

THE 'SCHOLARLY MYTHS' OF THE NEW LAW AND ORDER DOXA

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The moral panic that has been raging through Europe in recent years about 'street violence' and 'delinquent youth,' which allegedly threaten the integrity of advanced societies and call in turn for severe penal responses, has mutated, since the French presidential elections of 2002, into a veritable *law-and-order pornography*, in which everyday incidents of 'insecurity' are turned into a lurid media spectacle and a permanent theatre of morality. The staging of 'security' (*sécurité*, *Sicherheit*, *seguridad*), henceforth construed in its strictly criminal sense – after crime had itself been reduced to street delinquency alone, that is to say, in the final analysis, to the turpitudes of the lower classes – has the primary function of enabling leaders in office (or competing for it) to reaffirm on the cheap the capacity of the state to act at the very moment when, embracing the dogmas of neoliberalism, they unanimously preach its impotence in economic and social matters.¹ The canonization of the 'right to security' is the correlate of, and a fig leaf for, the dereliction of the right to work, a right inscribed in the French Constitution but flouted daily, on the one side by the persistence of mass unemployment in the midst of national prosperity and, on the other by the growth of precarious wage labour that denies any security of life to the growing numbers of those who are condemned to it.

At the beginning of 2002, as the presidential election campaign commenced, all the mainstream media and political parties in France chose to focus to the point of obsession on the supposed increase in 'insecurity,' in spite of the *decrease* in street crime recorded during that year. Driven by the logic of commercial and electoral competition, no one thought it worthwhile to pay the slightest attention to the results of a series of solidly documented reports produced by INSEE (the National Institute for Economic and Statistical Studies) on the inexorable rise of casual employment, the tenacity of mass unemployment in the urban periphery, and the consolidation of a vast sector of the 'working poor' – according to the new label freshly

imported from America – along with the policies of industrial withdrawal and economic deregulation that fuel their ranks. Witness a hardly noticed survey, soberly entitled ‘Sensitive Urban Areas: The Rapid Increase in Unemployment between 1990 and 1999’, which reveals that job precariousness and social insecurity became generalized and concentrated during that decade, notwithstanding renewed economic growth and a decrease in the official jobless figures at the national level.² Thus the share of precarious workers – those employed on short-term contracts, as temporary staff, in subsidized jobs and government-sponsored training programs – rose from one in eleven in 1990 (or 1.98 million people) to one in seven in 1999 (3.3 million). Among the 4.7 million residents of the 750 ‘sensitive urban areas’ designated as such by the 1996 Urban Renewal Pact – amounting to one out of every thirteen French inhabitants – the proportion of those in precarious positions bordered on 20 per cent.

So much to say that, for youths lacking recognized educational credentials living in France’s neighbourhoods of relegation, insecure wage work is no longer a deviant, temporary and atypical form of employment, but the modal path of entry into a world of work now haunted by the spectre of impermanence and unlimited flexibility.³ And this is for those ‘privileged’ enough to get paid employment, since at the same time unemployment among 15–24 year-olds in these districts kept on climbing: between 1990 and 1999 the proportion of youths who looked in vain for a job rose from 19.9 per cent to 25.6 per cent nationwide; for their compatriots living in those urban areas coyly labelled ‘sensitive,’ the increase was much sharper, from 28.5 per cent to nearly 40 per cent. If one adds those in precarious work to those out of work, it turns out that 42 per cent of the youths in these dispossessed districts were thus marginalized in 1990, and that this figure had jumped to some 60 per cent by 1999 – before unemployment resumed its relentless forward march to push it higher still. In light of these statistics, attesting to the silent normalization of social insecurity under a so-called Left government, one can better understand the pitiful electoral score achieved among the working class by the Socialist Party candidate who boasted at his campaign meetings of having slain the dragon of unemployment and who, ignoring the spectacular deterioration of the (sub)proletarian condition during his term in office, was promising the imminent return of ‘full employment’ by the end of the next term – a truly obscene slogan for the residents of housing estates subjected for two generations to the rampant de-socialization of wage work.⁴

On the main television channels the eight o’clock news has mutated into a chronicle of run-of-the-mill crimes that suddenly seem to teem and threaten on every side – here a paedophile school teacher, there a murdered child,

somewhere else a city bus stoned or a tobacconist insulted. Special broadcasts multiply at peak listening times, such as an episode of the programme 'This Can Happen To You' which, under the rubric of 'school violence,' unwinds the tragic story of a child who committed suicide as a result of a racket in the playground of his primary school – a completely aberrant case, but instantly converted into a paradigmatic one for the sake of boosting audience ratings. Magazines are full to bursting with features about 'the true figures,' the 'hidden facts' and assorted 'explosive reports' on delinquency in which sensationalism vies with moralism, and periodically draw up the fearsome cartography of 'no-go areas' and tender essential 'practical advice' for dealing with dangers decreed omnipresent and multiform.⁵

On all sides one hears the obsessive lament about the idleness of the authorities, the ineptitude of the justice system, and the fearful or exasperated indignation of ordinary folk. At the beginning of 2002, the Plural Left government multiplied conspicuous measures for repressive show that even its most obtuse members could hardly fail to realize would have no traction whatsoever on the problems these measures were supposed to treat. One example that verges on the caricatural: the ruinous purchase of a bullet-proof vest *for every single gendarme and police officer* in France, when upwards of 90 per cent of them never encounter an armed villain in the course of their entire career, and when the number of law-enforcement agents killed on duty has decreased by half in ten years. The right-wing opposition was not to be outdone on this front, and promised to do exactly the same as the government on all counts, only faster, stronger, and tougher. With the exception of the non-governmental Left and the Greens, all the candidates for elected office thus promoted 'security' to the rank of absolute priority for public action and hurriedly proposed the same primitive and punitive solutions: to intensify police operations; to zero in on 'youths' (working-class and immigrant youths, that is), 'recidivists' and the so-called hard core of criminals encrusted in the outer suburbs (which conveniently excludes white-collar crime and official corruption); to speed up judicial proceedings; to make sentences tougher; and to extend the use of custody, including for juveniles, even though it has been demonstrated time and again that incarceration is eminently criminogenic. And, to make it all possible, they demanded in unison an unlimited increase in the means devoted to the enforcement of social order by the law. The head of state himself, Jacques Chirac, a multi-recidivist offender responsible for the organized looting of hundreds of millions in public funds while Mayor of Paris for two decades, impervious to all sense of shame, dared to call for 'zero impunity' for minor offences perpetrated in the dispossessed neighbourhoods whose residents, precisely, have taken to nicknaming him '*Supervoleur*' ('Super-thief') in refer-

ence to the multiple scandals in which he has been directly implicated.⁶

But this new political-discursive figure of 'security' that unites the most reactionary Right and the governmental Left in all the major countries of Europe is not content to merely reiterate the 'old persistent and indestructible myth' of modern society, described by Jean-Claude Chesnais in his *History of Violence in Western Society from 1800 to Our Times*, which recurrently depicts violence as a phenomenon resulting from a long-term evolution but at the same time as something always totally unprecedented, springing up suddenly, and intrinsically urban.⁷ Its originality resides in drawing most of its force of persuasion from those two contemporary symbolic powers that are science and America – and, better yet, from their cross-breeding, that is, American science applied to American reality.

