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IN THE LITERATURE

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Review Essay / What Kind of Order?

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Bernard E. Harcourt, *Illusion of Order: The False Promise of Broken Windows Policing*  
Cambridge, MA: Harvard University Press, 2001, x + 294 pp.

David Garland, *The Culture of Control: Crime and Social Order in Contemporary Society*  
Chicago: University of Chicago Press, 2001, xiii + 307 pp.

Andrea McArdle and Tanya Erzen (eds.), *Zero Tolerance:  
Quality of Life and the New Police Brutality in New York City*  
New York: New York University Press, 2001, xvi + 299 pp.

Phillipe Bourgois, *In Search of Respect: Selling Crack in El Barrio*  
New York: Cambridge University Press, 1995, xii + 392 pp.

Loïc Wacquant, *Les Prisons de la Misère*  
Paris: Raisons D'Agir Éditions, 1999, 189 pp.<sup>1</sup>

ROBERT JACKALL

What is "order"? And what is the role of policing in maintaining "order"? Do unattended broken windows invite law breaking? Do unchecked violations and misdemeanors invite more serious crimes against property as well as violent crimes against persons? Does the toleration of disorderliness both symbolize and cause the collapse of neighborhood norms for orderly behavior? Do police attacks on minor offenses stop major depredations before they occur? Who decides what is "disorderly" and what is "orderly"? To what extent is the current push for "social order" merely another phase in

capitalist societies' ongoing oppression of the poor? How important is "order" for civil society anyway?

In the last two decades, metropolitan police across the country have adopted the "broken windows" theory — the idea that interdicting minor offenses prevents major crimes. In practice, police have implemented "zero tolerance" policing to establish a version of social order.<sup>2</sup> The books and articles under review here attack the "broken windows" theory and its concomitant practices. Most important, they radically question the established notion of "order."

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I Bernard Harcourt

In *Illusion of Order*, Bernard E. Harcourt, a professor at the University of Chicago Law School, argues that no available evidence supports a causal relationship between

physical or behavioral disorder and invitations to crime. He points out that Wesley G. Skogan's 1990 study, often cited as empirical proof of the "broken windows" theory actually shows no significant correlation between disorder and *most* measures of crime (my emphasis).<sup>3</sup> Harcourt, emulating Foucault, argues that the advocates of broken-windows-zero-tolerance policing forget that their policies and techniques shape the very category of "disorderliness" that they energetically attack, thus masking

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the “repressive” nature of their enterprise. In fact, the order-maintenance approach, in a classical rhetorical “turn to harm argument,” transforms “disorderly” folks into dangerous people. Men and women formerly considered the “losers” of society – vagrants, drunks, drug addicts, loiterers, panhandlers, and so forth – are now its criminals. Disorder, as defined by some people, has become a harm justifying criminal sanction. How then, Harcourt asks in a series of questions, does one distinguish between the disorderly and the law abiders? “What are the distinctions between difference, eccentricity, disorder, and criminality? How does police brutality map onto disorder? Why should we distinguish so sharply between street disorder and other forms of disorder?” [17]. And “[w]ho gets to define disorder for purposes of order maintenance and on what basis? Why is the focus of disorder on youthful street crimes, the types of crimes committed predominantly by males aged fifteen to twenty-nine, and not on more mature white-collar crimes, the types of crimes committed predominantly by older white males? Why is the focus of disorder not on police misconduct?” [130-131].

Harcourt admits that some “disorderly” conduct causes economic and aesthetic harm. He points to the property damage or devaluation caused by graffiti, public urination, or littering. He acknowledges that fare-beating decreases public revenues for mass transportation and possibly increases fares for other riders. He allows that homelessness, loitering, and aggressive panhandling are “aesthetically unpleasant” and may have deleterious commercial repercussions in shopping areas. And he admits, while implicitly decrying it, that an aggressive policy of misdemeanor arrests provides police with enhanced powers of surveillance. Harcourt neglects to mention that aggressive misdemeanor arrests also provide police with increased opportunities for interrogating street denizens who know the real predators among them. Perhaps most important, he fails to see the importance of the statistically significant relationship in Skogan’s data between external disorder and robbery, even though he admits the correlation in a highly qualified way [9, 71, 72, 89].<sup>4</sup> Police consider robbery to be the bellwether crime that provides an index of public safety in a given community. If “broken windows” actually do invite robbers to ply their trade, as Skogan’s data suggest and Harcourt acknowledges, police perceptions that “disorder” generates predation seem warranted.

Harcourt’s other questions are simply rhetorical tropes of the “why this instead of that” sort. Officials in law-enforcement bureaucracies seek readily demonstrable

gains to which they can point to prove their worth to their many different constituencies. Like bureaucrats everywhere, they respond to immediate pressures on them. White-collar crime is simply more difficult to crack than street crime. And because it is less visible, it generally fails to arouse the public ire that might force law-enforcement officialdom to act. When white-collar crimes become defined as public nuisances or menaces – as, for example, egregious insider trading in securities, corruption of public officials, bribing of judges, or identity theft – law-enforcement officials certainly do treat them as “disorder” and act against them with dispatch, as a long string of commissions and prosecutions clearly indicate. It is difficult to understand Harcourt’s reasoning with regard to police brutality or misconduct since public crusades against the police are staples of metropolitan dailies across the country. Moreover, successful prosecution of police officers is a sure ticket for upward mobility in most state and federal prosecutors’ offices.

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In Harcourt’s view, the broken-windows-zero-tolerance approach to policing causes more harm than benefit. Harms include: the subjection of thousands of people to the ordeal of the criminal justice system; the consequent vast increase of complaints against the police; the delegitimizing impression of targeting minorities because aggressive misdemeanor arrests disproportionately affect minority communities; the concomitant reinforcement of the stereotype of black criminality; and, most important, delegating the authority to police to define what constitutes order and disorder [212-213]. He emphasizes repeatedly that one man’s disorder is another’s order. At bottom, broken-windows-zero-tolerance policing is about “an aesthetic preference for order that is not shared by all” [214]. Underlying Harcourt’s argument is the assumption that members of minority groups, especially blacks and Hispanics, “disproportionately” eschew established standards of public conduct thus making themselves vulnerable to aggressive enforcement of minor rules that ultimately are arbitrary. He does not ex-

plain why blacks or Hispanics reject established standards or adopt different ones. He assumes such purported deviation as self-evident and implicitly urges a complete overhaul of existing standards, such as they are, to accommodate this difference.

