Policing Democracy: Race, Riots and Protest

William Smith

Police Power and Race Riots: Urban Unrest in Paris and New York. By Cathy Lisa Schneider. Philadelphia: University of Pennsylvania Press, 2014. 312p. $69.95.

Cathy Lisa Schneider has written a devastating study of police officers failing to enforce law in a manner that expresses appropriate respect for the communities that they purport to serve. The focus of her book is a comparative analysis of policing and race riots in specific spatial and temporal contexts, but the arguments raise much broader issues about the function of the police within the institutional fabric of the modern state. The role of the police goes beyond that of law enforcement, to incorporate a range of tasks geared towards the maintenance of public order, the provision of basic social services and, crucially, the symbolic representation of state power. Schneider documents the consequences of policing strategies that symbolize discrimination and systemic exclusion, rather than principles of democratic equality.

The important critical analysis of race riots provided by Schneider can be read in the light of a wide range of concerns that have been raised about the use of police power in contemporary democratic societies. A recent report issued by the INCLO, for example, documents a pervasive and escalating pattern of aggressive policing of nonviolent protests (International Network of Civil Liberties Organizations. 2014. *"Take Back the Streets:" Repression and Criminalization of Protest Around the World*). The report offers a series of case studies drawn from four continents to support its core claim that protest policing all too often amounts to "direct state repression. . .[including] mass arrests, unlawful detentions, illegal use of force and the deployment of toxic chemicals against protesters and bystanders alike" (INCLO p. 1). The report serves as an informal companion piece to Schneider's book, as both cast light on different ways in which police power functions to subvert democratic norms.

The comparative study offered by Schneider is shaped by a conception of the police as enforcers of categorical boundaries within society. The process of modern state building, as Schneider notes, "entails the creation of unequal, bounded categories—Frenchman/German, citizen/noncitizen, and national/non-national" (pp. 4–5). These boundaries also establish lines of inclusion and exclusion within nation-states, such that "members of powerful groups tell stories about members of less powerful groups to justify their own privileged position" (p. 5). Of particular importance, according to Schneider, is the role that state authorities and political elites play in "activating" boundaries through their rhetoric and policies. The police are accountable to these agencies, such that this process of official activation functions as a green light to aggressive policing tactics that enforce the relevant boundaries. Also significant is the explicit or implicit assumption that authorities will lend unqualified support to the police, for instance, through failing to hold officers accountable for their violent actions. There are, as I shall argue in what follows, some striking parallels between Schneider's account of activated boundaries in relation to her primary theme of racial policing and activated boundaries in relation to protest policing.

The Argument of the Book

The focus of Schneider's analysis is the fallout from the activation of racial boundaries in her core comparative studies of New York and Paris. The enforcement of racial boundaries through policing can have the effect of either triggering forms of organized resistance or the diffusion of race riots. Schneider's aim is to analyse and explain the factors behind these different reactions. Her comparative study is thus shaped by three core questions (p. 34). The first is why police officers in these different societal and institutional contexts appear to treat racial

William Smith (wjcsmith@cuhk.edu.hk) is a Professor of Government and Public Administration at The Chinese University of Hong Kong.

doi:10.1017/S1537592715001334

minorities in a similarly discriminatory fashion. The second is why interactions between police and racial minorities led to riots in New York and other U.S. cities in the 1960s and in Paris and across France in 2005. The third is why race riots did not erupt in New York in the 1990s, despite the fact that incidents of aggressive and discriminatory policing increased.

The central argument of the book, neatly summarized in the introduction (pp. 25–31), is that appealing to racial fears is a standard temptation for political elites competing for unaffiliated or detached segments of the population in close elections. This can contribute to sensationalist and racially distorted media coverage and the election of politicians favouring harsh policing methods and punitive law and order legislation. The resulting up-turn in racially-targeted policing and police killings of unarmed minority youths, coupled with the tendency of the state to take the side of the police over victims, create the conditions for riots to emerge. The distinctive claim of Schneider's analysis is that riots are less likely to emerge in contexts where (a) social movements can channel anger into organized forms of collective action and (b) the passage of civil rights legislation makes pursuit of legal redress for victims of police brutality a real possibility. The presence of social movements and avenues of legal redress contributed to the lack of race riots in New York during the 1990s, despite the activation of racial boundaries by a hostile mayor and increasing evidence of police brutality. The absence of these variables in Paris, against an analogous political backdrop, contributed to the explosion of race riots in 2005.

This all-too concise summary of Schneider's argument might have the unintended effect of diminishing the originality and importance of her analysis. The argument certainly mobilizes themes of societal exclusion that will be familiar to followers of social movement studies and contentious politics, which Schneider acknowledges throughout her discussion of the relevant literatures. The major contribution of the book, though, is that it is one of the few cross-national and comparative studies of policing and race riots. The book therefore furnishes familiar theoretical claims with original and much-needed empirical validation.