Just as the neoliberal vision in economics rests on models of dynamic equilibrium constructed by an orthodox economic science 'made in the USA', the country that holds a near-monopoly over Nobel prizes in that discipline, so the law-and-order vulgate of the turn of the century presents itself in the guise of a scholarly discourse purporting to put the most advanced 'criminological theory' at the service of a resolutely 'rational' policy, a policy deemed ideologically neutral and ultimately indisputable since it rests on pure considerations of effectiveness and efficiency. And, like the doctrine of generalized subordination to the market, the new security doxa comes directly from the United States, which, since the abrupt collapse of the Soviet empire, has become the beacon-country of all humanity, the sole society in history endowed with the material and symbolic means to convert its historical particularities into a trans-historical ideal and then to make that ideal, come true by transforming reality everywhere in its image.⁸

And so it is to New York that over the past several years French politicians (as well as their English, Italian, Spanish, and German colleagues), of the Left as well as the Right, have travelled as one on a pilgrimage, to signify their newfound resolve to crush the scourge of street crime and, for this purpose, to initiate themselves into the concepts and measures adopted by the US authorities. Backed by the science and policy of 'crime control' tested in America, the new one-track 'securitythink' that now rules in most of the countries of the First World, and many of the Second, presents itself in the form of a concatenation of '*scholarly myths*,' that is to say, a web of statements that intermingle 'two principles of coherence: a proclaimed coherence, of scientific appearance, which asserts itself by proliferating outward signs of scientificity, and a hidden coherence, mythic in its principle.'⁹ One can examine its texture and take apart its mechanisms in four steps.

1. HOW 'SUPERCRIMINAL' AMERICA WAS PACIFIED AND OVERTAKEN BY FRANCE

According to the first media-political myth, until recently the United States was ravaged by astronomic levels of crime but, thanks to exacting innovations in policing and punishment, it has 'solved' the crime equation after the manner of New York City. During the same period, owing to their laxity, the countries of old Europe have let themselves be caught in a lethal spiral of 'urban violence' that has caused them to suffer from an uncontrolled epidemic of crime on the American pattern. Thus, such a self-styled 'expert' on the question as Alain Bauer, the chief executive officer of Alain Bauer Associates, a 'security consulting' firm, who happens to be an influential adviser to French socialist cabinet members and a Grand Master of the Grand Orient (the main French masonic order), could announce with fanfare in a leading national newspaper that, following a 'historic cross-over of the curves' depicting the crime statistics of the two countries in 2000, 'France is more criminogenic than the US'.¹⁰

This astonishing 'revelation', instantly propagated by all the mainstream media (Agence France Presse, France-Info, the main commercial television channel TF1, etc.), demonstrates that on the question of 'insecurity' one can say anything and everything and be taken seriously, so long as one intones the catastrophic and repressive refrain of the day. In reality, thanks to the International Crime Victimization Survey (ICVS),¹¹ it has been well-established for at least *a good ten years* that the United States has entirely ordinary rates of crime when these are measured by the *prevalence of victimization* – rather than by the statistics of crimes reported to the authorities, which are not constructed and collated on the same basis across countries, and which, as all 'specialists' worthy of the name know, are a better indicator of the activity of the police than of criminals. The US rates have long been comparable to, and even generally lower than, those of a good many other advanced countries, with the notable and readily explicable exception of homicide.¹² Thus, among the eleven post-industrial nations covered by the ICVS in 1995, that is to say before the full-scale implementation of 'zero tolerance,' the US came in second after England for vehicle thefts and robberies as well as for serious bodily harm; tied third with France, and far behind Canada and England, on the burglary scale; seventh, trailing Switzerland, Austria and Holland, among others, for sexual offences; and right at the tail of the pack (ninth) for the incidence of simple theft, with a score half as high as that of the Netherlands. In all, a combined index of victimization covering eleven types of offence puts the *US of 1995 in seventh position* (with 24.2 per cent of its residents having suffered from one or several crimes during the past year), well below Holland (31.5 per cent) and England (30.9 per cent), but also

behind Switzerland, Canada, and France (fifth with 25.3 per cent).¹³ The least ‘criminogenic’ countries then were, and by a wide margin, Ireland (16.9 per cent) and Austria (18.9 per cent). Yet it is to New York City, and not Dublin or Vienna, that the politicians and the new experts in crime control rushed from across Europe in search of the holy grail of security.

Only its stupendous homicide rate distinguishes America from the countries of western Europe: with ten murders for every 100,000 inhabitants at the beginning of the last decade, and six per 100,000 in 2002, that level remains nearly five times higher than those of France, Germany or England. It is for this reason that the legal scholars Franklin Zimring and Gordon Hawkins entitled their canonical work on the criminal question in the US, *Crime is Not the Problem: Lethal Violence in America*:¹⁴ America has a highly specific problem of *deadly violence by firearms*, highly concentrated in its urban ghettos and linked, on the one hand, to the free possession and circulation of some 200 million guns and handguns (four million Americans carry one on a daily basis and half of all households have one at home); and, on the other, to the weakness of the social-welfare system, rigid racial segregation, and the deep rooting of the illegal street economy in the impoverished districts of its major cities.¹⁵

If America is not the ‘supercriminal’ society it is commonly believed to be, neither does the trend-line in violent crime in France, and more generally in Europe, converge with that of the United States, dominated as it is by deadly violence. Indeed, the rate of homicides and attempted homicides (taken together) in France *fell* by one-fifth during the last decade, from 4.5 per 100,000 inhabitants in 1990 to 3.6 in 2000. It is true that cases of ‘*vols avec violence*’ (corresponding roughly to robbery and assault) increased noticeably during these years but, far from striking ‘everyone and everywhere’, as the media would have us believe, offences against persons are rare (they befall about 2 per cent of the population in any given year); they remain heavily concentrated among the young working-class population residing in the country’s urban periphery; and they are in the main relatively benign: the ‘assaults’ reported to the authorities are exclusively *verbal* in half of all cases, and they entail physical injury in only one incident out of four (they lead to hospitalization or a work-leave in only one case in twenty). As for burglary and thefts from and of vehicles, which are vastly more common than offences against people, they have fallen steadily since 1993.¹⁶

These trends revealed by official French statistics are confirmed by the ICVS survey: between 1996 and 2000, that is, in the very period when the catastrophic discourse on the ‘explosion’ of criminality swelled to the point of saturating France’s political and journalistic field, the cumulative incidence of victimization for ten categories of offence *fell* from 43 to 34 per 100,000,

corresponding to a decrease superior by one-fifth to the decline in crime recorded by the US (from 47 per cent to 40 per cent).¹⁷ This drop occurred in all types of offences except for assault and battery, which as we have already seen are typically much less serious than this designation suggests, and are moreover relatively rare (the incidence of vehicle theft is six times higher than that of robbery, which affects only 1.8 in every 100 residents). Thus, with 34 offences per 100 in the year 2000, France registered an overall victimization rate close to that of Denmark (35 per cent) and Belgium (33 per cent), placing it behind the United States and Canada (39 per cent), and far to the rear of Holland (48 per cent) and England (54 per cent).