This approach runs through Harcourt's entire argument. He calls for a deeper self-understanding and a concomitant openness to others' diverse definitions of order and disorder. Invoking Pierre Bourdieu and Loïc Wacquant,<sup>5</sup> he argues that "[i]nstead of approaching social meaning as social scientists trying to construct a theoretical model, we may want to approach social meaning from the perspective of the actor whose conduct we are trying to understand" [221]. He argues for legalizing prostitution; purchasing stainless-steel subway cars that are impervious to graffiti; providing work as a substitute for panhandling; setting up safe sleeping zones for the homeless; and taking guns off the street by promising not to prosecute those who surrender them. At every turn, he urges officials to create "disorder"-proof solutions that maximize individual freedom. He discourages solutions that require citizens to follow fixed standards of conduct or exercise self-restraint. He seems to have no idea that the very possibility of metropolitan society depends on instituting, as an essential component of citizens' behavior, a regard for the needs and rights of other people. And he seems not to understand that there will *always* be some

people who disregard others. He sums up his argument toward the end of his book:

We have come to identify certain things (graffiti, litter, panhandling, turnstile jumping, public urination) and not others (paying workers under the table, minor tax evasion, fraud, and police brutality) as 'disorderly' and somehow connected to crime, in large part because of the social practices that surround us. But the concept of 'disorder' is not natural. Nor do these various ingredients of 'disorder' have a fixed meaning. They do not necessarily, on their own, communicate that a neighborhood has lost control over crime, or does not care about rule violation. The meaning of these various acts is contextual and is itself constructed. Loitering only signals—as one possible meaning among many others—that the community is not in control *if* loitering is perceived by community members as violating certain rules of conduct. But of course loitering is not necessarily perceived that way in all communities. Urinating in the street signals that rules have broken down *only if* the meaning of public urination is associated with rule breaking. Again, this is not always the case [243].

With this view, social "order" is entirely in the eyes of beholders. The primary arbiters to resolve conflicts between differing views of "order" are local "communities" or "community members" [243]. Harcourt does not tell us exactly what individuals, groups, or associations he has in mind for such a role. But it is certainly not police, the surrogates for the legally sanctioned concept of order.

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## II David Garland

In *The Culture of Control*, David Garland, a professor of sociology at New York University, puts the matter of "order" in broader context. Garland argues that before the 1970s social scientists and policymakers alike viewed deviance as the unfortunate product of relative deprivation, whether of schooling, proper family socialization, availability of treatment for psychological malfunctioning, or job market opportunities. After the 1970s, a "darker vision of the human condition" emerged [15]. The new framework emphasizes inadequate social, situational, and self control as the cause of deviance. In this view, only robust controls exercised by authority of family, community, or state engender self-restraint amidst the myriad crimino-genic situations and temptations of modern society. American sociologists such as David Matza, Howard Becker, and Edwin Lemert, along with other champions of the labeling school of deviance, have challenged the new stress on control, arguing that the official processes of reaction and control actually construct the

particular deviance at issue. Indeed, according to this view, much "crime" simply expresses the joyous diversity of human experience. The real problem is the forces of repression that manufacture "deviance."

But, as Garland notes, events on the street made this benign view problematic. Between 1960-1980, every Western industrialized nation experienced rapid and sustained increases in recorded crime rates, with precipitous rises in major crimes against property, violent depredations against persons, and drug offenses. The American crime rate in 1980 was three times that of 1960 [90].

Garland argues that the new rightist political movements that brought Margaret Thatcher and Ronald Reagan to power were marked by reactionary temperaments. Both movements insisted on market fundamentalism, on competition, and on incentives. Both extolled the virtues of inequality and risk. Tax cuts and social spending cuts increased social inequalities. "Tradition, order, hierarchy, and authority" became the

watchwords of the day. But even as such “anti-modern” sentiments claimed hegemony in public debate, the shaky economy marginalized sectors of the population; the moral order failed to link citizens who increasingly had nothing in common; the state struggled to regulate both highly individualistic citizens and factionalized groups; families disintegrated and community solidarity waned; and crime continued to soar [99]. Indeed, “crime . . . together with teenage pregnancies, single parent families, welfare dependency, and drug abuse” is now the key metaphor in a “powerful narrative of moral decline.” Against this backdrop, “[s]patial controls, situational controls, managerial controls, system controls, social controls, self-controls – in one social realm after another” proliferate. “We now find the imposition of more intensive regimes of regulation, inspection, and control and, in the process, our civic culture becomes increasingly less tolerant and inclusive, increasingly less capable of trust” [194-195]. Moreover, the new regime of control is not universally applied, but has been principally directed against groups already disadvantaged by tumultuous economic and social upheavals – “the urban poor, welfare claimants, and minority communities” [195]. Garland’s main concern is not only with the accelerating rate of imprisonment in American and British societies, but, in America, with our nation’s incarceration of minorities.

Who controls and directs such repression? Garland’s argument may be summarized in three paragraphs. Garland first targets middle-class morality:

Convinced of the need to re-impose order, but unwilling to restrict consumer choice or give up personal freedoms; determined to enhance their own security, but unwilling to pay more taxes or finance the security of others; appalled by unregulated egoism and anti-social attitudes but committed to a market system which reproduces that very culture, the anxious middle classes today seek resolution for their ambivalence in zealously controlling the poor and excluding the marginal. Above all, they impose controls upon ‘dangerous’ offenders and ‘undeserving’ claimants whose conduct leads some to suppose that they are incapable of discharging the responsibilities of the late modern freedom. The most vehement punishments are reserved for those guilty of child abuse, illegal drug use, or sexual violence – precisely the areas in which mainstream social and cultural norms have undergone greatest change and where middle-class ambivalence and guilt are at their most intense. [195-196]

Garland goes on to argue that the clashes between the “liberating dynamic of late modernity” and the “reactionary [end-of-century] culture” means that some people’s freedom depends on others’ serfdom. The middle

classes must, in effect, “exclude and control” others in order to prosper.

