The Territorialization of the 'Republican Law': Judicial Presence in Seine-Saint-Denis, France

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Abstract

This dissertation investigates the presence of the courts in the spaces of everyday life in social housing estates located in Seine-Saint-Denis (northeast of Paris). Since the 1990s the judiciary has actively sponsored the territorialization of the courts (la territorialisation de la Justice) as the most adept measure to respond to a series of problems often understood as essentially “local”: crime, revolts, “incivilities,” and insecurity. The dissertation examines the proliferation of new judicial structures in crime-prone areas, and the increasing involvement of judges in local partnerships to more efficiently fight crime and prevent collective violence among youths from immigrant origins. More specifically, the Houses of Justice and Law, or Maisons de Justice et du droit, and the Local Groups for the Treatment of Delinquency, or Groupes Locaux du Traitement de la Delinquance (GLTD), in Seine-Saint-Denis are analyzed in order to demonstrate the increasing role of the judiciary in the production of urban space.

Through the analysis of semi-structured interviews with local officials, policy documents, newspaper articles, and secondary sources the dissertation argues that the spatial reorganization of the judicial system reflects the state’s necessity to be physically present in the everyday lives of the population of social housing estates. This physical presence, in turn, allows the French state to re-assert its authority and reclaim its legitimacy in places that continually challenge it. Moreover, the objective of the dissertation is to explain why that is so, how it has gone about becoming present, and what that means for the everyday lives of (“immigrant”) youth of housing estates.

The dissertation contributes to state theories in the geographic literature by stressing that present-day state theories tend to accentuate the spatial reorganization of contemporary states
according to the demands of capital accumulation. However, the dissertation argues that due attention is given to the construction of new penal spaces as these are becoming important sites where states exert their contested authority and expand their geographies of power. More specifically, the dissertation contributes to debates on the penal state by focusing attention to the territorialization of the courts rather than the police who have received significant attention in geographic debates. In other words, the dissertation seeks to depict the judiciary as a territorial institution, a point seldom highlighted in the social sciences.
The territorialization of the ‘Republican law’: Judicial presence in Seine-Saint-Denis, France

by

Joaquín Villanueva

B.A., Universidad de Puerto Rico, 2003
M.A., Syracuse University, 2005

Dissertation
Submitted in partial fulfillment of the requirements for the degree of
Doctor of Philosophy in Geography.

Syracuse University
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It is very hard for me to acknowledge each and every person who helped me reach this point. I should’ve made a note every time someone encouraged me to continue, advised me, or just simply invited me for a drink so I could forget about my writing. But I never did. If you don’t find yourself in this note please excuse me, I should’ve been more methodical. Needless to say, I want to thank every person that I encountered between 2003 and 2012.

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# Table of Contents

<table>
<thead>
<tr>
<th>Section</th>
<th>Page</th>
</tr>
</thead>
<tbody>
<tr>
<td>List of Figures</td>
<td>xiii</td>
</tr>
<tr>
<td>List of Acronyms</td>
<td>xiv</td>
</tr>
<tr>
<td>Introduction to the dissertation</td>
<td>1</td>
</tr>
<tr>
<td>Territorialization: Court geographies</td>
<td>3</td>
</tr>
<tr>
<td>Court system</td>
<td>8</td>
</tr>
<tr>
<td>Methodology</td>
<td>13</td>
</tr>
<tr>
<td>State territoriality: violence and the economy</td>
<td>21</td>
</tr>
<tr>
<td>State territoriality: courts and police</td>
<td>34</td>
</tr>
<tr>
<td>State territoriality: authority and legitimacy</td>
<td>38</td>
</tr>
<tr>
<td>Organization of the dissertation</td>
<td>44</td>
</tr>
<tr>
<td>Chapter 1: Riots, streets and order: Beyond the “public sphere”</td>
<td></td>
</tr>
<tr>
<td>1.1 Introduction</td>
<td>49</td>
</tr>
<tr>
<td>1.2 Events, moments and situations</td>
<td>52</td>
</tr>
<tr>
<td>1.3 The 2005 revolts</td>
<td>58</td>
</tr>
<tr>
<td>1.4 The antagonist politics of the Republic</td>
<td>70</td>
</tr>
<tr>
<td>1.5 Street presence: order and disorder</td>
<td>76</td>
</tr>
<tr>
<td>1.6 Structures and accidents</td>
<td>80</td>
</tr>
<tr>
<td>1.7 Conclusion</td>
<td>85</td>
</tr>
<tr>
<td>Chapter 2: Concentration and fragmentation of everyday life: the right to the festival</td>
<td></td>
</tr>
<tr>
<td>2.1 Introduction</td>
<td>91</td>
</tr>
<tr>
<td>2.2 Everyday life</td>
<td>95</td>
</tr>
<tr>
<td>2.3 Social division of urban space and the organization of everyday life</td>
<td>103</td>
</tr>
<tr>
<td>2.4 Fragmentation and concentration of everyday life</td>
<td>109</td>
</tr>
<tr>
<td>2.5 The dual city model</td>
<td>112</td>
</tr>
<tr>
<td>2.6 <em>La galère</em> and the monotony of everyday life</td>
<td>116</td>
</tr>
</tbody>
</table>
2.7 Everyday spaces, “bands” and moments 120
2.8 The penalization of everyday life 125
2.9 Conclusion 128

Chapter 3: Managing urban fragmentations: La politique de la ville

3.1 Introduction 131
3.2 ‘Urban crisis’ and origins of French urban policy 138
3.3 Decentralization and local politics 144
3.4 The institutionalization of urban policy 150
3.5 The return of the ‘republic’ 158
3.6 Absolute geographies of exclusion 164
3.7 The ‘threats’ of the banlieue and post-contractual territorial politics 171
3.8 Back to everyday life 178
3.9 Conclusion 180

Chapter 4: “Urban violence,” everyday life and the shifting presence of the penal state

4.1 Introduction 186
4.2 Everyday life and “urban violence” 191
   4.2.1 Violence and the death of the street 198
   4.2.2. The moment, everyday life, and spaces of social control 202
4.3 The shifting presence of the penal state, 1981-1996 207
   4.3.2. “Urban violence” and the presence of the republican state (1990-1996) 216
4.4 The emergence of “security” and the restoration of social relations (1997-present) 226
   4.4.1. Consolidating the penal state 232
4.5 Conclusion 240
<table>
<thead>
<tr>
<th>Chapter 5: Judicial presence in everyday life: Pedagogy of the republican law and the Maisons de Justice et du droit (MJD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>5.1 Introduction</td>
</tr>
<tr>
<td>5.2 Discourses around the new court geographies</td>
</tr>
<tr>
<td>5.3 Restorative justice and the new court geographies</td>
</tr>
<tr>
<td>5.3.1 Geography, restorative justice, and state authority</td>
</tr>
<tr>
<td>5.4 Judicial presence in everyday life: The Houses of Justice and law</td>
</tr>
<tr>
<td>5.4.1 Origins of MJDs</td>
</tr>
<tr>
<td>5.4.2 Presence, Proximity, and Authority</td>
</tr>
<tr>
<td>5.5 Pedagogy of the law</td>
</tr>
<tr>
<td>5.6 Conclusion</td>
</tr>
</tbody>
</table>

<table>
<thead>
<tr>
<th>Chapter 6: Between Presence and Absence: Policing the “corners” through the Local Groups for the Treatment of Delinquency (GLTD)</th>
</tr>
</thead>
<tbody>
<tr>
<td>6.1 Introduction</td>
</tr>
<tr>
<td>6.2 GLTDs</td>
</tr>
<tr>
<td>6.3 Situating GLTDs within legal traditions</td>
</tr>
<tr>
<td>6.3.1. “Corners” as refuge</td>
</tr>
<tr>
<td>6.4 Repression over prevention: present-day GLTDs</td>
</tr>
<tr>
<td>6.4.1. GLTDs as demonstration of judicial authority</td>
</tr>
<tr>
<td>6.4.2. GLTDs for “managing” crises</td>
</tr>
<tr>
<td>6.4.3. Judicial absence and the impossibility of creating “tolerable living conditions”</td>
</tr>
<tr>
<td>6.5 Conclusion</td>
</tr>
</tbody>
</table>

Conclusion to the dissertation

The construction of “lawless” urban areas | 333 |
How have the courts increased their presence in the spaces of everyday life? | 337 |
Why the courts are present in the spaces of everyday life? | 341 |

References | 354 |
List of Figures

Figure 1 Theoretical Framework…………………………………………………………………….. 5
Map 1 Seine Saint Denis…………………………………………………………………………….. 17
Photo 2.1 "93 Nique la police”…………………………………………………………………………. 130
Table 3.1 Competences and responsibilities of sub-national authorities.......................... 148
Table 3.2 The Geography of French Urban Policy ............................................................. 167
Table 4.1 Index of Collective Violence, French Intelligence Service................................. 195
Graph 5.1 Evolution of particular infractions in France ...................................................... 248
Graph 5.2 Convicted, by age, for assault............................................................................. 249
Graph 5.3 Convicted, by age, for public order offenses ..................................................... 249
Table 5.1 Responses to small and medium size offenses: 2000-2007............................... 251
Map 5.1 Distribution of Houses of Justice and law in France and oversea territories........ 277
List of Acronyms

ANRU Agence Nationale pour la Rénovation Urbaine
APL Aide personnalisée au logement
CCPD Conseils Départementaux Prévention de la Délinquance
CIAM Congrès Internationaux d'Architecture Moderne
CIV Comité interministériel des villes
CLS Contrats Locaux de Sécurité
CLSPD Conseil local de sécurité et de prévention de la délinquance
CNDSQ Commission Nationale pour le développement social des quartiers
CNPD Conseil national de prévention de la délinquance
CNPD Conseil national de prévention de la délinquance
CNV Conseil National des Villes
CSI Conseil de Sécurité Intérieur
DIV Délégation Interministériel à la ville
DSQ Développement Social des Quartiers
DSU Développement Social Urbain
DSU Loi de dotation de solidarité urbaine
EDF Électricité de France
EPCI Établissement public de coopération intercommunale
GIP Groupe d’Information sur les Prisons
GLTD Groupes Locaux du Traitement de la Délinquance
HCI Haut Conseil à l’Intégration
HLM habitation à loyer modéré
HVS Habitat et vie sociale
INED Institut national d’études démographiques
INSEE Institut national de la statistique et des études économiques
ISE Indice synthétique d’exclusion
JAP Juge de l’application des peines
LEA Lieue – Ecoute – Accueil
LOPSI 1 Loi d'orientation et de programmation pour la performance de la sécurité intérieure
LOPSI 2 Loi d'orientation et de programmation pour la sécurité intérieure
LOV Loi d'orientation pour la ville
LSI Loi pour la sécurité intérieure
LSQ Loi sur la Sécurité Quotidienne
MJD Maisons de Justice et du droit
OMJA Office municipal de la jeunesse d'Aubervilliers
OND Observatoire national de la délinquance
ONZUS Observatoire National des Zones Urbaines Sensibles
PCF Parti Communiste Français
PJJ Protection Judiciaire a la Jeunesse
PRV Pacte de Relance pour la Ville
PS Parti Socialiste
RAL Rappel à la loi
RER Réseau Express Régional
RG or DCRG Direction centrale des Renseignements généraux
RMI Revenu minimum d'insertion
RPR Rassemblement pour la République
SI Situationist International
SPIP Service Pénitentiaire d’Insertion et de Probation
SRU Loi relative à la solidarité et au renouvellement urbain
TGI *Tribunal de grande instance*
TIG *travail d'intérêt général*
UDP *Union pour la démocratie populaire*
UMP *Union pour un mouvement populaire*
ZFU *Zones Franche Urbaines*
ZRU *Zones de Redynamisation Urbaine*
ZUS *Zones Urbaines Sensibles*
INTRODUCTION TO THE DISSERTATION

Since the 1970s a whole range of conflicts have emerged from social housing estates constructed during the postwar era in the suburbs of major French urban agglomerations. The increasing number of immigrant families residing in social housing, coupled with the physical degradation of the infrastructure and the drastic economic transformations at the end of that decade, have contributed to staggering unemployment rates, intensified social and spatial exclusion, and fueled feelings of insecurity over jobs and personal safety. Gradually the French welfare state, conscious of the situation in social housing estates, re-aligned its mode of operation to suit the needs of territories in critical situation. The territorialization of social assistance was introduced in the 1980s, under la politique de la ville (French urban policy), to better combat the roots of socio-spatial exclusion and prevent particular neighborhoods from drifting even further.

Social upheavals – most recently and most famously the nationwide riots of 2005 – have been understood as signs of the larger economic and social crisis affecting social housing estates. Car burning, attacks against public officials (police officers) and property damage to public institutions authored by youths, the majority from immigrant extraction and living in social housing estates, have gravely affected the banlieue/state relationship. Originally a social response was mobilized, through the programs of la politique de la ville, to create a social safety net against the effects of de-industrialization, social disaffiliation, and exclusion. The intensification of revolts in the 1990s, however, was interpreted as a failure of the territorialization of the welfare state to stem social exclusion, insecurity, and resentment. Since then social upheavals have been increasingly understood as a law-and-order problem. Although
social responses to the crisis of the banlieue have not stopped, the role of the repressive state apparatus in the banlieue has considerably increased over the last two decades. The police and courts have actively responded to “riots,” petty crime, and everyday disorderly conduct staged by young people in the banlieue by mobilizing a whole range of resources and personnel in the territories of despair. The presence of penal institutions in the “spaces of exclusion” is the subject matter of this dissertation.

More specifically, the dissertation investigates the increasing geographical presence of the courts in “lawless” urban areas. The idea that some territories within the political space of the French state are not bound by the Republican law took force as social unrest in the banlieue intensified. Interpreted as criminal acts committed against public and private property and state institutions, the treatment of “riots” took a penal turn in the 1990s whereby the police and the courts were called upon to prevent “urban violence.” The latter term was popularized by Lucienne Bui-Trong, the former director of “Cities and banlieues,” a section of the French Intelligence service specialized in the surveillance of violence in the banlieue. Bui-Trong created a scale of violence running from degree 1 (small offenses) to degree 8 (guerrilla warfare, riots) (Bui-Trong, 1993). The linkage of everyday transgressions (youth gatherings in public space, vandalism, drug use) with spectacular riots under the term “urban violence” served an important ideological function in the politics of “prevention of delinquency.” Prevention in this sense meant attacking the very foundations of riots: the degradation of everyday life in the banlieue. The fight against everyday transgressions has led to territorialization of penal and social institutions in the spaces of everyday life.
Territorialization: Court Geographies

The dissertation seeks to understand the motivations, modes, and socio-spatial implications of the territorialization of the courts in the spaces of everyday life. “Territorialization” and “decentralization” of state functions have been two parallel policy initiatives that since the 1970s have sought to reduce central government spending, expand the scope of action and the democratization of decision-making to local governments, and to better respond to a variety of “local” problems (Chapter 3 discusses in detailed the changing mode of territorial governance since the 1970s; see also Le Galès, 2002). Decentralization refers to the process of transferring central state competences to other institutions and jurisdictions distinct from it. A good example would be the creation of municipal police. The municipal police respond to the demands of local mayors and are not bound by the highly centralized and powerful Police Nationale who must respond to the needs and objectives determined by the Interior Minister (Le Goff, 2005; Roché, 2004). Territorialization, on the other hand, refers essentially to the geographical mobilization of institutions closer to the terrain. Territorialization does not involve the transferring of competences and powers. This process denotes solely the scalar transformations of particular institutions. As opposed to policing powers, mayors do not possess the power of adjudication. Thus if a mayor wants a more pronounced presence of the courts within her/his municipality, she/he must rely on the French judicial system’s ability or willingness to territorialize its services in the terrain.

Reluctant to devolve the power of adjudication to mayors and other actors, since the 1990s the judiciary has actively sponsored the territorialization of the courts (la territorialisation de la Justice) as the most adept measure to respond to a series of problems often understood as essentially “local”: crime, “incivilities,” and insecurity. Made official through a series of reports,
laws, and decrees, the territorialization of the courts has attracted little attention by French scholars, despite the increasing visibility of the courts in the spaces of everyday life of social housing estates located in the banlieue (for an exception see Wyvekens, 1997; see also Chapter 4).

Assessment of the literature relating to territoriality and the geographies of the judiciary surprisingly yielded very little results. Most work about the territorialization of penal institutions has documented the geographical mobility of the police (Herbert, 1997), offshore migration enforcement agents (Mountz, 2010; Nevins, 2004), refugee agencies (Hyndman, 2000), and the spatialization of the law (Blomley, 2004; Mitchell, 2003). As previously mentioned, the purpose of the dissertation is to document the increasing presence of the courts in the spaces of everyday life. My research investigations allowed me to observe the increasing presence of the judicial system in social housing estates, the participation of judicial personnel in local partnerships for the prevention of delinquency, and the construction of new judicial structures, generally located in city-centers, intended to increase the visibility of the judiciary and to better provide judicial services to a population that has been increasingly victim to acts of crime and violence. Preliminary observations allowed me to ask the following questions: why are the courts present in the city? To what extent courts and judicial personnel actively produce urban space? And, how does the presence of courts impact the geographies of state authority and legitimacy? In order to answer these questions and situate my research investigations within existing bodies of literature, I devised the following theoretical framework to guide the interrogations driving this study (Figure 1)
As Figure 1 illustrates, the dissertation draws on the fields of legal, urban, and political geography in order to conceptualize what I consider a separate sub-field emerging from these three geographical traditions: Court geographies. Court geographies refers to the study of the geographical mobility of the judiciary. In recent years, scholars have begun to pay attention to the emergence of new judicial structures such as drug courts and community courts and the increasing presence and prominent role of judicial personnel in these local structures (judges, lawyers, prosecutors to name a few) (Beckett and Herbert, 2010; Belina, 2007; Berman, et al., 2005; Dickson-Gilmore et. al., 2005; Martin and Scherr, 2005) Nevertheless, these accounts seldom interpret the geographical mobility of courts as part of a larger attempt by modern nation-states to further territorialize their institutions and actions in order to achieve greater reach and exert greater control over their territories. The theoretical model propose in the dissertation takes into consideration the state’s ability to exert territoriality, mobilize the law and legal personnel across its territory, and in the process produce new spaces of intervention and action in urban areas.
Taking the cue from legal geography I rely on accounts that emphasize the nexus of law and space in order to argue that laws as well as legal personnel actively construct and define urban space (Blomley, 2004; Blomley et al., 2001; Mitchell, 2003). From the field of urban geography I take recourse on the vast literature of the production of urban space in order to account for the complex relations of power that help constitute and give meaning to space (Lefebvre, 1991; Martin and Scherr, 2010; Mitchell, 1996; Peck and Tickell, 2002; Smith, 1984). More precisely, I follow Henri Lefebvre’s conceptualization of the production of urban space where he understands space as being the product of a complex set of relations that include conceptualizations of space by “technocrats” (urban planners and architects, for instance), perceptions of urban space by state officials as well as users, and daily users who continually give meaning to the everyday spaces constructed by policy makers (Lefebvre, 1991). In this scheme, everyday life becomes an important arena where the production of space takes place. The dissertation conceptualizes “everyday life” according to Lefebvre in order to document how the Parisian urban space has transformed over time. Understanding that numerous scholars have theorize the “everyday life” in relation to urban space and the state (Amin and Thrift, 2002; Gupta and Ferguson, 1997, as well as ethnographers who have documented the everyday lives of numerous subjects across distinct contexts Bourgios, 1996), I based my analysis of the politics of everyday life and urban space entirely on Henri Lefebvre’s work (Lefebvre, 1996; 2002; 2004). The reason for heavily relying on Lefebvre to conceptualize “everyday life” is that he understood and advanced this concept on his observations of Paris throughout the twentieth century. Through Lefebvre’s lens I document the historical-geographies of Paris as well as the transformations to the everyday lives of the populations of the banlieue over that span (see Chapter 2 for details).
Finally, from the field of political geography I explore debates on state territoriality in order to uncover the essential aspects of state geographies, state power, and the specific position of state institutions vis-à-vis the urban population. Political geography is a diverse field which has explored numerous topics ranging from the politics of borders, sovereignty, governance, geopolitics, colonialism and postcolonial relations, neoliberalism, migration, violence and terrorism, nationalism, citizenship, gender and sexuality, and numerous other important topics (for an overview of the field see Gallaher et al., 2009; Painter and Jeffrey, 2009). Understanding that the field is vast and complex, however, I begin my account of political geography with debates on state territoriality for various reasons. First, the dissertation seeks to understand the “territorialization of the courts” in France. Territorialization, as stated earlier, refers to the process whereby state institutions move across space in order to exercise greater power and become more present in the everyday lives of the population they wish to control, administer, and/or manage. Moreover, I have designed my theoretical discussion around the concept of territoriality (see sections below) since in recent years many scholars have paid particular attention to the territorialization of state institutions in order to document the shifting geographies of statehood across various scales (Brenner, 2004; Keating, 1997). Finally, territoriality studies have paid particular attention to the actions of the police and law enforcement agencies without necessarily including in their analysis the increasing territorialization of the courts and the judiciary (Herbert, 1997; Mountz, 2010). In other words, the discussion on territoriality and the economy, territoriality and law and order, and territoriality and the courts included below are intended to illustrate the limitations geographers have in conceiving the courts as institutions also capable of exercising and practicing territoriality.
The discussions below are not intended to be an exhaustive review of each of the three fields mentioned above, but rather they should serve as illustrative examples of how courts and the judiciary have been conceived in the geographic literature. Before narrating how the courts have been perceived by various scholars, I want to first introduce the reader to the general court structure prevalent in France and then to the methodology that guided this study. One final note, most of the theoretical discussions in the dissertation are embedded within each chapter. This introduction is not intended to provide one theoretical framework which will guide the rest of the dissertation. Rather each chapter can be viewed separately and I explore specific bodies of work in order to expand on the specific arguments I advance in each chapter. In Chapter 1, for example, I discuss theories of violence and revolts more in depth. In Chapter 5 I explore the literature on restorative justice in order to situate some of the current judicial initiatives in France within larger debates. The debates presented in the Introduction, in other words, are designed to introduce the reader to a series of discussions relating to statehood, the judiciary, and urban space.

**Court system**

The current legal system in France emerged in the period following the French Revolution. The Napoleonic Code or Civil Code, established in 1806, laid down the foundations of the rights of citizens as well as the organization of the judiciary in society. The French legal system follows the “Civil law” tradition, as opposed to the “Common law” tradition that characterizes almost every English-speaking country. Common law is based on a set of laws that can be interpreted by higher courts and therefore set precedents which lower courts cannot override. By contrast, civil or “Roman” law systems are based on a “code of law,” usually passed
by a legislative body, which is the basis for each individual case. In essence, the defense or the prosecution cannot take recourse on previous interpretations of the law (precedence) to judge an individual case; their judgment should entirely be based on the written code which can only be amended through lengthy legislative processes (Merryman et. al., 2007). Furthermore, the common law judge is supposed to be an objective and neutral figure whose role is to make sure that the judicial process takes place in fairness. A common law judge serves as a referee in an “adversarial system,” that is two parties (defense and prosecution) who present their case in front of a neutral judge. The civil law judge, or magistrate, on the other hand, is responsible for gathering all the information and evidence during an initial investigative phase. The “inquisitorial system,” as it is commonly known, puts the judge in the middle of the conflict for she/he is responsible for collecting the necessary evidence and witness accounts from all parties (Jolowicz, 2003). The dossier, or report, prepared by the examining judge is then presented to the president of the bench who can decide whether there is sufficient evidence for a trial or not. The president of the bench can further interview witnesses, express her/his opinion, and play multiple roles at the same time (judge, lawyer, or prosecutor). If a trial takes place, the civil law system does not typically have a jury. In the common law system, performance in the court can benefit the defense or the prosecution. In the civil law system, most of the evidence is presented in written form; thus, the most important part of the trial is the investigative phase.

The court system in France was restructured in 1806 following the Napoleonic Code. The Superior Courts (Tribunal de Grande Instance, TGI) were created to serve the needs of départements; a new regional administration that sat above the communes, the smallest administrative unit in France. Currently there are 181 TGIs in France. A smaller jurisdiction, the Court of First Instance (Tribunal d’instance), with 473 units located across France, was founded
to serve the communes and *arrondissements* (a form of spatial-lower administration found only in Paris, Lyon, and Marseille). Alongside these civil and penal courts, there are also 270 Prud’hommes councils, which deal with employer-employee litigation, and 234 Commercial tribunals that deal with litigation related with businesses. Further, thirty three Appeal Courts and a Supreme Court (*Cour de Cassation*) round up the structures designed to solve civil and penal affairs in France. Further, administrative conflicts are referred to the Administrative council, the Administrative Appeals council, or the State Council. More specifically, the Department of Seine-Saint-Denis, the main area of study of this dissertation, is equipped with one Superior Court at Bobigny, seven Courts of First Instance, one Prud’hommes council and one Commercial tribunal. As magistrate Didier Peyrat (2000:564) noted in regards to the number of courthouses in France, “the judiciary is well situated in the city.”

Despite the French judicial system’s presence in the city, in the 1990s the judiciary embarked in a mission to further “insert” the law – meaning the judiciary – in so called “lawless” urban areas (Wyvekens, 1997). This project has entailed two trends. First, the “insertion” of the law has required the judiciary to actively participate in the landscape of local security institutions, often presided over by the mayor of a given commune. Second, it has required the creation of new judicial structures intended to highlight the presence of the judiciary in the local arena. Both these projects aim at restoring the legitimacy of the judiciary, and the state more generally, in neighborhoods where the rule of law is regularly challenged. As will be discussed in detail throughout the dissertation, since the 1980s there has been a concerted effort to provide mayors with the necessary resources and administrative power to guarantee security in their respective jurisdictions (Body-Gendrot, 2000). Moreover, since 1997, the mayor has been responsible for guaranteeing public security and for managing security personnel in their
communes. Nevertheless, mayors do not hold power over the National Police – a centralized and highly independent state institution – nor the judiciary, an equally centralized and perhaps even more independent state institution. In order to fight crime in their jurisdiction, mayors have heavily relied on contracts and partnerships as ideal policy tools for managing the “co-production” of security. This new governance structure requires mayors to be pro-active since they are responsible for bringing every partner together at the table. In other words, if mayors want to build a robust collective effort to fight crime, they would need to “interpellate” central state institutions – the police and the courts most notably – into local partnerships. As Le Galès and Loncle-Moriceau (2001:76) noted, “[m]ayors in France not only claim local legitimacy but also feel deeply responsible for everything that happens in their communes. It is for this reason that mayors and elected officials should take control of partnerships.” In that regard, mayors in Seine-Saint-Denis have increasingly asked the judiciary to form Local Groups for the Treatment of Delinquency (Groupes Locaux du Traitement de la Delinquance, GLTD), a partnership that despite being presided over by the District Attorney, is often created after the request of the mayor. The GLTD reunites the mayor, social landlords, police officers and the District Attorney to fight crime in a well-defined territory for a short duration of time. GLTDs have been used in the post-2005 period to dismantle drug networks, fight gang confrontations, and even respond to school absenteeism as these constitute, according to government officials, clear signs that “urban riots” could take place in those neighborhoods. A detailed analysis of the GLTD is provided in Chapter 6.