So the assertion that America was 'supercriminal,' but is so no longer since the coming of 'zero tolerance,' while France is infested by crime (understand: because it failed to import this policy with all due urgency), does not pertain to criminological argumentation but to ideological claptrap. This does not stop Alain Bauer, its author, giving lessons in 'methodology' to the French authorities who consult him with deference (as evidenced by his testimony before the Senate information commission on crime on 28 March 2000); or enjoying the reputation of being a rigorous 'criminologist' (no joke intended) among supposedly trustworthy journalists (such as those of *Le Monde*, who regularly quote him as an authority); or being the sitting President of the Oversight Committee of the National Crime Observatory recently created by Interior Minister Nicolas Sarkozy.

2. IT IS THE POLICE WHO MAKE CRIME MELT AWAY

A recent report by the Manhattan Institute – a major promoter of the 'class cleansing' of the streets and nerve centre of the worldwide campaign to penalize poverty¹⁸ – asserts this with emphasis: the sustained drop in the statistics of crime in the US over the past decade is due to the energetic and innovative action of the law-enforcement forces, after they were finally freed from the ideological taboos and legal yokes that previously constrained them. The paradigmatic case for this is offered by the spectacular turn-around achieved in New York by the Republican mayor Rudolph Giuliani under the leadership of his master police chiefs William Bratton and William Safir.¹⁹ But there is a catch: here again facts are more stubborn than ideology, and all scientific studies converge in concluding that the police did not play the key determining role that the advocates of the penal management of social insecurity assign to it as a matter of *petitio principii* – far from it.

The first proof is that the drop in criminal violence in New York began *three years before* Giuliani ascended to power at the end of 1993, and continued at the same rate after he assumed office. Better still: the incidence of homicides committed without the use of firearms in the city has been falling

slowly but steadily *since 1979*; only gun-related murders declined sharply after 1990, after having taken off between 1985 and 1990 due to the spread of the crack trade; and neither of these two curves displays any particular inflection under Giuliani.²⁰ The second proof is that the ebbing of criminal violence is just as marked *in cities that did not adopt* the New York policy of ‘zero tolerance,’ including those that opted for a diametrically opposed approach, such as Boston, San Francisco or San Diego – where so-called problem-solving policing strives to establish ongoing relationships with residents aimed at preventing offences, rather than dealing with them *ex post* by all-out penal repression.²¹ In San Francisco, a policy of systematic ‘diversion’ of delinquent youth towards job-training programmes, counselling and social and medical treatment made it possible to cut the number of jail admissions by more than half while reducing criminal violence by 33 per cent between 1995 and 1999 (compared with a 26 per cent drop in New York City, where the volume of jail entries swelled by a third during the same period). And for third proof, from 1984 to 1987 New York Mayor David Dinkins had already implemented an aggressive and assiduous law-enforcement policy similar to that deployed after 1993, under the code name ‘Operation Pressure Point’, which was accompanied by a sharp *increase* in criminal violence, and especially homicides.²² Whence it emerges that, contrary to the claims of the promoters and importers of the ‘Bratton model,’ the policing strategy adopted by New York during the 1990s is *neither necessary nor sufficient* to account for the crime drop in that metropolis.

The comparison with Canada, a neighbouring country endowed with a similar economic, demographic, and political structure, and whose overall level of crime is practically identical (with the notable exception of the incidence of murders, which is three times lower), confirms this conclusion. Indeed, with a few rare exceptions, between 1991 and 2001 all the regions of Canada recorded a marked decline in homicides, armed robberies, and burglaries of the same magnitude as that observed in the United States, even though the practices of the law-enforcement forces, judicial expenses, and resort to confinement remained unchanged there. Indeed, owing to fiscal constraints, the ratio of police supervision in Canada (given by the number of police divided by the total population) *fell* by 9 per cent, and the country’s incarceration rate sagged by 7 per cent, against increases of 10 per cent and 47 per cent respectively in the United States during the same period. As criminologist Marc Ouimet notes, ‘such a similarity of trends for different kinds of crime, for different regions in the same country, and for two different countries, supports resorting to general explanations to account for the declines,’²³ and he points toward two exogenous forces driving this remarkable parallelism between the US and Canada: the one-fifth drop in

the number of people in the 20- to 34-year age bracket on both sides of their common border, and the marked decrease in unemployment in both countries, which allowed unskilled lower-class youths to find work and thus encouraged them to withdraw from the criminal economy.

In point of fact six factors, *all of them independent of the activity of the police and the justice system*, have combined to sharply curtail the incidence of violent offences in the large cities of the US in the 1990s. First, *flourishing economic growth*, unparalleled in the country's history in its scale and duration, effectively provided jobs and supplied incomes to millions of youths hitherto doomed to idleness or illegal trades, including in the ghettos and barrios where unemployment retreated noticeably.²⁴ But the boom did not for all that dent the endemic poverty of the segregated neighbourhoods of the American metropolis, because most of these new jobs remained casual and underpaid: the official poverty rate in New York City remained unchanged at 20 per cent throughout the whole decade of the 1990s. In fact, it was above all young Latinos who directly benefited from the improvement in the state of the deskilled labour market. For blacks, the euphoric economic climate acted indirectly by raising their hopes for future mobility and by encouraging a growing fraction of teenagers to pursue post-secondary schooling, which greatly reduced their probability of being involved in violent street crime, either as victims or as perpetrators.²⁵ Notwithstanding the persistence of under-employment and the extremely low level of wages in the new service sectors, detailed statistical studies suggest that the direct and indirect impact of the rapid decline in aggregate unemployment explains 30 per cent of the decrease in the national crime rate.²⁶

