

Ethics On The Run

By STEVEN LUBET

Review of “On the Run: Fugitive Life in an American City (Fieldwork Encounters and Discoveries), by Alice Goffman

University of Chicago Press, 2014

Alice Goffman’s widely acclaimed *On the Run: Fugitive Life in an American City* has drawn more positive attention than almost any sociology book in recent years. The success of the book led to a [lecture tour](#) of at least twenty sociology departments and conferences. Her [TED talk](#), which was often interrupted by applause, has had nearly 700,000 views. A careful reading of *On the Run*, however, leaves me with vexing questions about the author’s accuracy and reliability. There are just too many incidents that strike me as unlikely to have occurred as she describes them. One must try to keep an open mind about such things – especially regarding someone as obviously brilliant and dedicated as Goffman – so readers may disagree with me about the extent of her embellishments. In any event, there is a bigger problem. As I will explain below, Goffman appears to have participated in a serious felony in the course of her field work – a circumstance that seems to have escaped the notice of her teachers, her mentors, her publishers, her admirers, and even her critics.

On the Run is the story of the six years Goffman spent conducting an ethnographic study in a poor black community in West Philadelphia. Beginning in her sophomore year at the University of Pennsylvania and continuing through her graduate work at Princeton, she observed a group of young men in a neighborhood she pseudonymously called 6th Street. Goffman eventually moved into an apartment in the neighborhood, sometimes taking in two of them as roommates, while she chronicled their lives, challenges and, most notably, their almost endless interactions with the law on matters ranging from trivial to homicidal.

Goffman’s research subjects, whom she calls the 6th Street Boys, were almost constantly subject to arrest on outstanding warrants – for missing court dates or failing to pay fines and fees, for parole or probation violations, or, less often, because they were wanted for serious crimes. Consequently, they led lives of perpetual “dipping and dodging” in their attempts to sidestep even the most incidental contact with the police. Lacking official identification or burdened by past convictions, Goffman’s subjects could not obtain or hold steady jobs, and

were forced into an underground economy of loans, barter, theft, and small-time drug dealing, simply as a matter of survival. Ever fearing arrest, they avoided such ordinary places as hospital emergency rooms, driver's license facilities, and even their children's schools.

None of that was sufficient to keep the law at bay. During just her first eighteen months on 6th Street, says Goffman, she saw police officers stop and search pedestrians or drivers "at least once a day." She "watched young men running and hiding from the police on 111 occasions," while also seeing officers "break down doors, search houses and question, arrest or chase people through houses fifty-two times." She saw police helicopters overhead nine times, and on fourteen occasions she "watched the police punch, choke, kick, stomp on, or beat young men with their nightsticks." (p. 4). Her sympathies were with the arrestees and the fugitives, many of whom became her friends, and her mission, as she saw it, was to expose the "more hidden practices of policing and surveillance as young people living in one relatively poor Black neighborhood in Philadelphia experience and understand them (p. xvi)."

Praise for *On the Run* came thick and fast – from all the big names in all the top outlets – when it was first published, by the University of Chicago Press, in the spring of 2014. Cornel West endorsed it as "the best treatment I know of the wretched underside of neoliberal capitalist America." Writing in the [New York Times Book Review](#), Alex Kotlowitz said it was "a remarkable feat of reporting" with an "astonishing" level of detail and honesty. The [New Yorker's](#) Malcolm Gladwell called it "extraordinary," and Christopher Jencks, in the [New York Review of Books](#), predicted that it would "become an ethnographic classic." Tim Newburn, a highly regarded criminologist at the [London School of Economics](#), hailed *On the Run* as "gloriously readable" and "sociology at its best."

At first, there were only a few dissenting voices amid the laudation, and most of the criticism was of a meta-nature, faulting Goffman for either patronizing or exploiting her subjects, or alternatively for minimizing the crimes that lay at the root of their troubles. [Slate's](#) Dwayne Betts, an African-American poet who once spent eight years in prison, was troubled by Goffman's "unrelenting focus on criminality," which "amounted to the kind of truncated account of black urban life that encourages outsiders to gawk." Likewise, Christina Sharpe, writing in [The New Inquiry](#), observed that "blackness" made class differences "illegible" to Goffman. And from the right, [City Journal's](#) Heather MacDonald wrote that Goffman was "incapable of acknowledging [that] her subjects create their own

predicaments through deliberate involvement in crime.” A few of the critics briefly mentioned ethics issues, but no one questioned Goffman’s thoroughness and commitment to methodology. Even MacDonald, who disdained Goffman’s “liberal elite mindset,” allowed that *On the Run* “offers a detailed and startling ethnography of a world usually kept far from public awareness.”

