

abortion and crime

Andrew Leigh and Justin Wolfers

American researchers raised a link between legalised abortion and lower crime rates to howls of protest. What does the evidence show for Australia?

One of the hottest debates among American criminologists in recent times has been why the United States' crime rate – rising since the 1960s – fell dramatically during the 1990s. Last year, a highly controversial answer was proposed. Two American researchers, Dr John Donohue from Stanford University, and the University of Chicago's Dr Steven Levitt produced a paper which suggested that the legalisation of abortion explained a large part of the drop.¹

Despite the furore the paper caused in the US, little has emerged to challenge its central contention. If we take the next step, we ask ourselves whether Donohue and Levitt's conclusions might apply outside the US. After all, the homicide rate in Australia also rose in the 1970s and 80s, then fell in the 1990s.

Might the legalisation of abortion have something to do with it? Let's first, though, outline the findings of Donohue and Levitt, and the US reaction to their findings.

The American case

In the US, criminologists were surprised when the rates of property crime, violent crime and homicide – which had increased for the previous three decades – suddenly began falling. Between 1991 and 1997, property crime dropped 16 percent, violent crime fell 19 percent, and murder decreased by 31 per cent. The decline was one of the great mysteries of the 1990s – and was variously attributed to “tough on crime” policies,

Andrew Leigh is a Frank Knox Scholar at Harvard's John F. Kennedy School of Government. Justin Wolfers is a Fulbright Scholar, and a Fellow of the Wiener Center for Social Policy at Harvard University.

lower unemployment rates and the end of the crack epidemic.

Donohue and Levitt make a different case. The 1973 Supreme Court decision in *Roe v Wade*² effectively legalised abortion, leading to a dramatic increase in the number of terminations performed. The turning point in violent crime in the 1990s, they point out, coincided with the period when children born in the post *Roe v Wade* era would be reaching their late-teens, and this decline has continued as this generation reaches the peak ages for criminal activity.

The researchers cite several pieces of evidence to support their explanation. First, the drop in crime came around 1992, following roughly 20 years after *Roe v Wade*. Secondly, it was disproportionately concentrated among those under 25. Thirdly, the five states that legalised abortion before *Roe v Wade* – including California and New York – were also the first to witness a fall in crime. Fourthly, states with high abortion rates had larger reductions in crime than states with low abortion rates. Donohue and Levitt estimate that crime in 1997 was 10–20 percent lower than it would have been without legalised abortion – explaining around half of the drop in crime.

Predictably, when the findings of the study were made public, the responses were fast and furious. Pro-lifers were outraged at the study's logic. A spokesperson for the National Right To Life Committee stated that “we have not read the study, but the notion that it's appropriate to solve any of society's problems by killing unborn children is completely unfounded”.³ For those who believe abortion is murder, the fact that the annual homicide rate has fallen by 6500 can never offset the fact that around 1 million abortions are performed annually. Many on the left were just as critical. They voiced discomfort with the eugenics-like notion that greater numbers of abortions – around 40 percent of which are by blacks and minorities – weeded out society's villains. To these charges, the writers responded that they were simply explaining a phenomenon, not advocating an agenda. “We do not take a position on abortion, and the study was not undertaken as a study of abortion, but crime,” said Levitt.⁴

When the political dust settles, we might – surprisingly – learn something far more interesting about child-rearing than about abortion. Despite the high numbers of abortions performed – one in four pregnancies in the US ends in abortion – *Roe v Wade* had only a minor effect

on the overall number of children brought into the world. Its main effect was to change when they were born. Thus, the main effect is not that the underprivileged have fewer children, but rather that all of these children are born when the mother feels ready to raise them. Richard Posner, Chief Judge of the Seventh US Circuit Court of Appeals, argues that it is a "persuasive – although not conclusive – demonstration of the commonsensical point that unwanted children are quite likely not to turn out to be the best citizens".⁵ Or as Levitt puts it, "when you remove a government prohibition against a woman choosing, the woman makes choices that lead to better outcomes for her children".⁶

What about Australia?

While Donohue and Levitt focused on property crime, violent crime and homicide, we have restricted our research solely to homicide. We have done this partly for reasons of convenience, but also because statistics on the other two categories of crime are much less reliable, being prone to changes in reporting rates and policing. For example, statistics on the rates of violent crime and theft in Australia have grown tenfold in less than 40 years⁷ – an increase clearly far in excess of the real growth in crime.