The second factor is the *twofold transformation of the drug economy*. To begin with, the retail trade in crack in impoverished neighbourhoods gained structure and stability, so that resort to violence as a means of regulating competition between rival gangs receded abruptly.²⁷ At the end of the 1980s this trade experienced explosive growth and, given that barriers to entry were virtually non-existent, new entrepreneurs, often young and independent, were constantly coming forward to engage in deadly territorial struggles: in 1991, 670 of the 2,161 homicides recorded in New York City were linked to narcotics trafficking. A decade later, demand had settled down and the sector had become 'oligopolized', so that the number of dealers fell and relations between them were less conflictual. This translated into a precipitous plunge in the number of drug-related homicides – it dropped below the one-hundred mark in 1998 – since the greater part of that criminal street violence is violence *between criminals*.²⁸ Next, crack lost favour with consumers, who returned to other opiates and narcotics, such as marijuana (consumed in the form of a cigar called a 'blunt'), heroin, and methampheta-

mines, the trade in which generates less extortion because it is dominated by retail sellers operating within networks of mutual acquaintances rather than through anonymous exchanges in public places.²⁹

Next, as noted earlier, the *number of young people* (especially those between 18 and 24) shrank, which translated almost mechanically into a decline in street crime, since these are the age categories that are, always and everywhere, most inclined to violent law-breaking. This demographic evolution alone accounts for at least one-tenth of the drop in offences against persons during the period under consideration.³⁰ To which one must add, in the case of New York City, the ghoulish statistic of candidates for crime put out of commission by the AIDS pandemic among heroin users (19,000 deaths recorded between 1987 and 1997), those killed by drug overdoses (14,000), gangsters slain by their colleagues (4,150) or put behind bars or deported (5,250), making a total of some 43,000 'trouble-makers' eliminated over a decade, equal to the number of prisoners sent from the city every year to expiate their misdeeds in the penitentiaries that dot the upstate countryside.³¹ The recessive effect of the decrease in the young and criminal population was moreover amplified by a strong *upsurge in immigration*, especially of predominantly feminine migration streams coming from countries such as the Dominican Republic, China, and Russia. Emigrants from these countries arriving in New York during the decade of the 1990s had access to 'ethnic niches' that facilitated their entry into the local economy so that, thanks to their commercial activity and consumption, they revitalized declining districts on the edges of the large black ghettos, enabling their inhabitants to 'reclaim public space and deter outdoor criminal activity'.³²

But economic and demographic causes are not the only ones operating, and one must include, among the forces that have cut crime in the United States, a *learning effect*, christened the 'little-brother syndrome' by criminologists, by virtue of which the new generations of youths born after 1975-1980 drew away from hard drugs and the dangerous life-style associated with them in a deliberate refusal to succumb to the macabre fate they had seen overtake their older brothers, cousins, and childhood friends, fallen on the front line of the 'street wars' of the end of the 1980s: uncontrolled drug addiction, imprisonment for life, violent and premature death.³³ Witness the 'truces' and 'peace treaties' signed by the gangs that controlled the ghettos of Los Angeles, Chicago, Detroit, and Boston in the early 1990s, which sharply reduced the number of homicides of young, poor males. For their part, organizations located inside the zones of relegation of the US metropolis, such as churches, schools, the gamut of associations, neighbourhood clubs, collectives of mothers of child victims of street killings (such as MAD, Mothers Against Drugs, in Chicago, and Mothers ROC, Mothers Reclaim-

ing Our Children, in Los Angeles),³⁴ have mobilized and exercised their capacity for informal social control wherever they still could. Their *awareness and prevention campaigns*, such as operation 'Take Back Our Community' organized by the Grand Council of Guardians (the black police association of New York City), have accompanied and bolstered the spontaneous withdrawal of youths from the predatory economy of the streets. One should underline here, with Benjamin Bowling, the fact that, like the improvement of the economy, these collective initiatives of the residents of poor neighbourhoods have been totally blacked out in the dominant discourse on the fall in criminality in the US, and have even been virulently denigrated by Rudolph Giuliani and William Bratton.³⁵

Finally, the levels of criminal violence recorded by the US at the beginning of the 1990s were *abnormally high* and were therefore very likely to turn downwards again, thanks to the statistical law of regression towards the mean, inasmuch as the factors that had stimulated them to jump outside the norm (such as the initial takeoff in the crack trade) could not persist. By replacing it in the *longue durée* of the twentieth century, the historian Eric Monkkonen has shown how the period 1975-1990 was atypical of the basic trends in violent crime in New York City: between 1900 and 1960 the homicide rate in America's symbolic capital was a notch below the national average; it left this bracket after the race riots of the 1960s to come to rest at three times the country-wide figure, due to the lightning development of a drug economy regulated by armed confrontation; the swift ebb of the decade of the 1990s simply brought it back to around the country average where it had been a quarter of a century earlier.³⁶

The conjunction of these six factors is amply sufficient to explain the decrease in violent crime in the US over the past dozen years. But the long and slow pace of scientific analysis is not the rapid and spasmodic tempo of politics and the media, and Giuliani's propaganda machine pounced on the inevitable lag in criminological research to fill the explanatory gap with its prefabricated discourse on the efficacy of police repression, disinterred as the sole remedy for the congenital carelessness of the dangerous classes. A seductive discourse, since, being framed in the trope of 'responsibility,' it echoes the individualistic and utilitarian thematics carried by the neoliberal ideology now hegemonic on both sides of the Atlantic. But let us admit, for the sake of argument, that the police have indeed had a discernible impact on crime in New York City. The whole question remains to know *how* it could have produced this outcome.

3. BEHIND 'ZERO TOLERANCE,' BUREAUCRATIC REORGANIZATION

According to the planetary mythology diffused by neoliberal think-tanks and their allies in the political and journalistic fields, the New York police laid low the hydra of crime by implementing a very particular policy, called 'zero tolerance', which professes to pursue without fail or respite the most minor infractions committed in public space. Thus since 1993 anyone caught panhandling or loitering in the city, playing their car stereo too loudly, throwing away empty bottles or writing graffiti on the streets, or even violating a mere municipal ordinance, is supposed to be automatically arrested and immediately dispatched behind bars: 'No more D.A.T.s [desk appearance tickets, requiring one to report later to the local police station where charges may then be laid]. If you peed in the street, you were going to jail. We were going to fix the broken windows [i.e., punish the slightest external indicators of disorder] and prevent anyone from breaking them again'. This strategy, claimed its mastermind William Bratton, 'would work in any city in America' and it would work just as well 'in any city in the world'.³⁷

In reality, this policing slogan of 'zero tolerance' – which has gone all the way around the world when, paradoxically, it is scarcely used any longer as a law-enforcement strategy in the US, where even conservative politicians deem it offensive: in New York officials use the more polite expression '*quality-of-life policing*' – is what Kenneth Burke calls a 'terministic screen' that conceals, by the very fact of amalgamating them, several concurrent but quite distinct transformations in day-to-day law-enforcement.³⁸ The New York police department effectively underwent four sets of parallel changes:

(1) a sweeping bureaucratic restructuring, entailing the decentralization of services, the flattening out of hierarchical levels, the lowering of the age of its managers through the on-the-spot firing of three out of every four top-ranking officers, and the devolution of direct responsibility to precinct captains, whose remuneration and promotion depend partly on the crime 'figures' they produce (which creates strong pressure to manipulate statistics, for example by multiplying the number of false arrests);

