

CRIME WARS: A COMPARISON OF POLICING PRACTICES IN NEW YORK AND PARIS

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Over the past decade politicians in many of the world's largest cities have declared war on crime, drugs and more recently terrorism. In almost every case where zero tolerance policies have been implemented these wars on crime have targeted poor racial or ethnic minorities, often for victimless crimes (Amnesty International 2001). What accounts for the world wide spread of such punitive policing strategies in countries with extremely variant crime problems, penal systems, forms of state, and constructions of race and ethnicity? Why have crime wars almost without exception targeted minority communities? Lastly, why did Paris, a city once admired for its model policing and republicanism, embark on such a punitive war on crime in 2002, a war so similar to that of New York City, a city with such a different crime problem?

Neither of the two dominant trends in the literature, behavioral or structural/cultural, provides a satisfactory answer to this question. Behavioral theorists like James Q. Wilson argue that a combination of biological and cultural factors predispose inner city minorities toward drug use and makes them "pathological and predatory" (Wilson, 1983, 14). For such theorists it is Giuliani's success in dramatically reducing violent crime in New York City that has led government officials around the world to seek his advice and emulate his methods (Bennett, DiIulio, and Walters 1996, 22; Kelling and Bratton 1998; Roché 2002).

For structural/cultural theorists economic restructuring and de-industrialization has left inner cities dependent on criminal enterprises for survival. William Julius Wilson, for instance, claims that, "one of the legacies of historic discrimination is the presence of a large black underclass in the central cities" (Wilson, 1987, 33). And Michael Tonry concurs: "the concentration of urban poverty, labor force participation, illegitimate births, single parent

households and general deterioration of neighborhoods, was getting worse in the inner city in the late 1980s. Increased drug abuse and drug related crimes were not unexpected correlates and consequences" (Tonry 1995, 103). Elliot Currie argues that minority neighborhoods have developed not only an alternate economy but also an alternate sense of values and identity (Currie, 1993, 90).

Loic Wacquant and David Garland use such an approach to explain the cross Atlantic spread of punitive crime control practices, focusing on both economic restructuring and the spread of American ideas. As Garland (2001: 70, 91-92) puts it:

Academics and practitioners in the UK were deeply influenced by the American movement, and before long monographs and textbooks repeated word for word the critiques borrowed from the US.... the reaction against penal welfarism was not based solely upon penological consideration...the field was affected by the emergence of new security problems, new perceptions of social order and economic changes of late twentieth century modernity....The new social and cultural arrangements made late-modern society a more crime-prone society, at least until crime-control practices could be put into place to counter these structural tendencies.

Wacquant (2001: 115) compares France and the U.S. and argues that in the U.S. neoliberal restructuring has created a "predatory culture" in black ghettos, one "centered on hypermasculinist notions of honor, toughness and coolness," where "resort to violence is the prevalent means to upholding respect, regulating encounters and controlling territory." This, along with American racism and the current needs of the capitalist system has led to the phenomenal growth of American prisons. France has begun to move in this direction due to the influence American ideas and American think tanks, but French *banlieues* remain more integrated and less violent, since they have not been abandoned by the state.

Both approaches assume that minority crime is driving soaring arrest rates. That is,

both theories look for answers in the character – biological, cultural or environmental -- of the minority community. They thus run up against a significant set of facts. First, arrests of minorities have been vastly disproportionate to actual rates of crime. As Wacquant himself observes (unwittingly undermining his own argument) “in four short decades the ethnic composition of the U.S. inmate population has reversed, turning from over 70 percent white at the mid-century point to nearly 70 percent black and Latino today, although the ethnic patterns of criminal activity has not been fundamentally altered during that period” (Wacquant 2001: 96). If ethnic patterns of crime have not been altered then minority violence cannot be driving the punitive and increasingly racially biased policing.

Second, fear of crime, and the prominence of crime as a political issue, does not track well with actual incidents of crime (see also Beckett 1997; Robert 2002; van Meter 2003) as we see when contrasting Figures 1 (US homicide rates) and 2 (US property crime rates) with Figure 3 (Gallup surveys on concern with crime). We see a similar contrast in Figure 4 (French crime rates and French concern with crime). The prominence of crime as a political issue tracks better with tight election year campaigns.

Insert Figures 1-4

Third, crime rates vary in ways that are indifferent to the strategies of local police (Blumstein and Wallman 2000; Butterfield 1999; Chambliss 2001; Karmen 2000), but zero tolerance policies have been emulated far more often than any other successful approach (ex. community policing, or problem solving policing). Fourth, police brutality and violence have increased along with arrests. Fifth, zero tolerance and other hard line policies, have become a world-wide phenomenon, despite significant differences in local conditions.

This paper examines the recent convergence of policing practices and strategies in Paris and New York, using a relational approach that focuses on the activation and manipulation of racial and ethnic boundaries. As Charles Tilly (1998, 71-72) argues:

Locally available boundaries define entire categories more definitively than common culture or long term internal solidarities. Such boundaries take the form of dividing lines rather than complete perimeters. Yet once these boundaries stand in place, participants and observers alike attribute hard and durable even genetic reality to the categories they inscribe. Where ever they come from the categories have serious social consequences.... Only when inconsistencies occur—privileged members of the ostensibly inferior category, disinherited members of the ostensibly superior category, persons straddling the boundary – open competition for the same positions between members of both categories – do vigorous violent mobilizations from above and below become likely.

Drawing from this theoretical approach, I argue that when ethnic and racial boundaries are destabilized or lose salience (due to mobilizations from below, the accession to power of privileged members of minority groups, or political and economic change) politicians representing established groups will work to reactivate preexisting boundaries. Racially biased crime wars are a result of the following processes.

1. Authorities criminalize disapproved behaviors that distinguish stigmatized minorities from other populations.
2. Authorities commonly racialize boundaries separating those minorities from the majority population.
3. Creation and reinforcement of such boundaries facilitate discrimination, including discriminatory policing.
4. Voters from the majority often find stigmatization and control of minorities politically attractive and credible.

5. When preexisting boundaries are destabilized or lose salience (as a result of successful mobilizations from below; ascensions to power of privileged members of ostensibly inferior categories; or shifts in the economic and political environment leading to increased competition) politicians may seek election by adopting anticrime programs that are implicitly or explicitly anti-minority. That is, they seek to increase the salience of the threatened boundary.
6. In tight competitive elections the political scramble to avoid being out-segued on the crime issue leads to a drift, or rush, to the right, as the major political actors engage in competitive “out bidding” not to be left behind. Such campaigns capture media attention, which, in turn, puts pressure on the candidates. As Lewis Dexter (in Bauer 1963: 420: see also Jervis, 1997: 57) observes a politician “makes the world to which he thinks he is responding.”
7. Under such conditions police receive encouragement for anti-minority practices and crime wars.
8. This process promotes diffusion of anti-minority programs such as zero tolerance from one political setting to another despite distinct differences among the settings.
9. Parallels between Parisian and New York policing of minorities result from these principles.

