune to live in high crime areas and have a preference for a large and active police presence in their neighbourhoods. In consequence, her conclusion – that BLM has done more harm than good to African Americans – is groundless. The same criticism applies to her positive thesis. Family breakdown and concomitant problems like the absence of role models for adolescent males are indeed contributing factors to criminal behaviour, but Mac Donald offers no evidence for the prioritisation of this one cause above the many others that are advanced beyond a few examples of career criminals with dysfunctional family backgrounds. She betrays the full extent of her conservatism at times with the use of phrases such as the need for the police to ‘stop crime before it happens’ (p.35) and African Americans being ‘born out of wedlock’ (p.123). The result is more rhetoric along the lines of BLM versus ALM (All Lives Matter) rather than a methodical scrutiny of policing and race in the US.

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