

Blaming Victims: San Francisco's Irrational Grocery Store Proposal

In the case of grocery stores in San Francisco that close because the burden of crime is too much, those responsible are the criminals, not the store owners.



by Theodore Dalrymple

There are occasions—they seem to be growing more numerous—when one cannot quite decide whether it is worse if a person says something stupid from a cynical desire to appear generous-minded, or if he says it because he actually believes what he is saying. Is cynicism worse than stupidity? Perhaps it does not matter much, for the practical effect may be exactly the same: But because we are human, we are naturally inclined to wonder what is going on in the minds of others of our species.

A member of the San Francisco Board of Supervisors, Dean Preston, recently proposed that grocery stores in the city that decided to close their doors, perhaps because of continual theft from their shelves and threats to their staff, should be forced to give six months' notice of their intention to close and try to find another store willing to take over from them; moreover, they would be liable to claims for compensation from local residents whose lives are adversely affected by their decision if they fail to comply.

When I read this, I laughed: I thought it must be satire. But no: the proposal was meant in deadly earnest. These days,

satire is policy.

The ability of politicians to grasp the wrong end of the stick is an ancient one and probably ineradicable. In ancient Rome, when faced with rising prices caused by shortages, they clipped the currency, hoping that more coins would solve the problem. It sometimes seems that we haven't really progressed much from that idea.

The proposal to respond to widespread theft by forcing its victims to bear the cost makes coin-clipping seem rational and even sophisticated. Talk about blaming, indeed criminalizing, the victim! To the losses caused by theft itself will be added those of lawsuits against those who have decided to cut their losses.

Even in these peculiar times when (to adapt slightly the words of the late Allen Ginsberg) I saw the best minds of my generation destroyed by diversity, equity, and inclusion, I think 99 out of 100 people would still think that the best way to deal with widespread theft would be to catch and punish the thieves rather than grant them impunity and license to continue.

Mad as the idea may be to force stores to put up with theft rather than do something to reduce it in the first place, there is a certain contorted logic to it; namely, that the thieves are not so much criminals as victims, and that when they purloin goods they are not acting from greed, dishonesty, or other such disreputable motives, but are seeking compensation for all the wrongs that they have suffered for the past 400 years. Their theft, in fact, is therapeutic; it is restorative justice. The store-owners are beneficiaries of that injustice, exploiters who charge more for the goods that they sell than they bought them for, pocketing what Marxists would no doubt call the surplus value.

This view of the matter is not very flattering to the

inhabitants of the district that would be deprived of a grocery store if the present store closed because of the crimes committed against it, for it suggests that its entire population stands full square with the criminals or are themselves criminal. If this were true, it would mean that crime and poverty were more or less the same thing: you would have only to know a person's income to know that he was a thief. I have spent much of my life among poor people, both the relatively poor and the absolutely poor, and I know this not to be the case. Bear in mind that we are all poor by comparison with somebody else.

There was a time when raw necessity drove people to theft, though of articles of primary necessity. One could hardly blame a starving man for stealing food. Fortunately, we do not live in times of such want, though it would not be impossible or inconceivable for them ever to return.

Those like Mr. Preston who blame anyone except the thief for his theft are always engaged in the search for what they like to call the root cause of crime, and until they find this buried treasure they propose to do nothing that criminals might find unpleasant. But the root cause of crime is easy to discern, at least in the sense of uncovering its necessary condition: that is to say, the decision to commit it. In Western jurisprudence, where there is no *mens rea* (guilty mind) there is no crime. I have indeed known plenty of acts in contradiction to the law that were nevertheless not criminal because the person who committed them did not have the requisite *mens rea* and needed medical treatment rather than punishment. But such cases hardly account for the thefts that encourage stores in San Francisco to close their doors.

Those in search of root causes of crime before anything be done to suppress it confuse two things: how to prevent people from becoming criminals in the first place, and what to do when someone has become a criminal. These two things overlap but are not precisely the same. A person's decision to commit crime may be affected by what is likely to happen to him afterward (in San Francisco, for example, nothing), but there

is clearly more to the rate of criminality in a society than this. In any case, we do not want a society in which the only reason people refrain from criminal acts is the fact that there is a policeman at every corner or behind every tree.

In fact, we do not live in such a society. Most people refrain from stealing from their neighbors' houses not because they fear to be caught if they do, but because they think it would be wrong to steal; nor do they think it would be right if their neighbors were much richer than they. Crime is not the achievement of social justice writ small: It is crime.

In the case of the grocery stores in San Francisco that close their doors because the burden of crime is too much for them, those responsible for the subsequent inconvenience to residents of the district are the criminals, not the owners of the stores, who have no duty to make themselves the target of criminals. The failure of Mr. Preston (not his alone) to see this is a tribute of a kind to the mental contortions originally wrought in our universities.

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