During the last twenty years, the combined effect of ‘neo-liberal’ and ‘neo-conservative’ policies – of market discipline and moral discipline – has been to create a situation in which more and more controls are imposed on the poor, while fewer and fewer controls affect the market freedoms of the rest. . . . Where the liberating dynamic of late modernity emphasized freedom, openness, mobility, and tolerance, the reactionary culture of the end of the century stresses control, closure, confinement, and condemnation. The continued enjoyment of market-based personal freedoms has come to depend upon the close control of excluded groups who cannot be trusted to enjoy these freedoms. So long as offenders and claimants appear as ‘other,’ and as the chief source of their own misfortune, they offer occasions for the dominant classes to impose strict controls without giving up freedoms of their own. In contrast to a solidaristic social control, in which everyone gives up some personal freedom in order to promote collective welfare, market individualism is the freedom of some premised upon the exclusion and close control of others [197-98].

Garland’s argument reaches a crescendo. To preserve their own sense of autonomy, the middle classes must deem “free” those who choose not to recognize or accept middle-class conceptions of “order.” But the middle classes must also see these same unfortunates as “other,” subject to strange external forces that do not affect the middle classes:

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Those accounts that highlight rational choice and the responsiveness of offenders to rewards and disincentives chime with today’s common sense and with the individualistic morality of our consumer culture. Offenders must be deemed to be free, to be rational, to be exercising choice, because that is how we must conceive of ourselves. ‘Crime is a decision not a disease’ is the new conventional wisdom. . . . If individuals are to be deemed irresponsible, if impersonal forces are to account for their actions, then these must be forces that do not act upon the rest of us – causes with their roots in biological, psychological, and cultural difference. If we are to see ourselves as the uncaused causes of our own actions and choices, as the moral individualism of market society teaches us to do, then those not fully in control of their own conduct must appear different in some

extra-social sense. Their otherness is a condition of their exculpation. . . . The sectors of the population effectively excluded from the worlds of work, welfare and family – typically young minority males – increasingly find themselves in prison or in jail, their social and economic exclusion effectively disguised by their criminal status. Today’s reinvented prison is a ready-made penal solution to a new problem of social and economic exclusion. [198-99]

Garland concludes that what will the “reliance upon penal mechanisms to maintain social order” will bring to American and British societies nothing less than “[t]he hardening of social and racial divisions; the reinforcement of criminogenic processes; the alienation of large social groups; the discrediting of legal authority; a reduction of civic tolerance; [and] a tendency towards authoritarianism” [204].

As it happens, Garland provides little empirical evidence to substantiate the sweeping, bleak vision that he presents in his book.<sup>6</sup> One cannot discount the fact that American prisons house a “disproportionate” number of African Americans. This is indeed regrettable, but does the disproportionate number of imprisoned blacks mean that the “system” itself is hopelessly biased, or does it mean that blacks commit a disproportionate number of the crimes for which it is most likely that arrests will be made and convictions obtained? Garland provides no data to illuminate this issue. Instead, according to Garland, the disproportionately large number of blacks in prison stands as an indictment, mirror-imaging the argument of the proponents of affirmative action who la-

ment the disproportionately small number of African Americans who achieve professional heights. Perhaps most tellingly, Garland does not describe, or even define, the “anxious middle classes” who, in *deus-ex-machina* fashion, appear on his stage to project their moral panics and fears onto lower classes and thus help institute the draconian society that he sees just around the corner.<sup>7</sup> The middle classes constitute the most layered, complex social strata in industrial societies. The new middle classes in particular – the army of salaried employees wholly dependent on myriad large organizations – defy any easy categorization. To postulate that these strata have uniform experiences that produce unitary world-views ignores a century of rich sociological and social psychological observation in both Europe and the United States. It also ignores the cacophonous debates and concomitant political splits among middle-class strata about everything from abortion, affirmative action, immigration, and sodomy, to the war on terrorism, fissures that shift issue by issue, generated variously by race, gender, sexual orientation, education, occupations, professions, specific expertise, institutional affiliations, geographical locations, present or lingering religious sentiments, or longings for the appearances of moral probity. If American society has lurched toward the kind of repressive authoritarianism suggested in Professor Garland’s work, itself an extremely dubious proposition, he had best look elsewhere for a villain of the piece.

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### III Andrea McArdle & Tanya Erzen

Andrea McArdle and Tanya Erzen are graduate students in American Studies at New York University who see their edited collection of essays as a form of “collaborative activism . . . framed as a response – and a challenge – to an official narrative that connects New York City’s declining crime rate to intensified law enforcement” [3]. Most of the book’s essays attack “[t]he militaristic, crime-fighting ethos of police culture [that] valorizes aggressive responses and a siege mentality that sees danger in difference.” The book’s essays critique the “confrontational anticrime strategies [that are] . . . a symptom of a much broader, and deeper, social pathology manifested in an indifference to poverty, the exploitation of labor, and the devaluing – and demonizing – of racial, ethnic, and sexual minorities” [11-12].

Two examples must suffice to suggest the tone, temper, and purpose of the essays in this book. Heather Barr, an “attorney and advocate for the rights of the mentally ill and criminal defendants and prisoners,” points out in “Policing Madness” that the 1960s’ deinstitutionalization of the New York State mental health care system and the subsequent flooding of city streets with emotionally disturbed persons (EDPs) mean that NYPD officers each year respond to at least 50,000 calls involving disoriented people. Police have become the front line providers of whatever emergency care EDPs receive. Although Barr acknowledges that this responsibility has fallen to police by default, she argues that the NYPD “has not risen to the occasion” [74-75]. She sharply critiques the police’s fumbling organizational efforts to

plug the dike. She asserts that “[w]hen police arrest someone who is clearly psychotic and has committed a minor offense, the officers often feel that the best response is to hospitalize rather than arrest the person. Unfortunately, there are many incentives for police arrest” [77]. She goes on to cite long waits in hospital emergency rooms for initial screening; follow-up examinations by the hospital mental health staff; and, most important, the likelihood of the EDP finally not being admitted unless the doctors decide that he poses a clear danger to himself or others. In Barr’s view, the NYPD should remedy such a situation by making agreements with specific hospitals to expedite the assessment and admission of EDPs. But Barr neglects to mention that the matter is more complicated in New York. The law demands that an EDP constitute an *imminent* danger to himself or others in order for him to be institutionalized *involuntarily*. If the person is even marginally lucid, and demands to be released, he must be released by the mental health system only to become again the police’s problem.