Second, apart from joining local partnerships, the judiciary has opened up numerous “proximity justice” structures (justice de proximité). Following the law of 9 September, 2002 of orientation and programme for the judiciary, the new post of “proximity judge” was created.
The “proximity judge,” distinct from a magistrate, has limited authority to deal with criminal affairs. Only small misdemeanors and violations can be considered by this jurisdiction. Further, the judiciary – confronted with accusations of “prosecutorial inaction,” unresolved cases, and therefore of contributing to the “feeling of impunity” that prevails among young offenders – has been suffering from a crisis of legitimacy over its capacity to properly respond to the crime problematic. Local judicial structures, which treat small offenses and provide judicial services to the victims of crime, were created to help ease the congestion of cases that had been piling up in the tribunals of first instance over time. Thus, proximity justice serves a functional role as it allows the courts to be closer to crime-prone areas and deliver swift penal decisions to a greater number of infractions. There is a great variety of local judicial structures, including the Antennes de Justice, or Antennas of Justice, where judicial personnel offers innumerable judicial services, Points of Access to Rights, where lawyers and/or jurists offer advice and information about rights and specific laws, and the Maisons de Justice et du droit (Houses of Justice and Law, or MJDs). MJDs are the biggest and most competent “proximity” structures in France. There are 133 such structures in France and oversea territories. The Houses of Justice and Law first emerged in the early 1990s when France was regularly confronting social upheavals in social housing estates mainly located in the suburbs of big urban agglomerations. As Dikeç (2007a:80-1) noted, the Houses of Justice and Law were originally conceived as a mechanism to “bring the juridical system closer to inhabitants in order to ‘reinforce the presence of the Law’, through a rapid, on the spot, treatment of delinquency.” Thus as I argue in Chapter 5, the Houses of Justice and Law play an important symbolic role for the state. By being present and in close proximity of the population, the MJDs help re-assert the authority of the law in places that are deemed “outlaw” and that therefore necessitate a strong state presence.
Methodology

Originally, this dissertation was about the geography of violence in France. My interest was to focus on the socio-spatial dynamics of revolts in the Parisian banlieue. In doing so, my original task was to document different instances of violent confrontations between youths living in segregated areas of the Parisian suburbs with the police and government officials. I wanted to map correlations among violence, spatial segregation, demographics and social policies. The aim, moreover, was to argue that the geography of violence in France was caused by, on the one hand, urban processes that have systematically segregated entire portions of the population to degraded areas of the city, and on the other hand, that French urban policy, the main institutional mechanism built up to prevent these violent instances, had further isolated these spaces of the city rather than integrated them to society and the city. The methodology I employed and therefore the information I was able to gather forced me to shift focus instead to the geographies of penal institutions which have actively sought to stem “riots” in the banlieue. More precisely, there was one question that remained unanswered in the literature of the politics of the banlieue and the penal state, namely why are the courts increasingly present in the city? Put differently, why are the courts so close to the spaces of everyday life of social housing estates?

I spent ten months in Paris, from September 2007 through June 2008. Professor Cétherine Rhein, from the research unit Géographie-Cité, was instrumental in securing office space and a working environment in the Université Paris 7 – Denis Diderot. At that institution I had access to the wonderful resource center REMISIS (réseau d’information sur les migrations internationales et les relations interethniques), also known as Center Abdelmalek Sayad. The research center had one of the most comprehensive collections on migration, inter-ethnic relations, and immigration in France. Its strategic location, just a couple of doorsteps from my
office, enabled me to spent the first five months assessing the literature on the banlieue, social
housing estates, violence, and government assistance to these places. Based on the information
gathered I noted that the original research questions had already been addressed by numerous
urban sociologists concerned with crime, violence, and social housing estates. Rather than
pursuing this line of research I began to raise some new questions. As my attention gradually
shifted toward penal responses to instances of “urban violence” in Seine-Saint-Denis, I began to
notice that most of the literature had spent a great deal of time documenting the conflictive
relationship between young people in the banlieue and the police. Similar to the penal state
literature (see below) and police territoriality (Herbert, 1997), I began to notice that the role of
courts in stemming crime, violence, and insecurity in disadvantaged neighborhoods across a
variety of urban settings was poorly documented.

During the months of December and February I began to assess media reports of Seine-
Saint-Denis from 1995 to 2005. To narrow down my search, I decided to look at the newspaper
Le Parisien and its local edition of Seine-Saint-Denis. That part of the research was conducted at
the Bibliothèque Nationale François Mitterrand which is the biggest library in France. I read
almost every media report that covered any issue on crime, violence, the police, and the courts.
Initially I wanted to create a comprehensive list of the types of violences that were regularly
reported, the place, time and authors of the particular crimes/violences that were registered. By
doing so for a ten year span, I was hoping to correlate the numbers with official crime statistics
in order to assess whether media reports varied according to fluctuations of crime, or vice-versa.
Further, I wanted to assess whether media representations of the places and people where the
crimes were committed varied with the larger political-economic climate (elections, 9/11, and so
on). I was very excited with this project, yet when I was still assessing the year 1995 after a
month, I realized that I needed a research assistant. Hence I had to renounce to this promising, yet time-consuming project. Nevertheless, by looking at media reports I was able to understand how complex the structure of violence was. That is, I realized the problem of violence in the banlieue attracted, and affected, multiple actors and places in the city that spanned from teachers, bus drivers, postmen, firefighters, women, older people, police officers, young people, business owners, private property, public property, and the courts, to name just a few. I was struck by the fact that “violence” was a transformative phenomenon that prompted state officials to mobilize innumerable resources to prevent, repress, and fight crime/violence in social housing estates. Although I gave up on this project, I still think that trying to gather this data enabled me to comprehend the everydayness of crime. I was able to confirm, moreover, that “[m]uch of it [crime] is routine and brief, because the bulk of crime itself is seen as routine. Crime is understood as a permanent and recurrent phenomenon, and hence much of it is surveyed by the media in an equally routinised manner.” (Hall et. al., 1978:67)

The knowledge I was increasingly gaining about crime, violence, and state responses in Seine-Saint-Denis allowed me to begin engaging in fruitful and critical conversations with scholars on the subject matter. I attended conferences, colloquiums, and seminars organized by sociologists and criminologists. In those gatherings I often approached scholars whose worked I thought were close to my interests. I often told scholars that I was interested in the “territorialization of the law” in the banlieue. Many of them replied back “I don’t think anyone is looking at that at the moment.” Those were the key words to me for I knew I had found a key process that was little understood. My increasing interactions with the academic world also facilitated getting access to the local security landscape in Seine-Saint-Denis. Numerous scholars knew personally someone working at Saint Denis, Montreuil, Aulnay-sous-Bois, Aubervilliers,
Stains, Pantin, or Bobigny, to name some of the cities I visited in Seine-Saint-Denis. Thus during the final months of fieldwork I conducted interviews with security personnel (in the broad sense) in Seine-Saint-Denis (see Map 1).

I recorded twelve interviews across Seine-Saint-Denis. I also had numerous informal conversations with inhabitants, public officials, and social workers across the Paris region that were not recorded because the person requested anonymity and did not feel comfortable with the recording or because the conversation occurred spontaneously. I recorded interviews with the director of public tranquility in the city of Saint Denis; the director of the House of Justice and law at Saint Denis; the chief of the municipal police at Saint Denis; an agent of the PJJ (Judicial Protection of Young People) at Saint Denis; a magistrate from the Superior Court of Bobigny who works directly at the MJD of Saint Denis; the director of the Local Contract of Security (CLS) at Aulnay-sous-Bois; the director of the Local Contract of Security and the Prevention of Delinquency (CLSPD) at Montreuil; a local elected official responsible for organizing a GLTD
Map 1: Seine Saint Denis

Department of Seine-Saint-Denis

Paris and surrounding suburbs
at Montreuil; an “educator of the street” (éducateur de rue) or social worker (we met at Saint Denis but he works elsewhere – would not reveal location of work); the director of the association LEA (Lieue- Ecoute- Accueil) at Montreuil; an employee from LEA; and the director of OMJA (Office municipal de la jeunesse d'Aubervilliers) at Aubervilliers. I also encountered a social worker from OMJA who did not want to be recorded; a public official working for French urban policy who gave me a guided tour throughout Les Mureaux (Yvelines); two young males, one of whom I met while at a guest lecture I gave in Nanterre, who gave me a guided tour throughout Mantes-la-Jolie (Yvelines); and numerous young people I met in the streets of Paris whose conversations were invaluable (see Chapter 2). Against the advice of everyone, I visited numerous social housing estates on my own to get a feel of the places I had only heard from the media and scholarly works.

I used the real names of those who felt completely comfortable with their statements and that openly expressed a desire to be named. For the rest I often referred to them by their title (i.e. director of security at Montreuil), or a pseudonym. It is uncommon among French sociologists (Beaud and Pialoux, 2003; Dubet, 1987; Milburn, 2000) – who in fact dominate the study of the banlieue, violence, crime, and insecurity in France – to locate the places where they conducted research for one main reason, namely to avoid further stigmatization of social housing estates. In the dissertation, all the places studied are real. I strongly disagree with the practice of “territorial anonymity,” particularly in the type of research I conducted. More specifically, my research seeks to uncover state responses to crime, violence, and insecurity in specific locations. Hiding these locations would affect the geographical analysis of the dissertation. Moreover, I think it is imperative to document how state institutions operate in specific locations and answer the question as to why state institutions are present and/or absent from this or that neighborhood.
Since many of the policies I document in the dissertation are relatively unknown to the general public (such as the GLTD) I found it was of extreme importance to document how they work and where. “Territorial anonymity” would add nothing to one of the central objectives of the dissertation: to advance spatial justice in social housing estates in the banlieue. The dissertation continually alludes to the positive aspects of these spaces and I was careful not to reproduce the same negative representations that have dominated media reports over the years.

My primary objective of the interviews was to get a sense of the local security landscape. But more precisely I wanted to gain access to the meetings, inner workings, and the main figures of GLTDs. At times many of those I interviewed had never heard of the GLTD or thought this partnership was no longer in operation. At other times, many turned down interviews because they felt uncomfortable talking about the GLTD. As discussed in Chapter 6, the GLTD is a partnership that requires the dissemination of detailed and personal information about young people, or adults, in a well defined area. Outsiders are often seen with suspicion. Thus to gain trust and therefore access to those working on the GLTD I had to devise another strategy. I began to inquire about the Houses of Justice and law, a “benevolent” structure whose main objective is to provide judicial services. Those I asked for an interview to talk about the Houses of Justice and law often agreed without hesitation. I took the opportunity during the interviews to ask about the GLTD and that is how I was able to set them talk about it.

I asked three main questions to every interviewee – sometimes directly and at times indirectly. The three questions were:

1. Why the courts are present in the city?

2. How have the courts increased their presence in the city?
3. What are the implications of this on the everyday lives of youths from the banlieue?

I often got an answer to those questions, but at times the answers were vague, or unrelated. Nevertheless, the interviews helped me understand the nuances of the local politics of security; how local officials represent young offenders in particular, and young people more generally; representations of space by local officials and penal institutions; the overall philosophy about the causes of crime; and best ways to fight crime and violence. Based on the interviews I was able to conclude that all agreed that a more substantial presence of the courts was necessary to prevent crime in the future.

Finally, I analyzed policy documents, laws, decrees, and Senate and Parliament discussions over particular laws. I first organized these documents chronologically and tried to reconstruct the “official” story of the prevention of delinquency – a specific policy area that was born in the early 1980s. Reading through these official documents I was finally able to identify why were the courts increasingly present and in close proximity of social housing estates. Assessing policy documents during the 1990s I noted an intensified reference to the concept of “everyday life.” “Everyday life” featured in every official document about the prevention of delinquency and the banlieue. As I kept reading the documents in chronological order I noticed “everyday life” became more prominent as the years wore on. In fact, I observed that a complete shift in the objectives of the “prevention of delinquency” had taken place. The objective was not crime itself; the objective was to change the everyday life of young people in order to prevent crime. Furthermore, crime was increasingly understood in the 1990s in terms of the degradation of everyday life in the banlieue and the increasing absence of state institutions in the spaces of everyday life. Whereas in the 1980s the causes of crime were understood to be of a socio-economic or political-economic nature (de-industrialization, international migration, lack of
integration, new global economic imperatives), by the 1990s policy-makers began to understand and explain crime in the banlieue in terms of the absence of the law in certain places (i.e. social housing estates) and the deviant behavior of young people. In this new rhetoric, courts played an integral part in the “prevention of delinquency.” If the law was absent, the courts must exercise a more direct presence to overcome that absence. If young people no longer respect the rules, laws, and authority of the state, the courts, through their presence, must re-assert the authority of the law and the state.

In short, the analysis of policy-documents, secondary sources, newspaper articles, and the interviews helped me formulate the main thesis of the dissertation: The spatial reorganization of the judicial system reflects the state’s necessity to be physically present in the everyday lives of the population of the banlieue. Moreover, the objective of the dissertation is to explain why that is so, how it has gone about becoming present, and what that means for the everyday lives of (“immigrant”) youth of the banlieue. Before jumping to the analysis of the “presence of the state in the spaces of everyday life,” I will first engage with state theories that particularly deal with the question of “state territoriality.” I will show there is a critical gap in theories of state territoriality and the penal state, namely the lack of consideration to the role of courts for the exercise of state power and for defining the geographies of statehood.

State territoriality: violence and the economy

Up to the eighteenth century public scaffolds served as street spectacles to show the violence and power of the sovereign over the condemned (Foucault, 1977). People were not brought to the courts of law; people’s contact with the law was primarily done in public
(Foucault, 1977:61). Interestingly, at the turn of the eighteenth century, public scaffolds were the ideal stage for the confrontation “between the violence of the king and the violence of the people.” (Foucault, 1977:73) Consequently, public confrontations resulted in revolts in repudiation of the absolute power of the sovereign. According to eighteenth century reformers, “in this violence…tyranny confronts rebellion; each calls forth the other. It is a double danger. Instead of taking revenge, criminal justice should simply punish.” (Foucault, 1977:74)

What occurred afterward was, according to Foucault, a fundamental transformation of the geographies of state power, particularly in regards to the spatiality of the courts and their ability to administer, regulate, and punish criminal and/or deviant behaviors. The objective of the reform movement was

not so much to establish a new right to punish based on more equitable principles, as to set up a new ‘economy’ of the power to punish, to assure its better distribution, so that it should be neither too concentrated at certain privileged points, nor too divided between opposing authorities; so that it should be distributed in homogeneous circuits capable of operating everywhere, in a continuous way, down to the finest grain of the social body. (Foucault, 1977:80)

The purpose, moreover, was “not to punish less, but to punish better; to punish with more universality and necessity; to insert the power to punish more deeply into the social body.” (Foucault, 1977:82) In this sense, the state relied less on violent spectacles to maintain order and rather began to use its institutions and their disciplinary powers as a more efficient way to control and regulate “deviancy.” Furthermore, what strikes me from Foucault’s account is the way in which the state’s power to punish, in other words, the state’s law and its authority, was suddenly removed from the “streets” and “inserted” in the everyday lives of the population.

Anthony Giddens (1987:183), for his part, disagrees with Foucault in that there was no clear cut “transition from one type of punishment (violent, spectacular, open) to another
(disciplinary, monotonous, hidden), but that a new nexus of coercive relations was established.” The new relations of coercion and punishment were associated, according to Giddens (1987), with the development of the modern nation-state and the capacity to extend its administrative power across a bounded territory (national territory) and to hold the monopoly over the means of violence. In that regard, modern states, in their quest for internal pacification, progressively diminished their use of violence and relied more heavily on surveillance and disciplinary techniques as a means to maintain order (Giddens, 1987:187). Hence, the disappearance of public scaffolds marked the “transferral of the sanctioning capacities of the state from the manifest use of violence to the pervasive use of administrative power in sustaining its rule.” (Giddens, 1987:188) For the modern nation-state, institutions became important sites whereby state power could be effectively dispersed across a vast territory. Schools, prisons, hospitals, and later on, welfare institutions became the ideal “locales,” to use one of Giddens’ spatial typologies, through which disciplinary and administrative power was enforced. As such, “there takes place a marked impetus towards the expansion of this form of power, made possible by the establishment of locales in which the regularized observation of activities can be carried on in order to seek to control them.” (Giddens, 1987:186)

Similarly, Michael Mann (2003) noted the increasing presence of the modern nation-state in the everyday lives of the population as a means to control and regulate conflictive relationships and enforce its rule of law. Mann (2003) made the distinction between despotic and infrastructural power and linked the latter to the modern nation-state. Despotic power refers to “the range of actions which the elite is empowered to undertake without routine, institutionalized negotiation with civil society.” (Mann, 2003:54) We can associate this type of power with absolute states and their recurrent use of public scaffolds as a means to showcase their authority.
Infrastructural power, on the other hand, refers to “the capacity of the state to actually penetrate civil society, and to implement logistically political decisions throughout the realm.” (Mann, 2003:54) With the extension of the modern state, through physical infrastructures and state institutions scattered across the national territory, the nation-state was able to “penetrate everyday life more than did any historical state…there is no hiding place from the infrastructural reach of the modern state.” (Mann, 2003:55) Order is maintained, according to this scheme, through the infrastructures and institutions of the state by which surveillance and constant observation of everyday activities can be carried on without recourse on violence. As European states developed their infrastructural power, through the extension of taxation, the growth of bureaucratic administrations, and a greater monopoly of law-making and enforcement, they experienced a significant reduction of violent crimes and a far greater ability to regulate conflicts arising within civil society (Tilly, 2003).

Central to the evolution of the nation-state and its capacity to regulate a greater number of everyday activities was the tight grip it held over the territory. Historically, we can locate the emergence of the territorial sovereign state in the Treaty of Westphalia whereby the modern nation-state was given a juridical form. The Treaty was signed by major European powers after the Thirty Years War in 1648. It was an agreement to avoid further wars through the establishment of “national territories.” Thus, sovereigns could do as they wish inside their prescribed national boundaries, but were prevented from making authority claims in foreign territories. The Treaty of Utrecht of 1713 established the principle of balance of power to ensure that no country would seek to enhance their powers beyond their pre-established boundaries. Yet
both the principles of national territory and balance of power failed to avoid European wars, as these continued almost perennially until 1945 (Heffernan, 1998).¹

Consequently, European states began to extend their powers and to develop expensive militaries to protect national boundaries from foreign foes. As state historian Charles Tilly (2002) has demonstrated, war-making and state-making have been intricately connected in the development of European states. By the eighteenth century, “monarchs controlled permanent, professional military forces that rivaled those of their neighbors and far exceeded any other organized armed force within their own territories.” (Tilly, 2002:41) Next on the agenda, however, was the elimination of local rivals and control of the population within the national territory. Gradually, European states extended their reach and power to local communities and created police forces “that were subordinate to the government rather than the individual patrons, distinct from war-making forces [the military].” (Tilly, 2002:42) By expanding their military power and creating an effective internal police force capable of controlling the population, European states monopolized the means of violence (Weber, 2002).

Early police forces were entrusted with a wide range of functions to ensure the protection of the population and to make the latter a productive force at the service of the state. As Michel Foucault noted, “police is the set of interventions and means that ensure that living, better than just living, coexisting will be effectively useful to the constitution and development of the state’s forces.” (2007:327) Furthermore, according to Tilly (2002), war making, that is the neutralization of external rivals, and state making or the elimination of internal rivals were coupled with a third function: protection. This state function ensured that the rivals of the state’s

¹ The European Coal and Steel Community (ECSC) of 1951, which later metamorphosed into the European Economic Community (EEC), and ultimately the European Union (EU) would prove the most effective institutional mechanism for avoiding war on European soil. By integrating the economic and political interests of European states under a supranational organization, the need for territorial expansion was erased from foreign policy (Grant, 1998)
clients were eliminated or neutralized in an effort to facilitate the free circulation of goods and people within the national territory. The military and the police, now working under the auspices of the state, necessitated a great deal of monetary resources to fund such enterprises. Thus a fourth state function emerged out of the necessity to maintain the state’s monopoly over the means of violence: extraction or taxation. Succinctly put (Tilly, 2002:50):

War making yielded armies, navies, and supporting services. State making produced durable instruments of surveillance and control within the territory. Protection relied on the organization of war making and state making but added to it an apparatus by which the protected called forth the protection that was their due, notably through courts and representative assemblies. Extraction brought fiscal and accounting structures into being. The organization and deployment of violence themselves account for much of the characteristic structure of European states.

In other words, the politics of violence – its management and organization – entailed a greater state presence and control over the national territory. Each of these early state functions yielded particular institutions (armies, police, courts, tax-collectors, and so on) that over the years were scattered across the national territory, thus expanding the reach and infrastructural power of national states. The courts, more specifically, became the sites of sanction but also of protection. As the power to punish was institutionalized around courthouses the subjects of the state found it easier to seek the protection of their rights in these “locales” and likewise the state found new ways to control local rivals (delinquents, bandits, and vagabonds, to name just a few) through the sanctioning powers that courts enjoyed.

In a narrow sense, since the Treaty of Westphalia violence and territoriality have been active agents in the formation of modern European states. In effect, political geographers have documented the importance of the territory in the exercise of sovereignty and state power. The most common definition of territoriality was provided by Robert Sack (1983), who defined it as “the attempt by an individual or group (x) to influence, affect, or control objects, people, and
relationships (y) by delimiting and asserting control over a geographic area. This area is the territory.” (Sack, 1983:56; emphasis added) Or as Peter Taylor (2003:101) put it, “territoriality is a form of behavior that uses a bounded space, a territory, as the instrument for securing a particular outcome.” The delimitation and control of the national territory has been exerted, partly, through violent means. Likewise, the delimitation and control of the national territory was possible by the monopolization of the means of violence by European states. The police, armies, and courthouses were founding institutions for European states.

Policing became necessary as population grew around urban centers. The growth of cities was fomented by industrialization which required concentration and agglomeration of labor, industry, and markets around relatively close geographic areas. The role of the state in the construction of capitalist social relations has been well documented by Marxist geographers (Gough, 2004; Jessop, 1982). Capitalism is an economic system based on the exchange of commodities produced by a labor force subject to exploitation. Value is generated in and through the exploitation of labor. By producing more commodities at the expense of labor, factories can introduce a greater number of cheaply produced commodities to the market where they are exchanged. The capital generated in the market returns to factory owners who can therefore reinvest those gains in better technology, new means of labor-exploitation, or new techniques of cost reduction (i.e. transportation). The aim is to create the conditions for the circulation of capital and therefore the accumulation of capital. Yet, as market forces dominate social relations a new set of problems arise as a result. As Claus Offe (1984:48-9) noted

The dominance of the sphere of exchange triggers processes of socialization…that is, a growing division and differentiation of labour and other functions as well as a growing interdependence between the elements of the social system. Differentiation and interdependence are resultant problems that can no longer be dealt with adequately by the dynamics of market processes…first, socialization is triggered by market exchanges between the owners of commodities; second, it creates social conditions that threaten to
obstruct this exchange; third, these conditions cannot be compensated through exchange processes themselves.

To put it differently, processes of socialization that might “obstruct” exchange relations include, but are not limited to: higher concentration of labor around industry, thus housing shortages, costs of the reproduction of labor, reluctance of investing in the reproduction of labor by commodity-owners, increasing violent claims by labor in favor of their rights and conditions. Production is halted, capital is not generated, and circulation is threatened. To avoid such a catastrophic picture, commodity-owners turned to the state to ensure the circulation of capital and reduce the costs for the reproduction of labor. As geographer David Harvey (1989:246) has noted, “the state…has to be omnipresent within (and not external to, as many theories of the state seem to propose) all facets of this circulation process.” The state, furthermore,

> [h]as to guarantee the systems of legal and contractual obligation and property rights of constitutional rule and non-violent reciprocities of market exchange through its monopoly over legalized and institutionalized forms of violence (Harvey, 1989:246).

As industrialization and urbanization posed greater risks to capital and the state, the latter engaged in an intensified phase of territorialization. The state, in particular, took greater responsibility over socio-spatial relations in order to ensure the free circulation of goods, labor, and capital without private entities having to invest their surplus value in protection and other policing tactics. “In general,” writes Offe (1984:49),

> the capitalist state has the responsibility of compensating for the processes of socialization triggered by capital in such a way that neither a self-obstruction of market-regulated accumulation nor an abolition of the relationships of private appropriation of socialized production results. The state protects the capital relation from the social conditions it produces without being able to alter the status of this relationship as the dominant relationship.

Protection of the conditions that guarantee the circulation and accumulation of capital thus became a crucial function of state intervention.
The state had to make sure that circulation continued its pace, particularly around urban centers, the motors of industrial capitalism. According to Michel Foucault, the coexistence of people around cities, alongside the exigencies of circulation partly explains the formation of the police and security apparatuses. By the eighteenth century, one of the main problems of urbanization was allowing for surveillance, since the suppression of city walls made necessary by economic development meant that one could no longer close towns in the evening or closely supervise daily comings and goings, so that the insecurity of the towns was increased by the influx of the floating population of beggars, vagrants, delinquents, criminals, thieves, murderers and so on…In other words, it was a matter of organizing circulation, eliminating its dangerous elements, making a division between good and bad circulation, and maximizing the good circulation by diminishing the bad (Foucault, 2007:18).

From the necessity of ensuring the circulation and accumulation of capital, emerged what Lefebvre called the “state mode of production.” Writes Lefebvre (2009:246):

Capitalism is defined not on the basis of production in general, but by the production of surplus value, by the accumulation of capital…, as well as by the reproduction of determinate social relations. Starting from a certain critical point, the latter result is gradually accomplished through and in space, as well as through the identification-repetition of gestures, of actions, of everydayness, of the inscribed-prescribed. Fragments of spaces and of social activities are coordinated, but not without conflicts. Space…may be sold and bought. It expands the realm of the commodity. At the same time, it permits the social forces that would otherwise resist established political power to be controlled. And so the state mode of production is inaugurated (emphasis added).

The modern state, thus, produces, compartmentalizes, and coordinates space to secure power and the accumulation of capital.

Although this proposition has been generally accepted by geographers, the literature of state territoriality, or the state mode of production, has tended to emphasize different aspects of this territoriality. Political geographers treating the relationship between state and territoriality have emphasized the centrality of territoriality to state power (Sack, 1983; Johnston, 2001; Scott,
1998); or, already assuming such relationship, another branch of political geographers has
documented the “particular outcomes” and strategies of state territoriality (Jessop, 2002;
Lefebvre, 2009; Brenner, 2004); or finally, others have tried to overcome the “territorial trap” by
de-linking state power from the bounded politics of the national territory (Agnew, 1994;
Glassman, 1999). The first group of geographers, whose work helped lay the ground for a
conception of the nation-state as territorially bounded, has been accused for its state-centric and
static territorial analysis of the state, leaving in turn little to no room for the examination of the
continual transformation of state territoriality in light of globalization processes and the
increasing permeability of national boundaries. As Neil Brenner (2004:43) correctly points out,
“state-centric epistemologies freeze the image of national territoriality into a generalized feature
of social life, and thereby neglect to consider the ways in which the latter has been produced and
continually transformed during the history of capitalist development.” Thus notions of the state
as a “power container” (Taylor, 2003; Giddens, 1987) fail to capture the “historically specific,
incomplete, and conflictual process” that territorialization entails (Brenner, 2004:43).

During the 1990s political geographers turned their gaze to globalization processes and
began to emphasize “the increasing permeability or even total negation of national state
territoriality.” (Brenner, 2004:55) Notions such as “space of flows” (Castells, 1996),
“ethnoscapes” (Appadurai, 1996), “borderless world” (Ohmae, 1995) and “the end of
geography” (Virilio, 1984) began to swirl around and as a result theories asserting the primacy of
the relationship between nation-states and territoriality was forcefully undermined. While
emphasizing the ability of transnational firms to freely move across national boundaries,
theorists of “deteritorialization” were able to challenge state-centric approaches and
consequently constructed the “myth of the powerless state.” (Weiss, 1997) As some political
geographers turned their attention to globalization processes and the internationalization of the economy, very little consideration was given to what states were doing internally. In response, another branch of political geographers began to document processes of “reterritorialization” at different spatial scales and surprisingly noted that states were not losing their power and their grasp over the territory but showcased an impressive ability to “adapt” to a dynamic set of global economic processes. As such, Linda Weiss (1997:17) showed that “[a]daptation is the very essence of the modern state by virtue of the fact that it is embedded in a dynamic economic and inter-state system.”

As Brenner (2004) clearly points out, debates on state territoriality have hovered around two possibilities, either it is present, as in state-centric approaches, or it is completely absent, as proposed by globalization and deterritorialization theorists. The post-war period evidenced a high degree of territorial enclosure of political-economic and socio-political relations around the national state (Lipietz, 1994). Nevertheless, the post-1970s political-economic transformations have had major implications to the Westphalian formation of state territoriality. As neoliberal globalization took force in the following decades, the centrality of national scale economies diminished in favor of multi-scalar forms of socio-political and socio-economic relations (Smith, 1995). Cities and regions became, therefore, far more important arenas for the organization of economic and social life than nation-states (Sassen, 1991; Scott, 1996; Storper, 1996). Nonetheless, the centrality of urban regions in global economic processes does not diminish the ability of states to enforce their power through territorialization processes. It rather signifies that states have rescaled their institutional/regulatory spaces to very specific and strategic sites either located at the local, urban and/or regional scale or new and emergent supranational regulatory spaces, as in the case of the European Union. An emerging body of work has set the task to
uncover these “new state spaces” intended to govern and regulate urban life, now at the center of
the global economy.

