Ferguson and the New Black Condition in the United States

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Michael Brown's death and the Ferguson unrest signal a change in the condition of Black people in American society since 2000. This new condition is marked by the culmination of the penal state's power over Black people's lives, and an increase in socio-economic inequalities between races.

The kind of riots that took place in Ferguson had not been seen since the 1992 Los Angeles riots. They signalled the end of the longest period of racial peace in the United States since the Second World War and showed how the situation for black communities over the past ten years has transformed. First, the period from 2000 to 2010 marked a peak in the process of penalisation and police control of the lives of black people. Second, during that decade the position held by blacks in American society stagnated and even regressed. In contrast with the myth of post-racial society, the place of blacks is now characterised by persistent inequality, the causes of which have shifted.

The case of Michael Brown, a black teenager who was unarmed and shot six times by a white police officer in Ferguson (Missouri, August 9, 2014), is not isolated. Similar events have taken place over the last twenty years. The most publicized were those of Amadou Diallo in 1999 and Sean Bell in 2006. In 2012, Trayvon Martin was shot by a neighborhood watch coordinator. In July 2014, Eric Garner died after being restrained with a chokehold. American police on average kill at least 400 people a year (four times more than the number executed). An analysis of 2012 data suggests that blacks are more often the victims of police homicides, even more so when circumstances do not appear to justify the use of lethal force[1]. American police kill far more than European police: British and Japanese police did not kill anyone last year, and German police only killed 8 people[2]. (The data is not made public in France.) The fact that guns are more readily available to American citizens makes the police profession more dangerous, and the "rules of engagement" are far less strict than in Europe. From a legal (and *situational*) viewpoint, each police homicide is a distinct, specific incident with its own contingent chain of events that usually leads to light sentences or acquittals. From a structural point of view, police homicides are not unfortunate coincidences. David Johnson and Robert O'Brien investigated fatal incidents in 170 American towns between 1980 and 1986; they showed that the income gap between blacks and whites is a reliable predictor of police homicides[3]. There is a statistical link between racial inequality and police killings.

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[1] "What we know about who police kill in America", Vox, August 21st, 2014.

[2] "Overkill. Police in Missouri suburb demonstrate how not to quell a riot", The Economist, August 23rd, 2014.

[3] Jacobs, D. & R.M. O'Brien (1998). "The Determinants of Deadly Force: A Structural Analysis of Police Violence", *American Journal of Sociology*, 103(4), 837-862.

The prison state against Black people

Michael Brown's death triggered a protest movement that lasted almost two weeks and led to the arrests of more than 160 demonstrators and around 15 journalists, as well as a curfew and the intervention of the National Guard. In the United States, demonstrations are not considered by the state a legitimate means of political expression, and their suppression almost inevitably turns them into riots. In 1932, a demonstration by veterans – the Bonus Army – was quashed by a cavalry charge, with fixed bayonets, led by General MacArthur, leaving four dead and more than 1000 injured. During the civil rights movement of the 1960s, young whites who had joined demonstrations alongside blacks were shocked at the violence of police repression (attack dogs and water canons were used). This led to the emergence of an interracial coalition asking for integration. Police repression of the Occupy movement in 2011 was brutal[4], the symbol being the gratuitous pepper-spraying of students at the University of California, Davis.

The violent repression of the Ferguson demonstrations should be resituated in an institutional context. There are more than 18,000 police services in the United States, divided between city, county, state and federal government. Each one has its own hierarchy, budget and human resources. City police are responsible for managing riots, but they are not trained for the task. American police forces are often made up of army veterans who are worried about the weapons that criminals may be carrying; considerable sums of money are spent on military equipment (grenade launchers, machine guns, armored vehicles and so on), which are deployed when a situation gets out of hand[5].

During the 1990s, the American police forces received vast amounts of funds to carry out "community policing" (12 billion dollars between 1994 and 2010). An entire academic industry has built up around the analysis of the rise of community policing, which is supposed to improve police accountability and bring the police closer to the public and local democracy. With this funding, American police forces invested heavily in military equipment and special SWAT-style units rather than carrying out actual community policing[6]. In theory, SWAT teams are meant to focus on the most dangerous operations. However, these units are increasingly being deployed – since they are available and over-equipped – for routine operations: small-scale drug dealers, noisy parties and underground gambling rings. SWAT team raids have become increasingly common in people's homes. Despite very strict laws controlling police invasions of homes[7], SWAT team raids, in particular "no-knock" raids (when no prior warning is given), have become routine, with all the possible repercussions (blundered operations, abuses of power, pets being shot, destruction of furniture, psychological trauma, etc.). In 2003, the chief of the New York police estimated that of the 450 raids carried out

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[4] Michael Greenberg, "New York: The Police and the Protesters", *New York Review of Books*, October 21st, 2012.