Barr makes no mention of the paradigmatic case of the “Wild Man of 96th Street” where Larry Hogue, aided by a generous military disability pension that enabled him to stoke up on crack and alcohol, terrorized a neighborhood for years by roaming up and down 96th street between Broadway and Amsterdam snapping mirrors off cars, setting fires in trashcans, dodging cars in heavy traffic, threatening to kill and roast people’s dogs, and depositing a marble stoop step on a local resident’s automobile. Hogue was arrested more than forty times by police and delivered to the mental health care system. After a day without substances to abuse, Hogue became lamblike in his docility and, because he posed no *imminent* danger to himself or others, demanded release. Usually the police were not even notified of his releases and became aware of Hogue’s returns to 96th Street only when alarmed residents – terrified prisoners in their own apartments – began flooding the 24th precinct with phone calls. Several misdemeanor charges put Hogue in jail for short sentences. Only when he grabbed and threw a young girl in front of a Con Ed truck did he receive a one-year sentence for assault. Then *60 Minutes* decided to cover the story. Embarrassed, the District Attorney of New York (DANY), members of the State’s Attorney General’s office, and leaders of the mental health establishment jerry-rigged a plan to remove Hogue entirely from New York City to live with his long-lost son in Connecticut where, after a few late-night alarming forays to his former haunts, he eventually faded from public sight and memory. Hogue’s case was only

one egregious example of regular institutional deadlocks where the criminal justice system becomes the institution of last resort after family, schools, military, welfare, community associations, and mental health care systems have all failed miserably. Barr does not seem to see the irony in blaming the police who are now charged with intervening in such thankless, Catch-22 situations – situations that are caused by state-bankrolled subsidies of refusals to exercise self-control, the collapse of mediating institutions, and poor law-making that leaves gaping loopholes to be exploited by claimants or their attorneys.

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*McArdle presents recycled community sentiments as settled facts.*

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In another essay entitled “No Justice, No Peace,” McArdle, citing David Garland, says: “the set of practices and institutions that constitute penalty [sic] operate as an authoritative, condemnatory discourse expressing the normative judgment of the community” [151]. She goes on to discuss the “importance attached to criminal prosecution of police brutality in disempowered urban communities”:

Within these communities, and especially among the families who have lost loved ones at the hands of the police, the lack of a consistently functioning model of criminal prosecution communicates the law’s unresponsiveness to the victims of urban police violence. For their family members, a debilitating sense of frustration and disempowerment intensifies the experience of grief. When, for example, Washington Heights resident Kevin Cedeno died after being shot in the back by Officer Anthony Pellegrini, Kevin’s grandmother, Joy Cedeno, said her family ‘would find no peace until the officer has been arrested, indicted, and convicted.’ When Manhattan district attorney Robert Morgenthau announced that a grand jury considering the Cedeno case had determined not to indict Pellegrini, members of Cedeno’s family condemned the decision, and renewed their commitment to seek ‘justice,’ hoping (without success) to launch a federal probe of the shooting [151-52].

McArdle’s account of the incident at issue misses some important points. A grand jury did exonerate Police Officer (PO) Anthony Pellegrini in Kevin Cedeno’s death on April 6, 1997. In its report of that grand jury investigation,<sup>8</sup> DANY notes that, in the 0330 hours early morning darkness on Amsterdam Avenue between 163rd and

164th streets, Officer Pellegrini's partner, PO Michael Garcia, mistook the fleeing Cedenó's two-foot-long machete with a black metal blade and black handle for a sawed-off shotgun. Cedenó had retrieved the machete from the nearby apartment of a close friend because, after attending a party, he and his friends had had an altercation on the street with a group of Hispanic youths near 162nd Street and Amsterdam. After getting the weapon, according to DANY's report, "Cedenó was visibly agitated, and though witnesses differ with respect to some details of his behavior, it is clear that he pulled out and brandished the machete at least once, and that he announced that he wanted to 'cut somebody.' Witnesses describe him as pacing. One states that when he and one of his antagonists began to argue, Cedenó started to pull the machete on him, and would have done so had the witness himself not intervened."<sup>9</sup> All the while, the street crowd grew in size and volubility, with some throwing bottles at rival factions. A woman alerted two plainclothes police officers in the 163rd Street and Broadway subway station of the brewing street violence. These transit division officers radioed two uniformed transit officers upstairs in a radio car. These officers responded to the scene. Cedenó fled from the approaching officers at the urging of at least three companions because he was illegally armed while on parole for the armed robbery of a fifty-seven-year old man. Around the same time, a local resident on 162nd Street had called 911 with a "shots fired" report. Central quickly relayed that emergency call to the 33rd precinct, along with the dispatcher's warning that there was a "large dispute" in the street involving a knife. Two uniformed officers responded to the scene, along with a backup unit—Pellegrini and Garcia as it happened because another unit was slow in responding—in a radio car, accompanied by two rookies

just out of the police academy. When these police reached the scene, Cedenó was running up the east side of Amsterdam away from the direction of the reported gunfire. From the way Cedenó was holding the machete close to his body, it appeared that he was clutching a firearm. Garcia yelled: "Oh, shit, Tony, he's got a gun."<sup>10</sup> Pellegrini got out of the radio car and repeatedly ordered Cedenó to drop his weapon. He fired a single shot only when Cedenó, who had his back to the officers, dropped his shoulder, began to turn, and appeared to be swinging the object in his hands to point it toward Pellegrini, with Garcia all the while shouting that the man was armed. That Pellegrini's shot hit Cedenó in the lower back was the object of close scrutiny by the grand jury, but the jury determined that the location of the fatal shot was a function of the street positioning of the actors. The grand jury based its findings on the testimony of thirty-six witnesses, including, as DANY's report says, no fewer than ten civilian witnesses "almost all of them friendly to Cedenó."<sup>11</sup> Cedenó's autopsy revealed a .14 blood alcohol level, well over the then-prevailing New York standard of .10 for legal intoxication, which, along with his evident agitation because of the earlier street altercation, seems to have slowed his responses considerably. Pellegrini's willingness to act decisively in the midst of perceived danger is regarded by urban police officers as an occupational necessity and virtue. That the District Attorney's report on the incident was dismissed in Washington Heights, and in many other quarters, as official propaganda covering up police brutality is typical. McArdle presents recycled community sentiments as settled facts, indulging in the kind of trafficking in ideological set pieces that typifies much advocacy that passes as research.