The richness of Schneider's account is demonstrated in the first two chapters, which focus respectively on the construction of racial boundaries in New York (1920–1993) and in Paris (1920–2002). As the dates in parenthesis indicate, these chapters cover a considerable period of time and a wealth of social and political developments. It is to the author's credit that the chapters achieve their aim of charting the complex relationships between immigrant population flows, urban development, political decisions, policing strategies, and racial minorities. The chapter on New York does a particularly good job of surveying the development of community organizations throughout the 1960s and 1970s, to support Schneider's claim that "from the mid-1980s on. . .these organizations channelled anger at police violence into courts and other nonviolent forms of protest" (p. 73). Community organization emerges as a more plausible explanation for the decline of race riots than the more commonly cited phenomenon of mass incarceration, which—as Schneider notes—is difficult to reconcile with the comparatively low incarceration rates in the riot-less New York of the 1990s and the much higher rates in the more riot-prone California of the same period (p. 74).

The third and fourth chapters focus respectively on the activation of racial boundaries in New York (1993–2010) and Paris (2002–2010). The policing strategies in both of these cities were shaped by political regimes that adopted an aggressive attitude towards minority youths, condemned by elites as the major source of urban crime and social delinquency. Schneider charts the repercussions of these political decisions through drawing heavily on a series of interviews conducted with police officers, community organizers, and relatives of young people killed as a result of police violence. The result is a rich narrative that builds up similarities in the discriminatory approaches of police forces in both cities, while at the same time charting differences in the opportunities available to affected minority groups that contribute to the explosion of riots in one city and their absence in the other. Deaths that can function as triggers for riots are present in both cities, but in New York "activists organized protest marches, pressured district attorneys and other elected officials, pleaded with the Justice Department, and helped victims find lawyers" (p. 155). Schneider is realistic about the extent to which activists and families in New York achieve significant changes in policing (p. 252). Her aim is not to defend the efficacy of community organization as a vehicle of institutional reform, but to reveal its role in reducing the likelihood of retaliatory violence by victimized communities.

Three Critical Observations

This is a well-written book with a compelling thesis, accessible to specialists and non-specialists alike. It should be read by anyone with an interest in the role that policing plays in both reflecting and enforcing boundaries of inclusion and exclusion in society. There are, though, three points of sympathetic criticism that I would like to raise. The first relates to the author's approach to minority police officers. These actors are well-placed to comment on the nature and extent of institutionalized racism in the police, as well as offer a perspective on police-minority relations that may diverge from that of white officers and community members. It is, therefore, a pity that the author reports interviews with only two minority officers in the New York Police Department (NYPD) and two North African police officers in Paris.

https://doi.org/10.1017/S1537592715001334 Published online by Cambridge University Press

There is, moreover, a striking contrast in tone between Schneider's analysis of her interviews with the New York officers (pp. 150–152) and the Paris officers (pp. 204–208). The testimony of the New York officers tends to reinforce the author's analysis of the NYPD as an organization that relies on racial profiling in its policing and is internally divided along racial lines. The perspective of the Parisian officers is, by contrast, more ambivalent, with each interviewee offering testimony that tends to be rather more supportive of their colleagues. It is notable that, unlike her discussion of the New York interviews, Schneider is quick to highlight contradictions, weaknesses, and omissions in their testimony—at one point describing the comparison that an interviewee draws between a Moroccan police officer dealing with wealthy white residents and a white police officer dealing with poor minority residents as a "false equivalency" (p. 207). There are, I should stress, sound and respectful reasons given for the critical orientation toward the testimony of these minority officers, but the ambivalence of their responses suggests, to this reader at least, that there is a case for further consultation and analysis of minority officer perspectives.

My second comment returns to the theme of the police as enforcers of categorical boundaries. In the thought-provoking conclusion to her book, Schneider broadens her discussion by considering national trends in policing. For instance, she touches on the repressive police strategies adopted against Occupy Wall Street protesters and undocumented immigrants (pp. 237–241). The reference to protest policing is illuminating because it illustrates Schneider's observation that "activated categorical boundaries are not always racial" (p. 253). It is perhaps a shame that Schneider did not have the space to tease out the broader significance of this claim. It would, for instance, be revealing to explore whether, and to what extent, the theoretical framework that she develops to explain the activation of racial boundaries could be extended to cover cases of non-racial boundary activation.