(2) a stupendous expansion of human and financial resources: the number of uniformed officers leaped from 27,000 in 1993 to 41,000 in 2001, amounting to half as many police as the whole of France for only eight million residents! This growth in personnel was only possible thanks to an increase in the police budget of 50 per cent in five years, which allowed it to top 3 billion dollars in 2000, despite massive cutbacks in local government spending (during the same period, funds for the city's social services were slashed by 30 per cent);³⁹

(3) the deployment of new information technologies, including the famed Compstat programme (a scientific-sounding acronym that tritely means 'computer statistics'), an electronic information and data-sharing system making it possible to track the evolution and distribution of criminal incidents in real time so as to reallocate police forces at top speed to the affected areas; and, finally,

(4) a thoroughgoing review of the objectives and procedures of every service, according to schemas worked out by consultants in 'corporate reengineering,' and the implementation of targeted 'action plans' focused on the possession of firearms, drug dealing in public places, domestic violence, traffic violations, etc.

All in all, a bureaucracy rightly reputed to be cowardly, puffing, and passive, as well as notoriously corrupt and set in the habit of waiting for crime victims to come and file complaints, which it was content to merely record, with a constant concern to make the least possible waves in the media and the courts – this bureaucracy was transmogrified into a veritable simile of a zealous 'security firm,' endowed with colossal human and material resources and an offensive outlook. This much one can grant without contest. But if this bureaucratic mutation had a pronounced impact on crime – and no one has so far succeeded in demonstrating any⁴⁰ – this impact has nothing to do with the particular policing *tactics* adopted by the police at ground level.

4. FROM 'BROKEN WINDOWS' TO 'BREAKING BALLS'

The last worldwide security myth to come from America is no less droll than the previous three. This is the idea according to which the policy of 'zero tolerance,' supposedly responsible for the policing triumph of New York City, rests on a *scientifically proven criminological theory*, the celebrated 'broken-windows theory.' The latter postulates that the immediate and stern repression of the slightest violations or nuisance on the streets stems the onset of major criminal offences by (re)establishing a healthy climate of order – a queer illustration of the popular French adage 'he who steals an egg steals an ox' – by reasserting the norm and dramatizing respect for the law. Now, this so-called theory is in no way scientific, insofar as it was formulated twenty years ago by the ultra-conservative political scientist James Q. Wilson and his acolyte George Kelling (the former chief of police of Kansas City, since converted into a Senior Fellow at the Manhattan Institute) in the form of a short text of nine pages published, not in a criminological journal subject to peer review by competent researchers, but in the cultural magazine *The Atlantic Monthly* (which did not prevent it from being published in French

translation in the official journal of the Institut des Hautes Études de la Sécurité Intérieure in 1999).⁴¹ And it has never received even the beginnings of an empirical verification since then.

In support of the ‘broken windows theory,’ its advocates cite as if by rote the book *Disorder and Decline*, published in 1990 by the Chicago political scientist Wesley Skogan, which traces the causes of, and evaluates the remedies for, social and ecological dislocations in urban areas on the basis of a battery of surveys in forty neighbourhoods in six US cities. But, upon close reading, it turns out that this work shows that it is poverty and racial segregation, and not the climate of ‘urban disorder,’ that are the most potent determinants of crime rates in the metropolis. Moreover, its statistical conclusions have been invalidated due to an accumulation of measurement errors and missing data; and its author himself grants the illustrious ‘broken windows theory’ the status of a mere ‘metaphor’.⁴² Indeed, no study designed to verify the ‘ratchet effect’ postulated by the said theory (according to which the suppression of minor offences would limit the incidence of major ones), such as the survey carried out by Albert Reiss in Oakland, California, and that of Lawrence Sherman in the federal capital Washington, has succeeded in turning up evidence for it. The comparative analysis of systematic data collected in 196 districts of Chicago on the basis of interviews and daily video recordings has even conclusively shown that there exists no statistical relation between the visible indicators of ‘disorder’ in a given area and its crime rates (with the possible and partial exception of burglary).⁴³

When all is said and done, at the end of a painstaking examination of the question, the legal scholar Bernard Harcourt argues that, if the New York police department contributed to the decline in crime, it was not by re-establishing civility and communicating a message of stern refusal of impunity, but by the simple fact of having massively increased the intensity of the surveillance it wields: in 1990 Giuliani’s city had thirty-eight police for every 100,000 inhabitants, as against twice that number ten years later, and their action was strongly targeted on dispossessed populations and districts.⁴⁴ In short, it is the *accentuation and concentration of police and penal repression*, and not the moral mechanism of the restoration of the norm postulated by the so-called theory of Wilson and Kelling, that would account for police effectiveness in the case – itself still hypothetical – where policing would have played a significant role.

But there is a still more comical side to this tale: the adoption of permanent police harassment of the poor in public space by the city of New York had, *on the admission of its own inventors, no link whatsoever with any criminological theory*. The famous ‘broken-windows theory’ was in reality discovered and invoked by city officials only *a posteriori*, in order to dress up in rational garb

measures that were popular with the (mostly white and bourgeois) electorate, but fundamentally discriminatory in both principle and implementation, and to give an innovative spin to what was nothing more than a reversion to an age-old police recipe, periodically put back to work and in fashion. Jack Maple, the 'genius of the war against crime'⁴⁵ and Bratton's right-hand man, who was the initiator of 'quality-of-life policing' in the subway before it was extended to the streets, says so explicitly in his autobiography published in 1999 under the cowboyish title *Crime Fighter*: "'Broken Windows" was merely an extension of what we used to call the "Breaking Balls" theory', issued from conventional police wisdom, which stipulates that if the cops persistently go after a notorious offender for pецadillos he will, for the sake of peace and quiet, end up leaving the neighbourhood to go and commit his lawbreaking somewhere else, so that the local level of crime will diminish. Maple's innovation consisted in 'modernizing' this notion as 'Breaking Balls Plus' (to use his expression), by linking identity checks to judicial data-bases so as to arrest the maximum number of villains sought for other offences or already under judicial supervision via probation or parole.⁴⁶

The architect of Giuliani's policing policy openly sneers at those who believe in the existence of 'a mystical link between minor incidents of disorder and more serious crimes.' The idea that the police could reduce violent crime by cracking down on incivilities seems to him plainly 'sad', and he gives a wealth of examples giving the lie to this preposterous notion, drawn from his professional experience in New York and New Orleans. He even compares a mayor who would adopt such a policing tactic to a doctor who 'give[s] a face-lift to a cancer patient', or an underwater hunter who catches 'dolphins instead of sharks.' And, to avoid all ambiguity, Maple hammers the point home: "'Quality-of-Life Plus" is not "zero tolerance"'. Quite the contrary, it implies precisely directing *police activity to those social categories presumed to be crime vectors* to avoid wasting finite resources of time and law enforcement personnel.⁴⁷