#### IV Loïc Wacquant and Phillipe Bourgois

Loïc Wacquant, a protégé of Pierre Bourdieu and William Julius Wilson, a professor of sociology at the University of California at Berkeley, and recently appointed Distinguished Professor of Sociology at the Graduate Faculty of Political and Social Science at the New School University, joins Garland in attacking American society for imprisoning its poor, particularly those who are black.<sup>12</sup>

In "Urban Outcasts," a collection of previously published articles that became his doctoral dissertation at the University of Chicago, Wacquant "call[s] attention to

the policy of *malign neglect* that has turned the ghettos of the U.S. metropolis into so many domestic Bantustans, separate and inferior territories lodged at the heart of American society but cut off from it by a wall of racial fear, public indifference, and government abandonment, exacting untold suffering among the millions consigned to the absurdity of abject poverty in the underbelly of the wealthiest society in human history" [xiv, emphasis in original]. Wacquant eschews the old sociological notion of "social disorganization," which he dismisses as a "morally loaded concept," to explain the "assumed

'pathologies' of ghetto residents, that is, those behaviors that so-called middle-class society considers abnormal, offensive, or unduly costly, from violent crime, school 'dropouts,' teenage pregnancy and labor-market 'shiftlessness' to the proliferation of 'female-headed households,' drug consumption and trading, and 'welfare dependency'" [16, 19]. Instead, he sees the "Black Belt" "organized according to different principles in response to a unique set of structural and strategic constraints" [16, emphasis in original]. These include economic exigencies and deprivation, "physical and social insecurity" that creates unusual socio-cultural patterns; "virulent racial antipathy and class prejudice" that stunt life chances and opportunities; and stigmatization held in place by "bureaucratic apathy and political marginality" [16]. The reader should note the wholly abstract character of Wacquant's description of root causes.

According to Wacquant, a "hyperghetto" has replaced the old communal ghetto [161, 170]. In the hyperghetto, one sees everywhere: "decay and danger" that profoundly alter everyday life [37, 172]; stable families moving out; remaining residents being bunched in slums without even the possibility of jobs in the new service economy; and the emergence of "hustling and booty capitalism" [37]. At the same time, the "already miserly welfare state" has morphed into an appendage of a "system of surveillance and disciplining of the new urban outcasts" [38]. Indeed, this new "system of de facto metro apartheid" is marked by a "state policy of abandonment and punitive containment of the minority poor" [38]. State disinvestments hasten the unraveling of the "indigenous institutional infrastructure of the ghetto," accelerate already "pandemic violence" and concomitant fear, and cause the underground economy, particularly in drugs, to flourish [39]. The inevitable "disorders" that result then become the target of the state's repressive apparatus, particularly the police and the whole criminal justice system.

In "Welfare State to Prison State," *Les Prisons de la Misère*,<sup>13</sup> and most pointedly in "From Slavery to Mass Incarceration," Wacquant goes on to argue that not one, but several "peculiar institutions" have successfully controlled African Americans—first, "chattel slavery" followed by the "Jim Crow system"; then the northern metropolitan "ghetto" followed by the "remnants of the dark ghetto and the carceral apparatus" ["From Slavery," 41, emphasis in original]. According to this view, "slavery and mass imprisonment are genealogically linked" and one cannot understand current disproportionate imprisonment rates for African Americans (roughly 50 per-

cent of all prisoners in the United States are black though blacks constitute only about 14 percent of the population) without recognizing that slavery is the "functional analogue" for imprisonment. [42]

Here is how things work, according to Wacquant. First, the urban ghetto is a "relation of ethnoracial control and closure built out of four elements: (i) stigma; (ii) constraint; (iii) territorial confinement; and (iv) institutional encasement" ["From Slavery," 50], all for the purposes of labor extraction or for the physical segregation of socially tainted populations. Second, the prison can be similarly conceptualized as a "judicial ghetto" — "a reserved space" confining a "legally denigrated population," which develops distinctive "institutions" and stigmatized identities [51, emphasis in original]. "[T]he black ghetto, converted into an instrument of naked exclusion . . . became bound to the jail and prison system by a triple relationship of functional equivalency, structural homology and cultural syncretism . . . [constituting] . . . a single *carceral continuum*" [52, emphasis in original]. Both ghetto and prison are powerful "authority structures" of shaky legitimacy that rely ultimately on force. The current incarceration rate of blacks both mirrors and replicates slavery's repressive conditions through a hidden-hand institutional continuity. America has produced the "first genuine prison society in history" [60, emphasis in original]. Voilà! Wacquant creates big, morally freighted concepts, indeed rhetorical battering rams, reifies them, and then claims that the metaphorical image of American society thus fashioned actually reflects social reality.

What original empirical sources underpin Wacquant's image of American society? This is not clear. Wacquant reports no systematic fieldwork studying a range of community institutions of any single ghetto, let alone of ghettos in different cities, or the inter-dynamics of a ghetto and the larger metropolis that incorporates it. He reports no systematic detailed interviews with ghetto denizens and no illustrative life histories that might ground his big concepts, except details from a single interview — which seems to have lasted just a few hours — with a street hustler named "Rickey" that appears in "Urban Outcasts." Wacquant does report his seven weeks in a south-side Chicago gymnasium doing intensive training for a Golden Gloves boxing competition where he boxed as "Busy Louie," and his visits to a dozen other boxing clubs (and memberships in three of these).<sup>14</sup> It is not clear whether Wacquant means these boxing clubs to stand as representative institutional milieux of the black ghetto. He does occasionally provide quotations without

context from informants, possibly those he met in the gyms. For instance, “[an] ex-leader of the Black Gangster Disciples . . . comment[s] on the tragically inward-turning, self-destructive nature of crime in the ghetto.”

‘Cause, see, the Man downtown who pullin’ the string, they can’t get to him. So they take they frustrations on the guy next door to them, the guy across the street from them. Instead of being *wise* and goin’ to see Mayor Daley or Governor Edwards or somethin’. Go take out your frustration on *them*: go see *Bush*, go see *Ronald Reagan!* Don’t bother me, ‘cause I ain’t done nuttin’ to you. A lotta guys, it’s the frustration: they frustrated, man, with they lives [“Urban Outcasts,” 436].

Wacquant seems to accept at face value such interpretations of criminal violence by blacks against blacks in the black ghetto. He does not comment on the plentiful violence committed by African Americans against those outside the ghetto.