The praise overwhelmed the nays, and soon there was talk of a possible film or television adaptation. The *New York Times* selected *On the Run* as one of fifty notable works of non-fiction for 2014; it was the only university press book on the list. Picador won a bidding war for the paperback rights, and issued a widely promoted trade edition in April 2015.

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One of the previously unremarked upon problems is Goffman’s credulity toward her sources, which leads her to repeat dubious stories as though they are unquestionably true. Consider the case of the brothers Chuck and Tim (all names in *On the Run* are pseudonyms), which Goffman also tells in her [public appearances](#). In Goffman’s account, eighteen year old Chuck and eleven year old Tim were out for a drive, when they were pulled over by the police. It turned out that the car had been stolen, and Chuck was arrested, notwithstanding his protest that he had only borrowed it from his girlfriend’s uncle. Young Tim was also arrested, according to Goffman, and later placed on three years of juvenile probation on the charge of “accessory” to receiving stolen property. (p. 12).

This story is not incidental to the book, as Goffman uses Tim’s ordeal to demonstrate how difficult it is for her subjects to avoid acquiring significant criminal records at an early age. Although I do not doubt her general point about the snares of the judicial system, these particular events almost certainly could not have happened as she retells them in her book and lectures.

I spoke with a former Philadelphia public defender and a current Philadelphia prosecutor, both of whom have personal knowledge of juvenile court proceedings during the period of Goffman’s study. Neither one could imagine that an eleven year old would be arrested and charged merely for riding in a stolen car. The only reason he would be taken into custody, said the prosecutor, “would be to get him home safely.” Even adult passengers, he told me, are not charged for riding in stolen cars, because that is not a crime in Pennsylvania. There is nothing to prosecute, he said, because it isn’t against the law.

The former public defender was still more skeptical of the alleged juvenile court charge and probation for accessory to receiving stolen property. That would never happen to an eleven year old simply for riding in the car, he explained. There would have to have been proof of something more – “like maybe if the kid had popped the ignition with a screwdriver.” And in any event, a three year “probation sentence” would have been impossible, because Pennsylvania does not have fixed terms of probation for juveniles. Moreover, there are several outcomes less severe than probation that are virtually always given to first-time juvenile offenders for non-violent crimes. If the length of a short “consent decree” had been extended to a three years, it would have been for continuing behavior far more serious than merely sitting in a stolen car. Finally, there is no such offense as accessory to receiving stolen property in the Pennsylvania Crime Code. “Accessory” is a term you might hear on television, said the prosecutor, “but not from a juvenile court judge.”

I do not know what actually happened to Chuck and Tim that day, but neither does Goffman. Chuck’s story about his girlfriend’s uncle would be immediately familiar to anyone who has ever represented a car thief, but we can leave that aside for now. I am not naïve about neighborhoods like 6th Street. I spent two years in a legal services office on the West Side of Chicago, and another decade as a defense lawyer in the Cook County juvenile and criminal courts. The idea that an eleven year old received such a heavy sentence for such innocent behavior is so implausible as to raise red flags, as is Goffman’s uncritical reliance of the story.

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This brings us another of Goffman’s uncertain vignettes. She describes in great detail the arrest at a Philadelphia hospital of one of the 6th Street Boys who was there with his girlfriend for the birth of their child. In horror, Goffman watched as two police officers entered the room to place the young man in handcuffs, while the new mother screamed and cried, “Please don’t take him away. Please, I’ll take him down there myself tomorrow, I swear – just let him stay with me tonight.” (p. 34). The officers were unmoved; they arrested not only Goffman’s friend, but also two other new fathers who were caught in their sweep.

How did the policemen know to look for fugitives on the maternity floor?
Goffman explains:

According to the officers I interviewed, it is standard practice in the hospitals serving the Black community for police to run the names of

visitors or patients while they are waiting around, and to take into custody those with warrants

The officers told me they had come into the hospital with a shooting victim who was in custody, and as was their custom, they ran the names of the men on the visitors' list.

This account raises many questions. Even if police officers had the time and patience to run the names of every patient and visitor in a hospital, it would violate the federal Health Insurance Portability and Accountability Act ([HIPAA](#)) for the hospital simply to provide an across-the-board list. And even if a couple of officers could somehow persuade hospital personnel to turn over a patient log, why would they care about the maternity floor instead of, say, the emergency room, where they would be far more likely to encounter gang members? And then, even if the officers had, for reasons of their own, decided to trawl for maternity visitors, why would they confide that to a stranger like Goffman – in the middle of a series of arrests, with at least one new mother screaming in the background – instead of brushing her off with the usual refrain of “Nothing to see here; move along”?