As Maple puts it in his book,

[Following] reports of a dramatic drop in violent crime [in New York], many people credited the 'Broken Windows' notion that the crooks had suddenly taken to the straight and narrow because they had picked up on the prevailing civility vibe. That's not how it works. Rapists and killers don't head for another town when they see that graffiti disappearing from the subway. The average squeegee man doesn't start accepting contract murders whenever he detects a growing tolerance for squeegeeing. Panhandling doesn't turn a neighbourhood into Murder Central.... Quality-

of-life enforcement works to reduce crime because it allows the cop to catch crooks when the crooks are off-duty, like hitting the enemy planes while they're still on the ground.⁴⁸

Jack Maple would no doubt be astonished to read the following statement in 'Memorandum No. 31', drafted by the 'experts' of the very official Institut des Hautes Études de la Sécurité Intérieure, the pseudo-research arm of the French Ministry of the Interior charged with conducting studies justifying the punitive turn of the Plural Left government, to guide mayors in elaborating 'local security contracts' in their city:

American studies have shown that the proliferation of incivilities is nothing but the advance warning sign of a general rise in crime. The initial deviant behaviors, no matter how minor they seem, inasmuch as they become general, stigmatise a neighbourhood, attract other forms of deviance into it, and herald the end of everyday social peace. The spiral of decline is set off, violence takes root, and with it every kind of crime: assaults, burglaries, drug trafficking, etc. (see J. Wilson and T. [sic] Kelling, '*The Broken Windows Theory*').

It is on the basis of these research findings that the New York chief of police put in place a battle strategy called 'zero tolerance' against the authors of incivilities, which seems to have been one of the causes of the very marked reduction of crime in that city.⁴⁹

One finds it hard to curb a mounting *sentiment of incredulity* in the face of such an outpouring of falsehoods, to not say transatlantic tripe, and the shameful credulousness to which they attest. For the tactic of permanent police persecution of the poor in the streets implemented in New York is nothing other than the systematic and deliberate application of folk 'theories' based on the professional common sense of policemen. It pertains not to criminology but to 'crookology,' as Jack Maple would say (he was fond of defining himself as a 'crookologist'). But, precisely, such common sense does not, in this instance, make much sense. A rigorous and thorough evaluation, by two of the country's best specialists, of the scientific inquiries conducted in the US over the past twenty years, with the aim of testing the effectiveness of the police in the fight against crime, concludes, soberly, that neither the number of officers thrown into the battle; nor internal changes in the organization and culture of law-enforcement agencies (such as the introduction of community policing); nor yet strategies that target places and groups

with a strong criminal propensity (with the 'possible and partial exception' of programmes aimed at outside drug trafficking) have by themselves any impact on the evolution of offences.⁵⁰ In a final irony, among all the various police tactics reviewed, the authors spotlight 'Compstat' and 'zero tolerance' as 'the least plausible candidates for contributing to the reduction of violent crime' in urban America, and they conclude: 'There is one thing that is a myth: [that] the police have a substantial, broad, and *independent* impact on the nation's crime rate'.⁵¹

Like Russian dolls, these four scholarly myths from across the Atlantic nest into each other so as to form a kind of logical chain, with the air of a syllogism, making it possible to justify without resistance the adoption of an aggressive policy of 'class cleansing' of city streets. This policy is fundamentally discriminatory in that it rests on an equivalence between behaving outside the norm and being an outlaw, and it targets neighbourhoods and populations suspected beforehand, if not held guilty on principle, of moral deficiencies, nay legal offences. If it is true that US society, for so long 'supercriminal,' has been pacified by the action of the police just when other countries have been struck full force by an 'explosion' of crime; and that New York City, the Mecca of the new US policing religion, has crushed criminal violence thanks to its policy of 'zero tolerance'; and that this policy itself was articulated in conformity with a sound criminological theory ('broken windows'); then indeed how could one not rush to import these notions and instigate the measures for which they seemingly supply a rational foundation? In reality the four key propositions of the new 'made-in-USA' security vulgate are devoid of any scientific validity, and their practical efficacy rests on a collective faith without foundation in reality. But, strung to one another, they function as a planetary launching pad for an intellectual hoax and an exercise in political legerdemain which, by giving a pseudo-academic warrant to sweeping police activism, contribute powerfully to legitimating the shift towards the penal management of social insecurity that is everywhere being generated by the social and economic disengagement of the state.

NOTES

This text is abridged and adapted from chapter 8 of Loïc Wacquant, *Punishing the Poor: The New Government of Social Insecurity*, Durham and London: Duke University Press, in press.

- 1 Loïc Wacquant, 'The Penalisation of Poverty and the Rise of Neoliberalism,' *European Journal of Criminal Policy and Research*, special issue on 'Criminal Justice and Social Policy,' 9(4), Winter 2001, pp. 401-412; and the issue of *Déviance et société* on the theme of 'Urban Disorders: Sociological Perspectives,' December 2000, pp. 24-4.
- 2 Jean-Luc Le Toqueux and Jacques Moreau, 'Les zones urbaines sensibles. Forte progression du chômage entre 1990 et 1999,' *INSEE Première*, October 2000, p. 334.
- 3 For a gripping account of the conditions of routine superexploitation of the 'floating' labour force, read Daniel Martinez, *Carnets d'un intérimaire*, Marseilles: Agone, 2002; on the repression by employers of the attempts at mobilization of this deskilled workforce, young and often issued of recent immigration, see Abdel Mabrouki and Thomas Lebègue, *Génération précaire*, Paris: Le Cherche-Midi, 2004.
- 4 On the social and political bases of the growing split between the governmental left and the working-class electorate, read Olivier Masclat, *La Gauche et les cités. Enquête sur un rendez-vous manqué*, Paris: La Dispute, 2003.
- 5 Annie Collovald, *Violence et délinquance dans la presse. Politisation d'un malaise social et technicisation de son traitement*, Paris: Editions de la DIV, 2000, and Serge Halimi, 'L'insécurité' des médias,' in Gilles Sainati and Laurent Bonelli, eds., *La Machine à punir*, Paris: L'Esprit frappeur, 2001, pp. 203-234.
- 6 [Translator] 'Supervoleur' is a derivation of 'Supermenteur' ('Superliar'), the television character decked out in cape and mask featuring Chirac as an inveterate liar on the daily political muppet show *Les Guignols de l'Info* (shown daily at 8 pm on the main cable station Canal Plus).
- 7 Jean-Claude Chesnais, *Histoire de la violence en Occident de 1800 à nos jours*, Paris: Pluriel, 1981, p. 431.
- 8 See the two issues of *Actes de la recherche en sciences sociales* devoted to 'L'exception américaine' (nos. 138 and 139, June and September 2001).
- 9 Pierre Bourdieu, *Ce que parler veut dire*, Paris: Fayard, 1982, p. 228.
- 10 The title of the article in *Le Figaro*, 18 June 2001, deserves to be quoted in full: 'The stunning results of a comparison between the criminal statistics of the [French] Ministry of the Interior and those of the FBI: France is more criminogenic than the United States.' Stunning indeed since this comparison is devoid of validity – a fact that even Bauer implicitly acknowledges when he concedes that 'the statistical design [used] is random, relative, partial, fragmented, and biased'! On the rise of these new consultants-advisers on security, bogus researchers and true