The world-wide escalation of repressive protest policing, documented at length in the aforementioned INCLO report, appears to be the consequence of a top-down process that is analogous to the one described by Schneider in relation to racial policing. This has seen a greater willingness on the part of political elites to foster punitive policing of protests, both reducing the scope for legal protest to take place and increasing the scope for aggressive police action against protesters. The diffusion of militarized protest policing is, according to the report, an indication that political elites are activating categorical boundaries between "acceptable/unacceptable" protest and even "loyal/disloyal" citizens. This is best illustrated through the increasing trend for governments to exploit a lack of clarity in international and regional standards on the right to assembly, particularly the failure to provide an adequate definition of what constitutes a "peaceful" gathering. The result is that "many governments are quick to classify a particular protest as "nonpeaceful," even when the vast majority or individuals remain nonviolent" (INCLO p. 62). The report also documents numerous instances of government officials and police officers raising objections during permit application procedures, apparently with the aim of reducing the visibility and effectiveness of public protest.

The activation of boundaries between "acceptable/unacceptable" protest, coupled with increased willingness of political elites to treat protest as a disruptive influence that should be prevented or contained rather than permitted or accommodated, has knock-on effects on protest policing tactics that mirror those charted by Schneider in relation to race. Police officers take their lead from public officials, such that official rhetoric is increasingly interpreted by police officers as tacit approval for the use of excessive force against protesters. The escalation of force is illustrated by the INCLO report in a U.S. context through a harrowing account of police repression against anti-austerity protesters in Puerto Rico, including the by-now familiar sight of close-range use of pepper spray, extensive use of tear gas, and baton charges against unarmed crowds (INCLO pp. 4–9). There is also considerable evidence that institutions function to shield police officers accused of violence toward protesters from official accountability, again in a similar fashion to the processes documented by Schneider in relation to police killings of minority youths. Of particular note is that the repression of protest charted by the INCLO report has significant implications for her book's conclusions, insofar as it delimits the activist repertoire available for community organizations responding to police killings and thus presumably increases the likelihood of race riots (p. 252). It is perhaps unreasonable to expect the author to engage issues of protest policing and other non-racial boundary activations, which admittedly go beyond her primary focus on race riots. It is, though, difficult to resist the thought that the concluding discussion might have addressed these issues in greater depth.

My third comment relates to the practical issue of the changes that are necessary to bring police practices more in line with democratic requirements. Schneider has produced a work of comparative politics in the best traditions of social scientific analysis, which clearly reflects the author's sense of injustice about the complicity of state institutions in what amounts to rampant police brutality. It is, therefore, somewhat surprising that more time is not devoted to the important issue of what Schneider describes as "alternative policing strategies" in the final pages of her book. She notes that "some police departments have began to emphasize problem-solving policing, working with communities to resolve critical community problems"

https://doi.org/10.1017/S1537592715001334 Published online by Cambridge University Press

(p. 254). It is unclear, though, what "problem-solving policing" means in this context, or how it might be possible to implement this kind of policing in contexts such as New York or Paris.

The closest that Schneider comes to addressing these issues is an interesting comparative analysis of Paris and Marseilles, one of the French cities that did not burn during the racial unrest of 2005 (pp. 220–232). This comparison illustrates how a concerted effort to deactivate racial boundaries on the part of political elites and police officers succeeded in defusing racial tensions. The discussion of Marseilles is much briefer than the analysis of Paris, but it highlights important differences in terms of official commitment to recognizing minority groups and greater police willingness to accept diversity, overlook low-level delinquency, and eschew force in favour of more negotiated settlements with relevant communities. This all seems to illustrate the kind of alternative policing strategies alluded to by Schneider, until one takes into account her incisive analysis of the systemic inequality, institutionalized corruption, and criminal networks in Marseilles (pp. 228–232). It is even suggested that the carefully cultivated public image of tolerant policing as a guarantee of societal peace obscures the more disturbing reality that local Mafia networks play a significant—and politically accepted—role in enforcing order within poor neighbourhoods (p. 232). This complex nexus between criminal gangs, police, and public officials means that it is difficult to present Marseilles as any kind of role model for a more democratic form of policing.

The INCLO report, perhaps unsurprisingly, devotes rather more attention to the practical issues that naturally arise in considering institutionalized support for police brutality. The concluding recommendations call for greater control of "less-lethal" weapons, increased precision and clarity regarding human rights protection for protest, and increased attention to legal and administrative limitations on the right to protest (INCLO pp. 41–43). The report makes clear that rolling back repression of protest is primarily a matter for domestic institutions and actors, though it contains an interesting discussion of the role that international institutions can play in facilitating this process. The need for international regulatory frameworks to govern the usage of "less-lethal" weapons is stressed, along with greater precision in international human rights standards that establish the scope of the right to protest. The solution to the problems documented by Schneider might also incorporate a modest role for international standards governing police conduct. These norms, although lacking any kind of capacity for institutional enforcement, might be a useful point of reference for embedded activist networks and community organizations engaged in social criticism of police brutality. It may betray my background in normative political theory, but I believe Schneider's book would have been even stronger had it explored proposals for combating police repression in greater depth. The author has, in any case, paved the way for further research and deliberation on this topic, which offers yet more evidence of the merit and significance of her book.

https://doi.org/10.1017/S1537592715001334 Published online by Cambridge University Press