Paris adopted New York’s style of policing, racializing and activating the French/North African/African boundary as a result of these processes. In the United States fear of crime was stoked nationally by Republicans in the wake of the civil rights movement and in New York in challenge to the city’s first black mayor. In France a similar

process followed the mobilization of French North Africans and Africans in 1961 (protests of Algerian immigrants), in 1983 (the French Algerian “march of for equality and against racism,”) and in 1996 (the “*sans papiers*” protests of mostly African, immigrants without papers). The French National Front (following the election of the Socialist President in 1981, the election of the Socialist Prime Minister in 1997 and finally, most severely, during the Presidential campaign which pitted the conservative president against the Socialist Prime Minister, and a host of smaller parties in 2001-2) launched a crime scare in which French of North African and African descent occupied essentially the same position as North American blacks and Latinos.

The following material is based on ethnographic field research conducted in New York, September 1993 - September 1994, September 1995 - August 1996, June - August 2001, and Paris in March 2000, and from September - December 2001, February - June 2002, and in June and October 2003. In both cities I lived and worked in poor minority neighborhoods and interviewed police, prosecutors, judges, social workers, minority youth (in prison and in poor neighborhoods) and other residents.

Racial and Class Boundaries in the United States and France

Race has long been a significant boundary in the U.S. Most Americans recognize racism as a significant problem and social policies, such as affirmative action, have been designed to ameliorate the consequences of racial inequality. France, however, abolished slavery very early and had race based laws only during Nazi occupation. The country is proud of its republican heritage and recognizes only the relationship of individuals to the state. Groups who organize on the basis of race or ethnicity are accused of

communitarianism – threatening the unity of the nation and creating group conflicts among citizens. Affirmative action programs are rejected as Anglo-American, or anti-French. Yet those of African or North African descent rarely hold political office, or positions in upper level corporate management, public service or even media and sales.

The unwelcome immigrant issue has roots in France's colonial empire. When former colonial subjects from North Africa and Africa began to migrate North in the 1960's, they were not integrated into the republic. The treatment of these immigrants was a marked departure from France's earlier policies (Noiriel 1996). While in the past, immigrants were geographically dispersed and represented through communist and working class organizations, the new immigrants from Africa and North Africa were placed in temporary housing on the outskirts of major metropolitan areas (Noiriel 1996; Wright 1983). In the 1960s and 70's, "as the French whose standard of living had been improving began to leave the suburbs, the public agencies responsible for the allocation of public housing filled them with former shantytown and slum-dwellers, along with new immigrants and large families, thus encouraging spatial and social segregation" (Zauberman and Levy, 2003, 1065).

While France, like the US, is a country largely populated by descendents of immigrants, French born children of African and North African immigrants are often treated as foreigners (Noiriel 1996: 5)¹. Public opinion surveys show more prejudice against French-born youth of North African origin, than of youth born in North Africa or Africa (Commission nationale consultative des droits de l'homme 2002).

In both France and the U.S. minorities live largely in poor segregated communities; have higher rates of poverty and unemployment than other citizens; and make up the

majority of those in prison for non-violent and victimless crimes (Bonelli and Sainati, 2004; Jobard 2005; personal observations and interviews in French prisons)². And in both countries, the escalation of rhetorical wars against crime and drugs has led to real assaults on minority communities, soaring arrest rates, and increased police brutality creating signaling spirals of conflict between minority youth and police.

Boundary Activation in the United States

After the victory of the civil right movement in the early 1960's American politicians began to code racial attacks. Barry Goldwater was among the first to use such a ploy during his 1963 campaign for Presidents. Goldwater's speeches were littered with references to the dangers of the street following the civil rights movement: "Our wives, all women, feel unsafe in the streets.... Perhaps we are destined to see in this law-loving land people running for office not on their stainless records but on their prison record" (New York Times 1964: 12 cited in Chambliss 2001: 14).

Although Goldwater failed to win the election or even convince the public that crime should be a significant concern (crime did not appear as a major concern in the public opinion polls taken during the campaign of 1963 and 1964 (Bryson 1996, 31; see also Chambliss 2001, 20), for the rest of the century Republicans hammered Democrats for being soft on crime. Even the liberal Republican governor Nelson Rockefeller pushed for mandatory sentences on drugs in New York State when competing in the Republican presidential primary. The 1974 Rockefeller laws are still among the harshest drug laws in the nation.

Yet these laws did nothing to prevent the flood of crack cocaine into New York City

in the 1980's, or the violent struggles that ensued for control of the market. As Alfred Blumenstein observed, "Crack was a new cheap drug outside the control of the older established dealers. You had a lot of kids recruited to sell it and when they got recruited they armed themselves and then their friends got guns too to protect themselves, leading to an arms race among crack dealers" (Butterfield 1997). Although most victims of crack wars were black, and violence and homicide rarely crossed racial lines, the media played to white middle class fears.

The amount of national media coverage of stories in which blacks appeared as criminals increased 23% between 1990 and 1997, and blacks were shown as perpetrators proportionally 3 or 4 time more often than whites (Entman and Rojecki 2000: 66, 230). As a consequence concern with jumped from an average of around 7 percent in June 1993 to 52 percent in August 1994 (Beckett 1997; Braun and Pasternak 1994). As Robert Stutman (1992: 217), the former director of the DEA's New York office observed: "as far as the New York media was concerned, crack was the hottest combat reporting story to come along since the end of the Vietnam war."

During this period, congress enacted harsh mandatory minimum sentencing laws for drug trafficking and possession, and increased the penalty for crack to 100 times that of equivalent amounts of cocaine. New sentencing schemes quadrupled the national prison population between 1980 and 1997 (Mauer, 1999). According to one regression analysis of incarceration rates between 1980 and 1997, 54 percent of the increase occurred a consequence of the greater likelihood of a prison sentence upon arrest, 36.6 percent was a consequence of increased time in prison while just one ninth of the increase could be

explained by higher offense rates“ (Blumstein and Beck 1999, see also Mauer 2001, 34). Mandatory minimums also dramatically increased the number entering prison for non-violent offenses, and disproportionately impacted women and minority groups.³

In New York City, prosecutor Rudolph Giuliani used the crime scare to attack his opponent, liberal black mayor David Dinkins as soft on crime, during the 1983 mayoral campaign. He won the race, despite the fact that crime rates, both violent and property, had been falling steadily through most of Dinkins' term as we see in Figure 5 and Figure 6. Insert Figures 5 and 6

Giuliani's campaign coincided with Bill Clinton's campaign to pass an Omnibus Crime Bill, and the two campaigns drew media attention to the issue. By 1993, 84 percent of New Yorkers surveyed believed crime rates had risen over the year, when in fact they had fallen (CBS News/New York Times 1993). Whites, who were least likely to be crime victims, were most likely to put crime as their main concern. Conversely blacks, who were most likely to be victims of crime, put poverty, unemployment and education as their primary concerns (Gallup 1994: 212). When Giuliani launched his tough on crime campaign in New York City, the majority of whites supported him. Ninety percent of blacks, on the other hand, voted for Dinkins in 1989, and 95 percent voted Dinkins in 1993 (CBS News/New York Times 1993). In other words, those that supported Giuliani were least likely to be victims of crime.