What are the principal secondary sources on which Wacquant relies? He cites the standard works on slavery. Wacquant’s work is literally larded with references to the vast output of the race and poverty industries, though it is painfully evident to knowledgeable readers that Wacquant or his research assistants do not recognize thoroughly derivative, and in at least one instance outright plagiarized, work when he or they see it. Wacquant’s work indiscriminately cites such sources as authoritative. Apart from occasional references to government statistical documents and citations of various conservative culture warriors and apologists in order to attack them, Wacquant relies principally on various kinds of “progressive” advocacy research, a practice for which he savages others.<sup>15</sup> Here Wacquant’s sources include: reports by Marc Mauer of The Sentencing Project, an organization that laments African-American overrepresentation in prisons and decries the disenfranchisement of felons; reports on police brutality by Human Rights Watch, an organization wholly identified with those who claim to be victims of governmental abuses; strident advocacy tracts by law professors such as Georgetown’s David Cole, who is noted principally for his absolutist stance on all civil liberties issues, or by race-industry stalwarts, such as Randall Kennedy and John Edgar Wideman, whose conceptual Procrustean bed is skin color, or books by sociologists such as David Garland who, like Wacquant, spins abstract theories instead of grappling with empirical data; or Bernard Harcourt’s *Illusion of Order*, which Wacquant sees as definitively destroying the very idea of zero-tolerance policing (while forgetting that even Harcourt admits that Skogan’s data significantly correlate robbery with external disorder);

and, of course, articles and polls decrying police brutality in the *New York Times*. In short, Wacquant picks all of his sources to support his predetermined image of the “hyperghetto” and he writes to predetermined conclusions. And, although Professor Wacquant is himself a recipient of the largess of the MacArthur Foundation and the Russell Sage Foundation, both stalwarts of the poverty and race industries, he condemns as state or foundation lackeys anyone who does not share his overdramatized, apocalyptic, thoroughly racialized, and ultimately absurd vision of American society.<sup>16</sup>

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Wacquant praises Phillipe Bourgois’s *In Search of Respect: Selling Crack in El Barrio*, an ethnography of Puerto Rican drug dealers in Spanish Harlem. Wacquant’s attention to Bourgois’s work provides clues to Wacquant’s own sensibilities.

Bourgois, who grew up in New York’s Silk Stocking district, took degrees in social studies at Harvard and in anthropology at Stanford. He is currently an Urban Research Scholar at the National Institute for Drug Research based at San Francisco State University. With funding for his work from the Harry Frank Guggenheim Foundation, the Russell Sage Foundation, the Social Science Research Council, the Ford Foundation, the National Institute on Drug Abuse, the Wenner-Gren Foundation for Anthropological Research, and the United States Bureau of the Census, Bourgois lived in *el barrio* for several years, befriending two dozen street dealers and their families, spending, he says, “hundreds of nights on the street and in crackhouses observing dealers and addicts” and regularly tape-recording their life histories and conversations [13]. Unlike Wacquant’s work, the book contains remarkably detailed empirical material, focused mostly on a crack house called “The Game Room.” Bourgois describes the daily routines of drug dealers, particularly one “Primo,” a sometime crack addict who kicked the habit and became the manager of The Game Room, along with a variety of Primo’s associates. These include “Felix,” The Game Room’s owner,

who originally hired Primo to manage the crack house so that he could devote himself more completely to his sexual conquests of the neighborhood girls. This avocation nearly costs him his life when his wife “Candy” gut shoots him because Felix bedded her sister while she herself was six months pregnant. The shooting wins Candy great respect and eventually a job managing the crack spot. Primo’s pals also count “Ray,” a sometime robber of other drug operations, who becomes the “owner” of The Game Room when Candy sells it to him after Felix gets busted for weapons possession; and “Cesar,” “Willie,” “Benzie,” and “Little Pete,” addicts all, assorted runners, lookouts, and errand boys for Primo’s operation at The Game Room and later at the Social Club, a subsidiary operation financed with drug profits. The book vividly describes the mechanics of the underground drug economy. Moreover, Bourgois does not shy away from the violence intrinsic to the drug trade, the constant fear of robbery, the physical abuse of addicted workers and customers, and especially the interpersonal violence that is part and parcel of street hustlers’ lives. A great deal of Bourgois’s book describes the daily squabbles and struggles among his street people for reputation, social distinction, and ascendancy, significant in tragic proportions only in that very small world.

But, just as Wacquant invents and juggles concepts to make political points, Bourgois mars his wonderful field material with relentless ideological salvos. Bourgois’s basic conceptual framework, he tells us, consists of an amalgam of postmodernism, Marxism, and feminism. He agonizes over the politics of representation, about his right as a “privileged white male” to say anything at all, especially something bad, about poor, oppressed Puerto Ricans, arguing that anything negative will be used against his subjects by state lackeys. He decries capitalism and the poverty and “inner-city apartheid” that it has wrought; he sees the underground economy as the way street people “resist” capitalism [8-11, 114-73], even as he argues again and again that an all-devouring capitalism is responsible for every ill that befalls his subjects. Yet he also argues that his subjects resemble upwardly mobile citizens in their consumption habits:

I finally solved the mystery of why most street-level crack dealers remain penniless during their careers, when I realized that their generous binge-behavior is ultimately no different from the more individualistic, and circumscribed, conspicuous consumption that rapidly upwardly mobile persons in the legal economy also usually engage in. The tendency to overspend income windfalls conspicuously is universal in an economy that fetishizes material goods and

services. Crack dealers are merely a caricaturally visible version of this otherwise very North American phenomenon of rapidly overconsuming easily earned money. Their limited options for spending money constructively in the legal economy exacerbate their profligacy [91].

What possible restrictions on spending money in New York City could Bourgois have in mind? He must know that even the lowest of the low in the Manhattan and south Bronx crack trade – hand-to-hand street sellers – made at least \$40 an hour in 1992, more on weekends. That many of these, like Bourgois’s subjects, chose to take their wages in trade, blow their brains apart with crack, or binge spend when they gained a windfall can scarcely be attributed to the evils of capitalism.

Not all drug dealers were, or are, undisciplined consumers. In fact, Washington Heights drug money earned in the late 1980s and early 1990s by investment-minded players purchased vast tracts of upper Manhattan and south Bronx real estate, car dealerships and repair shops, bodegas, restaurants, beauty salons, and jewelry stores, laying a firm groundwork for future prosperity for at least some Dominican immigrants once they abandon their “transnational” identities and decide once and for all to make it in New York City, like the Irish, Jews, and Italians before them. Indeed, Bourgois makes the point obliquely, even as he strives to make his own subjects simultaneously victims and heroes:

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*Bourgois mars his wonderful field material  
with relentless ideological salvos.*

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In documenting the depths of personal pain that are inherent to the experience of persistent poverty and institutional racism, I hope to contribute to our understanding of the fundamental processes and dynamics of oppression in the United States. More subtly, I also want to place drug dealers and street-level criminals into their rightful position within the mainstream of U.S. society. They are not ‘exotic others’ operating in an irrational netherworld. On the contrary, they are ‘made in America.’ Highly motivated, ambitious inner-city youths have been attracted to the rapidly expanding, multibillion-dollar drug economy during the 1980s and 1990s precisely because they believe in Horatio Alger’s version of the American Dream. [Here Bourgois cites Robert K. Merton’s famous 1938 article “Social Structure and Anomie.”]

