Why are black crime rates higher than white crime rates? This question emerges from two well-known observations. First, there are observed differences by race in the measures typically used to indicate participation in crime. Specifically, conventional measures of crime are arrest rates and recidivism rates; repeatedly researchers have observed that Blacks are more likely to be arrested, and more likely to be rearrested after release from prison.¹

Second, Blacks are observed to be more frequently involved with the criminal justice system beyond the stage of arrest. Blacks are found more likely to be convicted and to receive prison sentences; the sentences they receive are longer and they are more likely to be charged with parole violations.

These observations have prompted many scholars to speculate either that Blacks really are more criminal than whites, or that there is something wrong with a criminal justice system that produces statistics suggesting something that simply is not so. Proponents of this latter view have argued that there is bias in official criminal statistics; that some acts by Blacks are labelled criminal while similar acts by whites are not considered criminal; that there is differential enforcement of the laws in

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black communities; or that Blacks are not really more criminal but, as a statistical artifact of more frequent involvement with the criminal justice system, they appear to be so.

The last view has been discredited by M. Hindelang, whose article prompted substantial critical response, including an unfavorable review in this journal. Hindelang compares official Uniform Crime Report (UCR) data with those from the National Crime Panel Surveys, a sample of victims of criminal incidents. He finds that the victimization reports of race of the offender essentially mirror the racial data from crime clearance reports compiled by the FBI from the UCR. He concludes that the support is weak for the proposition that the observed disparity between black and white crime rates is illusory.

For purposes of exposition, the view that Blacks really are more criminal is adopted in this paper. It is argued that many of the sociopsychological explanations for greater black criminality fit neatly into a neoclassical microeconomic model of criminal behavior. The economic model then provides a convenient vehicle for testing the hypothesis that much of the differential in black and white crime is due to racial discrimination within the criminal justice system.

ARE BLACKS REALLY MORE CRIMINAL?

Many writers have tacitly adopted the view that Blacks are indeed more criminal than whites. E. H. Sutherland, for example, argues that the greater amount of differential associations (or excess of associations favorable as opposed to unfavorable to violation of the law) experienced by Blacks living in ghettos explains the higher involvement in crime among Blacks. D. Moynihan, observing the greater prevalence of female-headed households in black communities, attributes the higher criminality among Blacks to the early development of disrespect for authority emanating from the absence of a male, dominating figure in the home. E. Banfield and W. B. Miller cite examples of what economists would call high rates of time preference or lower rates of risk aversion among inner-city residents who, because of their inability to defer future gratification, become more prone to crime. Either because legitimate means are unavailable to achieve culturally desirable ends, or because low income labor markets support behavioral patterns inconsistent with legitimate income and occupational mobility and consistent with underground or illegal activities, or because they receive lower wages and have higher unemployment, Blacks may be more likely to engage in crime. Or Blacks may be discriminated