Soon after Giuliani took office he ended the inclusiveness measures instituted by Dinkins, eliminating minority offices, pulling ads from ethnic newspapers, eliminating bid advantages of minority firms, and holding court without a single black advisor. Indeed,

Giuliani's first high profile police action was a forced entry of the black Nation of Islam mosque in Harlem. (Sanjek, 1998: 155). As Roger Sanjek (1998: 155) observes, "by 1997 only 35 percent of New Yorkers described the city's race relations as good."

But this time, media attention had shifted to NYC's falling crime rates, which were hailed as a direct consequence of Giuliani and Bratton's "zero tolerance" policing strategy. Only a few journalists pointed out that some of the crime drop was due to the increased police presence mandated by Dinkins' safe streets program or that the large increase in arrests (which rose by 19 percent) had resulted in 2 percent fewer convictions. Only *New York Times* journalist Fox Butterfield pointed out that most of the crime drop could be attributed to New York "being among the first cities where crack appeared and in turn plateaued" (Blumenstein, cited in Butterfield 1997). During the same period crime dropped in San Diego (where police used problem solving strategies) by 76.4 percent (compared to 70.6 percent in New York), and in Boston (where community policing dominated) 69.3 percent, in San Antonio 62 percent, in Houston 61 percent and 59 percent in Los Angeles, a city plagued by scandals, low morale and a drop in arrest rates.

If the crime drop was difficult to pin on Giuliani's "zero tolerance" policies, New York's soaring arrest rates for nonviolent and victimless crimes were not. Between 1993 and 2000 arrests for non-violent crimes, particularly drug misdemeanors, rose sharply as we see in figure 7.

Insert Figure 7

While blacks and Latinos constituted less than 49 percent of the New York City's population, they accounted for 90 percent of all prison admissions (Fagan: 35), and NYC

accounted for 70% of all admissions to state penitentiaries. “The city’s patterns of racial residential segregation,” Fagan convincingly argues, “all but ensures that incarceration will be spatially and socially concentrated in the poorest neighborhoods” (Fagan, 2004: 50). Indeed, incarceration rates in NYC’s poorest black and Latino neighborhoods grew even while city wide crime was on the decline, as did the risks of going to jail for persons living in such neighborhoods (Fagan, 2004: 28).

Zero tolerance also coincided with a sharp rise in the number of minorities killed by police officers' firearms discharges or while in police custody (Amnesty International, 1996). "Nearly all of the victims in the cases of deaths in custody (including shootings) reviewed by Amnesty International (1996: 11) were members of racial minorities.”

New York City experienced a sharp rise in police brutality complaints and lawsuits during this period. By 1998 the number of brutality complaints was triple that of 1988 (Human Rights Watch and Collins 1998: 305). Damages paid by the city to alleged victims of police misconduct rose steadily from \$7 million in 1998 to \$97 million in 1997 (Amnesty International 1996, 10; New York Civil Liberties Union 1998, 3; Wright 1983, 216). Blacks and Latinos filed 78 percent of the claims (Human Rights Watch and Collins 1998, 269). “Some have suggested that the increase in civil actions is due to an increasingly litigious society....However, it appears that civil lawsuits may in fact under-represent the true level of police misconduct....Several sources, including the CCRB [Civilian Complaint Review Board] have said that more aggressive policing in the past few years had led to an increase in complaints of ill treatment”(Human Rights Watch and Collins 1998, 281, 269).

The Manipulation of Fear and the Shift to the Right in France

France has often been seen as a model of policing, and criminal justice reform. Most of the French police force is under control of the National Ministry of Interior. Local elections do not address police issues. France has several overlapping police units, including the Gendarmerie – which is under the minister of Defense—and works mostly in rural areas, but is sometimes used in the immigrant *banlieue*. There are the also local police brigades, and the BAC which is the special anti-criminal brigade.

The French prison system includes open prisons, in which inmates can work or go to school and return to prison in the evening. And while France experienced extreme anti-Semitism, including mass deportations under Nazi and Vichy rule, the French never had slaves, Jim Crow segregation or race based laws. Most French anti-racism laws are drawn from the Holocaust experience, and emphasize equality before the law rather than substantive equality. Since they were pushed through by organizations that emerged out of the resistance, rather than race based movements, their intent is to make race invisible to the state (Bleich, 2003, 192). Ironically it is this invisibility that has made racism in the criminal justice system so hard to combat.

Race was anything but invisible, however, in the 2002 Presidential race when the neo-fascist Jean Marie Le Pen won the second highest plurality in the first round of the race for President, and competed with the conservative President in a run off campaign. How did Le Pen use crime, in particular the alleged violence of youth of North African and African origin, to expand his appeal, and convince much of the electorate that crime was the most important issue on the agenda, at a time when homicide rates were extremely low and falling? France in 2002 was hardly New York City at the height of the crack wars.

Yet, we can see the change in opinion surveys from 1972-2002. Until 2000, French surveys consistently showed a link between extreme right wing views, concern about crime, the claim that there are too many foreigners and nostalgia for the death penalty” (Robert and Pottier 2002). “The strong correlation between these three opinions seemed to demonstrate the existence of a solid stable, structured attitude” (Robert and Pottier, 2002) But beginning in 1996 and then more dramatically during the 2001-2001 Presidential race, concern about crime suddenly surged to the top of agenda, even among those who were neither xenophobic nor nostalgic for the death penalty. Figure 7 illustrates this change, as concern about crime hits a high point in 2001, the same time that concern about immigrants and nostalgia for the death penalty fell in importance. In figure 8 we can see the contrast between falling or stable crime rates and surging concern with crime.

Insert Figure 8

As in the US, the sharp change in attitudes had its origins in a right wing movement formed 40 year earlier, but willing to use racism to slowly expand its base. In the French case it was Jean Marie Le Pen, a Nazi sympathizer and accused torturer in Algeria, who entered politics in 1965 as the campaign manager of the far right Presidential candidate Tixier-Vignancour. His campaign became the basis of a new party the *Ordre Nouveau*, which included former *Waffen SS* members. In 1972, Le Pen and other *Ordre Nouveau* leaders founded the extreme right wing “National Front” and in 1974 Le Pen ran for President on a platform that blamed immigrants for falling wages, rising unemployment and increasing crime. The campaign failed and Le Pen received .74 percent of the vote in 1974 and less than one percent in every election until 1984. In 1981 Le Pen was unable even to

get the 500 signatures he needed to run. The Socialist candidate Francois Mitterrand won the race handily.