[5] Balko, R. (2013). *Rise of the Warrior Cop: The Militarization of America's Police Forces*, New York: Public Affairs.

[6] Kraska, P. B., & Kappeler, V. E. (1997). "Militarizing American Police: The Rise and Normalization of Paramilitary Units", *Social Problems*, 44 (1): 1-18.

[7] The inviolable nature of the home is a founding principle of Western legal tradition. Cicero said, "What is more sacred and more inviolable than the house of each Citizen?" Two thousand years later, Louis Brandeis, a Supreme Court judge, cited it as "the most comprehensive of rights, and the right most valued by civilized men" (Olmstead v. United States, 1928). See Balko, *op.cit*.

each month by the NYPD, 10% broke down the wrong door[8]. All of this happens more often in black neighborhoods.

Statistical anticipation of crime

According to the police, the officer's attention was first drawn to Michael Brown when he committed the "crime" of jaywalking. Why do American police take an interest in such minor offenses? The answer is that they implement strategies based on the statistical regularities of crime. These strategies are known as CompStat policing. CompStat marks the introduction of new public management principles in the police force[9]. CompStat is basically a change in the performance indicators used to assess the performance of chiefs of police. Crime rate reduction has become the sole indicator of police performance. This change of indicators is based on the intensive use of computerised statistics, particularly the use of criminal mapping, allowing police managers to predict the spatial occurrence of crimes. With the help of mapping software, police officers identify hotspots that encourage crime and allocate human resources with the aim of arresting as many "potential suspects" as possible. Any individual who passes through the area and commits a minor offense is arrested "preventively", that is, *before* a serious crime has been committed. Police officers know there is a high chance that one of the individuals arrested and removed from the public space would have gone on to commit a more serious crime. Precinct commanders with poor statistics lose their command. Between 1994 and 1995, William Bratton, Rudy Giuliani's legendary police commissioner, replaced *three-quarters* of his precinct commanders. CompStat constitutes a managerial reorganization of the police according to the "what gets measured gets done" principle. Under pressure from the logic of performance indicators, police officers stop and frisk minority young men in massive numbers. In order to satisfy performance indicators, the police must succeed in getting young blacks to toe the line, particularly when dispersing crowds, and so resort to intimidation and violence[10]. In return, young blacks loathe the persistent police pressure, and teens teach younger children to be wary of the erratic, irrational violence of police officers[11].

This strategy is controversial because of its racial bias, but it has the support of the entire political class. Combined with mass incarceration, it is effective at fighting crime: in large cities, the crime rate has dropped between 50% and 80%[12]. Even Bill de Blasio, the new mayor of New York City who campaigned against the strategy, takes an ambiguous position. He called on William Bratton as Police Commissioner, who introduced CompStat under Giuliani's administration, with the mandate to maintain police efficiency while lessening the most harmful effects of such constant policing on the lives of young black men.

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[8] *Ibid.,* p. 266.
[9] Willis James J., Stephen D. Mastrofski and David Weisburd 2007, "Making Sense of COMPSTAT: A Theory-Based Analysis of Organizational Change in Three Police Departments", *Law and Society Review*, 41 (1), pp. 147-188.
[10] Moskos, P. (2008). *Cop in the Hood: My Year Policing Baltimore's Eastern District*, Princeton: Princeton University Press.
[11] Harding, D. J. (2009). "Violence, Older Peers, and the Socialization of Adolescent Boys in Disadvantaged Neighborhoods", *American Sociological Review*, *74*(3), 445-464.
[12] See for example Zimring, F. E. (2011). *The City That Became Safe: New York's Lessons For Urban Crime and Its Control*, Oxford University Press. See also the critical review by Jacques de Maillard.