- propagandists and salesmen, see Pierre Rimbart, 'Les nouveaux managers de l'insécurité: production et circulation d'un discours sécuritaire,' in *La Machine à punir*, op. cit., pp. 161-202.
- 11 The International Crime Victimization Survey (of whose existence Alain Bauer, like the leading government experts on this matter, seems utterly unaware) is a questionnaire survey of households conducted about every four years since 1989 by criminologists at the University of Leiden under the aegis of the Dutch Ministry of Justice and the United Nation's Interregional Criminological Justice Research Institute (based in Rome). It measures and compares the prevalence, incidence, and evolution of rates of victimization in some fifteen advanced countries.
 - 12 This point is underlined by Leena Kurki, 'International Crime Survey: American Rates About Average,' *Overcrowded Times*, 8(5), 1997, pp. 4-7, and Michael Tonry and Richard S. Frase, eds., *Sentencing and Sanctions in Western Countries*, New York: Oxford UP, 2001, pp. 12-14.
 - 13 John van Kesteren, Pat Mayhew and Paul Nieuwebeerta, *Criminal Victimization in Seventeen Industrialized Countries: Key Findings from the 2000 International Crime Victims Survey*, The Hague: WODC, Ministry of Justice, 2000.
 - 14 Franklin E. Zimring and Gordon Hawkins, *Crime is Not the Problem: Lethal Violence in America*, New York: Oxford UP, 1997.
 - 15 Douglas Massey, 'Getting Away with Murder: Segregation and Violent Crime in Urban America,' *University of Pennsylvania Law Review*, 143(5), May 1995, pp. 1203-1232; Lauren Krivo and Ruth D. Peterson, 'Extremely Disadvantaged Neighbourhoods and Urban Crime,' *Social Forces*, 75(2), December 1996, pp. 619-50; and Garen Wintennute, 'Guns and Gun Violence,' in Alfred Blumstein and Joel Wallman, eds., *The Crime Drop in America*, New York: Cambridge UP, 2000, pp. 45-96.
 - 16 Laurent Mucchielli, *Violences et insécurité. Fantasmés et réalités dans le débat français*, Paris: La Découverte, 2001, pp. 67 and 61.
 - 17 See van Kesteren, Mayhew and Nieuwebeerta, *Criminal Victimization in Seventeen Industrialized Countries*, op. cit., Table 2, pp. 180-1. Incidence is measured by the total number of victimizations reported per 100,000 residents; it is superior to prevalence (the percentage of inhabitants who have suffered at least one attack), since the same person may have been the victim of several crimes in the course of the year.
 - 18 It is this neoconservative institute, founded by Anthony Fischer (Margaret Thatcher's mentor), that canonized the 'broken-windows theory' and the policy of 'zero tolerance,' and then pushed for their export to Europe and Latin America, after having (successfully) campaigned for

- the dismantling of public aid during the 1980s (Loïc Wacquant, *Les Prisons de la misère*, Paris: Raisons d'agir Éditions, 1999, pp. 14-22).
- 19 George L. Kelling and William H. Souza, *Does the Police Matter? An Analysis of the Impact of NYC's Police Reforms*, New York: Manhattan Institute, Civic Report no. 22, December 2001.
 - 20 Jeffrey Fagan, Franklin Zimring and June Kim, 'Declining Homicide in New York City: A Tale of Two Trends,' *Journal of Criminal Law and Criminology*, 88(4), Summer 1998, pp. 1277-1324; and Alfred Blumstein and Richard Rosenfeld, 'Explaining Recent Trends in U.S. Homicide Rates,' *ibid.*, pp. 1175-1216.
 - 21 Judith A. Greene, 'Zero Tolerance: A Case Study of Police Policies and Practices in New York City,' *Crime and Delinquency*, 45(2), April 1999, pp. 171-187; Khaled Taqi-Eddin and Dan Macallair, *Shattering 'Broken Windows': An Analysis of San Francisco's Liberal Crime Policies*, Washington: Justice Policy Institute, 1999; and Loïc Wacquant, 'Mister Bratton Goes to Buenos Aires. Prefacio à la edición para América latina,' in *Las Cárceles de la miseria*, Buenos Aires: Ediciones Manantial, 2000, pp. 11-17.
 - 22 Benjamin Bowling, 'The Rise and Fall of New York Murder: Zero Tolerance or Crack's Decline?,' *British Journal of Criminology*, 39(4), Autumn 1999, pp. 531-54; Robert Panzarella, 'Bratton Reinvents "Harassment Model" of Policing,' *Law Enforcement News*, 15-30 June 1998, pp. 13-15.
 - 23 Marc Ouimet, 'Oh, Canada! La baisse de la criminalité au Canada et aux États-Unis entre 1991 et 2002,' *Champ pénal*, 1(1), January 2004 (available at <http://champpenal.revues.org/document11.html>)
 - 24 Richard B. Freeman, 'Does the Booming Economy Help Explain the Drop in Crime?,' in *Perspectives on Crime and Justice: 1999-2000 Lectures Series*, Washington: US Department of Justice, 2000.
 - 25 Andrew Karmen, *New York Murder Mystery: The True Story Behind the Crime Crash of the 1990s*, New York: New York UP, 2001, pp. 209-13.
 - 26 Jared Bernstein and Ellen Houston, *Crime and Work: What We Can Learn from the Low-Wage Labor Market*, Washington: EPI Books, 2000.
 - 27 One will find a gripping description of the day-to-day operation of the crack trade in East Harlem in Philippe Bourgois, *In Search of Respect: Selling Crack in El Barrio*, New York: Cambridge UP, 1995, and, from the viewpoint of the police, in Robert Jackall, *Wild Cowboys: Urban Marauders and the Forces of Order*, Cambridge: Harvard UP, 1997.
 - 28 Bruce A. Jacobs, *Robbing Drug Dealers: Violence Beyond the Law*, New York: Aldine de Gruyter, 2000.