Under President Mitterrand capital punishment was abolished, maximum security quarters in prisons were eliminated, and sweeping revisions of the Penal Code and the Code of Criminal Procedure were implemented. Conservatives counter attacked, arguing that these new reforms were increasing crime and violence among African and North African immigrants (Le Monde 1980; Wright 1983: 263). When the National Front began to make inroads into the Communist party's working class base, some local party officials mirrored the right's thinly veiled attacks on immigrants, and several local Communist mayors accused immigrants of "drug trafficking and thievery" (Borricand 1993; Le Monde 1980 see also Borricand 1993).

In 1983 French North Africans responded to the thinly veiled racial attacks, and the more violent overt attacks in their neighborhoods with a mass march for "equality and against racism," But in 1984 support for Le Pen's National Front increased to 11 percent in the 1984 European elections, and by 1988 the Front had won 14.38 percent in French parliamentary elections. Le Pen's victory at the polls, in turn, encouraged other more moderate right wing politicians to link an array of social problems to increased immigration. In 1990, for instance, Jacques Chirac, then Mayor of Paris, suggested that the problems of the French workers were related to lax immigration controls. "How would you like it," he asked:

If you were a French worker who worked along with your wife and together earned 15,000 francs and you lived in public housing next to a man with three or four wives, twenty children, who took home 50,000 francs a month from welfare,

without working. And if in addition, you had to deal with the noise and the smell, well the French worker goes crazy. And it is not racist to say that. We have done more than enough to unite immigrant families. It is time to pose the debate in our country, which is truly a moral debate, to know if it is natural that foreigners, who that do not participate in national solidarity or pay taxes, should have the same benefits as the French (Chirac 1990 cited in Tevanian and Tissot 1998: 5).

Between 1975 and 1995 anti-immigrant legislation tripled the incarceration rates for foreigners accused of violating immigration laws (Tournier 1998; Wacquant 1999, 217), and the share of foreigners in French prisons increased from 18 to 29 percent (Tournier 1998; Wacquant 1999, 218), almost of whom hailed from Africa, Algeria or Morocco (Sénat: 2004).

The new anti-immigrant laws increasing police patrols in minority communities, multiplying the violent incidents between police and young people of immigrant origin. Michel Wieviorka (Wieviorka and Bataille 1999) observes in his interviews of prison youth that rage against racial injustice was the main motivation cited, far more common than either poverty or economic need. Similarly Fabien Jobard (2002a) notes violent incidents in poor minority neighborhoods often occurred as a result of the “signaling spirals”(Charles Tilly’s term and mine, not Jobard’s) between young people and police, in which both sides felt they had been treated disrespectfully

“The rebellion of immigrant-filled suburbs fuelled what is almost a collective psychosis in France,” argues a British journalist (Henly 2003). The activation of racial boundaries, and the conflicts between immigrant youth and police, helped Le Pen increase his votes in the 1993 legislative elections to 12.5 percent, and in the 1995 presidential campaign to an unheard of 15.2 percent. Although Chirac won the presidency, he

appointed the far right wing, Charles Pasqua as Minister of Interior. Legislation passed under Pasqua dramatically restricted immigration, and made it extremely difficult for legal residents to extend their visas or apply for citizenship. Many of those living in France legally now became “*sans papiers*,” literally people “without papers” and an easy target for police. Some organized a small movement in protest, which gained popular appeal among the left.

While the Socialists won the 1997 parliamentary elections, in part with help from those involved in the *sans papiers* movement, Le Pen’s popularity continued to rise. The National Front captured 14.9 percent in 1997, and 15.2 percent in the regional elections of 1998. While some have claimed that Le Pen’s climb was unrelated to his openly racist campaigns, surveys suggest otherwise. One 1997 poll, for instance, found 18 percent of respondents admitting to being quite racist, and another 40 percent who said could be tempted by racism (United States Department of State, 2001).

Throughout this period, France became the only country singled out for torture by the Council of Europe (Conceil de Europe 1991, 1996, 2001; Jobard 2002b; US Department of State 1999). Under a condition known as “*garde à vue*” police were permitted to hold suspects for up to 48 hours before they are charged. Police often took advantage of this regulation to brutally beat and sometimes torture prisoners of North African or African descent. About 5 percent of those so held (averaging about 100 a month) suffered traumatic lesions consistent with brutality or torture (Conceil de Europe 1991; 1996; 2001).

Medical records from the emergency wing of the *Hôtel Dieu* hospital in Paris show

11 percent of patients "admitted to the emergency were suffering from injuries caused by police officers -- including fractured jaws, severe spinal bruising and multiple lesions" (Irish Times 1999). (During an evening I spent in the emergency room at this hospital, the only one that treats prisoners under "garde à vue", I watched police bring five badly injured prisoners in hand-cuffs -- all of whom had black or North African features.)

In addition to police brutality the brutality of prison guards is notorious, and is probably responsible for the high rate of deaths in prisons. In 1996 and 1997 alone, there were 475 recorded deaths of persons in custody, and 268 official suicides of prison inmates. Almost all of the deaths were young people of North African or African descent (ACT-UP Paris, 2002; Le Monde 2002; United States Department of State 1999).

By 1999 support for the National Front was on the decline, and the combined votes for Le Pen and Megret (now rivals) in the legislative elections barely reached 9 percent. Part of the decline was clearly due to Megret's defection from the National Front, but most observers believed the National Front had ceased to be a significant force.

All of this changed in the 2002 Presidential campaign when main stream political candidates put the issue of crime and security at the top of the agenda, despite the fact that homicide rates were low and declining, people were 7 times more likely to be killed in an automobile accident than a crime (1,046 homicides in 2001 (Libération 2002) and 7, 720 killed in automobile accidents according to Kremer (2002)), and suicide rates were significantly higher than homicide rates. And while assaults, vandalism and threats did increase in many poor urban areas between 1999 and 2002, most voters that put security as their first concern lived in rural districts with extremely low crime rates (Le Monde

2002: 92-93).

The first left wing candidate to make security a priority was Lionel Jospin's former Minister of Interior Jean Paul Chevenement, who tried to build an independent base by attacking the Socialists for being soft on crime. Initially his attempt to pull together a centrist coalition, a "Republican pole" he termed it, by rejecting both the right and the left, was successful and polls suggested he could win up to 20 percent of the vote. Anxious to win back these voters the Socialists also launched a vigorous campaign against crime. As the campaign revolved more and more around the issue of security the amount of television new programs dealing with crime and security increased dramatically, as can be seen in figure 9.

Insert Figure 9

Although some Socialists privately admitted that the real problem was the "exclusion" of North Africans, Africans, and their children from access to equal education, housing, employment and upward mobility, not one Socialist addressed these issues during the campaign. The main opposition candidate, Socialist Prime Minister Lionel Jospin, announced he had been naïve to believe that reducing unemployment would reduce crime. At a time when the unemployment rate of fifteen to twenty four year olds of non EU origin was 47%, more than double that of youth of EU origin (Rebzani 2002:45-47, Smith, 2004, 178), the Prime Minister chose to ignore France's regressive tax system (dependent on payroll and sales taxes), corporatist welfare system (that privileged its most wealthy pensioners), and the way the two combined to rob resources from the France's poorest communities (Smith, 2004)⁴ Rather than risk alienating the wealthy and powerful, Jospin

targeted the least powerful and called for a new policy of “zero impunity.”