Recent transformations of state geographies have been dominated by political-economic
approaches that highlight the shifting relationship between the nation-state and the economy.
“Spatial Keynesianism,” that is the post-war period of economic and political transformations, is
understood, according to Brenner (2004:130), “as a broad constellation of national state
institutional forms and regulatory strategies designed to alleviate uneven geographical
development within the national space-economy, and thereby, to promote stabilized national
industrial growth.” This model of economic and social organization was premised on the
territorial enclosure of the national space. For political economists, the state is seen as always
weighing with the vagaries of capital accumulation, including the unpredictable nature of uneven
geographical development (Smith, 1984; Harvey, 1982). The purpose of nation-states during the
Keynesian and Fordist era was to regulate uneven geographical development and to devise
strategies to redistribute economic growth across the national territory. Fiscal constraints as well
as the increasing inability to redistribute economic growth equally across the national territory
forced many states to shift their development strategies to those places better positioned to
compete in the emergent global economy. As Brenner (2004:166) has observed, “the
increasingly widespread demand for place-specific regulatory, institutional, and infrastructural
arrangements is to be interpreted less as the reflection of inexorable economic requirements than
as the expression of newly emergent political strategies intended to position particular
subnational economic spaces within supranational circuits of capital accumulation.” In that
sense, rather than promote redistributive schemes of economic growth at the national scale, states
now promote uneven geographical development, around major urban regions, as an economic strategy suited for the demands of global capital economic imperatives (Brenner, 2004).

Such an understanding of “new state spaces,” spaces whose function is to protect and secure the accumulation of capital at a subnational and supranational scale, precludes us from understanding state strategies that seek to position state institutions in particular territories as a means of maintaining order, providing security (personal safety), and alleviating political and social conflicts. In other words, the “new state spaces” research agenda has paid particular attention to the ways in which the new “re-scaled” state territories ensure the circulation and accumulation of capital and in turn have obviated how these new territories could have also been designed to ensure that the “social forces that would otherwise resist established political power” can be “controlled.” (Lefebvre, 2009:245-6) Brenner’s analysis focuses on urban policies across a variety of European regulatory/institutional contexts to pinpoint the new geographies of statehood. It is my contention, however, that we need to look further than urban policies, for the state’s roles encompass far more functions than merely stimulating urban development, and more generally, the economy. According to Mann (2003), Tilly (2003), and Taylor (2003), the state has historically concentrated the means of violence in order to secure and protect the external borders of their territories, and maintain internal pacification (Giddens, 1987). Although these two projects are connected – regulating uneven development and enhancing accumulation, along with the politics of violence so crucial for the legitimation of state power – the institutions that are erected to secure each of these outcomes are different, and therefore their spatiality and territoriality manifests differently.

This same critique was launched by French urban scholar Patrick Le Galès (2006) in his review of Brenner’s book. Le Galès suggests that Brenner’s argument has the tendency of falling
into the “functionalist” trap that characterized Marxist accounts of the state in the past (see in particular Engels, 1934). More specifically, Le Galès rightly points out that “sometimes, to say the least, state restructuring…had little to do with capitalist urbanization” and that “one could argue that the question of the state is also about war…, the monopoly of violence, the enemy from outside [and inside], the social closure process to create a political order.” (Le Galès, 2006:719) As suggested above, in Western Europe, and in particular in France and Germany, “the development of the modern state, and the welfare state component of it, is closely related to the three bloody wars which took place between 1870 and 1945. Dominant states mobilized their societies both for industrialization and war.” (Le Galès, 2006:719) In short, the “new state spaces” literature, and in particular Neil Brenner’s work “has chosen to mostly ignore mobilization for war as an essential element of state projects and state strategies.” (Le Galès, 2006:719) Similarly, this literature has mostly ignored mobilization for law-and-order as an essential element of state projects and state strategies.

**State territoriality: courts and police**

One of the central features of the modern state is its capacity to be present across the territory. As Mann (2003) previously noted, with infrastructural power the state was able to penetrate everyday life in significant ways. State presence in everyday life is manifested in a variety of ways. Joe Painter (2006:758) calls it “statization,” that is “the intensification of the symbolic presence of the state across all kinds of social practices and relations.” From driver’s licenses, passports, the census, tax collection, and on to more pronounced manifestations such as a police officer in the street, the state appears to be present everywhere we turn. In fact, it is this symbolic aspect of state presence that has precluded many geographers from documenting the
territorialization of the courts (for exceptions see Martin and Scherr, 2005; Martin et. al., 2010). Territoriality, an activity that requires both presence and control over a determined area (territory), has been investigated more often in relation with the police. Herbert (1997) succinctly demonstrated how territoriality is an essential aspect of police activity. More explicitly, the competence of the police rests on this institution’s ability to control space. “Simply put,” said Herbert (1997:11), “many police strategies to create public order involve enacting boundaries and restricting access.”

Despite the heavy emphasis on police territoriality, geographers have actually commented quite extensively on the relationship between law, courts, and socio-spatial arrangements. Much of the early research in this field was dominated by the exploration of differentiations of legal systems across jurisdictional boundaries (Harries, 1974). In other words, the analysis of courts was reduced to, in the case of the United States, uncovering variations in patterns of sentencing, judge and jury selection, capital punishment, and law enforcement efficacy across federal, state, and local governments. In the 1980s, however, scholars began to explore more critically the relationship between geographic arrangements, the courts, and the law. By that time, the field of legal geography, feeding off of debates by critical legal scholars on legal interpretation (Cover, 1986; Dworkin, 1986), began to define its object of analysis. In that regard, Blomley (1994:41; emphasis added) persuasively argued that “the interpretative process is necessarily a political one, defined not in terms of objective ‘truths’ but with reference to specific assumptions and a given context and power structure.” (see also Blomley, 1988; Pue, 1990).

By stressing that legal interpretation is “place-specific” and “structured by the complex milieu within which the agency [court] is located,” legal geographers have been able to
contribute to understandings of how laws are enacted, interpreted, and implemented in a wide variety of geographical contexts (Blomely, 1994:47; see also Blomley et. al., 2001; Kirby, 1990). Although legal geographers have forced geographers to pay close attention to the multiple geographies of the law, the courts and their capacity to exercise territoriality has received less attention. Most work on the geographies of the courts has been framed within what Nicholas Blomley (1994:32) called “impact analysis.” This is especially true in Gordon Clark’s *Judges and the city*, where the author analyzed the impact of judges’ interpretations of the law on particular spatial structures and social relations in the city (Clark, 1985). Similarly, legal geographers have paid particular attention to court rulings and judges’ decisions that define, arrange, and coordinate socio-spatial relations. In that same vein, geographers have forcefully shown how courts and judges impact residential segregation (Johnston, 1984), race relations (Goldberg, 2001), school (de)segregation (Delaney, 2001), property relations (Blomley, 2004), and the possibility of protest in public space (D’Arcus, 2006).

These accounts have shown the intrinsic relationship between courts and socio-spatial relations. They show, moreover, how order is maintained and regulated in and through legal interpretations and court rulings (Mitchell, 1996). Courts, geographers have demonstrated, are also instrumental in maintaining existing political-economic relations. Mitchell’s work on anti-homeless legislation demonstrates how courts redefine “what is acceptable behavior in public space”.

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2 The distinction between the common law and civil law tradition is important in this case. Legal geographers have over-emphasized legal interpretation as a powerful geographical practice since, I suspect, many legal geographers come from and have conducted research in English-speaking countries, where common law is practiced. This tradition is mainly based on legal precedents, whereby interpretations of laws by judges are of extreme importance for informing future rulings. Thereby, legal geographers will often cite past cases to highlight the geographical assumptions of the courts, such as Mitchell’s analysis of *Virginia vs. Hicks* where the author showed the shifting conceptions and definitions of property rights (Mitchell, 2006). On the other hand, since the civil law tradition is based mainly on the code of law, legal scholars studying civil law countries will rarely cite past cases and rather refer to specific laws as evidence of the socio-spatial assumptions inherent to the law. Hence, the dissertation’s numerous references to specific laws.
space,” and by doing so, reinforce “laws [that] seek simply to annihilate homeless people themselves, all in the name of re-creating the city as a playground for a seemingly global capital.” (Mitchell, 2003:167) Courts’ decisions, often times, are entangled in political-economic imperatives that inform legislation and rulings in a variety of ways. Similarly, MaCleod (2002:607) showed how Glasgow was experiencing the same urban transformations that have characterized American cities whereby “intensifying pressures to maximize the profitability of retail space often leads to a penal exclusion of street people, political campaigners, and independent artists.” Further, the author contends that “this punitive approach leaves the aesthetics of place to prevail over all other considerations. This postjustice city limits the performative dimensions of societal membership to those capable of confirming a financial stakeholding in the economy of fast capitalism.” (MaCleod, 2002:609) These and many other accounts documenting the contemporary city have forcefully demonstrated that the repressive state apparatus has been systematically deployed to protect the political-economic interests of the state, individual entrepreneurs, and finance capital at the expense of the poor, the “undesirable,” and the excluded (Belina and Helms, 2003; Davis, 1991; Fyfe, 1998). Although important, for it highlights the troubling expansion of urban geographies of injustice, this line of research is symptomatic of how courts are generally perceived in society. In other words, courts are generally viewed as geographically fixed institutions which are distant from the everyday lives of the majority of the population, and where judges regularly pronounce sentences and interpret laws that affect and determine socio-spatial relations. As opposed to a police officer, whom we may encounter at any point and time in the city’s spaces, we seldom cross path with a judge, a prosecutor, and a lawyer – unless we are involved in some sort of legal conflict. Yet courts, as most of the literature of legal geography and the penal state (Peck and Tickell, 2002; Peck, 2003)
has documented, are important institutions for the enactment, maintenance, and reproduction of the “symbolic presence” of the state in almost every aspect of social life.

There is one crucial detail that separates judges from police officers, namely judges need not be physically present in any specific area in order to exercise territoriality. In *Violence and the word* (1986), Robert Cover showed how judges’ utterances become deeds that effectively exercise territoriality, how their decisions result in the control of space and restrain the mobility of the accused. “The imposition of a sentence,” writes Cover (1986:1618-19), “involves the roles of police, jailers or other enforcers who will restrain the prisoner (or set him free subject to effective conditions for future restraint) upon the order of the judge, and guards who will secure the prisoner from rescue and who will protect the judge, prosecutors, witnesses and jailers from revenge.” Judges work in a system of “cooperation,” namely the penal system, which ensures that judges’ territorial absence does not result in the population’s disobedience of the laws that regulate collective life in any given territorial entity. Indeed, the judge’s absence from the everyday life of the population is compensated by the physical presence of the police and others who are entrusted with “enforcing” judicial decisions.

**State territoriality: authority and legitimacy**

Authority requires respect for the person or office, or for the rules and laws that govern a given community for it to be effective (Arendt, 1970:45). Authority, as opposed to other forms of power, such as domination, “is a peculiarly distinctive act which works through recognition.” (Allen, 2003:6) “Once claimed,” reminds us John Allen (2003:6), “it has to justify itself in the eyes of those around them.” Authority needs no coercion, no imposition, for it to be operative, but rather “compliance” which in turn “is always conditional.” (Allen, 2003:6) Since authority is
always in search of recognition, it follows then, according to Allen (2003), the closer figures or offices of authority are to those it seeks compliance/recognition from, the more effective and the more intense is the relationship. Proximity, therefore, is a crucial spatial practice for authoritative claims. How citizens of a nation-state, for instance, come to recognize and comply with the rules and laws of that territory despite the fact that the protector of the system of law, the judiciary, is often located far from the everyday lives of most of the population? This question has puzzled political theorists and policy-makers for centuries.

Robert Cover (1986) attempted to answer this question when he investigated the relationship between judges’ utterances and the deeds of violence these occasions. For Cover, the criminal justice system is organized around a “system of cooperation,” whereby laws enacted and interpreted by the judiciary must be enforced by another set of institutions that because of their capacity to be present and in close proximity to the everyday lives of the population can carry out the function of enforcement. It follows that if judges’ utterances are not enforced by the police, then rules and laws are not obeyed. “Cooperation among these officials,” writes Cover (1986:1620), “is usually simply assumed to be present, but, of course, the conditions which normally ensure the success of this cooperation may fail in a variety of ways.” Similarly, Engels had noted how the “system of cooperation” that characterizes the criminal justice system operates in such a way that it tends to benefit the dominant classes of society. Writes Engels:

Certainly the law is sacred to the bourgeois, for it is of his own making, put through with his approval and for his protection and benefit. He knows that even if a particular law may injure him as an individual, still the complex of legislation as a whole protects his interests; and that above all the strongest support of his social position is the sanctity of the law and the inviolability of the order established by the active expression of will by one part of society and passive acceptance by the other. It is because the English bourgeois sees his own image in the law, as he does in his God, that he holds it to be holy and that the policeman’s club (which is really his own club) holds a power for him that is
wonderfully reassuring. But for the worker it certainly does not. The worker knows only too well and from too long experience that the law is a rod that the bourgeois holds over his head, and he does not bother himself about it unless he has to (Engels in Condition of the Working Class in England quoted in Draper, 1977:256; emphasis added)

What Engels remarked in this passage was the fundamental geographical distinction that separates the judiciary from the police – the former is territorially absent while the latter is closer to the population.

Nevertheless, this passage does not answer our question on how people come to recognize and comply – the bases of authority – with the rules and laws of a particular territorial entity. If something, this passage points to the fact that different power arrangements – such as coercion, manipulation, and seduction, for instance – operate simultaneously to create the conditions of compliance. Obedience to state laws, moreover, rests not only on the capacity of the criminal justice system to enforce those laws, for the police cannot penetrate every space and every aspect of everyday life. In fact, this is precisely what Foucault noted when he studied the genealogy of disciplinary techniques. Governments, according to Foucauldian accounts, had moved from a “police state,” which sought to control and know every practice and subject under its tutelage, to liberalism, and more recently, “neo-liberalism” which is characterized by the practice of what Rose calls “government at a distance.” (Rose, 1996:43; see also Burchell et. al., 1991; Barry et. al., 1996) Presently, Foucauldians claim, the technologies of government aim not at a total control of the conducts or behaviors of subjects, but rather to produce subjects who can govern themselves, “that quietly place themselves in the hands of society and mobilize themselves in society’s interest.” (Cruikshank, 1996:246) In light of this line of research, many geographers have begun to look at the “invisible,” “shadowy,” and “obscure” spaces where state
power operates (Mountz, 2004; Trudeau, 2008; see also Donzelot, 1977; 2006). The notion of “government at a distance,” moreover, suggests an image of the state that is distant, illegible, and absent from everyday life, but that still holds the capacity to govern in new and perhaps more ubiquitous ways. Write Hansen and Stepputat (2001:16; quoted in Mountz, 2004:327),

As modern forms of governmentality penetrate and shape human life in unprecedented ways, the practices and sites of governance have also become ever more dispersed, diversified, and fraught with internal inconsistencies and contradictions….The strength of the modern state seems… to be its dispersion and ubiquity.

Although I agree with such accounts to the extent that these narratives forcefully argue that we can no longer make a distinction between the state and society, between a superstructure and a base, the notion of “government at a distance” has unfortunately turned attention to the ways in which the art of government is practiced in the absence of the state and in the process obviated the ways in which the state is still present in everyday life (see Arendt, 1958 for the impossibility of distinguishing state and society).

Similarly, Foucauldian accounts have tended, and rightly so, to locate state power beyond the pre-determined territorial boundaries of the state (see Agamben, 1998; Hyndman and Mountz, 2008). Nevertheless, in such a view it would be difficult to investigate why and how the courts have moved closer and therefore enhanced their presence in the spaces of everyday life of the banlieue? I am interested in the ways in which subjects “internalize” the laws and rules of society and how they police themselves and become productive citizens for the state. What I have observed in Seine Saint Denis, however, points to the fact that for some reason the French state is still finding new ways to become more present and more visible in an effort to exercise control, make the population comply with the rule of law, and re-assert the authority of a highly
contested state. In short, despite the increasing distance of the state from everyday life, its presence still resonates in the spaces of everyday life. To make the critique of “government at a distance” more clearly, I quote John Allen (2003:144) one more time.

[T]he kind of government at a distance that Rose describes at length could only really take shape on the basis of spatially varied arrangements of power. What Rose believes to be authority’s effective reach over a multitude of dispersed wills may well in fact involve a successive combination of arm’s length seduction, indirect manipulation, extensive inducement and proximate styles of authority.

Compliance and recognition of authority “is less effective,” to put it even yet more clearly, “as it is more complexly mediated, more distant.” (Allen, 2003:148)

In the 1970s and 1980s theoreticians held that states had to always guarantee accumulation and maintain legitimacy. To some extent, this premise has remained true since, as Lefebvre (2009:129) noted, “a qualitative transformation occur[ed] from the moment in which the State [took] charge of growth…From this moment forward, economic failures [were] attributed to the State.” Further, Habermas (1973:36) observed that “[t]he state apparatus no longer, as in liberal capitalism, merely secures the general conditions of production, but is now actively engaged in it.” For Offe (1984:198), the coupling of the state with economic growth meant that “economic growth, where it occurs at all, has become a matter of political design rather than a matter of spontaneous market forces.” Consequently, “economic growth not only becomes more costly in terms of the budgetary inputs required to promote it; it also becomes more costly in terms of political legitimation.” (Offe, 1984:198) The economic crisis of the 1970s fundamentally changed the state/economy relationship. More importantly, the economic failures that many capitalist-democratic states were suffering during the 1970s were perceived as a crisis of political legitimation – a failure to secure mass loyalty in the state project. Mass
loyalty, explains Offe (1984:60), is “the ability of the administrative system to win genuine acceptance for its structures, processes, and actual policy outcomes. This ability is ultimately dependent on the cultural norms, symbols and self-understandings that the political system is capable of mobilizing.” The project of mass loyalty has failed, according to Offe (1984:61), as “decommodification” has grown, that is “the withdrawal and uncoupling of an increasing number of social areas and social groups… from market relations, might be expected to affect the discipline of the population by the commodity form of industrial labour.” (emphasis added)

As social housing estates, and in particular the populations from immigrant extraction that resided therein, were gradually withdrawn from market relations, the state began to lose its claims to legitimacy in those places (Samers, 1999). Moreover, the high rates of crime and violence that were beginning to affect those spaces, meant that government policies needed to tackle not only the economic shortcomings affecting social housing estates, but it needed to provide security mechanisms to reduce safety concerns. Gradually, however, state officials and policy-makers recognized that the reintegration of the populations of social housing estates into the economic and social relations of French and European capitalism would be almost impossible. Since the 1990s, therefore, penal responses to fight “social exclusion” in those areas have intensified, with the police and the judiciary leading the way in this fight. Furthermore, as mayors have become the central figures in the fight against crime, their legitimacy often times weighs on their ability to provide a response to crime. As legitimacy is no longer solely based on the state’s ability to maintain accumulation, many mayors and central state institutions have relied on penal responses to crime in order to compensate their inability to provide permanent and stable economic opportunities. As Wacquant (2001:402) put it, “the growing interest in and increased means devoted to law enforcement also come in handy to compensate the deficit in
legitimacy suffered by political leaders, owing to the very fact that they have renounced the established missions of the state on the economic and social front.” (emphasis added) According to the penal state literature, urban poverty has been increasingly responded through penal policies that seek to police and contain those who have been permanently displaced from the global economy (Peck and Tickell, 2002). As opposed to the United States, where mass incarceration of poor African Americans populations has become perhaps the main response to urban mass poverty, the “penalization of poverty à la française is mainly effected by means of the police and courts, rather than through the prison” (Wacquant, 2001: 407; emphasis added). The presence of the courts in the spaces of everyday life in the banlieue responds both to the need to police and control a structurally unemployable population, on the one hand, and to compensate the deficits of legitimacy that continually challenged the French state in so-called “lawless” urban areas.

Organization of the dissertation

Revolts constitute integral instances that since the 1980s have helped define the conflictive relationship between France and its banlieues. On the one hand, revolts are ideal “moments” to contest the presence of the state in the spaces of everyday life and to highlight the unjust living conditions under which many young people in social housing estates live in. On the other hand, revolts constitute ideal instances for the political class to further criminalize the banlieue, social housing estates, and the populations living therein. Revolts, in short, are essential “moments” through which representations of the banlieue and their populations are forged. Chapter 1, therefore, explores in detail the 2005 revolts to highlight how the representational politics of the banlieue are constructed. First, the chapter calls attention to the exclusionary
politics of the “public sphere.” With easy access to the media, politicians often represent revolts negatively, highlighting not the political force behind these “events,” but rather the criminal implications of collective violence in the banlieue. Moreover, representations of revolts tend to highlight the degradation of everyday life, the formation of gangs in the public spaces of social housing estates, and the criminal activities that take place therein. Second, by exploring the 2005 revolts in detail I intend to lay the groundwork for understanding not only how, by why courts have been reinserted into the everyday spaces of the banlieue. With the threat of revolts always looming in the background, the government has increased its efforts particularly since 2005 to further the territorialization of penal institutions as a strategy to prevent and repress “riots” in social housing estates.

Chapter 2 explores the concept of “everyday life.” Since the “everyday” has become an object of policy in and of itself, it is necessary to theorize and advance a positive concept of the everyday. I take recourse in Henri Lefebvre’s writings to document the historical-geographical transformations of everyday life in the Paris region. The chapter documents the urban transformations of Paris and surrounding suburbs with particular attention to the implications of these transformations on the everyday lives of working class and immigrant families over the span of two centuries. I emphasize the fragmentation of Parisian urban space, and therefore the fragmentation of the everyday urban experience of populations of the banlieue. Their exclusion from the oeuvres of the city is perhaps the biggest achievement of Haussmann’s master plan and Le Corbusier’s modernist visions of the city. The fragmentation of urban space has consequently justified the dual-city discourse whereby policy makers and scholars alike regularly portray city-dwellers as either being inside or outside. This spatial binary, I conclude, has fueled representations of space that regularly place the banlieue outside the legal framework of the
state. In other words, the fragmentation of the city and everyday life has resulted in the construction of “lawless urban areas.”

The third chapter of the dissertation traces the evolution of French urban policy (la politique de la ville). I conceptualize French urban policy as a set of institutional arrangements intended to manage urban fragmentations. Drawing on the urban governance, public administration, and welfare state literatures, the chapter documents the changing governance structure of the French state, the emergence of new territorial administrative units, and the rise of new local actors to manage urban poverty and “social exclusion.” Furthermore, comprehending the governance structure of French urban policy will help the reader understand the institutional arrangements that have facilitated the “territorialization of the courts” in recent years. Partnerships and contracts, the ideal policy tools of contemporary urban governance structures in France, are explained in this chapter. The chapter argues that French urban policy has furthered the fragmentation of urban space by drawing a clear cartography of exclusion, of spaces that are outside the social, economic, and legal order of France. Yet the chapter cautions the reader not to read French urban policy as a neoliberal policy. Whereas French urban policy first relied on strong social and urban initiatives to fight “social exclusion” in social housing estates during the 1980s, it has increasingly relied on economic and repressive responses to fight “social exclusion.” Nevertheless, French urban policy remains a social and political response to mass urban poverty, and not an economic development policy, as the neoliberal and urban governance narrative would suggest.

Chapter 4 documents a specific policy area within French urban policy – the “prevention of delinquency.” From the very outset, proponents of French urban policy sought to fight the “feelings of insecurity” that affect the populations of the banlieue. By drawing on official
documents, such as laws, decrees, reports, and Senate and Parliament discussions, the chapter traces the shifting discourse around crime, the banlieue, and penal institutions. Whereas policy-makers highlighted social and economic causes to explain crime in the 1980s, since the 1990s the discourse around crime has been dominated by behavioral explanations. In particular, the appearance of the notion of “urban violence” enabled policy-makers and local officials to make an ideological connection between the degradation of everyday life (increased transgressions in public space, “incivilities,” graffiti) with the explosion of “urban riots.” Moreover, the problem is no longer the lack of economic opportunities, but rather the unwillingness of young people to comply with the rules and laws of the French Republic. Under this new rhetoric penal institutions, such as the police and the courts, play a more important role in the fight against “social exclusion.” Since the 1990s responses to crime have sought to increase the presence of penal institutions in the spaces of everyday life in order to better change the conduct of young people. The chapter traces the enactment of numerous laws since the 1980s through the present that point to the increasing penalization of everyday life and to the necessity to increase the presence of penal institutions in those spaces. The fight against “urban violence,” the chapter argues, has become the fight against everyday life.

The fifth chapter explores the Houses of Justice and law (Maisons de Justice et du droit, MJD). By drawing on the literature of restorative justice, I situate the MJDs within the larger restructuring of criminal justice systems across Europe and North America. Restorative justice is a movement that since the 1970s has placed increasing emphasis on the victims of crime. The objective of restorative justice is not so much to penalize, but to repair the damages caused by criminal acts. Restorative justice relies heavily on dialogue, communication, and deliberation as conflict-resolution mechanisms, as opposed to retributive justice which relies on sanctions as a
measure to reduce crime in society. Embraced by many as an alternative to the prison, restorative justice has helped “restore” the image of criminal justice systems as a benevolent, service-providing institution. Community justice and the local justice movement can find their justificatory roots in the restorative movement. By looking at the operations of MJDs in Seine-Saint-Denis I highlight, however, that these new local courts are a means to re-assert the authority of the state in “lawless” urban areas. Moreover, by being present and in close proximity of the most at risk populations (young people in particular) MJDs intend to change the behaviors and conduct of potential young offenders. I analyze the pedagogical sessions organized by MJDs to highlight how the presence and proximity of MJDs enable the judiciary to re-assert the authority of the state.

Finally, chapter 6 explores the GLTDs in Seine-Saint-Denis. Whereas the Houses of Justice and law operate at the level of the commune, the Local Groups for the Treatment of Delinquency operate at the level of what I call the “corner.” I advance the notion of “corners” to highlight the ambivalent position of social housing estates vis-à-vis the state. Furthermore, I problematize the central location of the courts and the prevalence of crime and violence in the “corners” of the state. The GLTDs, partnerships presided over by the District Attorney, allow the judiciary to deploy resources in the “corners” of the state in an effort to control crime and violence therein. The GLTD epitomizes the continual struggle of the judiciary to establish a permanent presence in the “corners” of the state and its actual absence from these spaces. I conclude the chapter by arguing that the judiciary, despite increasing efforts to increase its presence in the spaces of everyday life, still lacks the necessary geographical and human resources to become an effective territorial institution. In that sense, the judiciary still has much to learn from the police in order to effectively exercise state territoriality.
CHAPTER 1

RIOTS, STREETS AND ORDER: BEYOND THE “PUBLIC SPHERE”

Events belie forecasts; to the extent that events are historic, they upset calculations… Because of their conjunctural nature, events upset the structures which made them possible. (Lefebvre, 1969:7)

1.1 Introduction

Confrontations between, on the one hand, instances of violence erupting mainly in the outskirts (banlieue) of French urban agglomerations and, on the other, central and local governments have intensified over the last three decades. Petty and violent crime, turf wars among rival gangs, aggressions in schools, public and private property damage, ‘incivilities’ and hostilities among neighbors, and occasional ritualized or spontaneous revolts represent some of the major challenges for state officials in maintaining order and stability in “lawless” urban spaces. Imposing the rule of law in neighborhoods mired by threats of violence, and the fear and feelings of insecurity that come with them, requires a strong state presence – through the police and courts – to dissuade, judge and punish those who disrupt the social order. Controlling individual and collective violence, in other words, is a highly territorial state practice.