Since 1993, crime rate has plummeted in American cities, while the prison population has increased five-fold in 20 years. Today, more than 2.2 million people are in prison, 45% of whom are black. In 2007, around one third of all black men aged between 20 and 30 were either in prison or on parole[13]. The prison population is so large that more than 600,000 people are released from prison every year; in New York, the figure is more than 300 people a day. Mass incarceration has had devastating effects in black neighbourhoods, where former prisoners are excluded from the labour market[14] and black teenagers with no qualifications have a 50% chance of going to prison during their adult life[15]. Prison, police surveillance and legal supervision now structure the lives of entire generations of black American men, as Alice Goffman shows in her fieldwork[16]. The penal state's power over people destroys families and breaks up the fabric of communities: it also tends to distance the institutions that take care of the very poorest members of society (hospitals, social services) from their normal clients, who fear that any contact with an these institutions will result in a prison sentence[17].

A deceptive period of calm

In the light of these changes, the question is why were there so few large-scale demonstrations protesting against this punitive regime? While scandals involving deaths of unarmed blacks are frequent, such demonstrations, whether or not they are subsequently labelled as "riots", have become rare in the United States in the past thirty-five years. During the 1960s and 1970s, race riots were extremely common, giving rise to a scholarship on the spread of protest movements from city to city[18]. Between 1980 and 2014, however, only the cities of Miami (1980), Los Angeles (Watts) (1992), New York (Crown Heights) (1992) and Ferguson (2014) experienced riots of a similar scale and duration as those of previous decades. Three reasons can explain this surprising and apparent appeasement of racial tensions over the last 30 years[19]. First, the Black-White residential segregation process was carried out during the 1960s, limiting risky contact between Blacks and Whites in the decades that followed. While southern states established the domination of Whites over Blacks in the first half of the 20th century through the systematic regulation of interracial contact (known as the Jim Crow system[20]), the northern states perpetuate racial domination through geographical separation. Vast black ghettos sprang up in the North, minimising contact between

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[13] Tonry, M. (2009). "Explanations of American Punishment Policies: A National History", *Punishment & Society*, 11 (3), p. 377-394.

[14] Visher, C. A., & Travis, J. (2003). "Transitions From Prison to Community: Understanding Individual Pathways", *Annual Review of Sociology*, 89-113. See also David J. Harding, Jeffrey D. Morenoff, and Claire Herbert, 2013. "Home is Hard to Find: Neighborhoods, Institutions, and the Residential Trajectories of Returning Prisoners", *Annals of the American Academy of Political and Social Science,* 647: 214-236. See also the review in French by Nicolas Duvoux, "Prison : le contre-exemple américain", *Le Monde*, 8 July 2014.

[15] Pettit, B., & Western, B. (2004). "Mass Imprisonment and the Life Course: Race and Class Inequality in US Incarceration", *American Sociological Review*, *69*(2), 151-169.

[16] Goffman, A. (2014). *On the Run: Fugitive Life in an American City*, Chicago: University of Chicago Press. See also Nicolas Duvoux's review of an article by Goffman on the *Vie des idées* website.

[17] Brayne, S. (2014). "Surveillance and System Avoidance: Criminal Justice Contact and Institutional Attachment", *American Sociological Review*, 79 (3): 367-391. See also Megan Comfort on the disappearance of communities: "Punishment Beyond the Legal Offender", *Annual Review of Law and Social Science*, 2007, 3: 271-96.

[18] United States. National Advisory Commission on Civil Disorders"; Kerner, O. (1968). *Report of the National Advisory Commission on Civil Disorders, March 1, 1968*. US Government Printing Office.

[19] Katz, M.B. 2008. "Why Don't American Cities Burn Very Often?", *Journal of Urban History*, Vol. 34, No. 2, pp. 185-208.

[20] See Woodward, C. V. (2001). *The Strange Career of Jim Crow*, Oxford: Oxford University Press.

different races[21]. The fact remained that Blacks who have the strongest faith in the legitimacy of the social order and the possibility of Blacks' economic advancement, were also the most isolated, socially and spatially, from the White society[22].

Second, racial peace since 1980 has come about through the attribution of budgets and municipal powers to local organizations, which has enabled the cooptation of Black elites in local governments[23]. Following the riots of the 1960s and the social programs implemented by the Johnson administration (War on Poverty,1965), White elites governing large cities allocated funds to non-profit organizations that were established and run locally to deliver social services that had previously been provided by white social workers (training and job placement, family and health benefits, homeless shelters, subsidized housing, etc.)[24]. Unexpectedly, the taxation crisis in America in the 1970s and the conservative backlash during the 1980s reinforced the disengagement of city and state governments and the role of these local organizations in low-income minority neighborhoods[25]. The emergence of private foundations during the 1980s made new sources of income available to these local actors. In minority neighborhoods, a new social stratum emerged, made up of brokers – that is, intermediaries between resources held by local white authorities and the populations of segregated neighborhoods. Weak forms of patronage, and therefore relations of dependence, were created between brokers and the local populations[26]. In the media, these brokers were often referred to as "community leaders" – a euphemism that masked the power relations they maintained with residents and the how this mode of delivering resources legitimized the overall social order.