- 29 Daniel Cork, 'Examining Space-Time Interaction in City-Level Homicide Data: Crack Markets and the Diffusion of Guns Among Youth,' *Journal of Quantitative Criminology*, 15, 1999, pp. 379-406; Benjamin Bowling, 'The Rise and Fall of New York Murder,' op. cit.; and Bruce D. Johnson, Andrew Golub and Eloise Dunlap, 'The Rise and Decline of Hard Drugs, Drug Markets, and Violence in Inner-City New York,' in Blumstein and Wallman, *The Crime Drop in America*, op. cit., pp. 164-206.
- 30 James Alan Fox, 'Demographics and U.S. Homicide,' in Blumstein and Wallman, *The Crime Drop in America*, op. cit., pp. 288-317.
- 31 Karmen, *New York Murder Mystery*, op. cit., pp. 242-3.
- 32 Ibid., p. 225: 'The largely unplanned social experiment in multiculturalism of bringing together people speaking 121 different languages seems to have worked out very well, in the sense that it put a brake on spiraling crime rates and even helped turn the tide.'
- 33 Richard Curtis, 'The Improbable Transformation of Inner-City Neighbourhoods: Crime, Violence, Drugs, and Youth in the 1990s,' *Journal of Criminal Law and Criminology*, 88(4), Summer 1998, pp. 1233-76; and Johnson, Golub and Dunlap, 'The Rise and Decline of Hard Drugs, Drug Markets, and Violence in Inner-City New York,' op. cit.
- 34 Mary Pattillo, 'Sweet Mothers and Gangbangers: Managing Crime in a Black Middle-Class Neighbourhood,' *Social Forces*, 76(3), March 1998, pp. 747-74, and Ruth Wilson Gilmore, 'You Have Dislodged a Boulder: Mothers and Prisoners in the Post-Keynesian California Landscape,' *Transforming Anthropology*, 8(1/2), 1999, pp. 12-38.
- 35 Bowling, 'The Rise and Fall of New York Murder,' op. cit.
- 36 Eric Monkkonen, *Murder in New York City*, Berkeley: University of California Press, 2001.
- 37 William W. Bratton and Peter Knobler, *Turnaround: How America's Top Cop Reversed the Crime Epidemic*, New York: Random House, 1998, pp. 229 and 309. *Turnaround* is the 'autobiography' in which Bratton offers a paean to his own life with the help of a journalist specialized in rose-coloured biographies of sporting and political stars, and for which he received the tidy advance of \$375,000. After being fired unceremoniously by Rudolph Giuliani (who deemed the popularity of his chief of police excessive in relation to his own), Bratton converted into an international 'consultant in urban security' in order to better sell his expertise in the four corners of the planet to which he was summoned by politicians anxious to demonstrate publicly their resolve to combat crime. In 2002, he was named Chief of the Los Angeles Police Department but, curiously, 'zero tolerance' is invisible in his reorganization of policing there.

- 38 E.B. Silverman and P. O'Connell, 'Organizational Change and Decision Making in the New York City Police Department,' *International Journal of Public Administration*, 22(2), 1998, pp. 217-259, and Karmen, *New York Murder Mystery*, op. cit., chapter 3.
- 39 Citizens Budget Commission, *New York City and New York State Finances, Fiscal Year 1999-2000*, New York: Five-Year Pocket Summary, CBC, 2000. During his second term of office, for example, Rudolph Giuliani allocated \$80 million to a programme called 'Operation Condor' that allowed city police to work a sixth day of overtime every week. Meanwhile the municipal libraries cut back their opening hours and services due to a budget shortfall of \$40 million (equivalent to one-sixth of their funding).
- 40 Based on a painstaking examination of all available police and court data Karmen found, for instance, that contrary to the claims of city officials, the new police tactics implemented under Giuliani did not produce an increase in arrests for firearms possession nor a rise in the rate of clearance of crime complaints, any more than they led to an improvement in other commonly used indicators of the preventive or repressive efficacy of the police (Karmen, *New York Murder Mystery*, op. cit., pp. 263-4).
- 41 James Q. Wilson and George Kelling, 'Broken Windows: The Police and Neighbourhood Safety,' *Atlantic Monthly*, 249, March 1982, pp. 29-38.
- 42 Loïc Wacquant, 'Désordre dans la ville,' *Actes de la recherche en sciences sociales*, 99, September 1993, pp. 79-82 (a critical dissection of Wesley Skogan, *Disorder and Decline*, New York: Free Press, 1990); Bernard E. Harcourt, 'Reflecting on the Subject: A Critique of the Social Influence Conception of Deterrence, the Broken Windows Theory, and Order-Maintenance Policing New-York Style,' *Michigan Law Review*, 97(2), November 1998, pp. 291-389; Wesley G. Skogan, 'Review of George Kelling and Catherine M. Coles, *Fixing Broken Windows: Restoring Order and Reducing Crime in Our Communities* (1996),' *American Journal of Sociology*, 103(2), September 1997, pp. 510-2.
- 43 Albert J. Reiss, Jr., *Policing a City's Central District: The Oakland Story*, Washington: National Institute of Justice Research Report, April 1985; Lawrence Sherman, 'Police Crackdowns: Initial and Residual Deterrence,' *Crime and Justice: A Review of Research*, 12, 1990, pp. 1-48; Robert J. Sampson and Stephen W. Raudenbush, 'Systematic Social Observation of Public Spaces: A New Look at Disorder in Urban Neighbourhoods,' *American Journal of Sociology*, 105(3), November 1999, pp. 603-51.

- 44 Bernard Harcourt, *Illusions of Order: The False Promise of Broken Windows Policing*, Cambridge: Harvard UP, 2001.
- 45 According to the title conferred by Rudolph Giuliani at the official funeral given by the city to Jack Maple: 'Master Crime Fighter Given Eulogy to Match his Success,' *New York Times*, 10 August 2001.
- 46 Jack Maple and Chris Mitchell, *The Crime Fighter: How You Can Make Your Community Crime-Free*, New York: Broadway Books, 1999, pp. 152-3.
- 47 'The units enforcing quality-of-life laws must be sent where the maps [distributing the statistics of recorded offenses] show concentrations of crimes and criminals, and the rules governing the stops have to be designed to catch the sharks and not the dolphins' (Maple and Mitchell, *Crime Fighter*, op. cit., pp. 154-5).
- 48 Ibid., p. 154-5.
- 49 Institut des Hautes Études de la Sécurité Intérieure, *Guide pratique pour les contrats locaux de sécurité*, Paris: La Documentation française, 1997, pp. 133-4. 'Local security contracts' are compacts made by a city with the central government to activate and coordinate crime prevention and repression strategies in targeted domains and neighbourhoods.
- 50 John E. Eck and Edward R. Maguire, 'Have Changes in Policing Reduced Violent Crime?,' in Blumstein and Wallman, *The Crime Drop in America*, op. cit., pp. 207-65, who insist: 'The most plausible hypothesis is that these police actions interacted with other criminal justice policies (such as imprisonment) and social forces (such as the aging of the population or the decline of outside retail drug markets)... Some form of interaction is more plausible than a claim that changes in policing were the sole or greatest contributor to the drop in violent crime' (pp. 245 and 248).
- 51 Ibid., p. 249.