Similarly, the Socialists never touched on the issue of police homicide (175 between 1977 and 2002) of young people of North African and African descent, or of prison suicides (500 between 1997 and 2002) of young people of North African and African origin – at a rate more than 10 times the rate of suicide in US prisons (ACT-UP Paris, 2002; Le Monde 2002; United States Department of State 1999; United States Department of Justice). At the end of the 2002 campaign only Noël Mamère, the Green Party candidate, and one small Trotskyist party, were openly challenging the portrayal of young people from the poor immigrant suburbs as violent and dangerous.

Six months into the presidential race of 2002, crime was listed as the number one concern of French voters. As the following table based on a survey conducted by SOFRES and published in Le Figaro illustrates, when French voters were asked to list their main concerns, 58 percent listed *‘l’insécurité’* (crime and security or law and order), followed by 38 percent who listed *‘le chômage’* (unemployment), and 31 percent that listed *‘l’exclusion, la pauvreté’* (poverty and exclusion). Security was placed highest among those who voted for the right. Seventy three percent of those who voted for Chirac, and 74 percent of those who voted for Le Pen, put security as their number one concern when asked “What three issues count the most in your choice of candidates today?” In contrast those who voted for the Greens, the Communists, (CP), the extreme Trotskyist left, the one black candidate Christine Taubira (from the tiny Left Radical party, LRP) put exclusion and poverty as their main concerns. Interestingly, Jospin (SP) voters put unemployment as their number one concern, followed by insecurity, and only listed

exclusion and poverty third.

Insert Table 1

The dominance of the security issue, and its linkage in the public mind to race and immigration can also be seen in opinion polls, like that conducted by Le Monde (Marie-Beatrice Baudet, 2002) which showed 40 percent of the French population agreeing with Le Pen on the security issue, and that conducted by the *Commission Nationale Consultative des Droits de l'Homme* (Marianne 2002) which found 23 percent of respondents admitting to hating North Africans and 24 percent to hating French youth of North African origin.

The first round of the 2002 Le Pen won 17 percent of the vote, against Chirac's 19 percent and Jospin's 16 percent (the rest of the vote was split among the remaining parties, although blank ballots and no shows won hands down – accounting for 28 percent of the vote). As a result Le Pen would now compete in a run off with President Chirac.

Thousands of young people flooded the streets immediately, crying “shame, shame.”

Marches, protests, teach-ins, and other events were held nearly every day between the first and second rounds of the presidential election. On May 1, one and a half million people took to the streets decrying racism and the security state. All but one of the left wing parties urged their supporters to vote for Chirac as the only way to stop Le Pen.

Although Chirac criticized Le Pen for demagoguery and racism, his own discourse was similar. “France has too many immigrants,” Chirac insisted in an interview on Channel 2, “everyone in France feels insecure due to the behavior of young people in particular neighborhoods, but Le Pen is mistaken in treating the two problems as one.”

In the run off election on May 5, Le Pen was easily defeated by a 4 to 1 margin.

With Jospin's official resignation from the Prime Ministry, Chirac appointed a new Prime Minister and the hard liner "zero tolerance" Nicolas Sarkozy as Minister of Interior, a post which put him in charge of the National Police.

As the legislative elections approached the left dropped their mobilization against racism. Behind the scenes, intense competition between left wing parties to negotiate placement of their candidates in favorable districts in the new left coalition left little time for public organizing and threw the ball back to the right. On June 9 and 16 (second round) the right wing parties soundly defeated the left in the legislative elections. For the first time in decades, a single party – Chirac's new UMP – coalition controlled the entire state.

Despite his debt to the left, Chirac introduced repressive new security measures. He vowed to repeal the recently passed Socialist legislation providing for a presumption of innocence, and limiting police ability to hold suspects without charge. Dominique Perben, the Minister of Justice proposed new legislation that would reduce to 10 the age at which a suspect would be considered a minor (although congress raised the age to 13). Sarkozy passed laws that made it a crime to loiter in hallways or aggressively beg and made fraud on public transport services a criminal offence -- punishable up to six months in prison. Police were empowered to check identity papers on trains, buses and subways, to intercept communications and conduct searches, and require social workers to provide local council officials with information gained during private counseling (Bonelli, 2004).

Within one year of Chirac's election incarceration rates rose by 9 percent, and the number of inmates increased from 52,961 in 2002 to 61,500 in 2003,⁵ marking 2003 for the

largest inmate population in France since the end of World War II. By June of 2004 there were 64,651 in prisons that were designed to hold 49,156. While there had been 67,308 arrests in 2001, in both 2002 and 2003 there were over 81,000, and the average length of time had risen from 8.1 to 8.9 months.

Only nine percent of the 64,652 prisoners were serving time for homicide, 21 percent for rapes and sexual aggression, and 16 percent for assault. The rest of the prisoners were in for non-violent or victimless crimes (Tournier 2004). And as in previous years the vast majority in prison were of North African or African descent (Bonelli and Sainati 2004; my own observations and interviews with social workers and judges).

Institutional Pressures on the Police:

Police promote their own institutional interests. For instance New York City police staged a massive protest in New York against Mayor David Dinkins' attempt to create a civilian review board in 1992. Similarly, French police staged mass protests in Paris in fall of 2001 and spring of 2002 against Socialist legislation calling for a presumption of innocence, and restricting the police's ability to hold suspects under *garde à vue*. They also held large marches demanding higher wages, bullet proof vests and better weapons.

But, police also respond to political pressures. In the US, mandatory sentences for drug possession, for instance, gave police increased incentives to target low level street sellers in minority communities. Eva Bertram, Morris Blachman, Kenneth Sharpe, and Peter Andreas observe:

Dire social conditions are compounded by a drug war that helps to channel the retail trade into poor and minority neighborhoods. Add to this a mix a third factor-- thousands of law enforcement officials and prosecutors who are desperately

attempting to implement a flawed strategy against suppliers and users--and the formula for a grossly discriminatory drug war is complete. These conditions guarantee that poor and minority residents will be netted by the drug-enforcement system in highly disproportionate numbers. Racial discrimination need not be the intent of law-enforcement official or policy maker, but it will be the effect (Bertram et al. 1996: 41).

To meet the new enforcement quotas police conducted widespread stops and searches. As one Brooklyn police officer put it:

It is not a real war on drugs. We don't have the budget to go after the Cali cartel; it costs a lot of money. They'd rather than go after Joe Shmoe on the corner selling crack. [Going after the former] your life expectancy is diminished....They won't go into University because it creates political problems. Police definitely worry a lot about politics and power...My daughter said drug use is all over the school, you can't avoid it. One friend's father is the top executive for GM. He's off the hook. Imagine a cop goes in there and arrests him... his father gets on the phone and there are problems.