Like most other people in the United States, drug dealers and street criminals are scrambling to obtain their piece of

the pie as fast as possible. In fact, in their pursuit of success they are even following the minute details of the classical Yankee model for upward mobility. They are aggressively pursuing careers as private entrepreneurs; they take risks, work hard, and pray for good luck. They are the ultimate rugged individualists braving an unpredictable frontier where fortune, fame, and destruction are all just around the corner, and where the enemy is ruthlessly hunted down and shot [325-6].

Crime as a route to respectability is an old American tradition that some members of some immigrant groups take again and again. But thwarted or truncated opportunities certainly do not impel everyone to crime, even in poor communities where opportunities are indeed scarce. Bourgois himself wonders why so many people in the neighborhood that he studied—all just as poor as his subjects, indeed poorer without drug money, and almost all black or brown—slog away at low-paying jobs, trying to piece together a life they consider decent against great odds, deeply fearful of the predators among them. Is a life of crime actually a moral choice that a small percentage of people make, an embrace of the sensual attractions of the street where being “bad” is good? Bourgois’s heroes thrive on risk and self-indulgence, on “getting over,” on hoodwinking the police, the courts, and the welfare system alike, on serial polygamy in an effort to father as many children as possible, and especially on systematic as well as random, often gratuitous, violence that keeps others off guard and heightens one’s fearsomeness. The subtleties of motivation in the ghetto are as complex as anywhere else in our fantastically complicated society.

And what about the violence? Take, for instance, the systemic violence against women in which Bourgois’s subjects routinely engage, some of which Bourgois witnesses. Bourgois usually explains this away with the Marxian notion of women being the proletariat’s proletariat, once again casting racist capitalism as the real culprit. But suddenly, when he is well into his work, his subjects vividly describe to him their gang rapes of all neighborhood girls of twelve to fourteen years of age who, it seems, are foolish enough to spend any time on the street [205-12]. Bourgois seems not to consider that his subjects might be baiting him with embellished stories of sexual prowess. He seems caught between his fascination with his subjects’ tales, his own revulsion, and his worries about how his feminist academic colleagues will perceive him for associating with rapists, or even wannabe rapists whose swaggering braggadocio conveys their conceptions of girls. As his subjects sense his ambivalence, which they perceive as weakness, they taunt him with even more explicit descriptions of their sexual humiliations of young women. For one brief moment, Bourgois seems to realize that he has wandered into a moral world apart. But, as the book goes on, he comes to his senses and reasserts the heroic resistance of his subjects to rapacious capitalism.

Wacquant frequently tips his hat to researchers for the fieldwork they have done before he proceeds to savage them for their analyses of their data. He regularly cites Bourgois’s work favorably because Bourgois never lets his rich data get in the way of the “progressive” thinking that he and Wacquant propagate.

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## V What Kind of Order?

The notion belabored in the works under review, that “order” is socially constructed, is a truism, and not a terribly interesting one at that. The compelling issues are: What kind of order prevails today? And what kind of order should prevail?

The first question falls in the domain of social science. As argued here, the works under review lack reliable data; they lack necessary social and historical contexts; they are predicated on vague, abstract, and frequently false assumptions; and they are ideologically driven. The order that they purport to describe parodies social reality.

The second question—what kind of order *should* prevail—involves complicated normative assessments. What

rules underpin the very possibility of complex modern democratic societies? What kind of values and behaviors does American society in particular want to promote or discourage? What kind of compromise, self-sacrifice, and self-restraint are members of American society willing to ask of themselves and, at the same time, require of all who choose to live in this country? The great political contests in democracies revolve precisely around such issues. Social order in democratic societies is always makeshift, provisional, and troubled.

One can reasonably ask the following questions of the authors reviewed here: What kind of social order do they want to see? Is it a society, whether metropolitan, suburban, or rural, without police or prosecutors at all, a world

in which everyone can act as he pleases, regardless of the consequences of his actions for other people? A world in which everyone can make any noise he wants, tool through city streets in cars or on bikes without regard for stop signs, traffic lights, or the safety of others, or deface public property with graffiti, or create havoc-wreaking electronic viruses, or exhibit himself, or engage in sexual congress in public, or get drunk in public, or harass passersby, or pitch bivouac-like tents in public bus stations or parks, or urinate or sleep where he pleases, farebeat subways and buses at will, or prevent fire engines from responding to blazes by refusing to move double-parked cars on narrow streets, or take others' cars, wallets, or Starter jackets by force, or steal others' identities, or defraud the elderly of their pensions, or mutilate immigrant girl children's genitals for religious reasons, or lace upper-class girls' drinks with date-rape drugs, or commit violence against others for business, pleasure, or to exert control, or just to release rage?

Or do these authors opt for a society with radically decentralized laws and police forces, each law and each force intimately tied to the norms of a particular community, without accountability to a central authority? In New York City, for instance, this means one law and police force for *el barrio*, one for Greenwich Village, one for Harlem, one for Washington Heights, one for East New York, and a still separate one for the Upper East Side. But then, who defines such "communities"? Who sets the norms applicable in each "community"? How? And how does such a system incorporate, affirm, deflect, or deny the sure-to-follow flood of claims for the honoring of still new moral rules-in-use, or cultural practices, or just plain desires, or, among some at least, universally

applicable norms? How will these authors justify the new harms that will inevitably result from such new social arrangements? How are such harms more acceptable than the harms that emerge from the present order?

Modes of enforcing rules are scarcely the sole determinants of social order. In democratic societies, other processes — advocacy, electoral politics, legislation, judicial decision-making — are much more crucial. Within its limited scope, zero-tolerance policing, the paradigmatic case of rules enforcement, is obviously imperfect. Like all other strategies that emanate from a gigantic bureaucratic apparatus itself hostage to other bureaucracies, zero-tolerance-policing plans often go awry. New York City police are the first to ridicule the irrationalities on the street generated by plans dreamed up by bosses at One Police Plaza. Police worry, for instance, about dragging people into the system under must-arrest orders that now apply to all cases of reported domestic violence, however minor, disputes that police think should be settled privately whenever possible. The remedies for perceived problems with zero-tolerance policing are precisely the established processes of democratic societies.