Revolts represent the most spectacular form of contestation to state spatial practices. On November, 2005 thousands of youths from the banlieue of French cities clashed with public officials in the streets, attacked public and private property, and created a situation of uncertainty and chaos for more than three weeks. As will be demonstrated, the triggering incident of the 2005 events was a routine, and indeed suspect, state spatial practice – a police action that went
wrong on the afternoon of October 27, 2005 was at the time interpreted by youths as an act of provocation, and thus this originally served as a justification for their actions. To quell the violence, the French state declared the state of emergency, imposed curfews, and deployed thousands of police officers and judiciary personnel. The streets of the banlieue were appropriated by youths, but the streets were subsequently taken back by the state as a measure to re-establish order. In other words, space was, and always is, central to revolts in France.

To legitimize the forceful re-appropriation of the streets, state authorities represented neighborhoods in despair as lawless and lacking a strong state presence. Conversely, this legal discourse obviated the deeper socio-economic “structures which made” this “moment” of contestation possible: poverty, discrimination, and spatial confinement. As Hannah Arendt (1970:79) previously said, violence “can serve to dramatize grievances and bring them to public attention.” Yet the lack of coordination and articulation by revolting youths led to open interpretations of what the revolts meant politically. The “events” of 2005 revolts were covered by local, national and international news’ circles enabling the “public” to freely opine and give meaning to the revolts. In the midst of confusion, some asked: “violence can indeed be meaningful, but who has the power to understand its implicit meaning, if there is any?” (Dufoix, 2005) Herein lies the main difficulty of studying and comprehending revolts in France; namely, unpacking the political meanings and implications of these territorial acts of resistance.

By focusing on the immediate causes that sparked the revolts, the mechanisms of propagation, their geographies, and the few claims made by some rioters (through the press and interviews with researchers during and in the aftermath of revolts) we can unpack some of the political meanings of revolts and the structures which made them possible. In other words, a detailed analysis of the “events” may help us understand what these revolts represent. To do so, I
take recourse on the “micro-sociological” literature of violence that looks at the specific mechanisms and conditions that need to be met for an act of collective violence to emerge (Collins, 2008; Tilly, 2003). This body of work allows me to understand how violence, and in particular “riots”, operate – what triggers riots, how they propagate and why they occur in the first place. The key to the study of riots lies in the details – why they emerged in that particular place and time?

The conditions for a “riot” to emerge are unique and depend on certain socio-spatial circumstances that when they coalesce in a particular place and time explode. Similarly, one cannot explain the emergence of revolts by only referencing larger socio-spatial processes (the “structures which made them possible”) – such as uneven urban development, racism and discrimination, postcolonial relations, Republicanism, or poverty. These processes represent the background conditions, but when looked at by themselves they cannot explain why a “riot” erupted there and at that particular time. The best approach to comprehend the multiple geographies that constitute and make possible revolts is to understand violence as a “site-specific phenomenon rooted in local histories and social relations yet connected to larger processes of material transformation and power relations” (Peluso and Watts, 2001:5). Violence is, in other words, a multi-scalar phenomenon. Put in other words, understanding the causes of violence requires us to take into consideration the dialectic between the structure and the accident (Lagrange, 2006). For instance, periods of high youth unemployment coincidentally overlap with the most intense periods of “riots” in France; 1979-1983, 1990-1994, 2002-2005. The structure of unemployment does not explain the emergence of violence, however. Rather we must analyze such structures in relation to the accidents – police actions that go wrong, deaths of youths in suspect situations, all within a context of high tensions and anxieties. Before analyzing the 2005
revolts I will first introduce the concepts of events, moments and situations which will enable me to speak about the temporal, spatial and representational politics inherent to revolts. I will proceed with a detailed account of the 2005 revolts, followed by the antagonistic politics of the French Republic which is partly responsible for the construction of socio-spatial boundaries. Next I highlight the importance of the street for revolting youths and the state and finally the role of the dialectic of structures and accidents for enabling revolts. I conclude the chapter with a critique of the “public sphere” as a model for understanding revolts in France. The fragile articulations of young rioters were easily co-opted in the “public sphere,” thus I invite the reader to move beyond the normative politics of Habermas for understanding the politics of “insurrection” and rather pay closer attention to the materiality of urban spaces, as both the places where riots emerge and are suppressed.

### 1.2. Events, moments and situations

Events, moments and situations seem interchangeable categories. Yet they are not. In this section I will define these three categories crucial to understanding the social effects of revolts in France. More specifically, I want to theorize revolts as moments, situations, and events to highlight the temporal and spatial constitution of revolts, and the representational politics of violence. Put differently, given that revolts temporarily break up with the routine and monotony of everyday life, they therefore become moments (Lefebvre, 2002). Given their intrinsic spatial constitution, by taking the streets, revolts also become situations that generate new spaces and possibilities for contestation (Debord, 1995). Finally, once revolts are reported in the media, they immediately become events (Hall et al., 1978). Inherent to moments, situations and events is their place of origin: everyday life.
In *Policing the crisis* (1978), the authors contend that events are created by the media as soon as they become news. “The news,” according to MacDougall (1968:12, quoted in Hall et al., 1978:53), “is the account of the event, not something intrinsic in the event itself.” Events are newsworthy because they occur outside the direct experience of the majority of society. In their own words, “things are newsworthy because they represent the changefulness, the unpredictability and the conflictual nature of the world.” (Hall et al., 1978:54) News and events become entangled in routinized journalistic practices that divide and classify events according to their worthiness and value to attract more readers. “This process of ‘making an event intelligible,’” the authors (1978:55) claim, “is a social process – constituted by a number of specific journalistic practices, which embody (often only implicitly) crucial assumptions about what society is and how it works.” More importantly, these assumptions about what society is and how it works stem from the “consensual nature of society,” that is

the process of *signification* – giving social meanings to events – *both assumes and helps construct society as a ‘consensus’*… ‘Consensual’ views of society represent society as if there are no major cultural or economic breaks, no major conflicts of interests between classes and groups. Whatever disagreements exist, it is said, there are legitimate and institutionalized means of expressing and reconciling them (Hall et al., 1978:55; emphasis in original)

Crime, for instance, is newsworthy precisely because it lies at the intersection of the moral boundaries of society. “Crime, then, is ‘news’ because its treatment evokes threats to, but also reaffirms, the consensual morality of the society: a modern morality play takes place before us in which the ‘devil’ is both symbolically and physically cast out from the society by its guardians – the police and the judiciary.” (Hall et al. 1978:67)

Based on the constant reporting of “riots” and other crime-related news in the *banlieue*, a particular spatial imaginary has been constructed over time. The *banlieue* has been reconfigured
to highlight “less the difficult material conditions in the banlieues than the threat posed by the banlieue to security and social order, rendering episodic manifestations of contention acts of violence rather than claims for justice” (Dikeç, 2004:192). Revolts become “events” which forcefully place the banlieue outside the moral and consensual boundaries of contemporary France. In concordance with the authors of Policing the Crisis (1978), Cooper (2000:91) notes that there is a “sustained climate of fear in which the banlieue (singularly homogenous and threatening) and the youth who inhabit it are increasingly demonized.” (Cooper, 2000:91; emphasis added). Thus, in the French case, the “devil” is cast out of society not only symbolically and physically, but most importantly spatially. The banlieue, therefore, lies outside the social boundaries of contemporary France.

There is also a de-politicizing tendency in the reporting of events. Revolts, crime, and insecurity have been tightly associated to the banlieue, and these “events” conjure negative representations of these spaces and the populations living therein. Once captured by the media, “events” enter the “public sphere” where they are discussed, re-shaped, and re-interpreted while distancing themselves from the immediate circumstances under which they emerge. “The media act on the moment and collectively fabricate a social representation, which, even when it is quite far from reality, persists.” (Champagne, 1991:65; emphasis added) Misrepresentations of events are constructed by those who are asked to opine and recount on what actually happen. A journalist interviewed by Champagne (1991:73) openly questioned why the banlieue has been unfairly represented: “Who should be talking about the banlieue? For the facts, we went to the police. After that, we gave the word to anyone. In addition it must be added that it was not easy to report on the banlieue. It is diffuse, journalists are poorly received…It is easier to put the microphones on the ministry’s office.” The police, Nicolas Sarkozy (see below), “specialists” on
the matter, and a handful of youths seeking their five minutes of fame, are usually given voice in reports of the \textit{banlieue}. As a result, Champagne (1991:68) notes, “the dominated [youths from the \textit{banlieue}] are less likely able to control representations of them.” Revolts, in short, emerge from everyday life and become “events” as they are reported and represented, positively or negatively, by the larger public. Events, therefore, call forth a deeper engagement with the politics of representation of the \textit{banlieue}.\footnote{Alain Badiou, whose work has been picked up by geographers concerned with democratic (post) politics, said that “it is the event which belongs to \textit{conceptual construction}, in the double sense that it can only be thought by anticipating its \textit{abstract form}, and it can only be revealed in the retroaction of an interventional practice which is itself entirely thought through.” (Badiou, 2006:178; emphasis added) He further added that “the event is attached, in its very definition, to the point, to the location, in which the historicity of the situation is concentrated. Every event has a site which can be singularized in a historical situation.” (Badiou, 2006:179; emphasis added) I contend, moreover, that the real political moment lies in the “conceptual construction” of events and, in relation to our case, it is the abstraction of the \textit{banlieue}, as the site and place of the event, which must be “thought through.” It is the distance between “the event” and its “site,” between the “truth,” to use one of Badiou’s terms, and the misrepresentations, which is cause for concern. For further discussions on Badiou’s ideas in relation to human geography see Dewsbury, 2007; Shaw, 2010; and Swyngedouw, 2009.}

By suggesting that “events belie forecasts” Lefebvre is alluding, I believe, to the theory of moments. Over the course of his work, Lefebvre developed the concept of “everyday life” and the theory of moments (see Chapter 2). The latter was based on Lefebvre’s fascination with the “realization of the possible.” (Merrifield, 2006:10) For Lefebvre, “the moment is constituted by a choice which singles it out and separates it from a muddle or a confusion.” (Lefebvre, 2002:344)

This muddle Lefebvre called the everyday, an arena which is trivial, quotidian and repetitive. “It is in the everyday that the possibility becomes apparent in all its brute spontaneity and ambiguity.” (Lefebvre, 2002:351) As we walk or drive our cars to work, make grocery runs or just simply return home, we are immersed in the everyday. Within these routine actions the possibility of the possible is always present. “It is in the everyday that the inaugural decision is made by which the moment begins and opens out; this decision perceives a possibility, chooses it from among other possibilities, takes it in charge and becomes committed to it unreservedly.”

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From these decisions moments emerge. Yet moments are temporal and short-lived. The moment “wants to endure. It cannot endure (at least, not for very long).” The moment has a definite presence in time, it “has a beginning, a fulfillment and an end, a relatively well-defined start and finish.” (Lefebvre, 2002:345) Despite its short temporal presence, moments can indeed transform everyday life. “Rather than tearing it,” Lefebvre (2002:346) says in reference to the moment, “it weaves itself into the fabric of the everyday, and transforms it (partially and ‘momentarily’).” Moments realize, moreover, what is otherwise impossible in everyday life.4 Attacking a police officer, taking the streets for raising claims, challenging authority in a variety of ways, are all possible actions during moments, “then what is impossible in the everyday becomes what is possible.” (Lefebvre, 2002:347) The political moment, writes Merrifield (2006:29), “is a pure and absolute act of contestation: a street demo or flying picket, a rent strike or a general strike.” The moment intervenes in and within the everyday, and by doing so temporarily transforms the everyday. More specifically, revolts momentarily transform the rhythms and routines of the everyday, and turn the streets into political arenas of contestation. Moreover, revolts are moments for they are finite; they have a beginning, a fulfillment and an end. But revolts are also highly spatial manifestations which, as Guy Debord would argue, the theory of moments fails to capture.

Guy Debord was a founding member of the Situationist International (SI), a group formed in the late 1950s that “reacted against bourgeois culture and politics on the one hand and the sterile, austere functionalism of high modernism on the other.” (Merrifield, 2005:27; see Chapter 2 for larger discussion on modern urbanism in Paris) To break-up with the modernist

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4 In everyday life, where actions, rhythms and gestures are repetitive, only the “possible” can be realized. During moments, what was thought to be impossible can suddenly be realized. This impossibility, while becoming possible during moments, is transformed into a possibility that could well become, if all goes accordingly, part of the routine, repetitive, and trivial actions of the everyday.
and functionalist pretensions of the bourgeois city, the SI invented a spatio-temporal tactic called “situations.” The SI, drawing on the Surrealists and existentialist philosophy, intervened at a particular space and time in order to transform the status quo, and thus create new situations. The new situations are “full of possibilities,” “fleeting happenings,” and “moving representations” that could potentially transform our spatio-temporal experiences of the city (Merrifield, 2005:29). Situations were designed to reverse “established relationships.” (Debord, 1995:144) Reversal was achieved through détournement, a particular tactic employed by the SI that “mobilizes an action capable of disturbing or overthrowing any existing order.” (Debord, 1995:146) Détournement was meant to “exaggerate, provoke, and contest” the spatio-temporal order of the city. (Merrifield, 2006:34) Debord was intrigued by Lefebvre’s theory of moments, but he correctly noted that Lefebvre’s moment “is first of all temporal, a zone of temporalization. The situation (closely articulated to place)...is completely spatiotemporal.” (Debord, 1999:318 quoted in Merrifield, 2006:35) Where does the situation begin and end? At what point it becomes a different situation? Could a situation suddenly become a moment? These were questions Debord continually raised. However, the power of situations rests in their indefinite nature, for a wide range of possibilities can emerge from situations. Moments come and go, leaving behind a memory (Lefebvre, 2002:345). The situation, perhaps forgotten, may indeed open new spaces for new moments to emerge. The situation does not necessarily negate the moment, or vice versa.

Revolts in France often times emerge in social housing estates that were constructed during high modernism in the 1950s and 1960s. They emerge from those spaces that the SI continually critiqued and rejected. In the following section I “relive” the 2005 revolts. I interpret the latter as an “absolute moment of contestation” that seeks to create new situations. Revolts are a critique of the everyday lives of youths living in the banlieue. Their critique is mainly targeted
at the presence of the state in their everyday lives, and in particular, at the police – the clearest and most vivid manifestation of the state in their lives. The “moment” of revolt is not spontaneous for, as we will see below, kids who participated in the revolt made some conscious decisions on whether to attack or not. By taking the streets and engaging in open confrontations with police officers, revolts created a situation of “lawlessness” that seemingly opened up the possibility to challenge the presence of the state in the spaces of everyday life. But revolts are also “events.” As news, revolts entered the “public sphere” where they were represented and re-interpreted mainly by public officials that ultimately succeeded in de-politicizing, by criminalizing the revolts (section 1.4). On the other hand, the analysis of the revolts will reveal that intrinsic to the politics of the banlieue is the creation of spaces of representation and the articulation of a larger critique of everyday life and urban space. Furthermore, I assume the following formulation from the outset: “everyday life is the native soil in which the moment [the situation and the event] germinates and takes root.” (Lefebvre, 2002:357) By detailing the “events” of 2005 I want to direct attention not only to the representational politics of the banlieue – how this category is formulated, mobilized, and distorted for specific (political) ends – but also to call attention on the necessity of renewing a political project whose starting point is the everyday, for “the contradictions of everyday life inevitably find their solutions in everyday life.” (Merrifield, 2006:13)

1.3. The 2005 revolts

In the afternoon of October 27, 2005 Bouna, Zyed and Muttin (from Malian, Tunisian and Turkish origins, though French citizens) returned home to Clichy-sous-Bois from a soccer match in the neighboring commune of Livry-Gargan (both located in the northeastern suburb of
Paris, Seine Saint-Denis). The Anti-Crime Brigade (BAC) stopped Zyed, Bouna and Muhittin, along with six other friends as they were crossing a construction-site, and asked for their identification. Not having brought their papers with them, Bouna, Zyed and Muttin decided to run, and hide. As they escaped, another group of police officers was approaching from the opposite direction. An electrical substation, with eight-foot walls and barbed wires, was in sight and, in the rush of the moment, the three boys decided to climb in. “We were being followed [by the police]. We slipped, stumbled, raised ourselves, set off again, and we arrived in front of a big wall. There was a big panic. Because this wall, it is really high. And it is barbed-wire. If we climbed it, it is because we really feared, because we were being followed. Even a crazy person would not do that!” described Siyakha, Bouna’s older brother as if he had participated in the scene (Libération, 31 October, 2005). Later, the Investigative Police demonstrated that one officer saw the boys enter the power substation and notified his colleagues through the radio:

I think they are about to enter the EDF [the name of the power company] site; we need reinforcements to surround the neighborhood, or they are going to get out.

Yes, message received.

On second thought, if they entered the EDF site, their skin is worth nothing now (quoted in Schneider, 2008:137).

At 6:12 in the afternoon, a power outage occurred, caused by the instantaneous deaths of Zyed and Bouna, electrocuted by 20,000 volts of electrical shock. Muhittin, however, survived and had enough power to walk to a nearby shopping mall where he encountered Sykayha and told him what just happened. At 6:44 pm, authorities were informed of the mishap. Firefighters mobilized to the electrical power substation, only to find the bodies of Zyed and Bouna on the ground. While the fire crew waited for the power company (Electricité de France, EDF) to shut down electricity, local inhabitants began to congregate around them. Surprised by the horrific
scene, and without clear answers to what lead to it, tension mounted, uncertainty took over, and rumors began to circulate.

At Chêne-Pointu, a social housing estate located in the center of Clichy-sous-Bois, the tragic news spread like fire on wood. “We expected the burning of cars that night,” augured a firefighter. Ichem, a 17 year old inhabitant of Clichy-sous-Bois at the time, found out about the tragic events through the pizza delivery guy. “At the beginning I was in my house, and then the delivery pizza guy goes by and tells us: ‘the cops are at Chêne-Pointu’,” remembered Ichem (Ménenger, 2007: 121). Ichem went down to the scene to observe what had just occurred:

There were a lot of people, and then there we found out that there were two dead bodies, one hospitalized, and all that… we began to know what had happened, and… well, the shock took over. Honestly, that two kids of fifteen and seventeen years old lose their lives in such a stupid way is an enormous shock.

“The next day it was vengeance,” said Ishem, “pure vengeance. There was preparation. The next day people didn’t want to burn cars: but confront the police” (Ménenger, 2007:122; emphasis added).

Whether riots are between ethnic rivals or one group of the population against the authorities, riots tend to oppose two antagonistic groups. Usually “urban” riots opposing the population and the police begin when, in the context of continuous racial profiling against a group of the population, a police action goes wrong (Tilly, 2003). In a comparative study of riots in Chicago, New York and Los Angeles throughout the twentieth century, Abu-Lughod (2007:31) found that what brings these different episodes together was racial profiling – “the great unifier.” Riots tend to occur under similar circumstances, as Collins (2008:116-117) succinctly describes the general situation: “upon the background of a longer-standing trouble [police-population tensions], a precipitating event occurs, something that one […] group takes as
a provocation from another group. Next comes a period of lull, a mood of ominous quiet, the calm before the storm. Then the outburst of […] violence…” The period of lull is a period of rumor; “it is quiet because talk is being carried out backstage, out of public sight, which is to say out of sight of the enemy and the authorities” (Collins, 2008:118). When word starts spreading among the neighborhood, regardless of whether the stories being told are true or false, tension begins to build up and anxiety takes over those present. Take this example from a 1935 mini-riot in Harlem:

In 1935, in the depths of the depression, […], a one-day Harlem riot had been preceded by an organized boycott of white-owned stores and by rent strikes against white slumlords. These organized activities might have continued without violence but for a triggering incident. The white owner of one of the picketed stores accused a black teenager of shoplifting and held him until the police arrived. A rumor spread throughout the already mobilized community that the boy had died at the hands of a white policeman. Although the rumor was soon revealed to be false, feelings were so tense that it set off organized marches as well as spontaneous looting of shops along the major thoroughfare (Abu-Lughod, 2007:18; emphasis added) 5.

Before confronting the police, or the enemy, rioters tend to study the situation and make sure that they hold numerical superiority over their adversaries and they try to identify the weaknesses of the opponents in that particular place and time. “Attackers are good, too, at monitoring the authorities, seeking signs of their tactical approval or judging their past performance of slackness or inefficiency in putting down a riot,” notes Collins (2008:120) across different riots around the

5 In Autopsie d’une émeute, Bachmann and Le Guennec (1997) traced the events of an “ordinary riot” when 16 year old Mohamed died in a motorcycle accident at the neighborhood of Mézereaux in Melun, a suburb of Paris, on the 29th of October, 1993. Three days passed when on the night of November 1st kids from the neighborhood decided to take vengeance on Mohamed’s behalf. Bensaïd, the surviving passenger, originally told the police that “there weren’t police officers near us, not in front nor in the back of us. We were alone”. Later Bensaïd changed his declaration and said “I don’t remember anything. I can’t say whether there were police officers or not at the moment of the accident” (1997:44). These ambiguous statements by Bensaïd added to the period of lull and rumor, when stories among neighbors were being created and spread. It took three days to build alliances, picture and “create” an enemy and finally take action. These riots lasted more than four days.
world. Moreover, “attackers look for their window in time and space, and exploit it.” (Collins, 2008:120; emphasis added)  

On the night of 27 October, 2005 two hundred youths from Clichy and the neighboring commune, Montfermeil, burned 23 cars and attacked businesses and public buildings, including the town hall. The first night was basically a message sent to the authorities that “we are here.” The next night, youths from Clichy-sous-Bois delimited a perimeter between Chêne-Pointu, Utrillo, a housing project located in Montfermeil, and the boulevard Emile-Zola. Four hundred youths took the streets against police officers who threw 150 flash-balls and more than 300 tear-gas grenades during the night of 28 October. “They really thought about where they could attack the police, by setting a fire in an alley or next to a façade and using the cars as barricades,” recalls a police officer (L’Express, 3 November, 2005). “The young rioters have a tactical agility,” observed sociologist Hughes Lagrange (2006a:40), “they remain in the places they know the most, the little passages, the corners, and they rarely go beyond the perimeters of their territory.”

Micro-geographical advantages allow kids to avoid arrest, attack without being seen and even ambush the opposition. Numerical superiority, on the other hand, was achieved right after

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6 Bachmann and Le Gunnec (1997:45) described the geographies of where the first confrontations occurred on November 1st: “The perimeter of Mézereaux is reduced: on one side the avenue des Meaux, on the other the valley of Almont. An axis traverses them – Carmes’ boulevard, the site of the accident -, that connects the neighborhood of Montaigu with that of Almont. Four streets, and the avenue of Carmes, structure it: Lavoisier Street, Bellay Street, Alfred-de-Musset, and Mézereaux. It is in this space that the first incidents will take place”. In other words, riots don’t take place in random places; there is a logic behind their geographies. Whether the sites of counter-attack are symbolic or places where attackers feel more comfortable, rioters always exploit their geographical advantages.

7 Flash-Balls, or rubber bullets, are a non-lethal weapon designed by the French manufacturer of hunting firearms, Verney-Carron. These weapons generate the power of a .38 special. The plastic projectiles are designed so that, even within a short distance, they don’t penetrate the body of the adversary. Recently, however, a squatter lost his eye after a flash-ball hit him in the face during a sit-in protest in Montreuil, thus putting into question this suspect police practice against ‘hostile congregations’ (Le Monde, 12 July, 2009)

8 We will return to this passage in the last chapter of the dissertation where we examine the presence of the courts in the “most isolated corners of the state.” (Lefebvre, 2009)
the news about the deaths of Zyed and Bouna spread. “In the banlieue, but certainly at Clichy-sous-Bois, it is a community: everyone knows each other, everyone crosses each other,” explains Ishem (Ménenger, 2007:121). Senses of belonging are strengthened through struggles and tragic moments particularly when they take the lives of members of a particular community, tend to re-assure that bond; “in the urban context, struggles between fractions, groups and classes strengthen the feeling of belonging.” (Lefebvre, 1996:67) In the banlieue, senses of belonging are primarily territorial, rather than solely racial, class, or gendered based alliances (Wacquant, 1995). Yet not every neighbor of Clichy-sous-Bois participated in the first attacks, but rather those members who most identified with the deaths of these two kids, namely youths from sixteen to twenty-five years old. “We felt anger, pain, and annihilation,” Ishem remembered the feelings that swell over the entire community (Ménenger, 2007:121), “because you say to yourself that if they lost their lives like that, that means that we can lose it as well…that means that our lives have no price, that we are…a stain that they can eliminate, that they can erase from a piece of paper.”

The solidarity of the neighborhood congregated everyone around the grief of Zyed and Bouna. There is a collective anger and grief period, following similar tragedies, that despite the suffering turns violent. Under tension, there is a small window of time where participants decide whether to take recourse on violence or pursue a different route. As Collins (2008:132) put it:

Conflict situations are first and foremost full of tension and fear; and it is this tension/fear that is released in forward panic…forward panic is set in motion only if the tension is suddenly released, if the apparent threat and strength of the opponent rapidly turns into weakness; there must be a space in that situation into which to rush forward instead of running away, a vacuum into which the encounter is precipitated. If that vacuum does not open up, the situation flows in a different direction.
The anger, tension and initial fear that took over the inhabitants of Chêne-Pointu was suddenly released “through violence,” as Ishem remembered. It was precisely “the symbols of the state that we targeted, the post office, the cars of the postal service were burned…then, there was the confrontation with the police…” (Ménenger, 2007:121). The state, represented by the police, was held responsible for the deaths of the two young kids. “Myself, I know that with each stone thrown, people said voilà: this is for Bouna and Zyed! For not dying,” Ishem recalled as the first attacks against public property, cars and the police were taking place (Ménenger, 2007:121).

Despite the solidarity and community engagement around the initial acts of violence, the Muslim community, the mayor and the victims’ families issued an appeal to calm. Nonetheless, more than three hundred officers were deployed in the area to assure order. Only 17 cars were burned, and no major confrontations with police officers took place on the night of 29 October. On Sunday 30 October, new confrontations with police officers were staged in the streets of the social housing estate called Bosquets, in Montfermeil – “a territory that youths master much better than us,” reluctantly expressed a police officer (L’Express, 3 November, 2005). By Monday, more than 68 cars had burned and 53 people had been detained by the police; 33 of them were put in custody at the police station and 8 others were referred to the Tribunal of Bobigny for “immediate prosecution.” Sentences were issued for up to two months of imprisonment for “collective voluntary violence with arms against agents of public force.” (Libération, 31 October, 2005)

During the initial stage of the riots, violence was limited to Clichy-sous-Bois and Montfermeil. That violence was constrained to these two neighborhoods can be explained by two factors: first, the first acts of provocation, deaths of Bouna and Zyed, brought to the fore a sense of territorial belonging to the community – we could call this the effects of proximity; second,
while new alliances arose in response to the loss of two neighbors, we cannot attribute every act of violence (throwing of stones, burning cars, confrontations with police officers) to the vengeance of two (certainly) unknown kids. Many rioters joined the action through what Charles Tilly (2003) calls opportunism. Opportunistic collective violence is activated by one incident, a police routine action gone wrong, and then spirals, escalates, and spreads as others seize the opportunity of “lawlessness” to take part in the looting, burning of cars, vandalism, and violence. The first moment of the riot created a situation of lawlessness that consequently opened up new spaces of contestation and opportunities. Participants of the riot took advantage of the failures of law enforcement agencies in order to loot, make damage for the sheer pleasure of it, or just follow their peers and gain respect among them. In the midst of a “lawless” situation many react to their emotions and take the opportunity to attack the first objects that appear in front of their eyes. The difference between revolting youths and opportunists lies in the “capacity to properly identify the enemy.” (Dell’Umbria, 2006:15) Otherwise, the political potential of riots can easily dwindle and be reclaimed by the authorities who often criminalize such actions, and thus de-politicize the moment.