It is doubtful that any mainstream newspaper in the United States would publish a story like that – especially given the explosive claim of a “standard practice” that appears to violate federal privacy law – without some verification. The relevant editor would insist on seeing the reporter's notes, which would be expected to include the name of the hospital, and the identities of the patient, arrestee, and police officers. A diligent editor would then have consulted someone in the [public affairs office](#) of Philadelphia police department, providing an opportunity to admit or deny the existence of such a policy. A phone call to the hospital would have determined whether there even was such a thing as a “visitors' list.” James Forman, writing in the [Atlantic](#), did something quite like that. After speaking with “civil-rights attorneys and public defenders in New York, Philadelphia, and Washington, D.C., and with a police official in New Haven, Connecticut,” he “couldn't find a single person” who had heard of even one similar case.

I sent the relevant paragraphs of *On the Run* to a source in the Philadelphia Police Department who has personal knowledge of warrant practices during the entire period of Goffman's study. When I asked if her account was possible, he said, “No way. There was never any such policy or standard practice.” In addition, he told me that all of the trauma centers in Philadelphia – where police are most likely to be “waiting around,” as Goffman put it, for prisoners or shooting victims – have always been extremely protective of their patient logs. He flatly dismissed the idea

that such lists ever could have been available upon routine request as Goffman claims. “That’s outlandish,” he said.

I do not know if Goffman’s editors and dissertation committee held her to a journalist’s standard of fact checking. There is no footnote for the hospital incident in *On the Run*, and her dissertation is not available from the Princeton library. Alas, it is now too late to obtain any additional documentation, because Goffman shredded all of her field notes and disposed of her hard drive. Her reason, as she explained to the [Philadelphia Inquirer](#), was to remove “the threat of being subpoenaed” for the identities of her subjects, many of whom had discussed or committed crimes in her presence. But that does not explain destroying every single page of her notes, which presumably would have included the names or badge numbers of the zealous maternity cops.

There is another reason for concern about the hospital story. Elsewhere in the book, Goffman explains that many of her subjects refused to seek medical attention, or visit sick or injured friends, for fear that their names would be run by the cops. While it is understandable that the police might check out the emergency room for patients with gunshot wounds, I believe it is an urban legend that they likewise screen all patients and visitors in every ward. I found no one else who ever heard of such a routine practice, and neither did [James Forman](#), who is a clinical law professor at Yale and a former public defender in Washington, D.C.

By validating the rumor, however, Goffman has now embedded it in ethnographic lore, and it could well be accepted as fact by sociology and social work majors. If repeated uncritically by future social workers in urban areas, this could have the ripple effect of further discouraging young African-American men from obtaining necessary medical care, which would be a shame.

Goffman may have good answers for all of these questions, but they are not readily apparent from reading *On the Run*.

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And yet, such issues pale in comparison to Goffman’s greatest problem, which involved her as an accomplice in the evident commission of a major felony. The last ten pages of *On the Run* are devoted to the murder of one of her closest 6th Street friends, whom she calls Chuck. In Goffman’s telling, Chuck was shot in the head in an ongoing “war” with the rival 4th Street Boys, dying several hours later in the hospital while she sat at his bedside.

A few days after the funeral, “the hunt was on to find the man who had killed Chuck,” whom the 6th Street Boys believed they could identify. Guns in hand, they drove around the city, looking for revenge. This time, Goffman did not merely take notes – on several nights, she volunteered to do the driving. Here is how she described it:

We started out around 3:00 a.m., with Mike in the passenger seat, his hand on his Glock as he directed me around the area. We peered into dark houses and looked at license plates and car models as Mike spoke on the phone with others who had information about [the suspected killer’s] whereabouts.

One night, Mike thought he saw his target:

He tucked his gun in his jeans, got out of the car, and hid in the adjacent alleyway. I waited in the car with the engine running, ready to speed off as soon as Mike ran back and got inside (p. 262).

Fortunately, Mike decided that he had the wrong man, and nobody was shot that night. But what if Mike had gotten his man, or some other man, or if he had hit a bystander? The driver would have been just as culpable for the killing as the trigger man.

Taking Goffman’s narrative at face value, one would have to conclude that her actions – driving around with an armed man, looking for somebody to kill – constituted conspiracy to commit murder under Pennsylvania law. In the language of the [applicable statute](#), she agreed to aid another person “in the planning or commission” of a crime – in this case, murder. As with other “inchoate” crimes, the offense of conspiracy is completed simply by the agreement itself and the subsequent commission of a single “overt act” in furtherance of the crime, such as voluntarily driving the getaway car.