Similarly a patrolman in the Bronx complained that the emphasis on quantity of arrests had destroyed what was left of the relationship the police had established with the community, a relationship essential to their work.

But, other police are ambivalent about such policies. In France, the new legislation criminalizing immigration, begging, loitering and prostitution increased pressure on police, and while success under the new "zero tolerance" strategy was measured by rates of arrest. As a French police officer put it, "We feel reassured that we are supported when we arrest petty delinquents. But we resent the pressures to meet quotas for arrests."

And some French police feel that the focus on petty delinquency is exaggerated. As one officer told me:

It is hypocritical to go after young people who smoke marijuana when the jet set uses drugs. Now there is strong pressure to be repressive, to show good statistics in arrest and *garde à vue*. Crime and petty crime, however, are not the same.

Unfortunately politics works that way. The number one theme of politics here is *l'insécurité*. Sarkozy says those showing more arrests should get higher salaries. But everyone now is put in *garde à vue*. It is not the solution. Prisons in France have changed enormously, now there are more petty delinquents in prison.... They should make a distinction between big crimes and delinquency, police have different jobs. Not everyone makes arrests, some are involved in investigation. To evaluate all, only mathematically, to give some rewards and others none is very dangerous.

One judge makes a similar observation, complaining that the focus on petty delinquency has drawn police attention away from organized crime.

There has been a transfer over a time from a focus on organized crime to a focus on urban crime -- a displacement of police from organizations that track complex stratified networks to those that picked up offenders for "*délit flagrant*" (in the act), community crime. It is easier to pick up some one trying to rob an auto or a network of drug or prostitution trafficking, a part of the parallel economy. Is very important to explain generic context in France not due to specific strategies of police, but political context and identification of problem of *banlieue* by the extreme right which gained ground campaigning on the idea that there are too many immigrants and too much insecurity. Both right and left were under pressure to address the question of security (Delbos 2001).

The police district chief in one of the poor neighborhoods where I worked echoed this sentiment. "The drug problem is the same today as it was yesterday. It is a legislative problem. If someone is sanctioned for chewing gum, and chewing gum is illegal we have more chewing gum crime." But, ultimately, the district chief continued "the question is 'Do young people want to respect the law?'"

Police Constructions of Race in New York

While new laws and politics encourage the targeting of racial minorities, violence against these same minorities is also a consequence of the activation of racial boundaries between the police and the minority community. This boundary is hardened by the stories police tell about these communities. In the United States white police are wary when

talking about race, but in the stories they tell, blacks and Latinos are linked to drug abuse.

A white American policeman (August 2001) put it this way:

Race is always a distinguishing factor, no way around that. Which comes first, Blacks are targeted and as a result have higher arrest rates, or is it that black crime rates are higher, and that's what drives arrests?...Homicides are higher in African American communities. The question is if drug usage rates similar, why are police arrest rates dissimilar? White drug users go back to safe communities where they don't have street crime...not necessarily racially biased police practices. What is the nature of the cultures in different communities? If African Americans imprisoned 10 fold more times than whites, it is because these are the communities that have street crime.

Another white patrolman in the Bronx explained: "Easy to say race, but people want to come home and be secure. You can call it a drug war, but you can see in streets people feel safer now, less crime in the streets. A lot of crimes have to do with drug situations" (August 2001). But, as the former Chief of Police in New Haven, argues "If you told the police they could net 1,000 drug arrests at a university they would not be interested because they don't perceive drugs as a problem at the university. They see drugs as a problem in the black community because they connect it to crime and violence there" (May 2001).

White police officers often tell stories of rogue or racist cops. In such stories the racist cop features as the exception that proves the rule of the honorable, courageous police. When asked about police homicides in the black community, for instance, a white Bronx patrolman told me in the same words what was said by the majority of white officers in a study of 300 focus groups, "there are good people and not so good people in every field" (Fridell, Police Executive Research Forum. and United States Dept. of Justice: Office of Community Oriented Policing Services. 2001).

Minority police officers (underrepresented in the mostly white NYPD) in New York often find themselves at the interstice of the boundary between the community and the police. As a Puerto Rican former policeman in the Brooklyn put it (July 2001):

They say they don't promote "Racial Profiling" but they indirectly enforce it. They are always talking about situations in the black community and how you as a white cop from Long Island are easily picked out. They create a fear among young policemen assigned there for the first time. They tell you if you're working in communities of color, when you pull over vehicles to be very careful because either the driver will have a weapon or he'll have weapons in the car. Police training creates fear. Racism is a bigger problem than they admit. But they are not born with it, they are taught it.

That does not mean that all minority police officers completely cross the boundary between the police and the community, identifying with the latter. Often their role as police and their connection to the institution leads them to exaggerate the difference between themselves and the residents of the community they police as we will see later in my interview with a French North African police officer.

Police Construction of Race in Paris

We see a similar pattern among French police. In one shocking interview with two French policemen, members of the Communist CGT police union (March 2001) I was told that all crime stemmed from Arabic and African neighborhoods in Paris.

The problem here began after war the in Algeria. The Arabs could not stay there because they had collaborated with France. They ended up congregating in small areas. Housing prices went down and black immigrants now found it very cheap and gathered there too. This concentration created an underground world Yet, for us as police it is good, things easier to bust. If they were spread around the city it would be difficult to police. If you let them live together, you don't even have to go into the *cit *, put police at either end and close it. It's a way to localize and crystallize delinquency in a single place. But if you live there and see all blacks and Arabic on the pavement you can imagine people say 'what are the police doing?'

In this story foreign Arabs (France's former allies) and blacks (not clear where they come from but also somehow foreign) collaborate in crime and delinquency. The policemen's job is to "protect France." The story includes a "them" and a place "they" belong, as well as a "we" and a place "we" belong. Listen what follows: "If you consider different levels of trafficking it is obviously blacks and Arabs, and tightly linked to type of immigration. Whereas in the US blacks are American, we have external immigration.... If you are on the road and see a black man or a man with Arabic features you say to yourself he doesn't look French, and then you might stop him to see if he has papers. While he is stopped you can search him and may find drugs or guns."

Again we hear a story of foreign blacks and Arabs trafficking in guns and drugs, and French police protecting France from these external immigrants. In the next story the immigrants are also linked to terrorism.

Policeman: "All the Chiefs of Arabic community set up huge Islamic activity in suburbs. You are Islamic and Arab not French, you must fight France... Saudi Arabia gave money for people to come to France and fight the French state using religion."

We hear a different story from the very rare North African or African policeman, in the almost entirely white French police. For instance a young North African police officer (June 2004) told this story.

When I was young the police were racist. When they looked at me, and saw my face and color they asked me for my papers. For a long time I thought police were racist. One experience like that young people think all police are evil. It is as if one young person insulted me and I thought the entire community was like that.... Many police grew up in small villages and don't know this area. They think 'if you live in Sarcelles you are bad.'