The role of the state in stemming riots is to avoid its propagation by delimiting a zone and controlling it – and this is the main goal of “police territoriality” (Herbert, 1997). Opportunistic violence takes advantage of a “lawless” situation which signals the weakness of the authorities to control the territory. Police territoriality must contain the tension concentrated in a particular space-time and avoid its spatial propagation. Moreover, riot control tactics have improved over time, particularly with advances in technology and this allows for more efficient ways to contain outbursts of collective violence in one area. Usually, the police are better equipped than rioters. Their offensive and defensive arsenal might include: rubber bullets (Flash
balls), tear-gas bombs, pepper spray, batons, helmets with face shields, body armor, and large body shields. Anti-riot police are highly mobile, and usually use a square formation that includes a front and rear echelon (to protect them from attacks coming from both sides), and in the middle the “gas officers” and arrest teams. As they push forward, the crowd either backs up or spreads. To disperse the crowd as they move forward anti-riot police usually throw a round of tear gas bombs, and these often times are effective (see *Staff Patrol Self Defense and Security*, 11 June, 2007).^9^

Yet in Seine-Saint-Denis the police failed to effectively exercise territoriality and thus enabled “lawlessness” to emerge from the initial moment of contestation. While battling with youths at Montfermeil and Clichy-sous-Bois, the police threw numerous tear-gas bombs intended to disperse the crowd during the nights of 30 and 31 October. Two tear-gas bombs landed inside the Mosque of Clichy, located in the neighborhood of la Forestière, during praying hours and during Ramadan.^10^ To Ishem that night was one of the most impressive mobilizations of police officers he ever witnessed (Ménenger, 2007:124):

> On Saturday [when the confrontations had diminished considerably]...nothing happened; because there was the biggest congregation of police officers that I have ever seen in my life. That was, honestly, impressive. I thought I was in Bagdad or Sarajevo. On Sunday it was relatively calm. But there was the story of the Mosque. There were two tear-gas bombs thrown at the Mosque. Apparently, it wasn’t the cops, but...those are their weapons...we waited, we waited for something to happen [after the Mosque incident]. We talked...we talked about this and that, we said ’should we go, or shouldn’t we go [after the police]?'

Observers agreed that the Mosque incident was a key and catalyst event for the extension of the riots beyond the confines of Montfermeil and Clichy-sous-Bois (Mucchielli et. al., 2006:13). Yet

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^9^ The best source to see how police riot operate, and the technology they employ to control ‘violent’ crowds is through images and videos available through the internet (in particular youtube). Whether police are controlling crowds in Paris, Athens, Pittsburgh, or elsewhere, the tactics seem to be universal.

^10^ According to these accounts, attacks on the Mosque exacerbated the persistent conflicts between the Muslim community, with which many youths in the *banlieue* identify, and the French secular state.
there was a moment of uncertainty, of rumor, among the inhabitants of Clichy-sous-Bois on whether they should attack or not. While older kids thought and reflected on their next move, a ten year old, perhaps instinctively, “threw a stone at a car of the BAC [Anti-criminality brigade].” “That stone woke up everyone,” said Ishem (Ménenger, 2007:124). Solidarity among neighbors increased with the attack on the Mosque. While the first few nights of riots were fueled by the deaths of Zyed and Bouna, thus bringing together the youngsters in the neighborhood, the night of the Mosque even adults promoted the attacks (Ishem in Ménenger, 2007:125):

Honestly, the other nights, they [adults], were making appeals to calm. But that night, I know that when we escaped, we entered a building and it was an older guy who opened us the door, he had seventy something years old, and he wasn’t Muslim, he was Christian. He told us: ‘you have to continue kids, they can’t attack a praying site’.

During the night of 31 October and 1 November the riots swiftly expanded to other towns of the department of Seine-Saint-Denis. The next night confrontations with police officers and the burning of cars intensified in the Parisian region including suburbs at the north, west and south of Paris. By the night of 3 and 4 November more than twenty four towns in the Parisian region, excluding Paris, had been hit by the riots and the burning of cars (at least 500 hundred cars burned that night alone), attacks on police cars, fire-fighters cars, buses and some burning of public buildings increased as the night progressed. At this stage of the revolts high-rank government officials began to make their appearances on TV and the press in an effort to mitigate the rapidly expanding revolts. On 3 November Prime Minister Dominique de Villepin vehemently proclaimed in front of the Senate that “the Republican state will not cede” and that “order and justice will have the last words.” (Libération, 3 November, 2005; emphasis added)
These discursive interventions had no immediate results, and rather the revolts continued to propagate. That same night of 3 November, seven days after the first incidents at Clichy, the revolts extended to the rest of the country. Not only Paris, but Rouen, Lyon, Rennes, Lille, and Toulouse joined the action (*Libération*, 5 November, 2005). On 6 November, President Jacques Chirac addressed the nation for the first time to reassure them that the “Republic is determined, by nature, to be stronger than those who want to instigate violence or fear, and they will be caught, judged and punished.” (quoted in Demiati, 2006: 67) The night of 7 and 8 November, the riots reached their peak as measured by the number of communes affected (274) and the number of cars burned (1500, that night alone). On 8 November, an executive decision by the Council of Ministers declared a state of emergency, stemming from a 3 April, 1955 law, and imposed curfews in selected neighborhoods in order to “giv[e] the forces of public order the supplemental means to assure the protection of our co-citizens and their goods [properties],” Chirac said in justifying the measure. A week later, the situation began to ameliorate, and after eighteen nights of riots, the Interior Minister, Nicolas Sarkozy, declared “a return to normal conditions” on 17 November, after only ninety eight cars burned that night (*Libération*, 17 November, 2005).

In the end, 11,500 police and gendarmerie officers were deployed around the nation; 217 of them were injured during the incidents. No official record exists as to extent of injuries sustained by rioters. Three deaths were registered during the riots. Compared to the 1992 Los Angeles riots, where 54 people found their death, these events were clearly less fatal. On the other hand, property damage was significant. The Minister of the Interior reported the degradation or burning of 233 public buildings and 74 private buildings across 300 communes in France. The National Education\(^{11}\) concluded that 255 schools were subject to property damage.

\(^{11}\) In France, the Department of Education is controlled at the national scale; hence, National Education.
between the 1st and 16th of November. Proportionally, middle schools were hit harder (92 out of 5 200) followed by high schools (49 out of 2 500) and elementary schools (106 out of 51 000). Gyms, postal services (vehicles and buildings), public transportation (10 buses at least were totally burned), and fifteen public libraries were also damaged during the riots. Private enterprises were also subject to some form of degradation, including a Renault concessionary in the north of Paris. Churches, synagogues and mosques also suffered significant damage. The French Federation of Insurance Societies estimated that the cost of damages hovered around €200 million, out of which €23 million came from the more than 10,000 vehicles burned. On the judiciary front, 4,770 people were detained, 4,402 of those were taken for custody and 763 were subsequently jailed. Analysts did not exaggerate when declaring that the 2005 revolts were the most geographically extensive revolts France had witnessed since 1968 (Le Goaziou and Mucchielli, 2006).

In short, the revolts in 2005 were characterized by two important social and geographic factors. First, these were not ethnic riots, but they manifest a form of territorial solidarity based on the common experiences of youths living in the *banlieue*. Although the majority of youths in the riots were blacks or North Africans, “it was poverty and despair that united them as much as ethnicity and colour.” (Murray, 2006:30) “The shared experiences of unemployment, discrimination, police harassment, shitty housing and no future,” observed Murray (2006:30), brought together a critical mass of youngsters that took the streets to contest this socio-spatial order and express their anger and rage against the police and authorities. Second, as opposed to previous revolts which were confined to one or two continuous neighborhoods or social housing
projects, these riots expanded to the whole national territory,\textsuperscript{12} thus suggesting that there is a “constantly expanding geography” of despair and poverty (Dikeç, 2007b:1192). Many more social housing projects in the \textit{banlieue} joined the action this time around, and as Dikeç (2007b:1192; emphasis in original) rightly points out, there are “overlapping geographies of inequalities, discrimination, repression and revolts.”

\textbf{1.4. The antagonist politics of the Republic}

The use of violence marks the distinction between those who are fundamentally of society and those who are outside…The basis of the law is to safeguard that ‘right way of doing things’; to protect the individual, property and the state against those who would ‘do violence’ to them… (Hall et al., 1978:68)

According to Georg Simmel (2003), conflict is an integral form of socialization for it brings antagonist groups together. This might appear paradoxical to the skeptical person, for when conflict turns violent, and eliminates the opposition, this conflictive mode of socialization can swiftly obliterate social relations altogether. In this sense, one must distinguish the positive force – by bringing antagonist groups together – and negative force of conflict – the destruction of antagonistic relationships (Simmel, 2003:26). Yet by bringing opposing parties on the battlefield, the combat immediately places the two groups in a social relation of force (2003:47). Interior Minister Nicolas Sarkozy observed, after a week of confrontations in the streets of the \textit{banlieue} between police officers and rioters, that “the difference between the force of the Republic and the force of rioters is that the former is legitimate and follows a framework of

\textsuperscript{12} Surprisingly, France’s second largest city, Marseille, was not affected by the 2005 revolts. Geographer Katharyne Mitchell (2011) suggested that Marseille was “not burning” for three interrelated reasons. First, Marseille has historically been more inclusive towards foreigners than any other French city; second, in Marseille social housing estates are located and integrated to the city center, as opposed to Paris where they are evidently excluded at the outskirts of the city; and finally, local officials have unofficially embraced communitarianism, allowing different ethnic groups to collectively (ethically and racially) express their concerns and devise conflict-resolution tactics that minimize tensions with the rest of the city.
values, with rules.” (Senate, 8 November, 2005) The establishment of boundaries, primarily by taking recourse on the law, is necessary for justifying the use of state force against those who stand outside that legal boundary.

The establishment of boundaries is an essential political practice. As German legal scholar Carl Schmitt wrote back in 1922, “[t]he political does not reside in the battle [revolts] itself, which possesses its own technical, psychological and military laws, but in the mode of behavior which is determined by this possibility, by clearly evaluating the concrete situation and thereby being able to distinguish correctly the real friend from the real enemy.” For Schmitt, the political lies in the distinction between friend and enemy, in other words the political is primarily based on antagonistic relationships constructed over time. The political moment of the 2005 revolts, more precisely, is not located in the violence unleashed at state authorities for three weeks, but rather in the tactics previously employed by the state, and the youths as well, to distinguish and identify the political enemy, “the other, the stranger.” (Schmitt, 1996:27) When conflicts arise, the previously identified political enemy, often demonized, is again present in discourse so that the state, or political entity, can legitimize and justify actions aimed at crushing and halting the opposition.

Riots cannot emerge without antagonistic relations. As Tilly (2003:75) has observed, “a significant share of collective violence involves activation and reinforcement of boundaries.” Gender, ethnic, racial, class, and generational boundaries are constructed over time, but at some moments it requires an act (of provocation) to activate them and thus reinforce a clear boundary between “us” and “them”, between friend and foe. How these boundaries persist and are latent in the background is determined by local histories of struggles, shared experiences, memories, and social and political organization. Geography too determines who joins one group or the other.
When Zyed and Bouna died, while running away from the police, it activated the boundary between youths from Clichy-sous-Bois and the police. The deaths of two members from the “community” helped build alliances within that community and thus led to a clear boundary between “us” and “them”. Yet how can we explain the joining of hundreds of neighborhoods who had no immediate connection with Zyed and Bouna?

Boundary activation is principally done by what Tilly (2003:30) calls “political entrepreneurs”. The role of these “consists of organizing, linking, dividing, and representing constituencies.” (Tilly, 2003:30) One such political entrepreneur at the time was then Interior Minister, Nicolas Sarkozy. Prior to the riots, the Interior Minister had been promising “modest Frenchmen” to clean the banlieue of thugs. After the deaths of two young North Africans within a week, 22 May through 29 May of 2005, Sarkozy went to Perpignan and while listening to an injured firefighter said, “I am here [Perpignan] to do my job, and my job is to get rid of hooligans [voyous] in France.” On 20 June, Sarkozy was in La Courneuve visiting the notorious housing estate of 4000, after an eleven year old was unintentionally murdered in a gang confrontation. Sarkozy seized the opportunity to declare war on voyous who he said imposed their criminal laws and instigated fear on local inhabitants, “I will clean with Kärcher the social housing of 4000.” Later he added, “hooligans will disappear. I will put all the necessary personnel [police] in the area, but we will clean the social housing of 4000.” On September 27, while addressing the National Police and the Gendarmerie, Sarkozy officially defined the internal enemy of the Republic: “I hear the inhabitants of certain neighborhoods that live under

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13 The following remarks are extracted from Demiati, 2006: 54-63
14 To alleviate the demographic pressures of Paris, La Courneuve was selected for the construction of a massive social housing estate in the 1960s. The housing estate offered more than 4000 housing units, hence its current name.
15 Kärcher is the largest manufacturer of pressure washers in the world. “Our products enable our customers to solve their cleaning tasks in an economical manner” reads the official website.
the fear exerted by small *hooligans.*” The Interior Minister then raised the tone on October 25, two days before the riots, at Argenteuil. Talking to a local business owner, cameras caught Sarkozy assuring that “You’ve had enough, right? You’ve had enough from this band of scums [*racaille*]? Well, we will take care of them. We are here to eradicate the gangrene.” Tensions and divisions between the “scums” and the state had been on the rise for a couple of weeks, and the deaths for Zyed and Bouna just reassured the “*racaille*” that war was upon them.

Despite the negative effects of Sarkozy’s words, the Interior Minister persistently employed his divisionary politics. On 15 November, Sarkozy addressed the National Assembly in an effort to extend the state of emergency three more months. During this intervention, he explained what caused the riots. “Many factors,” he said, most “notably economic and social factors.” For a moment, the “structures which made events possible” were taken seriously. Yet, the Interior Minister added, “there is another factor that I believe is central,” namely, “it is the will of those who have made of delinquency their principal activity to resist the ambition of the Republic to reinstall her order, her laws, in her territories.” (*Assemblée Nationale*, 15 November, 2005) Attention swiftly turned away from the deeper socio-economic causes behind the riots in favor of a criminal thesis which called for and legitimized the deployment of the penal apparatus. “We must not disregard the fact that 75% to 80% of those people detained, for urban violence, during this crisis were already known [by the authorities, for previous crimes],” added Sarkozy in his opening statement.16 The proclamation of the protagonists of the 2005 revolts as criminals who coordinated attacks against the Republican order forcefully redirected them at the entrance of penal institutions, where they were eventually judged, prosecuted and stymied.

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16 Sarkozy later added that “the main cause of the despair of the banlieue is drug trafficking, the law of the band [gang], the dictatorship of fear, and the retreat of the Republic”.

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Yet contrary to Sarkozy’s statement, the *Renseignement Généraux* (RG, the French secret service) issued a report after the riots that concluded that the 2005 events were a “form of non-organized urban insurrection,” adding that it was “a popular revolt in the housing estates, without leaders and a precise program.” The revolts were staged by youths whose identity is not only based on their ethnic or geographic origins, “but on their social conditions of exclusion from French society.” Even further, the Interior Minister had evoked the thesis that the riots had been animated by religious (Muslim) extremists, a thesis dismissed by the report of the RG which added that the state “neglected the complex [social] problems of the banlieue.” The divisionary politics of the Interior Minister represented a dual society comprised of those who were inside and respected the legal framework and those who were outside (by choice) of the Republican law and wanted to impose their own set of (criminal) rules. Representations of rioters as outsiders of the law only calls for one measure: their repression through the law, thus constituting them as legally bounded subjects, yet limiting the political possibilities of the revolts.17

The law is a means through which states impose and maintain order by providing the population a framework of acceptable and unacceptable behaviors and actions. As Carl Schmitt (1996:47) previously observed:

The endeavor of a normal state consists above all in assuring total peace within the state and its territory. To create tranquility, security, and order and thereby establish the normal situation is the prerequisite for legal norms to be valid. Every norm presupposes a normal situation, and no norm can be valid in an entirely abnormal situation…As long as the state is a political entity this requirement for internal peace compels it in critical situations to decide also upon the domestic enemy.

The critical situation that arose in the fall of 2005 enabled the state to easily identify the “domestic enemy.” It was those young people living in social housing estates who continually

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17 Chapter 2 documents the origins and evolution of the dual society thesis.
operated outside the legal framework established by the Republic. The law’s ability to demarcate the differences between right from wrong, citizen from criminal, friend from enemy, allows political entrepreneurs to refer back to the law as a means for establishing social and spatial boundaries.

In fact, members of the Interior Minister’s political party, *Union pour la democratie française* (UDF), interpreted the revolts as an aggression to the laws, order, and values of the Republic. “The Republican order and public peace need to be applied over the entire national territory…since the force must always rest in the Republican law,” shouted a member of UDF (*Assemblée Nationale*, 8 November, 2005). “If the law that we are subjected to must operate, in the first instance, to restore public order,” suggested another member of the UDF in favor of the extension of the 3 April, 1955 law declaring the state of emergency, “the law has a stronger political purpose [*dessein*], which is the establishment of concordance among citizens, and harmony among the different *spaces* that form the Republic” (*Assemblée Nationale*, 15 November 2005; emphasis added). For politicians on the right, the “Republican law” must carry multiple geographical functions, namely restoring public order and manage the prevalent territorial disparities within the French Republic. The law, and nothing else, has the ability to coordinate the spaces of the Republic, according to these accounts.

Can the Republican law successfully mitigate the ravaging effects of uneven development and bring “harmony among the different spaces that form the Republic”? I suspect the answer is no, for the main problems affecting the *banlieue* are economic and social factors – massive unemployment, failed integration of immigrant populations, rampant discrimination of state and market institutions against youths from the *banlieue* (Duprez, 1997; Marpsat et al., 1997). Yet what is important to highlight is the central role of the Republican law in defining,
organizing, and ordering society. By referencing the Republican law, politicians are able to define the “domestic enemy,” de-politicize revolts, placed those enemies at the entrance of penal institutions and eventually restore order. The main reference point of the antagonist politics of the Republic is the law; based on the latter socio-spatial boundaries are continually constructed according to the “framework of values” and “rules” defined by the Republican law.

1.5. Street presence: order and disorder

It has been well chronicled by social scientists that young people in the banlieue feel humiliated by the treatment they receive from state institutions (Dubet, 1987). “Their hate is above all a revolt against a humiliating situation,” wrote Mucchielli (2006:20). Based on informal interviews with youths conducted in the aftermath of the events, Mucchielli noted that the source of this humiliation was for some “the school, others told stories about their experiences of discrimination, but all, without exception, considered that the quotidian source of their feelings of injustice and humiliation is their relation with the police.” (Mucchielli, 2006:20-21) In other words, at the heart of revolts lies a critique of the territorial practices of the state and its institutions.

One way through which the French state makes itself present in the spaces of the banlieue is by deploying police officers in social housing estates. Over the years, the French state has seen its legitimacy decreased in many social housing estates in the banlieue. This crisis of legitimacy, stemming from government inability to adequately address some of the major socio-economic shortcomings affecting the populations of the banlieue (long-term unemployment, spatial segregation, exclusion from social and political life), has led the state to compensate these deficits of legitimacy through law-and-order initiatives (Wacquant, 2001a). One of the
immediate effects of this forceful spatialization of the state in the banlieue has been the growing conflicts and tensions between youths and police officers. Moreover, the basis of state legitimacy in the banlieue lies in negotiating the dialectic of order and disorder. As will be shown in more detail in Chapter 4, the production of spaces of security in the banlieue has been central to the government’s efforts to assure its presence in these often volatile neighborhoods. Revolts represent, in this sense, a means through which this particular production of urban space is contested, challenged, and critiqued. As Lefebvre put it, one of the contradictions of the production of space “is that between the appearance of security and the constant threat, and indeed the occasional eruption, of violence.” (Lefebvre, 1991:57)

By progressively occupying the streets of the banlieue, the state has created the appearance of security. In fact, since the 1980s, and in particular during the 1990s, the French state made a concerted effort to increase the presence and visibility of the police and the courts in crime-prone banlieues. Aligning penal institutions in the banlieue was a reaction to the continuous revolts of the early 1990s. The result has been a more conflictive and certainly more violent encounter between the populations of the banlieue and the state. For instance, cases of police brutality rose dramatically from 250 cases by mid 1990s to a staggering 517 cases of police brutality reported in 2001, 560 in 2002, 611 in 2003, and 725 in 2004 (Jobard, 2006:62). Furthermore, Fabien Jobard after conducting research in a court house in the Parisian suburb of Seine-et-Marne found that between 1995 and 2003, North Africans, Sub-Saharan Africans, and Caribbean were more frequently prosecuted in the courts than any other “ethnic” group. In the juvenile court, young North Africans represented 38% and Caribbeans and Sub-Saharan Africans 28% of those prosecuted, which means that police officers intervened more frequently against youths from African and Caribbean origins. In addition, discrimination was performed not only
by police officers but also by judges who pronounced harsher sanctions based on the nationality and ethnicity of those prosecuted. For instance, the probability of a North African ending up in prison was 2 to 3 times higher than for native white French people (Jobard, 2006:65). In other words, the politics of order-maintenance of the 1990s paradoxically fueled urban unrest for, as we discuss below, it is those policing accidents at the level of the street that serve as catalysts for riots.

The street, in fact, has become an important arena where the dialectic of order and disorder is negotiated. Whereas the police are deployed to the streets of the banlieue to maintain order, these same streets are an important space for the socialization of youths. “The street constitutes for the new poor generations,” writes sociologist Jean-Pierre Garnier (2007:67), “the main place of exchange, whether they are verbal, gestural or corporeal, friendly, loving or delinquent.” Young people’s forms of socialization in the streets are regularly interpreted as disorderly. The streets of the banlieue are always populated, and they are the place where all sorts of activities, whether legal or illegal, are carried out (see Chapter 2). The street is the prime arena where the everyday life of youths takes place. More importantly, it is in the streets where youths and police officers encounter each other; where order meets “disorder”. And it is this immediate encounter with the state that often times is questioned, critiqued and opposed through the violence of riots. Consequently, the latter becomes an important means for contesting the presence of the state in the spaces of everyday life (see Chapter 4).

In Lefebvrian nomenclature, riots could be very well defined as a critique to representations of space.18 Riots are “absolute moments of contestation” that break with the

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18 “This is conceptualized space, the space of scientists, planners, urbanists, architects, and technocratic agents; all of whom identify what is perceived and what is lived with what is conceived – this is dominant space as conceived by dominant groups” (Lefebvre, 1991:38). In other words, this is the categorization and compartmentalization of spaces according to pre-conceived notions of how space should be. In a way, this space is imposed upon users.
routine of everyday life since they seek to change the order of space imposed upon them by planners, architects, government officials, and certainly the police. Violence serves, in this sense, as a means through which the urban order is questioned, delegitimized and rejected by the “users” of space. As Yazid Kherfi, social worker and ex-rioter in the early 1990s, noted in reference to the 2005 revolts:

The young rioters of last November did not have explicit claims to press. They wanted, before anything, to express their rage. Their rage is a citizenship by default and their acts of violence can be understood as political acts, if we understand by that [violence as politics] their desire to exist, the will of being present, of reacting despite everything else…I think that violence is a sign of good health, a sign of vitality, it is their only way to react to a detestable situation that has been imposed upon them… (Le Goaziou, 2006:93-4; emphasis added).

By asserting their presence, revolting youths forcefully create spaces of representation. These are “the space[s] as directly lived through its associated images and symbols, and hence the space[s] of ‘inhabitants’ and ‘users’.” This is the space which “the imagination seeks to change and appropriate” (Lefebvre, 1991:39), in other words, these are the spaces of everyday life. Violence, therefore, is a way of being-in, using, and contesting urban space. To claim their space in the city, youths attack those who regularly police their movements and maintain order. But violence also makes urban space public. A space becomes public “when, to fulfill a pressing need, some group or another takes space and through its actions makes it public.” (Mitchell, 2003:35; emphasis in original) Public space is not given, but must be fought and struggled over, otherwise those who design and control space (architects, urban planners, politicians, and the police) for their own purposes can likewise exclude and control who gains access to public space. By their violent actions, youths make of the streets public displays of struggles, the scenes of politics and representations. The contradiction of using and controlling public space is synthesized by Rémy and Voyé (1981:112): “public space contains security and risk in the same
place.” Riots are a reminder that security and order, as defining elements of everyday life in the banlieue, is just an appearance. The risk, and indeed occasional eruption, of violence is always prevalent in the streets of the banlieue. To better understand why riots erupt, we must therefore discuss the dialectic between the structure and the accident.

1.6. Structures and accidents

It comes as no surprise that the epicenter of the 2005 revolts was the department of Seine Saint-Denis. This suburb of Paris has historically been the source of major social and political conflicts, and one of the most highly segregated departments in France. The banlieue rouge, or the northeastern communist fringe that emerged after WWII, developed solidaristic ties at the neighborhood scale that included informal social control mechanisms that mitigated the rise of crime. Unemployment too was very low in these working class neighborhoods that benefited from the prosperous industrial sector around Paris (Fourcaut, 1986; 1993; Kaes, 1963; Magri and Topalov, 1993; Stovall, 1990). While early experiments to mix social classes in social housing estates failed (Chamboredon and Lemaire, 1970), as middle classes gained access to private property (Bachmann and Le Guennec, 1996), the banlieue rouge was repopulated with immigrant families that saw both social mixing and informal social control mechanisms disappear (Bacqué and Sintomer, 2001). The industrial decline in the 1980s, and the demise of working class relations that followed suit, created the conditions for rampant unemployment and rise of crime/violent relations in these areas (Oberhauser, 1991; Samers, 1998b). Coupled with

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19 From the early 20th century until the industrial crisis of the 1970s, the outskirts of Paris housed the majority of the working class population. Their mode of organization and the hegemony of the Communist Party in local politics, until recently, led many to coin these spaces of the city the banlieue rouge, or Red banlieue. Not surprisingly, the center of the banlieue rouge was located in Seine-Saint-Denis who nowadays has the highest density of immigrant populations in France (Fourcaut, 1986; Stovall, 1990).
the lack of economic, cultural and political activities, many neighborhoods in Seine Saint-Denis serve only a residential function vis-à-vis the city of Paris. The image of the ghetto ascribed to Seine-Saint-Denis, a paradigmatic urban form that suggests images of racial segregation and violence, has gained social acceptance among scholars, public officials and the public in general (Jazouli, 1994; Vieillard-Baron, 1996; Wacquant, 1992; 1993; see Chapter 2 for details).

Clichy-sous-Bois, that small town from Seine-Saint-Denis where the riots first hit, is a paradigmatic example of the main problems that affect many neighborhoods in the banlieue. First, the population of Clichy-sous-Bois is one of the youngest in the Parisian region, with more than 47% of the population aged twenty five years or younger. More than 12% of the families are composed of six or more members. Because apartments are not designed to hold big families, many teenagers prefer to pass their free time outdoors. As one government official observed, “many of them are not delinquent. They are outside because they are better there than in their house.” The constant presence of youths in the streets, in turn, makes them easy target for routine police identity checks. Second, while in 2005 the national unemployment rate was at 12.8%, in Clichy-sous-Bois unemployment was registered at a rate of 23.5%. This figure, however, makes no justice to the reality of the situation. While overall unemployment is high at Clichy-sous-Bois, the figure rises to 32% among the cohort of 15-24 years old.

Similarly, in Seine Saint-Denis 17.2% of the active population (15 years and older) is unemployed (1999), in comparison with only 11.5% in 1990. These figures augment among the active population between 15-29 years old. This cohort reported 22% unemployment in 1999, against 15% in 1990. The youngest populations are the most affected by unemployment, as well as males who represented 53.4% of the unemployed population. Moreover, 21.5% of the population 15 years or older in Seine-Saint-Denis has not attained an educational diploma,
against 17.7% for the same cohort in the rest of France. Furthermore, 68% of the population in
the department lives in social housing subsidized by the state, and more than 75% are renters.
Only 22% own their property (INSEE, 2001). In other words, youths from immigrant origins
living in segregated social housing estates suffer high unemployment rates, as well as
inequalities at school and labor markets which further reinforces socio-spatial exclusion, and an
uneven treatment from judicial institutions which discriminate against them based on their skin
color and place of residence (Duprez, 1997; Jobard, 2006; Marpsat et. al., 1997; Wacquant,

In response to these socio-economic conditions and the numerous violent encounters that
have erupted from segregated neighborhoods since the 1980s the French state created la
politique de la ville, or French urban policy (see Chapter 3). As Le Galès noted (2005:248),
urban policy emerged under the context of riots: “waves of riots epitomized and made visible
forms of urban crisis that were associated in the media with large housing estates, youth
unemployment, crime, and immigrants” (see also Jazouli, 1992). Originally, French urban policy
identified 16 “priority neighborhoods” or Zones Urbaines Sensibles (ZUS), neighborhoods
highly affected by unemployment, exclusion, and violence. As social unrest increased in
numerous banlieues around the country in the 1980s and 1990s this number increased to 752
“sensitive neighborhoods.” Moreover, some have noted that the construction of the category
“sensitive neighborhoods” further emphasizes the differentiation and stigmatization of these
territories and the populations living therein (Bachmann et al, 1989; Body-Gendrot et al, 2007;
Tissot, 2007). This “state rationality” (Chevalier, 1996) creates the means to identify the spaces
where violence exists, where the law is absent, and thus spaces that require an exceptional
treatment from the state (Blomley, 2004; Agamben, 2005). In other words, the category
“Sensitive neighborhoods” is a form of *representations of space* actively created by the technocrats and bureaucrats working for *la politique de la ville*. Based on French urban policy’s capacity to designate and represent space, geographer Mustafa Dikeç (2007a:5) suggested that French urban policy is a “particular regime of representation that consolidates a certain spatial order.”