Lastly, the establishment of a Black middle class from the 1970s to the 2000s legitimized the racial order, while a considerable section of the black population grew poorer. William Julius Wilson explores the division of the black population into two polarized classes in his scholarship: on one hand, a formerly working-class Black population experiencing long-term unemployment and living in pockets of concentrated poverty; on the other hand, Black families who benefited from opportunities for upward mobility, following the victories of the civil rights movement and affirmative action policies[27].

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[21] Hirsch, A. R. (2009). *Making the Second Ghetto: Race and Housing in Chicago 1940-1960*, Chicago: University of Chicago Press; Massey, D. S. (1993). *American Apartheid: Segregation and the Making of the Underclass*, Cambridge (Mass.): Harvard University Press.

[22] Young, A. A. (2006). *The Minds of Marginalized Black Men: Making Sense of Mobility, Opportunity, and Future Life Chances*, Princeton: Princeton University Press.

[23] Katznelson, I. (1981). *City Trenches: Urban Politics and the Patterning of Class in the United States*, Chicago: University of Chicago Press.

[24] The hatred felt by WASP social workers can be felt in a diverse range of books such as *The Autobiography of Malcolm X* and *Street Corner Society* by William F. Whyte; Malcolm X., Haley, A., & Davis, O. (1992). *The Autobiography of Malcolm X* (p. 310), New York: Ballantine Books; Whyte, W. F. (2012). *Street Corner Society: The Social Structure of an Italian Slum*, Chicago: University of Chicago Press.

[25] DeFilippis, J., & Saegert, S. (ed.) (2013). *The Community Development Reader*, New York: Routledge.

[26] Marwell, Nicole P. 2007. *Bargaining for Brooklyn. Community Organizations in the Entrepreunarial City*, Chicago: University of Chicago Press; Pattillo, M. (2007). *Black on the Block. The Politics of Race and Class in the City*, Chicago: Chicago University Press; Venkatesh, S. A. (2006). *Off the Books*, Cambridge (Mass.): Harvard University Press.

[27] Wilson, W. J. (1978). *The Declining Significance of Race: Blacks and Changing American Institutions*, Chicago: University of Chicago Press; Wilson, W. J. (1987). *The Truly Disadvantaged. The Inner City, the Underclass and Public Policy*, Chicago: University of Chicago Press; Wilson, W. J. (1996). *When Work Disappears. The World of the New Urban Poor*, Chicago: University of Chicago Press.

Losing status in the 2000s

Up to this point, these forces had limited Blacks' resentment of police and the penal system's growing influence over their daily lives. During the 2000s, however, these forces diminished. Between 2000 and 2010, blacks experienced the illusion of economic prosperity, fuelled by easy credits, and a real loss of social position. Between 1960 and 2000, Blacks benefited from a catch-up effect, as the average salary of Blacks increased more quickly than the average salary of Whites. Between 2000 and 2010, however, this trend reversed and the income gap grew wider. At the same time, the rate of homeownership and household consumption among blacks continued to rise until 2004, reaching historic levels. This can be explained by the large-scale loosening of credit for black families. In fact, this seemingly cheap credit came at a high price and contractual terms were often fraudulent[28]. This had disastrous consequences for a section of the Black middle-class. Subprime credit lenders primarily targeted Black households whose occupants were older, well-off and already owned a property. From this social stratum, credit consumption spread among the populations of these areas. The credit crisis started earlier in Black areas (2006) than in the rest of the country (2008), and many Black families lost the few assets they had acquired. After 2008, the rate of homeownership fell much faster among Blacks than among Whites. The subprime crisis therefore deepened wealth inequalities between races; in 2010, Black households were, on average, ten times poorer than White households, whereas the average income for Black households was "only" 25% less than that of Whites. In an American society where the cost of education, healthcare and housing have increased faster than the GDP, becoming unaffordable for families with two average incomes, the lack of wealth is a major hindrance for upwardly mobility or for maintaining a middle class status – a phenomenon that Elizabeth Warren (now a left-wing senator for the Democratic party) has called the "two-income trap"[29]. Inequality in college graduation between Whites and Blacks is explained by the homeownership gap, more than by the income gap. Ultimately, the period from 2000 to 2010 was, for Black families, a time during which they lost their social position after 40 years of economic progress[30].