Again, though, the minority police officer is careful to walk the boundary between the police and the minority community, clearly distinguishing herself from those of the neighborhood. As she noted: “The problem here is that Muslims don’t listen to a woman, they don’t respect women and they say police of Maghrébin origins are traitors. I tell them, look at me, if you want to work hard you can leave here. I grew up in a poor neighborhood.”

While minority police officers walk a narrow boundary between community and cop, white police officers identify with the institution and draw a line between the institution and the bad cops. One Parisian white policeman insisted (June 2004): “There is no institutional racism. Some policemen are racist because we have an extreme right wing party in France led by Le Pen and Megret, and they want police to concentrate on blacks and Arabs. They say delinquency is linked to ethnic origin.”⁶

A French police commissioner (June 2004) expressed a similar sentiment: “We have no great problem here. Some police themselves are the problem. We have very young police officers without any experience. They have difficulty dealing with the situations they confront in the banlieues, which they don’t understand. Many of the young people here are insolent, but the police should try to comprehend.” The French police captain also blamed the individual officers, “there are just some police who see blacks that way.”

Such stories of seemingly atypical rogue cops prevent any act of brutality or racism from undermining their faith in the institution. An important characteristic of such stories is the homogenous and negative nature of the identity ascribed to “them,” and the heterogeneity as well as general positive nature of “us.” For instance, the same

commissioner who blames inexperienced police generalizes blame when he speaks of African parents' responsibility for the misbehavior of their children.

It is a question of education. The parents don't speak about education and children less polite and more insolent. I'm from Italy but the fact that I am from another country doesn't give me a right to be insolent. Nationality isn't an excuse. The fault is the adults that don't teach their children. The children are 14 or 15 years old and they become the law in the family. They act like little dictators inside the family.The culture in Africa is that one never touches one's father, it is never done. Chief of village never allows it. The African family in exile loses control of their children. There are young people who are not of French origin, young people who are intelligent and understand, but the problem is not the young but the parents. It is a problem of choice in the end. Children have too many rights.

The commissioner put the blame on African culture and African parents, downplaying the difficulties faced by young people in the *banlieue*. It was only when I mentioned my intentions to live in Sarcelles that the commissioner discussed the hardships of doing so, as if it had suddenly occurred to him: "It is very difficult to live here. It is like a desert here, nothing is here. I don't live here."

A French police captain summed it up like this (June 2004), "There is a big problem in France of too many immigrants, with all concentrated in the same zone. The French say put them in other neighborhoods but not in mine.The problem is political, cultural, tradition, religion. The problem of the Palestinians creates problems here. Young people say "Hurray Bin Laden." There is a huge problem between European and non European cultures.... The problem of politics is how we deal with all of this. It is not the role of the police to resolve this. It is a problem of integration."

Boundary Activation in Targeted Communities in the New York

Police, as Michael Lipsky (1970: 1) argues, "may be conceived as 'street-level

bureaucrats' who represent government to the people." Their actions influence citizens' perception of the state, and their relationship to it. Racial profiling and police brutality undermine a community's confidence in the government and its sense of belonging to the nation. The boundary between the community and the police is activated at the community level as well. Sometimes gangs or drug dealers are able to recruit young people by turning their anger and resentment into racial pride. As one Puerto Rican gang leader I interviewed (1996) told me: "like most families here [in the fifties]... I was into thinking the right way was the white way....That is, until I saw how my father trembled in front of a white policemen. It robbed him of his dignity. I compensated for him by becoming more bold, more bad....Wasn't until Young Lords came along that we got pride...Street gangs key to leadership in our neighborhood" (August 1994).

Even drug dealers, he insisted, are heroes to some youth. "They are the one people in our community, independent, that didn't have to answer to the man. Became true freedom fighters to us.... We crossed every line they told us not to cross. We didn't believe so-called authorities....saw it all as part of the system. Ultimate rebellion, there is a spirit dying to surface. Young people don't know what to do with their anger."

Another young gang member in the Bronx (1996) also told me a similar story:

I remember listening to kids coming out of prison when I was 12 or 13, what I wanted to hear about because I knew I'd be there someday this guy was like me and he was there and I what I wanted to know what I should do when I got there. Imagine at 13. I was scared but to overcome fear I glorified it. We see it as our future so we glorify it as heroic....Society puts a lot of effort to get things the way they are. When you try to change that you're an outlaw. They have a lot of enemies to lock up.I look to jails to understand the bottom line (August 1994).

Activation of Racial Boundaries in Paris

In Paris young people of African and North African origin do their own share of boundary work. As one young man of African descent complained, “They say they oppose communitarians and organizing on the basis of race but they push us into that corner. We have no choice” (May 2002). Another commented during a meeting of blacks from the *banlieue* (May 2002), “they are hypocrites, the French, racist hypocrites” (February 2002). Leaders of a Muslim youth in another poor suburb told me, “Islam is seen as foreign and menacing. Today Sarkozy has a new concept ‘normalize Islam, ‘treat it as a religion, and make it banal. But sociologically it is the same politics of repression.” And still another Muslim youth leader (June 2004) argued:

In the National Assembly there are 560 deputies, and not one Muslim, Arab or black deputy. Even in Israel there are Arab deputies.... Here there is continuity here from colonization. It has only been 40 years since independence of Algeria in 1962. Someone like Chirac was a soldier in Algeria. It is still fresh in their minds.... To them we are still immigrants.... When the right won the police told young people here, OK the party’s over.

As in the US, young people sometimes act out their anger. One young man in a French prison told a judge; “It is you who has made me a criminal,” (Pervious 2001). A North African former prisoner told the audience of a workshop on police brutality (December 2001) “We demand “republican” *flics* (cops) to give the same discourse and attitude, not to treat some as slaves. The young respond [to this unfair treatment]. We don’t have a republican system of justice or republican police....Justice does not take care of poor people like us. I am boiling with hatred” (December 2001). And another young person told me: “A foreigner has a state of exception from all the rights guaranteed the French -- a different set of statutes for those that come from the colonies -- racist law,

different set of laws, of justice” (December 2001).

A journalist from The Guardian recently noted similar responses among youth living in the *banlieue*. One young man told him: “it’s the end of the republican ideal. The French republic deals with citizens not individuals. But here people aren’t citizens. They don’t know what they are. Not Algerian, or Moroccan or west African, but not French citizens either. They’re unrecognized, unremembered and unrepresentative. No wonder they rebel” (Henly 2003).

In one case I attended in a French court, for instance, a confrontation ensued when a white officer attempted to arrest a young Moroccan for a traffic violation (October 2004). A leader of the local neighborhood group demanded to know the reasons for the arrest and when the officer responded harshly to his intervention groups of young people surrounded the officer complaining of police harassment. The officer charged the young neighborhood leader, a Moroccan youth with insulting a police officer and inciting a riot.

A more violent rebellion occurred on March 8, 2005 when young black youth from Seine Saint Denis clashed with young white French youth on strike against new school requirements. All the headlines blazed “anti-white” youth attack French school children (see Kouchner 2005; *Le Monde* 01.04.05, *Le Monde* 13.04.05, *Le Monde* 26.03.05).