Riots are evaluated against these “representational structures.” According to the geographic patterns followed by the 2005 revolts, 66.4% of the neighborhoods that participated in the riots were classified *Zones Urbaines Sensibles* (ZUS) (Lagrange and Oberti, 2006: 217). Similarly, neighborhoods that recorded more riots (in terms of duration), especially those in the department of Seine-Saint-Denis, showed high concentrations of young people (20 years or younger), high unemployment rates among 25 year olds or younger, and where families with six or more members were numerous (Lagrange and Oberti, 2006:116-119, 217). The 2005 revolts and the socio-economic indicators cited above for the department of Seine-Saint-Denis point to the fact that socio-spatial exclusion of unemployed youths in the *banlieue* is a root of revolts. Revolts, according to Lagrange and Oberti (2006:13), could be understood as a way in which “socio-spatial exclusion is articulated.”

In a context where unemployment, exclusion and discrimination structure the lives of youths, accidents tend to spark episodes of violence. Violence, under these circumstances, is an expressive action that brings to the fore deeper socio-economic conditions generally kept under the radar. During their everyday lives, youths tend to accumulate a series of humiliating actions from the police, tensions stemming from their lack of job opportunities, and discriminating attitudes from a wide range of institutions. These accumulated experiences explode during revolts. Further, revolts constitute instances where youths can express their rage, resentment, and
opposition to the order of things. As Lucienne Bui-Trong, the former chief of the *Urban violence* division of the French Intelligence Service has observed over the years, in France:

Riots occur in neighborhoods with a large population of immigrant origin, so they primarily reflect a difficulty of integration, and resentment, so, a resentment very strongly felt by young people of the second generation, and even third generation too...These problems are experienced as a rejection from society, and let’s say, they have the feeling they’re relegated...Now, the incidents that trigger riots, that’s another issue completely, you see, there’s the triggering incident, and there’s the background that is going to make it...because incidents triggering riots are like the spark that sets fire to a stock of gunpowder, but that’s what the gunpowder is. It’s that resentment (quoted in Dikeç, 2004: 203).

Dikeç (2004:201), following classifications previously gathered by Lucienne Bui-Trong, showed that between 1982 and 1989 there were approximately five large-scale riots. This number rapidly increased the following decade with forty eight large-scale riots reported between 1990 and 2000, and more than 250 smaller-scale riots. Moreover, 34 out of the 48 big-scale riots were caused by the “killing, accidentally or not, of a young person, of immigrant origin, of the neighborhood in question.” (Dikeç, 2004:203) In almost 30 of these revolts the police was implicated in some capacity. In other words, riots not only articulate socio-spatial exclusion, they also respond to specific state spatial practices in the banlieue. The dialectic of the structure and the accident is at the root of revolts. The forceful *presence* of the state in the spaces of everyday life, the spaces of socialization, increase the probability of accidents, and against difficult background conditions, coupled with the accumulation of resentment, accidents tend to trigger the rage of youths, thus resulting in an “absolute moment of contestation.” Put differently, the structure – unemployment, police presence, spatial segregation, and so on – defines and organizes the rhythms and routines of everyday life in the banlieue. The accidents, on the other hand, constitute moments that when *contested* by young people might trigger a situation of lawlessness where “opportunists” are invited to join. And yet the real political moment, as I
suggested above, lies in the “event,” in the particular representations of the banlieue and “rioters” that are constructed in the “public sphere.” If youths can master their own representations then revolts can become effective political mechanisms, until then revolts might just be simply dubbed criminal acts.

1.7. Conclusion

Months after the 2005 revolts, sociologist Didier Lapeyronnie (2006: 431) noted that “public opinion seemed to be satisfied with the absence of deeper measures, the silence of politics and the government, and the return to order.” As the “events” entered the “public sphere”, representations tended to de-politicize and criminalize the revolts. Representations of the “events” further reinforced the consensual and moral boundaries of French society whereby those neighborhoods that participated in the revolts were increasingly placed outside the legal boundaries of the state. For Marxist criminologist Alessandro Baratta (1998:217), “public opinion is a carrier of the dominant ideology that legitimizes the criminal justice system, perpetuating a fictitious image of it, dominated by the myth of equality.” The inequality of the French criminal justice system was at display on 27 April, 2011 when the court of appeal of Paris absolved the two police officers accused for “non-assistance for persons in danger” after the deaths of Zyed and Bouna in 2005. Reacting to this decision, Mohamed Mechmache, president of the association AC-Le Feu, said that the French criminal justice system only exists for “one category of people: youths who expressed their rage in 2005 (during the revolts) went through immediate prosecution and served prison time, and the police officers weren’t even judged.” (Le Monde, 27 April, 2011) Mechmache’s association primarily works with kids in Seine-Saint-Denis, and the court of appeal’s decision only makes his work harder: “we work so that young
people belief in the [criminal] justice system, but after decisions like that, it is hard to do.” If those who take the streets to contest unjust conditions are prosecuted and incarcerated whereas the police, responsible for the “accident” and the lives of two innocent young people, are absolved, then I believe that Marxist legal scholars were right when suggesting that the penal system perpetuates the conditions of inequality inherent to capitalist societies (Quinney, 1975). Inequality, said Baratta (1998:238), means an “unequal response” to equally troubling criminal situations.

Revolts in France, where violence is unleashed in public to press claims otherwise unheard, seriously question the normative politics of Habermas’ public sphere (1991, 1996; Calhoun, 1992; Robbins, 1993). The public sphere refers to the “social space” generated by communicative action (Habermas, 1981, 1987). The public sphere is rooted in the associational network of civil society, where members of a given legal community are able to critique, discuss, and opine on the various problems and situations generated by political and administrative power. The idea, according to Habermas (1996:356), is that:

Binding decisions, to be legitimate, must be steered by communication flows that start at the periphery and pass through the ‘sluices’ of democratic and constitutional procedures situated at the entrance of parliaments complex and courts. Public opinion can therefore “influence” parliamentary or administrative officials who, pressured by the demands and critiques of the “public,” can reconsider their positions and exercise their political will according to the stipulations emerging in the political public sphere. In that sense, “through institutionalized procedures – political influence supported by public opinion is converted into political power.” (Habermas, 1996:363)

Ricordeau (2001:175) has noted, after interviewing several rioters back in 2001, that youths “perfectly know the functioning cycle of violence – media – intervention of public
powers.” Youths “consider the traditional means of expression – like voting or peaceful demonstrations – ineffective.” (Ricordeau, 2001:174) Thus youths forcefully appropriate the streets to enter the public sphere and pressure the state to listen to them and intervene. And yet even governmental responses after violent manifestations are considered ineffective; as one young rioter put it “[state officials] make promises, so that we calm down. We don’t want sports complexes, but recognition from society, respect.” (quoted in Ricordeau, 2001:174; emphasis in original) For the public sphere to be effective those raising claims in public must be members of the legal community and recognized as such. However, revolting youths are continually placed at the outskirts of the legal and moral boundaries of the French republic, through what I called the antagonist politics of the republic, and thus their claims are repeatedly de-legitimized and criminalized by “political entrepreneurs” and public opinion. Excluded from the legal community, youths are unable to master representations of the “events” and much less generate political power. In short, the “public sphere” is not an appropriate political arena to advance justice claims by young people in the banlieue.

Geographers have criticized the normative politics of the “public sphere” on the basis that the latter tends to become a fictitious “public space,” thus undermining the importance of being present in urban space (Mitchell, 2003). In fact, a critical factor of revolts in general is the claiming, appropriation and thus production of urban public space. The anonymous authors of The coming insurrection (2009) noted in relation to the 2005 revolts that:

People can burn cars because they are pissed off, but to keep the riots going for a month, while keeping the police in check – to do that you have to know how to organize, you have to establish complicities, you have to know the terrain perfectly, and share a common language and a common enemy. Mile after mile and week after week, the fire spread. New blazes responded to the original ones, appearing where they were least expected. Rumors can’t be wiretapped (The invisible committee, 2009:37; emphasis added).
Revolts emerge in real and material urban spaces, the street, not in the \textit{aspatial} political arena of the public sphere. Revolts become public \textit{in} urban space, in the quotidian spaces that support the everyday lives of young people in the banlieue.

Nonetheless, as moments of contestation, revolts reached an end, officially announced by Sarkozy on 17 November when he declared a “return to normal conditions.” Unfortunately for the young rioters, their \textit{spaces of representation} were quickly reinterpreted as lawless urban areas, a particular \textit{representation of space} that not only places the banlieue at the outskirt of the legal boundaries of the state, but calls forth a stronger presence of penal institutions in the spaces of everyday life. The state, while attempting to halt the revolts and re-establish order, took back and subsequently controlled the streets temporarily claimed by rioters. The re-establishment of what government officials call the “Republican order” is done first by the forceful re-appropriation of the streets by the police and eventually through the subtle \textit{territorialization of the “Republican law.”} Spectacular deployments of police officers dispersing and controlling hostile crowds through the use of advanced technological weapons (tear-gas bombs, rubber bullets, etc.), accomplishes the first task. A set of legal resources – curfews and state of emergency – were enacted by state officials to swiftly and more efficiently control and re-appropriate the streets that were hosting acts of public counter-violence. The larger goal of the state is to keep these forms of public violence out of sight, thus the territorialization of the “Republican law” is a crucial strategy for removing violence from public space. According to official discourse, lawless neighborhoods do not comply with the appropriate social, spatial, and legal norms that constitute the French Republic and over the last two decades state officials have attempted to increase the \textit{presence} of the law in the spaces of everyday life. As we will see in Chapters 4 through 6, the presence of penal institutions in the spaces of everyday life seeks to
create the appearance of order and security while obviating larger political-economic measures that would, in essence, ameliorate the quality of everyday life in the banlieue.

The territorial politics of the banlieue must be understood in terms of the material conditions that constitute these spaces (unemployment, housing, segregation, discrimination) and the efforts to create an order within a place that resists precisely order. Violence must not be criminalized, but must be heard and understood for within these disorderly conducts the contradictions of the production of space resurface. They must not be silenced, nor they should be promoted, rather we must accept violence for what it represents – an attempt by some to reclaim space to express the frustrations against specific state spatial practices. As Dikeç (2004:205) has previously stated, explosions of social unrest are “responses to spatial injustices, and they might be seen as unarticulated movements of justice for they are manifestations of dissensus addressing at once material, categorical and political conditions that are, among other factors, spatially produced” (emphasis in original).

In this chapter I also tried to examine the 2005 revolts in terms of the dialectic of the structures and the accidents. The structures, as I have mentioned, are those material conditions that makes life in the banlieue much more difficult to accept – daily forms of discrimination and harassment, humiliation and unemployment, rage and spatial exclusion. But the accidents are those “triggering” incidents that spark violent outbursts that are always latent, waiting to explode at any time and place. The structures and the accidents together produce “moments” of contestation. Most importantly, the “moment” of contestation germinates and takes root in “everyday life.” The moment of the riot breaks with the routines, rhythms, and order of everyday life, and by doing so generate a situation where the quality of everyday life is contested. The moment of revolt launches two main critiques: first, it is a critique to the socio-spatial structures
that shape everyday life in the banlieue (urban segregation, unemployment, discrimination); second, it is a critique to the presence of the state in the spaces of everyday life. This state presence, as we saw throughout the chapter, can be very violent at the encounter of youths. What youths necessitate, and indeed momentarily achieve during revolts, is the creation of spaces of representation where they can master their own representations. This is precisely why the construction of “events” is so important for the political aspirations of populations from the banlieue. In the current political climate, once revolts enter the realm of “events” they tend to lose their political significance and rather become criminal activities condemned by everyone, including the political class. Regardless of their political effectiveness, revolts point to the fact that “the political might arise anywhere and everywhere,” and that current political arrangements structured around consensus and agreement excludes those that are regularly placed outside the legal (and moral) boundaries of the state (Swyngedouw, 2009:608). Ultimately what people from the banlieue need is a fundamental and qualitative change of their everyday life. Although everyday life in the banlieue has degraded over the last four decades, the everyday spaces of the banlieue are not lawless or disorderly; they are lively, creative, and full of potential, an aspect that we describe and analyze in the next chapter.
CHAPTER 2:
CONCENTRATION AND FRAGMENTATION OF EVERYDAY LIFE: THE RIGHT TO THE FESTIVAL

2.1. Introduction

Abdel wandered the streets of Paris seeking new and unpredictable encounters with urban dwellers. That’s exactly how we came across each other. While holding a cigarette in his hand, this young North Africa politely asked me “excuse me, would you happen to have fire?” “I only carry matches,” I said. Quickly remarking my accent, he asked where I came from. “Puerto Rico,” I replied. Abdel, a charming 23 year old, was born in France but as a child returned to his parents’ hometown in Tunisia. When he was eleven, his parents decided to return to France in search of a brighter future. Currently they live in a crowded apartment in a social housing estate in Seine-Saint-Denis. Abdel had missed the last train to Seine-Saint-Denis, so that night he was simply wandering the streets of Paris as he awaited the first morning train.

Abdel’s biggest problem in France was finding a job. Every application and curriculum vitae he submits is rejected – “we will call you,’ that’s what they always say.” Abdel wanted to learn English, “the international language” as he called it, to enhance his job opportunities. I reminded him that French was also an international language – “French is bullshit,” he said. As we engaged in conversation we began to stroll together through Paris’ streets. We did so for almost two hours, with no clear destination and no objectives in mind. To be honest I saw a research opportunity and Abdel saw in me a good partner to kill some time before the departure of his train.
As we wandered the streets I noted how charming Abdel could be with fellow North and Sub-Saharan African males. The same could not be said of his encounter with white French people, as Abdel insisted on getting something back from them. To white males, Abdel would ask for a cigarette, despite having a full pack in his pocket. At times he would ask for fire, despite having a lighter in his other pocket. To police officers Abdel defiantly asked them for the time, even when I had told him the time two seconds ago. Fire, cigarette, time, these are basic elements easily available in the streets. They allow for easy and sporadic encounters with people. Playing with everyday life is Abdel’s way of coping with his difficult situation. As a young unemployed Tunisian, Abdel feels rejected by French society and blames French people for his situation. The city was for Abdel a place of encounters and a means to redirect the flow of power relations. These encounters were initiated by Abdel’s tactics (time, fire, cigarettes). His tactics were designed to win something back from a society that has taken so much from him.

At the end of the night Abdel and I sat on a bench in front of the Basin de la Villette. There he finally came straight to me. “I am in deep shit, man.” Then he continued, “I don’t have a job that’s what pisses me off.” Abdel continued his rant for a few minutes. I just sat quietly as it seemed that he just wanted to express his rage. I understood right away that his violent and daily encounters with white French people and figures of authority were simply a way to make them accountable about his situation. These quotidian acts of resistance are one important part of young people’s repertoire of actions. It is at the level of everyday life – the street, cigarettes, time, fire, encounters – where authority and power are rigorously challenged.

Abdel’s story exposed me to two realities that young people of immigrant origin (particularly from North Africa) must face in France: unemployment and rejection. These two conditions structure the lives of young people and how they relate to their immediate
surroundings. Abdel’s nemesis was France, the country that continually denied him a job on the basis of his origin. Thereby, his attitude toward anything French (peoples, symbols, authority) was conflictual. In the street, Abdel challenged authority in the most banal and quotidian ways. Negotiating everyday life was a means to cope with unemployment and rejection.

Furthermore, Abdel’s story is a classic example of what Marshall Berman calls “primal modern scenes.” (1982:148) In evaluating modern literary forms by Goethe, Baudelaire, and Dostoevsky among many others, Berman noted that one of the main themes of modern literature is “the romance of the city street, in which the street is itself the hero.” (1982:195) More precisely, the primal modern scene depicts “everyday encounters in the city street that are raised to first intensity…to the point where they express fundamental possibilities and pitfalls, allures and impasses of modern life.” (Berman, 1982:229) These primal modern scenes are prevalent in the prose of Baudelaire and Dostoevsky, writing about Paris and St. Petersburg respectively, who beautifully showed how “the personal encounter in the street emerges as a political event.” (Berman, 1982:229; emphasis added)

It is my intention in this chapter to demonstrate how the “street” constitutes an important political arena for a population that has been continually denied access to so-called “legitimate” venues of expression. As the last chapter showed, by taking the streets violently, during episodes of revolt, many young people of immigrant extraction gain access to the “public sphere” where they can express their rage, concerns, and contestation against the social and spatial orders of contemporary France, even as that public sphere turns its back on them. “Riots” are important political events, yet they are not the only forms of political contestation in France. As Abdel’s story clearly shows, there are numerous quotidian encounters in the streets where authority, power, the state, and social and racial inequalities are continually contested. In other words,
“personal encounters in the street” can potentially become a vital “political event” for many disenfranchised youths living at the outskirts of the Paris agglomeration.

The street, furthermore, constitutes an important site where colliding social classes meet and clash. In the street social, ethnic, and gendered confrontations take place thus potentially opening a venue of public dialogue or, as often occurs, difference is exacerbated. Before demonstrating why Parisian streets have become essential political arenas, I will document the fragmentation of the Parisian urban space. Inspired by some basic principles and methods of action derived from modern architecture and urban planning, Paris’ urban space has been divided and fragmented along social, and eventually, racial lines. This division informs contemporary efforts by those displaced to the outskirts of Paris and away from the pleasures and joys of the city to assert their “right to the city” (Lefebvre, 1996).

Finally, the active role of the French state in shaping and constructing a divided and fragmented urban landscape – through the enactment of laws and regulations, the promotion of modern functionalism as the basis of urban planning, and solidifying French republicanism as the basic form of political organization – is explored in this chapter. The form and structure of Paris, as well as the political imperatives of the French state have shaped people’s everyday urban geographies. I argue, therefore, that the French state has been, and still is, an active agent in the production of a “fragmented” urban experience. More specifically, I begin with a theoretical framework based on Lefebvre’s concept of everyday life to emphasize the political importance of this “level” of existence in contemporary urban France. As will be noted in subsequent chapters, policy makers have often pointed out the degradation of everyday life and the spaces supporting everyday life as the source of criminal behavior and the feelings of insecurity prevalent in social housing estates in the suburbs. To counteract this trend, the state has devised a
variety of strategies that seek to intervene at the level of everyday life to reshape it and mold it according to the “republican order.” I finish the chapter with a discussion on the formation of “bands” in the Parisian banlieue and the alleged threats these posed to the “republican order.” This latter tension has justified the consolidation of the “republican penal state.” (Dikeç, 2006)

2.2. Everyday life

The concept of everyday life emerged from a nostalgic sensibility Lefebvre developed by growing up in Navarrenx, in the Pyrenees. In fact, his doctorate work was a peasant sociology, Les Communautés Paysannes Pyrénéennes, where he noted the positive aspect of “daily life: it was familiar, it was the realm of home and leisure, the arena of safety and security, of friends and families, of holidays and little treats – the side of life that included work but was somehow separated from work, set aside from work, liberated from it.” (Merrifield, 2006:9) Lefebvre’s Introduction to the critique of everyday life was written in 1946 when France was in the midst of reconstruction from the Second World War. As Lefebvre noted, “in France, at that time economic and social existence were in the process of reconstruction and many people believed that they were building a new society, when all they were really doing was to re-establish the old social order in a slightly modified form.” (Lefebvre, 2004:30) Even so, Lefebvre later acknowledged that Introduction to the critique of everyday life was “dated.” “At that moment of history (1946),” Lefebvre (2004:32) observed, “there was still a general belief in the possibility of man’s self realization through productive and creative activities.” This hope and possibility

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20Bandes or “bands” is a French term often employed to characterize the formation of relatively enclosed groups of people whose collective actions often degenerate into criminal activity and/or deviant behaviors in public space. I retain the French version since sociologists have spent a great deal of time differentiating the term “band” from the American corollary “gang.” French sociologists argue that the latter term refers to a hierarchically organized group with well-established chains of command, whereas “bands” is less organized and more diffuse with members coming in and out of the group (see Esterle-Hedibel, 1997; Mohammed, 2007; Mohammed and Mucchielli, 2007; for a history of youth “bands” in France see Perrot, 1979; Robert and Lascoumes, 1974).
quickly faded away in the coming years as France experienced a period of sustained economic growth, generally known as the *Treinte Glorieuze*, or thirty glorious years.

The postwar period until the mid-1970s fundamentally transformed society as capitalist social relations shaped almost every aspect of everyday life. For Lefebvre, “everyday life was being colonized…by the commodity, by a ‘modern’ postwar capitalism that had continued to exploit and alienate at the workplace but had now begun to seize the opportunity of entering life in general, into nonworking life, into reproduction and leisure, free time and vacation time.” (Merrifield, 2006:9) Lefebvre saw that everyday life was being organized and molded to the tune of capital accumulation. Or as he put it in 1968, “the effects of industrialization on a superficially modified capitalist society of production and property have produced their results: a programmed *everyday life* in its appropriate *urban setting*.” (Lefebvre, 2004:65; emphasis in original) According to Lefebvre, industrial, and later, urban society shook the grounds of everyday life by uprooting the people from the land, and structuring their lives to the demanding rhythms of industrial production and consumption. Economic growth along with the social transformations it stirred during the twentieth century led many social scientists, including geographer David Harvey, to proclaim that “daily life is reproduced under capitalism through the circulation of capital.” (Harvey, 1989:155) However, even though everyday life has been progressively aligned to the demands of capital accumulation, Lefebvre reminded us that “everyday life is not cumulative.” (Lefebvre, 2004:61) That is to say, “the effects of accumulation on everyday life are superficial though they cannot be completely eliminated. Everyday life, when it changes, evolves according to a rhythm that does not coincide with the time of accumulation and in a space that cannot be identified with that of cumulative processes.” (Lefebvre, 2004:61) What
rhythm, thus, makes everyday life shake its roots? What other processes can shape everyday life apart from the commodity exchange economy?

Lefebvre persistently alluded to the negative effects of industrial capitalism on everyday life. In describing the great transformation of the postwar period Lefebvre noted how quotidian life was becoming a product of capitalism whereby every aspect of life was shaped to the demands and constraints of the “commodity.” The everyday life of subjects was increasingly organized around production, but more importantly consumption. People worked and then consumed, such was everyday life under capitalism. “Everyday life…is the province of organization; the space-time of voluntary programmed self-regulation, because when properly organized it provides a closed circuit (production-consumption-production).” (Lefebvre, 2004:72) Yet this is not a “closed circuit,” since it can be opened to new venues and paths. “The only way to stop the circuit from closing,” Lefebvre (2004:73) forcefully reminded us, “is to conquer the quotidian, attack it and transform it by making use of another form of strategy.”

It is important to remark on Lefebvre’s endless political possibilities of the everyday. This concept enabled Lefebvre to move beyond orthodox Marxist thought which had hitherto been informed by Lukács’ reified subjects, whose consciousness had been objectified and mechanized to such an extent that “working class consciousness” no longer represented a threat to capital. Similarly, Adorno and Hokheimer’s apocalyptic “culture industry” left no room for resistance in an all-encompassing industry which did not leave “the customer alone, not for a moment to allow him any suspicion that resistance is possible.” (Adorno and Hokheimer, 1993:40) These “closed circuit” paradigms found greater expression in Herbert Marcuse’s *One-Dimensional Man*, the “dominant paradigm in critical thought” at the end of the 1960s (Berman, 1982:28). In Marcuse’s scheme of things, society had reached a point of “total administration”
where people’s “inner lives are ‘totally administered,’ programmed to produce exactly those desires that the social system can satisfy, and no more.” (Berman, 1982:28-29) According to Berman, the twentieth century witnessed the evolution of a type of modern thought which saw neither progress nor endless change as the basis of modernity but rather saw only “futility and despair.” (Berman, 1982:29) These negative images of life can be found in Lefebvre’s work, yet they are seen as tendencies not as a one-way street. Even though capitalist accumulation tended to organize, programme, and administer everyday life to the “closed circuit” of production-consumption-production, for Lefebvre there was always a way out. As he would say “the contradictions of everyday life inevitably find their solutions in everyday life.” (Merrifield, 2006:13)

The endless political possibilities that are found in everyday life were explored by Lefebvre in his theorization of “moments” and the “festival”. Lefebvre developed the concept of the everyday not only to account for the effects of industrialization and urbanization on daily life, but more importantly to enable the formation of new tactics of resistance and contestation against these transformations. At times, Lefebvre depicted the everyday as the level of “banality, triviality, repetitiveness.” It is, furthermore, the level of the lived and experienced (Lefebvre, 2002:47). It is through everyday life that we experience the world, more and more organized around the demands of capital accumulation, and yet it is at this level where anything can happen, where the constraining rhythms of the circulation of capital can be détourné and given new meanings and significance (see also Debord, 1995). For instance, during revolts the monotony and sadness of the everyday life of young people growing up in social housing estates at the outskirts of French urban agglomerations momentarily ceases to exist. During revolts spontaneous spaces of contestation suddenly spring out from the appropriated streets.
During the 1960s Lefebvre began to explore the notion of “festival” as an instance of political victory. For Lefebvre, “Festival only makes sense when its brilliance lights up the sad hinterland of everyday dullness, and when it uses up, in one single moment, all it has patiently and soberly accumulated.” (Lefebvre, 2002:356; emphasis added) The notion of the festival was first exposed in Lefebvre’s La Proclamation de la Commune (1965) a historical study of the brief victory of Communards over the Bonapartiste government in 1871. For Lefebvre, the Commune was experienced through a perpetual joy and excitement in the streets. With the Commune, “quotidian life is transformed in a perpetual festival.” (Lefebvre, 1965:389) The Commune was “a great festival, the biggest festival of the century and of modern times.” (Lefebvre, 1965:389) Through the Commune Lefebvre first noted the “desire of insurgents of becoming the masters of their life and their history, not only masters of political decisions but of their everyday life.” (Lefebvre, 1965:390) As Andy Merrifield succinctly put it, “festivals were like everyday life, only more intense, more graphic, more raw. During festivals, people dropped their veils and stopped performing, ignored authority and let rip. They broke out of everyday life by affirming what was already dormant in everyday life.” (Merrifield, 2006:14-15) The festival would constitute the basis for what Lefebvre later termed “the right to the city.” (1996)

As Lefebvre penned down his thoughts on the everyday, moments and the festival, students were taking the streets of Paris in opposition to an increasingly consumerist and urban society during the month of May 1968. Yet “adolescents and students,” Lefebvre observed (2004:73-74), “have never known everyday life; they would like to take part in it but are afraid of being caught up in it.” One strategy through which “the quotidian” could be attacked, according to Lefebvre (1969:65), was contestation, and if necessary, violence. The Explosion (1969), written in 1968 (original French version) was influenced by Guy Debord and the other
Situationists, whom Lefebvre had befriended a few years back (see Merrifield, 2006:21). Lefebvre understood the mass student protests as a critique of everyday life. In the book Lefebvre writes, “contestation is first of all a refusal to be integrated, with full awareness of what integration entails with respect to humiliation and dissociation.” (Lefebvre, 1969:67) Furthermore, what Lefebvre saw in 1968 was a society struggling against specific urban problems. Lefebvre, at the time teaching in Nanterre where the events of 1968 originated, had witnessed the transformation of the city through the forces of capitalist growth. He saw that the urban was not only the privileged site of production, but was increasingly becoming an integral part of the production process itself. Space was produced (Lefebvre, 1991). Lefebvre called this transformation the “urban revolution.” (Lefebvre, 2003) By that he meant “the transformations that affect contemporary society, ranging from the period when questions of growth and industrialization predominate (models, plans, programs) to the period when the urban problematic becomes predominant.” (Lefebvre, 2003:5) In that regard, as society moved from the period of industrialization to an increasingly urban society, and as people began to take the spaces of the city to contest (spontaneously) “quotidian” life under capitalism, Lefebvre (1969:72) noted that “social space…assumed [a] new meaning.”