Zero-tolerance policing, like all modes of enforcing rules, makes a lot of people unhappy, especially those who have different rules or who like to break existing rules. But, when vigorously implemented as police strategy, it makes the streets inhospitable to the antisocial elements of our society. It benefits especially the residents of the very ghettos that concern most of the authors under review. It asserts the legitimacy of public authority and sanctions those who abandon, or seem not to possess, the other-regarding self-discipline that underpins democratic civil society.

## NOTES

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1 Also discussed in this review are Loïc Wacquant, "Urban Outcasts: Color, Class, and Place in Two Advanced Societies," *PhD diss., University of Chicago, 1994*; Loïc Wacquant, "From Slavery to Mass Incarceration," *New Left Review* 13 (Jan/Feb 2003): pp. 41-60; and Loïc Wacquant, "From Welfare State to Prison State: Imprisoning the American Poor," *Le Monde Diplomatique*, July 1998 <<http://www.globalpolicy.org/soecon/global/wacquant.htm>>. [Bracketed references in the text are to the monographs and essays under review].

2 James Q. Wilson and George L. Kelling, "Broken Windows," *The Atlantic Monthly*, 249, no. 3 (March 1982), pp. 29-38; and George L. Kelling and Catherine M. Coles, *Fixing*

*Broken Windows: Restoring Order and Reducing Crime in Our Communities*, New York: Simon & Schuster, 1996.

3 *Disorder and Decline*, New York: Free Press, 1990.

4 Harcourt argues that Skogan's data on the statistically significant relationship between disorder and robbery depends entirely on his inclusion of five Newark, New Jersey, neighborhoods in his data base. He argues that if one excludes those five neighborhoods, the statistically significant relationship between disorder and robbery disappears [72-78]. One could argue, by contrast, that Newark's notoriously disorderly neighborhoods are in fact paradigmatic. Moreover, Harcourt cites the study by Robert J. Simpson and Stephen W. Raudenbush, "Systematic Social Observation of Public Spaces: A New Look at Disorder in Urban Neighbor-

hoods," *American Journal of Sociology*, 105, no. 3 (1999): 603-51, to refute Skogan. However, Harcourt himself admits that Simpson and Raudenbush argue that "robbery may be induced by neighborhood disorder. They note that disorder may entice robbers, in turn undermining collective efficacy and thereby promoting more robbery and more disorder." [Harcourt, 87; citation to Simpson and Raudenbush, 638]

5 Pierre Bourdieu and Loïc J.D. Wacquant, *An Invitation to Reflexive Sociology*, Chicago: University of Chicago Press, 1992.

6 By contrast, Jerome S. Bruner, a cognitive psychologist and a colleague of Garland at New York University, argues that Garland "brings a larger amount of factual information to bear" on the "culture of control" than did Michel Foucault. See "Do Not Pass Go," *New York Review of Books*, 50 no. 14 (September 25, 2003) <<http://www.nybooks.com/articles/16559>>.

7 A minor point. Garland mistakenly cites an ancient Latin maxim as "nullem poena sine crimen," [36] an impossible construction in the West's most precise language. The actual maxim is some variant of "nulla poena sine crimine (culpa), nullum crimen sine lege, et nulla poena et nullum crimen sine iudicio."

8 The DANY report, as is practice, is in letter form from the District Attorney of New York to the Commissioner of the New York City Police Department. See Robert M. Morgenthau to Howard Safir, 1 July 1997. The letter is available from the Office of Public Information of the District Attorney of New York.

9 DANY, Report, p. 4.

10 DANY, Report, p. 7.

11 DANY, Report, p. 14.

12 I wish to note that Wacquant unfavorably reviewed my own book, *Wild Cowboys: Urban Marauders & the Forces of Order*, Cambridge, MA: Harvard University Press, 1997. See *Theoretical Criminology* 3, no. 3 (August 1999): 365-70.

13 Bernard Harcourt reviewed *Les Prisons de la Misère* in *Theoretical Criminology* 5, no. 4 (2001): 487ff.

14 Loïc J. D. Wacquant, *Corps et âme: Carnets ethnographiques d'un apprenti boxeur*, Marseille: Agone, 2002, p. 9, fn 1. On the book jacket, however, Wacquant asserts that he spent three years participating in the training of relatively inexperienced amateur and professional boxers, attending between three and six sessions each week.

15 See Loïc J. D. Wacquant, "Scrutinizing the Street: Poverty, Morality, and the Pitfalls of Urban Ethnography," *American Journal of Sociology*, 107, no. 6 (May 2002): pp. 1468-1599, with responses from Elijah Anderson, Mitchell Duneier, and Katherine Newman. In his review, Wacquant attacks Anderson's *The Code of the Street*, New York: W.W. Norton, 1999, Newman's *No Shame in My Game*, New York: Russell Sage Foundation and Alfred Knopf, 1999, and Duneier's *Sidewalk*, New York: Farrar, Straus & Giroux, 1999 for, among many other things, shoddy collection of field data; inadequate and uncritical theoretical framing of data; the censorship of subjects' untoward, perhaps deplorable, behavior coupled with the sentimental exaltation of the downtrodden; the swallowing whole of subjects' vocabularies of motive for their actions; the citation of advocates as scholarly sources; and especially the moralistic, depoliticized exorcism of "class bad faith, racial guilt, and liberal impotence" that, in effect, becomes an endorsement of the neoliberal state <<http://www.journals.uchicago.edu/AJS/journal/issues/v107n6/071000/071000.html>>. In response, Anderson, Duneier, and Newman excoriate Wacquant for relentlessly and willfully misrepresenting their work by creating a series of straw men through distorted quotations and mischaracterizations of their arguments and then shredding the straw men in a polemical, ideological, and ad hominem manner.

16 Wacquant takes New York City as his principal target for a critique of "zero tolerance" policing. Yet he places the criminal sexual assault on Abner Louima in Manhattan [*Les Prisons de la Misère*, 28] instead of in the 70th precinct station house in Flatbush, Brooklyn, where it occurred. Few events were more widely reported in the New York media in the second half of 1997 than the Louima affair.