Conclusion

One of the paradoxes of crime wars “is that the largest increases in punishment resources occur in reaction to offenses of lesser seriousness, those on the margin between prison and non-prison sanctions....incentives to avoid killing is reduced as the severity of the non-lethal form of the crime is increased because the gap between the two punishments

will be diminished” (Zimring and Hawkins 1997: 181). Heavier penalties for non-violent offenders increase the incentive for violence, while police activation of racial boundaries create racial backlash. Sometimes the stories told on the other side of this boundary features drug dealers and “outlaws” or even terrorists as heroes. This has helped Al Qaeda make inroads in some of the French suburbs.

The destruction of families and social networks that occurs when a substantial percentage of neighborhood residents are jailed erodes living conditions in impoverished neighborhoods. A 2000 study by the US Department of Justice found that half the nations inmates are parents of children under 18, and that 1.5 million children had parents in jail, an increase of 500,000 since 1991 (Le Blanc 2003: 30). When parents are jailed, the risk that their children will go to jail some time in their lifetime increases substantially. The financial resources used to house increasing large sectors of the population in prisons deprives the state of resources that could be used to improve housing, labor standards and education.

Activation of racial boundaries by politicians and police undermines democratic governance by “contradicting faith in the principles of justice and equal protection...exposing and deepening the racial fault lines that continue to weaken the country and belying its promise as a land of equal opportunity, and it undermines faith among all races in the fairness and efficacy of the criminal justice system” (Human Rights Watch 2000, 5).

Alternatives forms of policing are possible. As many of the policemen I spoke to emphasized, it is extremely difficult to work in a community where the police are seen as the enemy. Some police have begun to emphasize problem solving as well as community

policing -- working with communities to resolve the issues they find important. As Nick Pastore, former police chief in New Haven explained, "If one member of a family has a problem with drugs the whole family is affected. But if they think talking to the police will land their child or parent in jail, they will not talk to the police. We will be the enemy, and we will not be able to do anything. If, however, we can help get the family access to treatment and support, we can work with the family to resolve their problem and at the same time help the community. When I was chief of police I rewarded the police that worked with the community to solve problems, not those who had high arrest rates."

Why then have crime wars almost without exception led to the activation of racial boundaries and the targeting of minority communities? Perhaps, it is because policing strategies have less to do with crime and more to do with political posturing and winning elections. As I suggest, this is most likely to occur when preexisting racial and ethnic boundaries are challenged or weakened by movements from below, the ascension to power of members of ostensibly inferior groups, or changes in the economic and political environment that lead to heightened competition. Under these conditions, politicians may design their campaigns to appeal to a detachable segment of the electorate by targeting the ostensibly inferior minority. Tight elections increase the incentives for racially targeted political campaigns.

In New York's 1993 and 1997 mayoral campaigns Giuliani won over many white, traditional Democratic voters by attacking the liberal black Mayor as being soft on crime, and advocating zero tolerance for petty delinquents. In the French 2002 presidential campaign all of the major candidates attempted to win traditional Le Pen voters by

advocating zero tolerance security policies targeted against youth in poor immigrant suburbs. In New York, Giuliani succeeded, and won both elections with less than two percent of support among blacks, who were the main victims of crime. In France the Socialists attempt to ward off Le Pen by being tough on immigrants and crime backfired. Le Pen used the issue to beat the Socialists, and run against Chirac in a Presidential run off. Although Chirac won handily, the activation of the racial/ethnic/national boundary during first round of the presidential campaign encouraged Chirac to enact harsh new legislation and to favor punitive policing strategies targeted at youth of North African and African descent. As in New York, minority youth soon comprised an increasing percentage of those imprisoned and/or victim of police abuse.

Charles Tilly (1985, 171) observes "to the extent that the threats against which a given government protects its citizens are imaginary or are consequences of its own activities the government has organized a protection racket." Elections that are won by activating racial boundaries and creating fear of one category of citizens or residents conform to this definition.

As long as left wing parties are willing to compete with the right on punitive policing, and voters are willing to support repression against those they fear, zero tolerance and race biased policing may remain the end game of politics.

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Footnotes

¹ Gérard Noiriel (1996: 5) observes "immigration to the United States steadily declined in the early 1920's following the promulgation of restrictive laws whereas in France the phenomenon became important essentially from that period onward. In 1930 France was the country with the highest rate of foreign population growth in the world (515 per 100,000 compared with 492 per 100,000 in the US). Contrary to what is usually believed, over the past half century the economic, social and political importance of the immigration issue has been greater in France than the US. From a geneological perspective the living memory of the immigrant experience is greater today among the French than among Americans. "

² The French do not keep statistics on race but the Laurent Bonelli and Gilles Sainati (former vice president of the Union of Judges claim over 90 percent of prisoners are of African or North African descent. I noted a similar number during my visits and interviews in the prisons. This estimate was confirmed by the judges and social workers who work in the prisons when I interviewed them. Fabien Jobard has used last name and origin of parents to reach similar conclusions.

³ During this period the number of people entering prison for violent offenses doubled, but arrests for non-violent offenses tripled and drug related arrests rose eleven-fold. Women were the fastest growing and least violent prisoners. While 72.4 percent of men in prison were imprisoned for non-violent offenses, 85.1 percent of women prisoners were in for non-violent offenses. The number of women in all US federal prisons on drug charges quadrupled between 1987 and 1998, accounting for two thirds of all federal female inmates, and 34 percent of all women in prison. Less than 10 percent of those arrested for drugs were major traffickers. In 2001 there were 1.6 million arrests were made for drug law violations (FBI 2001)., 81 percent of drug related arrests were for simple possession, and 41 percent (647,662) of those were for possession of marijuana Lindsmith Center--Drug Policy Foundation 2000.

⁴ In France, residents of African or North African origin earn half of the national average, are twice as likely to be unemployed (Bernard 2002: ix) and four times more likely to live in poverty (Bissuel 2002: 10). Unemployment rates are 30 percent for those of African or North African origin (compared to the 12 percent national average), 50 percent for youth of African or North African origin (far above the 23 percent national average), and 80 percent in some poor suburbs (Ardagh 2000: 223-224). Even among high school and university graduates, those born of immigrant parents (who were only able to declare French

nationality at 18) were twice as likely to be unemployed as those born of French parents (11 percent unemployment rates compared to 5 percent unemployment rates among youth that were French at birth) (Zappi 2002: 12).

⁵ Since the French prisons were designed to hold 47, 000, the increase in inmates created serious problems of overcrowding, and a deterioration in prison conditions, and may have been responsible for the increase in suicides – 126 in 2003, compared to an average of 100 the previous 5 years.

⁶ Renée Zauberman and René Levy cite evidence that there is indeed institutional racism in France: “People do not enter the police because they are racist: rather they acquire racial prejudice through a process of professional socialization” (Zauberman and Levy, 2003: 1076); see also Lhuiler, 1987: 121).