In the late 1960s Lefebvre shifted his focus from rural sociology to urban studies (Lefebvre, 1970), on which he dedicated various books culminating in his most famous work The Production of Space (Lefebvre, 1991). The same year he wrote The Explosion (1969), Lefebvre also drafted an essay that would become a sort of manifesto for contemporary urban activists, The Right to the City. Taking a cue from his theoretical underpinnings on the everyday, the festival, and moments Lefebvre famously described the city as an “oeuvre,” “a feature which contrasts with the irreversible tendency towards money and commerce, towards exchange and
products.” (Lefebvre, 1996:66; emphasis in original) The city, moreover, not only accumulates “wealth,” but more importantly it accumulates “knowledge (connaissances), techniques, and oeuvres (works of art, monuments).” (Lefebvre, 1996:66) By claiming that the city is itself an oeuvre, Lefebvre wanted to stress the “use value” rather than the “exchange value” of the city’s spaces. That is, “the eminent use of the city...of its streets and squares, edifices and monuments, is la Fête (a celebration which consumes unproductively, without other advantage but pleasure and prestige and enormous riches in money and objects).” (Lefebvre, 1996:66) For Lefebvre, everyday life in the city should be about the festival (la Fête), organized to celebrate life and to use the spaces of the city for that celebration. The city should not be reduced to the “closed circuit” of production-consumption-production, but should be a place of pleasure, creativity, and knowledge. And yet, Lefebvre noted how certain sectors of society were increasingly denied access to the pleasures of the city.

“The essential aspect of the urban phenomenon is its centrality,” Lefebvre (2003:116) consistently emphasized throughout his work. For Lefebvre “there can be no sites for leisure, festivals, knowledge, oral or scriptural transmission, invention, or creation without centrality.” (Lefebvre, 2003:97) In essence, centrality should benefit any urban dweller as they would equally enjoy festivals and the transmission of knowledge. But this was not the case. According to Lefebvre (2003:97), “as long as certain relationships of production and ownership remain unchanged, centrality will be subjected to those who use these relationships and benefit from them.” Indeed, displaced from the center were the “working classes.” They were the objects of “urbanism” which sought to solve the contradictions of “order and disorder, equilibrium and movement, stability and mobility” by segregating social housing away from the center, and thus placing working classes apart from the joys of the city (Lefebvre, 2003:97; see section 2.4
below). As such, “social relationships continue to deteriorate based on the *distance, time, and space* that separate institutions and groups.” (Lefebvre, 2003:118; emphasis added) In other words, everyday life in the “urban” is primarily experienced through its segregation and separation from everything else: buildings, streets, people, encounters, work, leisure, festivals and institutions. This is precisely how Abdel experienced Paris, as a “distant” destination away from his immediate socio-spatial reality in a social housing estate at the outskirts of the city. Although spatially close, Paris and Abdel’s everyday spaces were *socially* distant. It is this particular urban experience that perhaps explains the necessity by those segregated away from the centrality of the city to assert their “right to the city.” (Lefebvre, 1996)

The “right to the city,” as Lefebvre defines it (1996:158), “expresses itself indirectly as a tendency to flee the deteriorated and unrenovated city, alienated urban life before at last, ‘really’ living.” The right to the city is the right to “live” yet it cannot be reduced to the right to housing; it is more than the “urban politics of the inhabitant,” of “living in” the city, as geographer Mark Purcell once claimed (2002). As Lefebvre insisted, it is the “right to urban life,” the right to *centrality*, to the *oeuvre* that the city is, and, above all, to a joyful and pleasurable “life” (Lefebvre, 1996:158). It is, more precisely, the right to collectively *produce* the city’s spaces, the *oeuvre*. For Lefebvre the right to the city entails putting “an end to the separations of ‘daily life-leisure’ or ‘daily life-festivity’.” (Lefebvre, 1996:168) Why should the pleasures of life be reduced to leisure time, Lefebvre would ask, if daily life itself could be a perpetual joy, an endless festival? Here Lefebvre does not mean a Dionysian festival, wild parties idolatrizing Bacchus. Rather, festivals should be productive, innovative, and pleasurable for an extended period of time. Thus the aim of the right to the city is to “restitute the *fête* by changing *daily life*. The city was a space occupied at one and the same time by productive labour, by *oeuvres*, and by
festivities. It should find again this function beyond functions, in a metamorphosed urban
society.” (Lefebvre, 1996:168; emphasis added) In short, the “right to the city” is a “cry and
demand” against segregation, on the one hand, and boredom, on the other. As we venture
ourselves into the daily lives of young people in the French banlieue we will observe both
segregation and boredom, and the processes that create such conditions, as the two main
conditions structuring their everyday lives. The appropriation of the streets by young people
brings to the fore these two conditions of life and by momentarily creating “spaces of
representation” young people only want to change their daily lives – to escape their segregated
and boring lives.

In the next four sections I document the historical geographies of Paris from the
perspective of everyday life and the production of a fragmented, or segregated, urban landscape.
The organization of everyday urban geographies in Paris has been partly exerted by the French
state which actively intervened in housing markets, industrial policy, and political formations in
an effort to create a “republican urban order.” The last sections of the chapter explore the
everyday lives of people living in contemporary social housing estates and how the
fragmentation and concentration of everyday life away from the pleasures of the city have led to
the formation of “bands,” or gangs, in the Parisian banlieue.

2.3. Social division of urban space and the organization of everyday life

Before industrial landscapes sprouted across the Paris region, a large portion of the
working class had been expelled to the outskirts of the city. In the first half of the nineteenth
century, Paris moved the most pollutant industries, the bad odors, cemeteries, hospitals, and also
homeless people outside the faubourgs or “city walls” (Merriman, 1994). This process was
accelerated when Baron Haussmann took charge of the city’s planning from 1853 to 1869. Over the next two decades Haussmann reorganized Paris around the big boulevards and big monuments, while destroying old neighborhoods and constructing new ones. In the process he made Paris the “capital of the nineteenth century.” (Harvey, 2003)

Haussmann’s ideal came from the Enlightenment which “fostered a strong aesthetic that looked with enthusiasm on straight lines and visible order.” (Scott, 1999:55) As Scott (1999:60) noted, “the new legibility of the boulevards was accompanied by changes that revolutionized daily life: new aqueducts, a much more effective sewage system, new rail lines and terminals, centralized markets (Les Halles), gas lines and lighting, and new parks and public squares.” Writ large, Haussmann’s efforts intended to modernize “the traditional city.” (Berman, 1982:150) The construction of the boulevards was perhaps the first example of “creative destruction”; the destruction of old and traditional social spaces for the creation of new and potentially creative urban spaces. As Berman (1982:150-151) described it:

The new construction wrecked hundreds of buildings, displaced uncounted thousands of people, destroyed whole neighborhoods that had lived for centuries. But it opened up the whole of the city, for the first time in its history, to all its inhabitants. Now, at last, it was possible to move not only within neighborhoods, but through them. Now, after centuries of life as a cluster of isolated cells, Paris was becoming a unified physical and human space.

For Berman, the boulevard brought distant social classes together in one same space. The boulevard, furthermore, opened up the pleasures of the city to every social class. More importantly, the boulevard opened up the possibility to the poorest classes to claim their “right to the modern city,” to its joys, pleasures and festivals (Berman, 1982:155); “The boulevards, blasting great holes through the poorest neighborhoods, enable the poor to walk through the holes and out of their ravaged neighborhoods, to discover for the first time what the rest of the
city and the rest of life is like.” (Berman, 1982:153) As the poor “see” the joys of the modern city, however, “they are seen” as well. (Berman, 1982:153) This new visibility stirred a class battle staged in the new boulevards.

Fresh in the collective memory of Parisians were the insurrections of 1830 and 1848 (see Marx, 1993; 1997; 2005). The reorganization of the city was not only accompanied by a renewed urban daily life, it intended to make Paris “safe against popular insurrections.” (Scott, 1999:61) Insurrections were mainly originated in densely populated working class neighborhoods, and it was Haussmann’s intentions to take control of these urban areas by making them more legible. In 1860, Paris annexed the inner suburbs to the city’s administration21 where more than 240,000 residents were geographically and administratively too far for “police control.” (Scott, 1999:61) Haussmann, as quoted by Scott (1999:61), described these annexed areas as a “dense belt of suburbs, given over to twenty different administrations, built at random, covered by an inextricable network of narrow and tortuous public ways, alleys, and dead-ends, where a nomadic population without any real ties to the land [property] and without any effective surveillance, grows at a prodigious speed.” The reconstruction of the city intentionally displaced working class neighborhoods away from the center where new “insurrectionary spaces” flourished which Haussmann intended to subject under “military control.” (Scott, 1999:61)

By the 1860s, many of those displaced moved to Belleville, in the northeast of the city. This neighborhood quickly became a problem for Parisian authorities which saw Belleville as the “sort of community the bourgeoisie feared, which the police could not penetrate, which the government could not regulate, where the popular classes, with all their unruly passions and

21 Present-day departments Seine-Saint-Denis, Val-de-Marne, and Haut-de-Seine were all placed under one administration, the department of Seine. The law of 10 July, 1968 resulted in the break-up of the department of the Seine in favor of the current administrative divisions.
political resentments, held the upper hand.” (Scott, 1999:63) It was in these neighborhoods where the Commune of 1871 originated, temporarily gaining control of the city and its spaces. Yet Haussmann’s “military geography” proved to be the difference in the defeat of the Communards. The Versailles army marched through the big boulevards with ease finally pushing Communards to Belleville where the last bastion of resistance was defeated. The beautification of the city through Haussmann’s schemes and the displacement of dangerous classes (Chevalier, 2002) away from the city center would shape the organization of Paris throughout much of the twentieth century. Nevertheless, the legacy of the Commune on contemporary urban politics was kept alive thanks to personalities such as Henri Lefebvre. As he wrote in *The Right to the City* (1996:76):

One strong aspect of the Paris Commune (1871) is the strength of the return towards the urban centre of workers pushed out towards the outskirts and peripheries, their reconquest of the city, this belonging among other belongings, this value, this *oeuvre* which had been torn from them.

There is no denying that Haussmann created the most spectacular and beautiful city that the modern world had seen. Yet a truly modern achievement would have been to render these new urban spaces to the entire urban population, regardless of their social origin. The biggest legacy of Haussmann unfortunately remains the class politics he helped promote by displacing working classes and denying them the right to the city.

At the turn of the century, industrialization and urbanization expanded to the newly annexed suburbs. From 1890-1914 two types of housing units emerged in the Parisian banlieue: working class housing next to factories located in industrialized suburbs, and the pavilions, small privately owned houses located in residential neighborhoods (Magri, 1988:106). After 1890, both the population and the construction of housing considerably grew in the suburbs. “The biggest
phenomenon of the period,” urban historian Susanna Magri (1988:107) noted, “was without a
doubt the massive implantation [implantation] of the working class outside Paris.” The
development of the suburbs further intensified during the period between 1914 and 1942 where
97% of housing construction for the Parisian region took place. For some of the workers living in
the suburbs, “the space of their everyday life tended to be restrained to only one sector of the
banlieue, corresponding to an industrial labor market.” (Magri, 1988:119) Throughout the
twentieth century everyday life was organized around the demands of industrial capitalism which
kept growing around major urban areas. Furthermore, owner-occupied housing would have
enormous effects on the working classes. As Lefebvre put it, “little by little social consciousness
ceased to refer to production and to focus on everyday life and consumption.” (Lefebvre,
1996:77) As a large portion of the working classes moved to owner-occupied housing, the
pavilions, their social practices and urban experiences changed along the way. “Domestic life
replaced social relations of the neighborhood,” writes Magri (1988:121) who also adds that,
“workers put more value on their houses than to the city.” As a result, “urban consciousness”
vanished (Lefebvre, 1996:77).

The postwar period, on the other hand, witnessed an increasingly interventionist state in
housing markets. The state invested its capital in 80% of all housing construction, both public
and private, between the years of 1950-1963 (Bachmann and Le Guennec, 1996:307). The state
divided the Parisian region functionally, according to modern urban planning ideas. The
functional division of urban space – areas exclusively reserved for housing, industry or
transportation – resulted in a fragmented urban landscape. The state effectively established a
“functional division of [urban] space which regroups, by separating them, housing and
factories.” (Magri, 1988:122) The grands ensembles, large-scale social housing estates, were
constructed in the periphery of Paris and other major cities during the 1950s and 1960s in response to the ‘housing crisis.’ Inspired by Le Corbusier and the Congrès Internationale d’Architecture Moderne (CIAM), city planners “embraced the Cartesian masterplan.” (Merrifield, 2005:28) Urban space was compartmentalized to facilitate its management and efficiency. Housing was on one side and industry on the other; both depended upon a system of railways, highways, and streets. The grands ensembles served only one function, to house the population (Chauveau, 1988:139).22

Large-scale housing was heavily criticized for being too “uniform, gigantic, dehumanizing.” (Chauveau, 1988:140) That’s too simple – by 1965 two thirds of grands ensemble had 200 housing units or fewer, a little more than a hundred grands ensemble had between 1000 and 2000 housing units, and eight had more than 3500 housing units (Chauveau, 1988:139). Together, the grands ensembles temporarily helped resolve the housing crisis that affected France in the postwar period. They also provided basic comforts, space, and hygiene to a population that hitherto lacked those amenities. For Henri Raymond (1998:393), state interventionism in the construction of grands ensembles and the designation of the latter as exclusive residential spaces, was inspired by a “political vision of everyday life.” This vision “linked housing to the satisfaction of the comfort needs of a conscious and organized citizen-worker.” (Raymond, 1998:393)

The contrast between Haussmann’s and Le Corbusier’s Paris are striking. Whereas the big boulevard (at least) provided opportunities for social classes to meet, the rational city of modern architects was “systematically designed and organized to ensure that collisions and

22 This form of urbanism was highly contested and reviled by the Situationists who “defended the urban mix, wanted to get beyond the rational city, strove to reassert daring, imagination and play in social life and urban culture. And crucial therein was the notion of ‘constructed situations.’” (Merrifield, 2005:28)
confrontations will not take place here.” (Berman, 1982:165) Modern architects were able to create a “modern vision of the pastoral” where everything had its place. This was “a spatially and socially segmented world – people here, traffic there; work here, homes there; rich here, poor there; barriers of grass and concrete in between…” (Berman, 1982:168) The grands ensembles served one function, to house an increasingly urban population, this function denied these new “suburbanites” the festive city, the ability to produce the œuvre and to be part of the city-œuvre. In fact, the functional city successfully segmented “daily life” from the festival, from work, and from the city’s spaces. Life was properly administered in the grands ensembles.

2.4. Fragmentation and concentration of everyday life

The functional division of urban space was a direct result of state-led urban policies intended to control the effects of urban growth (Burgel, 1997). Furthermore, functionalism was an idea inherited from Le Corbusier and the CIAM, which envisioned a rational city in order to enable its management and productivity. However, deindustrialization along with state policies promoting the acquisition of private property resulted in the repopulation of social housing estates with low-skilled workers and families from immigrant extraction. Migrant workers came to France during the 1950s and 1960s through a guest worker program. This program was halted in 1974, and subsequent migration occurred primarily as part of family reunification. Many of these families moved to social housing estates where space was readily available as French working and middle classes moved out. Almost 70% of foreign heads of households by 1982 were manual workers, compared to only 23% for native French. In their majority, foreigners constituted most of the unskilled labor force available in France, representing a staggering 60% of all unskilled manual workers between the ages of 30 and 44 years old. In other words,
foreigners living in social housing estates heavily depended on industrial production sites for their reproduction (Rhein, 1996:53). As Paris experienced a period of rapid deindustrialization in the 1980s both the workers and the spaces they lived in entered a phase of stagnation and precariousness.

Stripped off from the main source of reproduction, social housing estates were gradually cast out from the urban fabric. The concentration of a large number of unemployed or underemployed populations, coupled with the presence of a large proportion of families from immigrant extraction, meant that the populations of social housing estates were poorly integrated to the social, economic, and political dynamics of the city and the nation. In fact, large-scale social housing estates were designed to integrate the population to the nation and society. The population of grands ensemble was socially heterogeneous during the 1950s and 1960s due in part to the designation of housing by employers and public and welfare institutions (see Samers, 1998b). These spaces were supposed to bridge the social gap through spatial proximity, and thus facilitate social integration. Whereas some of the population was young middle class members aspiring to acquire their first private property, there were a large number of skilled working class people aspiring to become part of the middle class (the rest were unskilled laborers whose socio-professional progress was considerably limited). Neighbors’ relations also depended, and can be explained, through the heterogeneity of the population. Where some skilled workers related to middle classes because they aspired to ascend the social ladder, the lower strata rarely related to middle classes for they felt shame and humiliation (Chamboredon and Lemaire, 1970:19). Projects of social engineering, where it was thought that by placing different classes in one single space would naturally lead the lower strata to ascend the social ladder informed the logic behind the construction of social housing estates. However, as Chamboredon and Lemaire clearly
showed in their seminal piece, not all had the same aspirations, and not all aimed at being the “universal bourgeois” subjects (1970:16). Spatial proximity generated social distances, as conflicts among the different social classes surfaced in the common areas of housing estates (Chamboredon and Lemaire, 1970:23). “Nothing is more intolerable,” said Bourdieu (1993a:259), “than the physical proximity of socially distant people.” In this sense, the boulevard as a place of encounter had been replaced by the grands ensembles, which looked nothing like a street or a city, for that matter.

The dream of lower income populations of owning their own property was actively sponsored by the state. In 1965 parliament passed the savings-housing law, which created savings accounts for low income people to invest in private property. Nonetheless, the state’s role in housing construction considerably decreased in the early 1970s where, for instance, 214,280 housing units were constructed using state funds in 1972 against 110,690 in 1977. This was due to a decentralizing process where local administrations were given the responsibilities for housing construction. Yet the turning point in the history of grands ensembles was the passing of the law of 3 June 1977 named the Aide personnelisée au logement (APL), or personalized assistance to housing, which gave greater financial assistance to low and middle class populations to afford ownership of their own private property (Bachmann and Le Guennec, 1996:312). With this law social housing was quickly depopulated by native French middle and working classes who were able to gain access to private property. As noted, these spaces were filled with a growing immigrant population coming from France’s ex-colonies. The percentage of foreigners in the grands ensembles grew from 5.5% in 1968 to 12% in 1980. Through zoning regulations and laws, the state effectively controlled housing markets and residential mobility. And, as Bourdieu (1993b:339) said, the state “determines…the distribution of the different social
categories across space.” For Bourdieu (1993b:339) the APL, passed in 1977, constituted the moment whereby the state retreated from social housing estates and as such the state was “responsible” for the “emergence of places of relegation where, under the effects of economic crisis and unemployment, are concentrated the most impoverished populations.”

In that sense, the *grands ensembles* were never a secure source of integration. Their success to assimilate the population depended also on favorable economic conditions. The precarious relationship between unskilled immigrant workers and industrial production sites transformed many large-scale social housing estates into fertile grounds for unemployment. Put differently, in one decade the *grands ensembles* were turned from a hope for means of societal integration to a means of exclusion and isolation from the nation. These modern urban landscapes cracked as economic recession during the 1970s affected industrial production sites – the life veins of social housing estates. As a result, policy makers and scholars began to highlight the emergence of “ghettos” in France.

### 2.5. The dual city model

The segregation of minority groups in the city is a widespread phenomenon across Europe. Scholarly work on European cities has documented the marginal place of minority and immigrant groups within the urban fabric (Deurloo and Musterd 1998; Kazepov 2005; Madanipour et al., 1998; Mingione, 1996; Musterd and Ostendorf, 1998; Rhein 1998a; 1998b; Samers 1998b; van Kempen 2005; Wieviorka 1993). Although spatial segregation and social exclusion have been identified as affecting the integration of “foreigners” into the dynamics of urban areas, many scholars emphasize the existing differences between patterns of socio-spatial exclusion in the USA and Europe (see Kazepov, 2005; Wacquant, 1992). Van Kempen (2005),
for instance, observed that racism as an axis of exclusion is more powerful in the context of US cities and the African-American ghettos, than it is in European cities where there is little evidence to support the fact that “ghettoization” has been achieved (see Deurloo and Musterd, 1998). Catherine Rhein (1998b) maintains that residential segregation in the Paris region cannot be explained only in terms of ethnic or national origins, but it is structured mainly along social lines (socio-economic status). Moreover, Wacquant (1992) has noted that the French banlieue, especially in Seine-Saint-Denis, remains ethnically and culturally diverse and thus no clear patterns of “ghettoization” are visible.

Nevertheless, the image of the “ghetto” has haunted the inhabitants of social housing estates at the outskirts of Paris since the late 1970s (de Rudder, 1983). The ghetto is a paradigmatic urban formation that suggests images of racial and spatial confinement. In fact, one of the main characteristics of the ghetto is the ethnic homogeneity of the population (Wacquant, 2000:383). Furthermore, the mobility of ghetto dwellers is constrained by institutional practices that regularly police their movements and denied them access to, for instance, employment, better housing or basic social services (Blaut, 1974:41). Despite consistent interventions by Loïc Wacquant (1992, 1995, 1999) to demystify ghetto images imposed on French social housing estates, the tag is still applied by politicians and social scientists alike (Tissot, 2007). Since “their population is in fact heterogeneous both ethnically and socially,” it is erroneous to depict social housing estates as ghettos, argues Wacquant (1995:558).

On the other hand, social housing estates operate as ghettos in that grands ensembles carry a negative stigma. Residents of both Chicago’s South Side and Paris’ Red Belt, for instance, “believe that this stigma adversely affects their economic and social opportunities, reducing their chances of employment, housing, and even friendship or interpersonal contact.”
Similarly, Azouz Begag’s study of social “success,” after interviewing over one hundred ex-inhabitants of housing estates in France, demonstrated that a crucial factor constraining their chances of success was their residential address (2002:280). Interviewees agreed that their geographical mobility outside housing estates significantly improved their chances of “succeeding” in French society (acquisition of a permanent job, recognition and assimilation to French society, or the possibility of imagining a brighter and better future for them and their relatives) (Begag, 2002:273). The territorial stigma is a very strong mechanism of exclusion. As sociologist François Dubet (1987:13) once wrote, “The bad reputation of projects excludes the populations living [therein] more so than [their] misery.” In fact, this stigma is internalized by the populations living in housing projects with potentially “degrading” consequences. “The stigmatized neighborhood,” writes Bourdieu (1993a:261), “symbolically degrades those who live there and, likewise, the populations symbolically degrade those places.”

More importantly, ghetto representations reinforce the paradigm of “exclusion” whereby a dual social model is perpetuated (inside/outside) (Mollenkopf and Castells, 1992). The notion of exclusion has been persistently employed in policy circles, by the media, and social scientists to describe the socio-spatial conditions of the “new urban poor.” (Mingione, 1996) Exclusion was first used during the 1960s and 1970s to account for a “residual” population that did not participated in a rapidly growing society of consumption (Paugam, 1996). The excluded were those outside “quotidian life,” to put it in Lefebvrian terms. In the following decades the notion was regularly employed by social scientists who, portraying a nostalgic sensitivity to the heydays of working class struggle and industrial relations, used this term to easily categorize the diverse situations and distinct social trajectories of inhabitants of social housing estates (Rey, 1996:71). The ghetto was thus a suitable spatial representation of exclusion. In that sense, social scientists
were able to claim that segregation had replaced exploitation as the main mechanism through which domination was exerted under the latest phase of capitalist urban development (Dubet and Lapeyronnie, 1992). Recently, struggles have been increasingly understood in “urban” terms; “the neighborhood has succeeded the factory” as the main site of contemporary struggles (Lapeyronnie, 2001:13).

The dual society model views the city no longer as the scene where working class struggles are waged, but rather as the “privileged terrain” where the “integrated” and the “excluded” meet and contest their antagonistic positions (Lapeyronnie, 2001:13; see also Topalov, 1990). The paradox of this view rests in the fact that “the street” no longer constitutes a privileged site for the encounter of distant social classes. The functional division of urban space successfully fragmented the urban experience by separating housing, industry, and leisure. Moreover, distinct social classes no longer share the same urban spaces, thus making the struggles of the urban poor invisible to the larger public. The only “moments” whereby the claims of the urban poor become visible is during “riots.” And yet, the “violent” appropriation of the streets, and the creation of the latter as spaces of representation, tends to be seen as “illegitimate” by politicians, the media, and the larger public. In fact, “riots” are instances whereby the claims of young people in the banlieue enter the “public sphere,” on the one hand, and, on the other hand, “political entrepreneurs” can easily “depoliticize” such movements on the basis of the unlawful appropriation of the streets (see Chapter 1).

In short, regardless of how social scientists describe the form of “exclusion” emerging in the French urban landscape, what is important to remark is the continual fragmentation of the urban experience, a result from the functional division of urban space. This fragmentation exacerbates the division between daily life and the festival. The former is restrained only to the
residential spaces of social housing estates, and the latter is available only to a privileged population at the center of the city. The boulevard no longer constitutes a secure arena for the meeting of distant social classes. “Differential spaces,” where “concrete differences” can come together in harmony and/or conflict, have been systematically destroyed and removed from the center of the city (Lefebvre, 1991:385). One of the last true differential spaces of Paris, the central food market Les Halles, was destroyed in the 1960s to give way to a shopping mall. Resisting the organization of space around consumption demands, many social classes began to occupy the open areas of Les Halles throughout the 1980s and 1990s. Yet as Les Halles was becoming again a “differential space” urban planners and city administrators decided to rehabilitate the area once again, destroying in the process the possibility of open class confrontations and a truly public sphere (see Villanueva, 2005). This chapter, however, is not about what historian Louis Chevalier once called, after the destruction of the Halles Centrale in the 1960s, \textit{The assassination of Paris} (1994), but about the “spaces of relegation” and how the everyday lives of residents of social housing estates have evolved, transformed, and been shaped by the fragmentation of urban space. To this we now turn.

2.6. \textit{La galère} and the monotony of everyday life

Deindustrialization along with the flight of middle and working classes toward private property accelerated the precariousness of social housing estates. In fact, signs of social precariousness in social housing estates by the late 1970s were evident to policy makers. A national program, \textit{Habitat et Vie Social} (Habitat and Social Life), was put in motion in 1977 to

\footnote{Even Paris is becoming a dormant city at night. Parisians recently engaged in open debates over reduced nightlife activity, as Paris is lagging behind London, Berlin and Barcelona as the most festive European cities. Parallel to recent inactivity in the Parisian nighttime streets, offenses for night-time disturbances related to alcohol decreased from 122 infractions during the first eight months of 2008, to 115 (2009), and 95 (2010) for the same period. (\textit{Le Monde}, 12 November, 2010) In other words, the “festival” is dying in the name of security!}
rehabilitate the rapidly degrading social housing stock constructed during the 1950s and 1960s. In 1981, young people in the housing estate of the Minguettes in Vénissieux, located in the Lyon agglomeration, stole cars and set them on fire. During that summer confrontations between young people and the police also took place in Lyon’s suburbs of Vaulx-en-Velin and Villeurbanne. These events were highly sensationalized by the media which helped forge an image of degrading housing estates crippled by crime, burned-cars, and rioting youths. More importantly, these events brought to the fore the fears against immigration and the advent of “race riots” in the French Republic, just like Britain and the United States (see Chapter 3 for details; see also Dikeç, 2007a:40-48). The fears of ghettos and their violence suddenly caught the attention of the media, policy makers and social scientists alike.