Faced with these disappointments, the Black middle class has become increasingly sceptical of the process toward racial integration[31]. Segregation rates in cities have dropped slightly over the past 30 years, but it will take another three generations before equal spatial distribution can be achieved[32]. While cases of discrimination are a permanent feature of the American real estate market (almost half

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[28] Rugh, J. S., & Massey, D. S. (2010). "Racial Segregation and the American Foreclosure Crisis", *American Sociological Review*, *75*(5), 629-651. See also Squires, G. D., Hyra, D. S., & Renner, R. N. (2009, November). "Segregation and the Subprime Lending Crisis", 2009 Federal Reserve System Community Affairs Research Conference.

[29] Warren, E., & Tyagi, A. W. (2003). *The Two-Income Trap: Why Middle-Class Mothers and Fathers Are Going Broke*, New York: Basic Books.

[30] Edsall, T. "Ferguson, Watts, and a Dream Deferred", *New York Times*, 20 August 2014. See also Shapiro, T., Meschede, T., and Osoro, S. "The Widening Racial Wealth Gap: Why Wealth is Not Color Blind", in Reid Cramer and Trini Williams Shanks (eds.), *The Asset Perspective*, New York: Palgrave Macmillan, 2014.

[31] Hochschild, J. L. (1996). *Facing Up to the American Dream: Race, Class, and the Soul of the Nation*, Princeton: Princeton University Press.

[32] Logan, J. Sults B. (2011) *The Persistence of Segregation in the Metropolis: New findings of the 2010 Census*, Census brief prepared for Project US2010.

of all cases for Black families)[33], racial preferences of Blacks and Whites limit the prospects for integration in American cities. On one hand, whites still express a strong preference for living together (the preferred neighbourhood for whites includes no more than 20% minorities), on the other hand, Black families show a preference – which has increased over a thirty-year period – for neighborhoods in which at least 50% of residents are Black[34]. Beyond the urban space there has been a significant re-segregation of the major institutions of American society: school, which has become increasingly divided and complex to navigate[35], and prison.

Finally, the rise in property value in American cities since 1990 has caused poverty to shift more quickly towards the suburbs, reversing the urban hierarchy dominant in the United States since the 1930s, in which affluent households were located outside city centers[36]. This change is by no means insignificant. In the suburbs there is neither the network of local organizations nor the informal system of community support that used to play a role in the inner city[37]. For Black Americans in general, and for Black residents from Ferguson, all of the forces that had legitimized the social system eroded during the 2000s.

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[33] See Massey, D. S., & Lundy, G. (2001). "Use of Black English and Racial Discrimination in Urban Housing Markets: New Methods and Findings", *Urban Affairs Review*, *36*(4), 452-469, and Ross, S. L., & Turner, M. A. (2005). "Housing Discrimination in Metropolitan America: Explaining Changes between 1989 and 2000", *Social Problems*, *52*(2), 152-180.

[34] See and compare Farley, R., Schuman, H., Bianchi, S., Colasanto, D., & Hatchett, S. (1978). "'Chocolate City, Vanilla Suburbs': Will the Trend toward Racially Separate Communities Continue?", *Social Science Research*, *7*(4), 319-344; and Charles, C. Z. (2005). "Can we Live Together? Racial Preferences and Neighborhood Outcomes", in Xavier de Souza-Briggs (ed.), *The Geography of Opportunity: Race and Housing Choice in Metropolitan America*, Washington D.C.: Brooking Institution Press.

[35] On the role of the complexification and division of schools in the process of resegregation of poor minorities, see de Souza Briggs, X., Ferryman, K. S., Popkin, S. J., & Rendón, M. (2008). "Why did the moving to opportunity experiment not get young people into better schools?", *Housing Policy Debate*, *19*(1), 53-91.

[36] Murphy, Alexandra. 2010. "The Symbolic Dilemmas of Suburban Poverty: Challenges and Opportunities Posed by Variations in the Contours of Suburban Poverty", *Sociological Forum*, 25 (3), p. 541-569.

[37] See Desmond, M. (2012). "Disposable Ties and the Urban Poor", *American Journal of Sociology*, *117*(5); 1295-1335; Carol B. Stack's (1975). *All Our Kin: Strategies for Survival in a Black Community*, New York: Basic Books.