Homicide rates are both comprehensive, and also considered to be a good indicator of rates of other violent crimes. We have chosen to use Australian homicide rates as a proxy for all crime because, as Harvard sociologist Christopher Jencks points out: "Unlike other forms of violence, homicide is relatively easy to define and hard to conceal. ... Furthermore, the incentives to conceal homicides have been fairly stable over time. Thus there is no obvious reason for supposing that the authorities' chances of detecting a homicide have changed."⁸

From the end of the war onwards, Australia's homicide



Nicholas Nedelkopoulos

rate climbed steadily – from an annual rate of around 1 per 100,000 in the 1940s to a peak of 2.4 per 100,000 in 1988.⁹ Thereafter, it has slowly declined, staying below 2 people per 100,000 throughout the 1990s. Australian criminologists have attributed this fall to a range of factors – chief among them the reduction in the proportion of young people in the population, shifting attitudes towards violence and higher incarceration rates.¹⁰

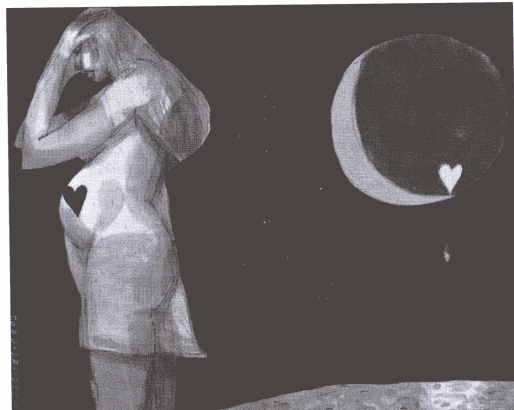
But could the legalisation of abortion also have contributed to the drop in crime? The potential certainly seems to exist. The

drop in homicide rates occurred in both Australia and the US during the 1990s (incidentally, a similar decrease was also observed in Canada and New Zealand¹¹). Moreover, abortion is now common in Australia. Around one in three Australian pregnancies are terminated.

We therefore turn to considering each of the four factors pinpointed by Donohue and Levitt.

First, did the drop in crime follow around 20 years after the legalisation of abortion? While there is no single *Roe v Wade*-type decision in Australia, a number of seminal changes can be identified. Court decisions in Victoria in 1969¹² and New South Wales (NSW) and the ACT in 1971¹³ substantially broadened the circumstances in which abortions could be legally performed. Legislative changes in South Australia in 1969¹⁴ and the Northern Territory in 1974¹⁵ had a similar effect.

The changes did not occur in every jurisdiction. In Tasmania, Queensland and Western Australia, the legal status of abortion remained unclear throughout the 1970s.¹⁶ But for over two-thirds of the Australian population, the change occurred in the late-1960s or early 1970s – or about 20 years before the drop in crime rates. Indeed, just as the legalisation of abortion in most parts of Australia preceded *Roe v Wade* by two-to-four years, so the fall in Australian homicide rates preceded the drop in the US by a similar amount of time.



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Secondly, was the fall in crime disproportionately concentrated in those under 25? Unfortunately, the limited data available¹⁷ makes it difficult to draw any significant conclusions on this point.

Thirdly, were those states that legalised abortion earlier also the first to experience a drop in crime? Some evidence seems to suggest so.¹⁸ Victoria, which legalised abortion in 1969, saw homicide decline from 1987-88. NSW, where it was legalised in 1971, saw homicide decline from 1989-90. The Northern Territory legalised abortion in 1974 and saw homicide decline from 1990-91. By contrast, Western Australia, where the legal status of abortion remained unclear until recently, has not seen any significant drop in its homicide rate. Yet the evidence for other regions does not support this proposition. At best, we can say that this part of the theory holds for the states where most Australians live.

Fourthly, we come to the smoking gun – did states with higher abortion rates in the early 1970s have lower crime rates in the 1990s? Unfortunately, only one state – South Australia – kept official statistics on abortions performed during the 1970s. These showed that the 1971 legalisation of abortion in South Australia led to a large increase in the number of abortions performed over the subsequent three years. Reporting in 1977, the Royal Commission on Human Relationships cited this phenomenon, and concluded that NSW and Victoria probably experienced a similar increase following their legalisation of abortion (even accounting for the number of illegal abortions performed before legalisation).¹⁹

Unlike Donohue and Levitt, we lack two crucial sets of statistics. We have been unable to access any figures for the numbers of abortions performed during the 1970s and 1980s. Nor have we been able to obtain a full breakdown of homicide in Australia by age of perpetrator. If

this data does exist, it would shed considerable light on whether there is a link between abortion and crime in Australia.

Why it matters

One of the most interesting aspects about Donohue and Levitt's research has been the absence of any significant reaction from politicians and the media. Virtually no politicians have referred to the study. In the US, the *Chicago Tribune* broke the story on its front page, but other papers gave it only minimal coverage. The *Washington Post* ran a short story on page nine. Over the next few weeks, the *New York Times*, *Time* and *The Economist* published stories on it, but soon the issue had slipped off the public agenda. As Robert Samuelson put it, the attitude of public policymakers was "don't ask, don't tell".²⁰

The same was true of Australia. *The Australian* reprinted a British article. We tried to stir up a little debate by suggesting in *The Age* that Donohue and Levitt's research might apply in Australia.²¹ We were surprised – as was the sub-editor – that the only reaction was a single letter to the newspaper.

The link between abortion and crime may be awkward for politicians because it prevents them taking credit for each fall in crime. It might be difficult for journalists, who find it trickier to report on research that explains a phenomenon, rather than advocating a course of action. No doubt it is also anathema to those who believe that abortion is murder. But this should not stop Australian researchers from investigating whether Donohue and Levitt's study holds up here. Not only do Australians deserve to know why homicide is falling, but also a better understanding of the situation will undoubtedly help us formulate better policies to deal with crime in the future.

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