I sent the relevant paragraphs from *On the Run* to four current or former prosecutors with experience in Pennsylvania, New York, New Jersey, and Illinois. Their unanimous opinion was that Goffman had committed a felony. A former prosecutor from the Philadelphia District Attorney’s office was typical of the group. “She’s flat out confessed to conspiring to commit murder and could be charged and convicted based on this account right now,” he said.

To her credit, although in a rather disquieting way, Goffman does not claim that she did it for science. “I did not get into the car with Mike because I wanted to learn firsthand about violence,” she wrote. “I got into the car because . . . I wanted

Chuck's killer to die." Nor is she remorseful. "Looking back, I'm glad that I learned what it feels like to want a man to die – not simply to understand the desire for vengeance in others, but to feel it in my bones," she explained. (p. 263). That might be a revelatory passage in a memoir, or a plot point in a sequel to *The Departed*, but it is an alarming confession from an ethnographer.

There is a convention of "reflexivity" among ethnographers and certain other qualitative social scientists, in which the researcher is expected to [include](#) her "perspectives, positions, values and beliefs in manuscripts and other publications." This is considered necessary for [engagement](#) in the "processes of self-awareness and self-criticism as an intrinsic feature of the research process." Viewed in that context, Goffman's reflection on her desire for "Chuck's killer to die," and her satisfaction with the experience, comprises a meaningful part of the whole story. But expressing a bone-deep emotion is one thing, acting on it is quite another, and impulse control would seem to be an indispensable tool for the ethical ethnographer.

Lay people may not appreciate the finer points of conspiracy law, but Goffman's advisors (not to mention the Princeton IRB) must surely have cautioned her against direct entanglement in major criminality. After all, we are not talking here about something as harmless as smoking weed with jazz musicians, a la Howard Becker. But even granting ignorance of the law, Goffman has not to this day shared any reflections upon the profound wrongfulness – indeed, the grave immorality – of enabling a would-be hit man, much less her role in exposing innocent neighbors to the potential consequences of an escalating "war." The failure of her stalking expeditions does not render them innocent *ab initio*. "No harm, no foul" might be the implicit rule in basketball, but it is not the rule in criminal law – nor should it be in academics.

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I did not set out to censure Goffman, and it gives me no pleasure to make these observations about such an accomplished young scholar. There is much of value in *On the Run*, especially as it reveals the terrible consequences of brutal- and over-policing in minority neighborhoods. Like most others, I was impressed by the effusive early reviews. Betts's *Slate* essay, however, caused me to be skeptical when reading the book a few weeks ago, which turned into outright astonishment when I reached the unrepentant account of her late-night vendetta rides. In my own field, I have seen too many young lawyers come to grief when they figured

that the law, somehow, did not apply to them. Goffman made a similar, and much more dangerous, mistake. (As blameworthy as they are, embezzling lawyers do not set out to assassinate anyone).

Even so, I would not be writing this review if *On the Run* were an ordinary academic book with similar flaws. Unlike most other such books, however, *On the Run* promises to be very influential in academia and beyond, and it therefore demands closer attention. Given the raves from social science luminaries such as Jencks and Kotlowitz, future graduate students in ethnography are bound to see *On the Run* as a model for their own studies, and I understand that instructors are already assigning it in their courses. That could lead to much misfortune, if students uncritically emulate Goffman's example.

Perhaps it takes a legal ethics professor to point out that participant-observers have no privilege to facilitate crimes of violence. Eminent sociologists appear to have considered Goffman's offense – if they considered it at all – at worst an excusable misjudgment or perhaps a mere legal technicality. It was neither. Must it be repeated that she helped put lives at risk? Must it be pointed out that Goffman's behavior was precisely of the sort that the conspiracy statute was written to deter?

Accepting her story exactly as Goffman tells it, she violated perhaps the most basic precept of scholarly (and personal) responsibility: she endangered at least one man's life by joining a conspiracy, and she did it in the course of her Princeton field work. Quite understandably, the [Ethics Code](#) of the American Sociological Association does not directly address the possibility of attempted murder. Who would ever have contemplated intentional homicide as an issue for sociologists? But even under the Code's relatively anodyne terms, Goffman dramatically failed to be "honest, fair, and respectful" toward the man she tried to help kill.

Medical students are taught to do no harm. Law students are instructed that they may not assist a client in the commission of a crime. The analog for ethnography students ought to be equally straightforward: if a subject asks you for help in a murder plot, just say no.

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