“The festivals of burning cars,” were not staged by “passive” immigrant workers behind the walls of the factory, but by a new generation of youths, unable and at times unwilling to work in the factory, and who shared a deeper desire for social recognition (Battegay and Boubeker 1992:53-54). In response to these events, in the 1980s many sociologists immersed themselves in these spaces to understand and deconstruct the “reality” of representations (from the media and governments) from the “reality” on the ground (Bachmann and Basier, 1989). Perhaps the most important and detailed account at the time was François Dubet’s 1987 classic La galère. The galère results from “the decomposition of the system of action of industrial society.” (Dubet, 1987:167) For Dubet, the starting point for understanding the world of grands ensembles is the end of industrial society and the inability of young people within the galère to articulate and

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24 *Galère* is an interesting word. Originally it denoted commercial or war ships. Those who rowed the ships of the King, at around the 18th century, were said to be in a difficult and penurious situation. The sense in which galère is utilized nowadays refers to a difficult and precarious situation. Galère also refers to a monotonous world whose end is far from sight. Those who galère, moreover, do not possess the resources or money to escape these precarious conditions. No clear translation exists in English. For this reason I will use the term *galère* in French to describe this condition.
mobilize their demands against the state through “legitimate” and institutional venues. In other words, the *galère* results from the transition from industrial society to the urban problematic (Lefebvre, 2003).

More precisely, the experience of *la galère* is structured around three axes: social disorganization, exclusion, and rage (Dubet, 1987; Dubet and Lapeyronnie, 1992). The *galère* is what “remains” from the otherwise active and dynamic world of the *banlieue rouge*; it is the crisis of a social actor whose conditions of life are no longer structured around industrial relations. Thus it is a socially disorganized world, where social movements are no longer effective. The experience of exclusion also structures the lives of youths. Exclusion from main social institutions such as employment, education, social services, politics, and respectable housing creates a dual society for these youths. Consequently, both the degrees of social disorganization and feelings of social exclusion result in a deep feeling of “rage.” Their rage becomes “a principle of action.” This rage, according to Dubet and Lapeyronnie (1992:122; emphasis added), “repossess the hatred of their own environment and breaks episodically the monotony of the *galère* through the aggression of other youths, against professors, against the infrastructures of their neighborhood.”

The experience of the *galère* is, above all, monotonous. According to Dubet (1987), the lack of employment opportunities along with spatial exclusion, isolates young people to the spaces of residence. What the sociologist observes at the entrance of the *grands ensembles* is “incertitude, wavering, the formation of fragile networks in place of gangs, long periods of idleness interrupted by small jobs, the presence of a delinquency not so spectacular.” (Dubet, 1987:10) This situation of boredom, exclusion, social disorganization, rage, a situation where kids hover around the coffee shops, the building halls, the parks, and with friends is occasionally
interrupted by the sudden irruption of violence in everyday life. “Not instrumental violence,” writes Dubet (1987:14), “but ‘free’ violence, expressive and without object.” The aim is to break with the *galère*, make something happen out of a situation where rarely ever something happens. Fist-fights, petty crime, vandalism, verbal assault, disrespect and small riots constitute some of the mechanisms through which youths break with the monotonous world of *la galère*. Violence and delinquency serve various purposes within the *galère*. First, they constitute important “moments” that break with the monotony of everyday life; second, “delinquency, stealing, small and illegal trafficking are presented by the authors as a means of procuring the goods which have been unjustly denied to them” (Dubet and Lapeyronnie, 1992:119); and finally, violence is often times employed as a territorial defense against “outsiders.”

The *galère* became the dominant paradigm to understand the world of social housing estates in the 1990s. In fact, one of the main critiques to François Dubet’s research was the perpetuation of the dual city model (Rey, 1996:78). The passage from an industrial to a post-industrial society, resulted in a dual city (Castells and Mollenkopf, 1992), where social movements were less organized, struggles were no longer centered around the “social question,” and were rather structured by the urban problematic (exclusion, social habitat). In that sense, social groups were understood as being either outside or inside, included or excluded. “Social exclusion and cultural marginalization,” write Dubet and Lapeyronnie (1992:109), “gives birth to an entire population completely *outside* and without any recourse” to get back inside. Policy makers adopted the same conceptual framework of the dual society to devise a variety of measures intended to reduce “social exclusion,” even though the very term was never coherently defined (Samers, 1998a). As we will see in the next chapter, the territorial approach adopted by the state to tackle the “problem of the banlieue” failed to properly address the multiple processes
that produced “segregation” and the expulsion of the working classes from the “traditional city.” (Lefebvre, 1996:146) Despite the policy implications of the galère, what Dubet and Lapeyronnie achieved was a sense of “urgency” among scholars to properly understand and represent the newly emergent spaces of social housing estates, increasingly marginalized from urban life. Drawing on very rich ethnographic works conducted by French scholars in social housing estates, I will emphasize the desire by young people growing up in social housing estates to “be in,” “live in,” but more importantly, to “be part of” urban life.

2.7. Everyday spaces, “bands” and moments

Those who grew up in the grands ensembles have invested these spaces with meanings, in turn developing a strong attachment to the place of residence. Nevertheless, young people in housing estates have had to constantly negotiate the dialectic between representations of spaces and spaces of representation. Despite the bad reputation that has preceded the grands ensembles since the 1980s, the populations living therein have developed a strong spatial identity around these spaces. According to David Lepoutre’s important ethnographic work in the social housing estate of 4000, in La Courneuve (Seine-Saint-Denis), kids growing up there either “refute and deny” these negative representations of their spaces of residence; or they neutralize representations of space through “detachment, humor, [and] irony”; even as some accept these negative representations of space (Lepoutre, 1997:47-48).

The housing project is protected by those who live inside. I asked Maimouma Diouf, head of the association LEA (Lieu-Ecoute-Accueil) based in the commune of Montreuil (Seine-Saint-Denis), what were the main problems that confronted this particular housing project and without hesitation she replied “inhabitants regularly complaint about the building halls.”
Ethnographers have persistently pointed out the tendency by young people to appropriate the common areas of housing projects. Lepoutré notes that housing projects are the places of “birth, childhood and memories,” and this “local rootedness” of young people is more vividly manifested “in the perception of the neighborhood as a territory.” (Lepoutré, 1997:51-52) As the only space they have ever known, young people physically and mentally appropriate their territories and give them meanings (Lepoutré, 1997:55). Inside the housing project kids feel safe against the symbolic and real violence of the outer world (Khosrokhavar, 2000:427). Asked whether the presence of young people in common areas generates a feeling of insecurity, Maimouma Diouf replied: “There is no insecurity in the project.” Later adding that

I have never heard anyone complain about being assaulted in the project. Even young people do not allow the propagation of a feeling of insecurity, because for them that degrades their housing project. For them, there is no better housing project than theirs. They feel secure in their project…it is outside that they feel insecure. They are proud of their project. (Interview, Diouf, 2008)

Despite the lack of insecurity, the presence of young people in common areas is a source of conflict among neighbors. Youths are mostly present in the building halls at night “because everything else is closed.” The problem is the aftermath: “they don’t make too much noise, but the next morning they leave a mess in the building hall.” Although this particular housing project in Montreuil seems to be free of violence, crime, and the feelings of insecurity that have been commonly associated with housing projects across French banlieues, it is worth noting the tendency by young people to hang out in groups and visibly in public space.

In fact, the collective appropriation of common areas by youths has led the media, social scientists and politicians to fear the propagation of “bands” across the French urban landscape. In March 2009, for instance, the Interior Minister, Michelle Alliot-Marie announced the presence of 222 bands in France, 79% of which were located in the Parisian region, accounting for more than
2250 members of which at least half were underage. According to the Interior Minister, “the great majority of band-members are de-socialized and this de-socialization is marked by attacks against everything that represents authority, the state and notably the police.” (L’Express, 17 March, 2009) The intervention by the Interior Minister generated debates on what variables were utilized to define a band, the methods used to measure the number of bands, and what this meant for representations of housing projects and young people living therein.25 Contrary to the governmental view of de-socialized youths appropriating space, sociologists have persistently pointed out the importance of public space for the socialization of young people. Writes Jean-Charles Lagrèe (1985:58), “the residential space remains the last domain of activity where [young people] can demonstrate their capacity to deal with the social rules of the game and where their integration or marginalization is at stake.”

Young people collectively gather in common areas to socialize. Further, some may engage in delinquent activities not “as their main goal” but to “break with the monotony of everyday life.” (Esterle-Hedibel, 1997:109) Similarly, alcohol, tobacco and cannabis constitute important activities of socialization with which they tell stories, let time pass or engage in conflicts with their peers, neighbors or “outsiders.” (Kokoreff, 2003:84) Nevertheless, the grouping of young people in public space does not necessarily make them a band, and much less a gang. Young people grouped together in public space without any adult supervision have been historically interpreted as a symptom of danger, particularly since any form of social control imposed upon them is seemed to be futile. The fear of young people is based primarily in the threats they pose to the social norms of a given society. In that regard, Louis Chevalier’s nineteenth century “dangerous classes,” and working class bands of the early and mid-twentieth

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century such as the “Apaches” and the “Black shirts” were emblematic figures of the dangers posed by anti-social youths gathered in public space (Chevalier, 2002; Mauger and Fossé-Poliack, 1976; Perrot, 1979; Robert and Lascoumes, 1974). At the present time, many fear the formation of ethnic and racial gangs, suggesting a sort of Americanization of violence, a troubling phenomenon for a country that denies the formation of ethnic and racial communities (Mohammed, 2008; Esterle-Hedibel, 1997). The problem lies in that the “conspicuous appropriation of spaces” by young people, whether hierarchically, racially and/or ethnically organized, quickly sparks an “imaginary of insecurity.” (Kokoreff, 2003:141)

The common areas of housing projects are thus the main spaces of socialization for young people. They are “there” since they have been persistently excluded from other spaces of socialization such as the school, the factory, and the city. In other words, young people have been excluded from the festivals of the city. Outside their project, young people feel victims of a society that consistently discriminate against them based on their ethnic and residential origins. “Once they go out of the project, they feel judged by everyone” said Maimouma Diouf (Interview, 2008). Young people are mainly discriminated against at the search of a job or housing, but also in the places of enjoyment. “Youngsters provide me with concrete examples of how they are discriminated by the police when they go out of the projects with their cars and the police see ‘9-3’ [postal code of Seine Saint Denis] in their license plate, and also when they go out in the night. There are numerous bars and dancing places that they can’t go in because they are discriminated. They tell me that all the time.” (Interview, Diouf, 2008) As they are consistently denied their “right to the city” and the oeuvre, the enjoyment, and the festival of the city, young people prefer to remain within the safe confines of their neighborhoods where they can freely socialize.
For some youths from immigrant descent and living in social housing estates the surrounding social world is suspicious, strange, hostile, racist, and aggressive towards them. Perhaps as a defensive mechanism, youths feel a deep attachment to their neighborhood, the only space they can master and possess (Wacquant, 1992). The territory of the neighborhood is central to their collective identity, and this in turn explains the violence waged against “invaders” (police, youths from neighboring towns, etc.), to protect “their own” territories (Dubet and Lapeyronnie, 1992:113). In these neighborhoods of despair, the police are always accused of being “racist, violent, [and] unjust,” the rage of youths is thus channeled into attacks against the police. In other words, this “rage has a rioting logic, which explodes, at all times, against the police, security guards, those who represent order.” (Dubet and Lapeyronnie, 1992:123; emphasis added)

Another important space of socialization is nearby malls and commercial centers where young people gather to see people pass by and relate with the “outer” world. In these spaces group of young people are regularly in conflict with security guards and youngsters from rival housing estates. As Esterle-Hedibel (1997:118) remarked, “the space of consumption has replaced the space of production, the factory, hitherto the heart of working class neighborhoods.” Oftentimes the supermarkets and malls become the main objects of destruction during revolts. And according to Esterle-Hedibel (1997:118)

It is logical under this context that the supermarket is the target of attacks by young people during revolts, even if the destroyed and looted stores are not at the origin of their rage: they are the symbol of a society which they cannot fully participate. Vehicles are also destroyed during these explosions: they are a second symbol of our society, linked to power, speed, and the mobility prohibited to young people from poor neighborhoods.

In other words, through the collective appropriation of space young people negotiate their place in society. It is in the neighborhood where they feel safe and protected from an outer world which discriminates, rejects, and isolates them on the basis of their skin color and residential
origin. To a certain extent there is a double violence. On the one hand, there is the violence “that others imposed upon them through their daily attitudes;” and there is also the violence “that some youths inflict on other youths and certainly on other youths of the neighborhood.” (Khosrokhavar, 2000:430) As the head of the office of public tranquility in the city of Saint Denis told me, “the first victims in this city are young people, contrary to what we could believe.” (Interview, Saint Denis, 2008)

2.8. The penalization of everyday life

The emergence of the “ghetto” and the “gang” as paradigmatic concepts to depict the everyday life of housing estates in the banlieue has nourished a securitizing discourse promoted by politicians, policy-makers, and the media since the 1980s to tackle the “problem of the banlieue.” (Mucchielli, 2001) Further, the banlieue has been conceptualized around the dual city model whereby “ghetto” dwellers lie outside the social, political and economic spheres of the French Republic. Seemingly, this duality has been utilized by politicians to draw an imaginary legal boundary that puts the banlieue at the outskirts of the legal framework of the French Republic. The antagonistic politics of the republic along with the aid of “political entrepreneurs” (see Chapter 1) have persistently conceived the banlieue as an “outlaw” urban area. Lawlessness is thus easily mappable in the dual city. In this final section I explore the view that the banlieue is an unregulated space where the law of the state is absent from everyday life. This view has had enormous implications for the politics of the banlieue which has witnessed an increasing penal approach sponsored by the central and local governments to re-assert the authority of the state through the territorialization of the “republican law.” (see Chapters 5 and 6)
Sébastien Peyrat’s 2003 book Justice et Cités: Le droit des cités à l’épreuve de la République adopts the dual city model to contrast the distinct norms and rules that regulate the territories of housing projects vis-à-vis the laws of the Republic. Peyrat writes (2003:98) “the existence of a common identity of young people from the projects implies that this identity, different from common and normal citizens (in the sense of conforming to the social and juridical norms) is forged with the help of particular rules that are not those of our society.” (emphasis added) Peyrat’s book forcefully claims that two legal systems co-exist in France. On the one hand, there is the Republican legal system which the author and the rest of the “normal citizens” comply with and, on the other hand, there is a form of “territorial rule” intrinsic to poor neighborhoods whereby the penal and civil codes are non-operative (Peyrat, 2003:168). Peyrat claims that the “force of law” of the courts, and the capacity of the latter to solve a variety of penal and civil conflicts, is absent from the territories of housing projects and in its place young people have developed their own system of norms and rules.

To demonstrate the emergence of a parallel legal system unique to housing projects, Peyrat puts forth the example of brawls. First off, “if a conflict arises among people of the same project, it is settled within the project, out of sight of adults.” (Peyrat, 2003:165) The opposing parties meet at a specific location within the project and engage in an open brawl. “The goal of fist-fights,” notes the author (2003:166), “is to showcase their force and their place within the hierarchy of the project compared to the adversary who also defends [his/her] place in the hierarchy.” Young people in the banlieue have developed, according to Peyrat, a system of values around which conflicts are solved and actions penalized. Physical strength, the capacity to commit an infraction (stealing), intelligence or guile, politeness and social status are the main values regulating everyday life in the banlieue (Peyrat, 2003:105). In other words, young people
rarely take recourse on the legitimate judicial institutions of the state to solve conflicts. “Civil society created the Tribunals of Common Right,” to solve conflicts (Peyrat, 2003:168). The projects, on the other hand, “created an institutionalized justice system which functioning, without having a written code, is respected by everyone. The justice of the project is particular and it is applied in a well determined location (it is a territorial justice).” (Peyrat, 2003:168; emphasis added)

Since the 1990s, the banlieue has been subject to a penal approach, sponsored by the central state, intended to reduce crime, delinquency, and insecurity from everyday life (see Chapter 4). Yet the main justification for the penalization of the banlieue has been, I argue, the absence of the Republic’s law in everyday life. Central to these interpretations is the imposition of the dual city model to describe the underdevelopment of the banlieue vis-à-vis the rest of the city. The recurrent presence of “bands” and “gangs” in the “ghetto” further reinforces the notion that the territories of exclusion lie outside the legal boundaries of the French Republic. The dual city model assumes that ghetto dwellers remain “outside” society (and its norms and laws) and the rest of the population is “inside” the legal framework (Peyrat, 2003); thus the need to “territorialize” the republican law in outlaw urban areas.

This penal turn in the politics of the banlieue has been informed by a particular representation of the banlieue forged by social scientists. In that regard François Dubet’s thesis on the galère had enormous implications on future representations of the banlieue. Following the publication of his book in 1987 only one image of social housing estates has dominated public discussion on the matter: that of the galère, of a world ruled by an ordinary violence, without object, and without any sort of social structure (Oberti, 1999:70). More precisely, “the thesis of social disorganization and the weakness, or better yet the absence of any political, civic, and
social consciousness among young people has prevailed.” Consequently, any political initiative intended to ameliorate the everyday lives of people in social housing estates has excluded inhabitants since they are unable to contribute anything to decision-making process. In other words, Dubet helped forge a “homogenous view of social housing estates which are structured by a culture of poverty, unemployment and welfare dependence by the adults, and the galère, delinquency and violence by young people.” (Oberti, 1999:72)

As we will see in the next chapter, a paternalistic vision has guided most of the efforts put forward to ameliorate the social, economic and political life of social housing estates. Informed by the vision that young people are incapable of “organizing themselves to develop projects in their neighborhoods, young people are seldom, or never, included in the bureaucratic functioning of public institutions.” (Oberti, 1999:81) Subsequently, as young people feel rejected from the decision making process of public institutions, they have developed a deep rejection of government institutions, in particular against the police. Likewise, public institutions accuse young people of lacking civic values, of not being proper citizens, and impeding the “good work” of public institutions. But as Oberti (1999:82) correctly states, “instead of lamenting the absence of civism or citizenship among young people [as Peyrat clearly does in his book], we could ask ourselves to what extent the functioning of our institutions is partly responsible for this blockage.”

2.9. Conclusion

In this chapter I have examined the birth and death of a particular type of city. I wanted to explore a particular modern experience as described by Marshall Berman (1982:288):
The innate dynamism of the modern economy, and of the culture that grows from this economy, annihilates everything that it creates – physical environments, social institutions, metaphysical ideas, artistic visions, moral values – in order to create more, to go on endlessly creating the world anew. This drive draws all modern men and women into its orbit, and forces us all to grapple with the question of what is essential, what is meaningful, what is real in the maelstrom in which we move and live.

In a world where “all that is solid melts into air,” I think that what is essential is the quality of everyday life. Our everyday lives have been urbanized to the extent that essentially every social problem is couched in urban terms – “segregation has replaced exploitation,” as some would say. Thus as the question of everyday life becomes essential, and as the latter has become more urbanized I have relied on Henri Lefebvre’s work to account for the various transformations of Paris, and in particular the birth and death of the dream of social housing estates.

The detachment of social housing estates from the rest of the city propelled the emergence of an urban experience unique to those spaces. The social and physical distance from the rest of the city has enabled the formation of a specific urban experience of young people in poor neighborhoods primarily defined by the tensions between “mobility and immobility, access and constraint.” (Kokoreff, 2003:142) The problem is that the city, despite efforts to compartmentalize social classes and activities to specific locales, enables access and mobility in a variety of ways. Think of Abdel’s ability to kill time in the streets of Paris, or his ability to cross social boundaries through public transportation. In fact, the metro has been the subject of numerous delinquent acts, such as graffiti, which remind urban dwellers of the existence of social housing estates (see photo 1). “We cannot understand,” Michel Kokoreff (2003:143) forcefully reminds us, “deviant or delinquent acts committed in public transportation systems if we don’t take into consideration the fact that they symbolize…the means to access work and the city, consumption and leisure, a certain conception of order which the authors feel excluded from.” The fragmentation of everyday life, its segregation from the festivals and the city-oeuvre,
lies at the heart of the struggles to create “spaces of representation” and the necessity to elevate
the “right to the city” to the main priority of urban dwellers and governments in the
contemporary world.

In fact, for a brief period French officials took the “right to the city” seriously and made it
into a national public policy program. In the next chapter I document the emergence of *la
politique de la ville*, or French urban policy. This is a policy intended to ameliorate life in social
housing estates. Yet over the course of its evolution, French urban policy turned into a
mechanism of exclusion whereby new representations of space, and a new spatial order emerged.
Through French urban policy “exclusion” was defined, stigmas and misrepresentations were
exacerbated, and the new outlaw urban areas were mapped. More importantly, through French
urban policy the state sought to politically intervene in the everyday life of social housing
estates. It is to this paradoxical relationship between the state and everyday life that we now turn.

Photo 2.1: “93 *Nique la police* (Fuck the police)” 93 is the postal code of Seine-Saint-Denis. Photo taken by author, 2008.
CHAPTER 3

MANAGING URBAN FRAGMENTATIONS: LA POLITIQUE DE LA VILLE

3.1. Introduction

On May 10, 1981 François Mitterrand of the Socialist Party was elected president of the French Republic. In the midst of an economic recession, the new administration had to temporarily renounce the “Keynesian recipes which the government based its hopes of renewing social growth.” (Jobert and Théret, 1994:37) The economic policies sought by the Parti Socialiste (PS) in the following years concentrated on monetary policy and the creation of competitive markets at home and in the increasingly integrated European Community. Slowly, the French state began to dissociate itself from social-democratic ideals, centering its efforts instead in rectifying the dire economic conditions inherited from the previous decade (Jobert and Théret, 1994:42-43). Mitterrand’s government was surprisingly successful in lowering the deficit and creating competitive industries across France (Schmidt, 1988). Yet unemployment – due in part to deindustrialization and middle-class flight – skyrocketed in the grands ensemble where a large proportion of socially and economically disenfranchised populations resided (Bachmann and Le Guennec, 1996; Samers, 1998b, see Chapter 2).

The sudden emergence of the “crisis of the banlieue” – made public after incidents in the housing estate of Minguettes (in a suburb of Lyon) in the summer of 1981 – forced the newly elected government to devise and implement an urgent response in “difficult neighborhoods.” La politique de la ville, or French urban policy, emerged in the early 1980s with the objective of “territorializing” social assistance in neighborhoods mired by unemployment, crime, and
exclusion (Palier, 1998). This chapter documents the political motivations, the shifting objectives, and the myriad institutional transformations that have characterized French urban policy since its foundation.

Generally speaking, French urban policy is a social and political response to distressed urban areas. At the time of its inception in the early 1980s, urban policy was presented as an alternative institutional arrangement capable of dealing with the rise of “new urban poverty” or what public policy eventually termed “social exclusion.” (Mingione, 1996) Social exclusion became a catch phrase to account for urban and social segregation, discrimination, concentration of immigrant families and minorities, crime, violence, insecurity, the emergence of “ghettos,” the formation of “bands,” poverty, misery, social housing estates, and the banlieue. All the processes and problems affecting social housing estates, mired in a deep socio-economic crisis since the 1970s (see Chapter 2), were couched under the term “social exclusion.” To reduce patterns of “social exclusion,” French urban policy intervened in specific sites and provided a wide range of social, economic, cultural, and, as we will see in the next chapter, penal services. The method for the identification of neighborhoods that necessitated an urgent response from the state was primarily based on the logic of fragmentation. Consistent with the modernist tendency of fragmenting urban space according to functions, social classes, and activities, French urban policy has similarly furthered the fragmentation of urban space. Although the founding members of la politique de la ville emphasized the need to integrate distressed neighborhoods to the rest of the city, the process of identification, separation, and mapping which resulted in a tightly defined cartography of “exclusion” further isolated the neighborhoods of French urban policy from the urban fabric and the collective imagination of French residents. Thus I contend that French urban policy has been partly responsible for furthering the fragmentation of everyday life. I say partly
because as we saw in the previous chapter, the tendency since nineteenth century Paris has been to socially divide urban space. Thus French urban policy responds to, and accelerates, the process of fragmentation of urban space.

My second contention is that French urban policy has become a key institutional arena for the restructuring of the French (welfare) state since the 1980s. New modes of territorial governance, the introduction of partnerships, as well as the inclusion of a vast range of institutions and actors in the formulation and implementation of public policy have all been tested through the institutional arrangements of French urban policy (Body-Gendrot, 2000; Chevalier, 1996; Le Galès, 1995). As Neil Brenner (2004:2) argues in regards to urban policies across Europe, urban policies have “become an essential political mechanism through which a profound institutional and geographical transformation of national states has been occurring.”

French urban policy, however, must be differentiated from urban policies in British and American cities which have emerged as institutional/regulatory mechanisms to produce competitive landscapes that position urban regions in the global economy (Jones and Ward, 2002; Le Galès, 2002). More precisely, urban policies in American and British cities respond to the neoliberalization of the economy and the increasing importance awarded to cities in the global economic landscape (Peck and Tickell, 2002; Sassen, 1991). In that regard, neoliberal urban policies seek to position urban regions within global competitive markets through, for instance, urban development projects (UDP), public-private partnerships, place-marketing, and revitalization strategies (Swyngedouw et al, 2002; Hall and Hubbard, 1998; MacLeod, 2002). Through UDPs implemented in many European cities, for instance, elite groups seek “to turn the city into a global competitive actor in the domain in which the elites feel it has some competitive advantage.” (Swyngedouw et al, 2002:563) As many European cities have actively shaped the
urban landscape to compete in the European and global economy, the fact remains that French urban policy’s goal is not the creation of competitive urban regions. The impetus of French urban policy is to reduce patterns of segregation and poverty through a series of economic and social initiatives which are not necessarily informed by the economic logics of competition, productivity and efficiency. That said, French urban policy fits better within the scheme of urban anti-poverty strategies which are less concerned with the promotion of market-based and entrepreneurial ideas and more so with supporting poor populations (Oberti, 2000). Nevertheless, commentators on anti-poverty initiatives in Europe and elsewhere insist that such strategies rather than being a novel approach for the distribution of social assistance, are instead essentially based on the need to displace visible patterns of poverty and misery for these can detrimentally affect the competitive advantage of cities (Brenner, 2004:267-74). In other words, urban policies and anti-poverty strategies are seen as direct responses to the neoliberalization of cities, states, and society in general (Peck and Tickell, 2002).

In France, justifications for implementing an urban policy toward distressed urban areas were based primarily on the need to surpass the limits of the French welfare state in light of new patterns of urban poverty. Attempts to neoliberalize French urban policy have taken place in recent years (see sections 3.7 and 3.8), yet the primary purpose of urban policy has been to facilitate the restructuring of the French welfare state. With the rise of spatial exclusion in neighborhoods located in the banlieue, the limits of the French welfare state were exposed. Specifically, national redistribution schemes were rooted in “sectors” whereby each welfare administration had a specific “function” (i.e. Housing offices dealt specifically with provision of housing, health offices with provision of health care, and so on). Administrative boundaries, it

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26 However, as we will see, French urban policy has been invaded by technocratic discourse which emphasizes the need to improve the “efficacy,” “efficiency,” and “productivity” of la politique de la ville. Despite these discursive transformations, French urban policy remains an essential social policy toward distressed urban areas.
was said, could not properly target the *multiple* problems affecting excluded neighborhoods. Thus, the “problem of the banlieue” seemed to necessitate a spatially sensitive-, global-, and transversal-policy tailored at the specific needs of the location. Spatially, French urban policy shifted from a national to a local scale for the distribution of social assistance; “globality” meant tackling *all* the problems of the territory at the same time, rather than the sectorial politics that had hitherto characterized the welfare state; and “transversality” meant overcoming the functional politics of the welfare state by making each welfare administration work in tandem. Thus French urban policy was said to address the “administrative crisis” of the welfare state which could not properly address the specificities of urban poverty and segregation (Révauger, 2006). Accordingly, as French geographer Philippe Estèbe (2004:39) put it, promoters of French urban policy “pretend[ed] to, at the same time, reveal and surpass the crisis of public action.”

France encountered not only an administrative crisis in the banlieue, but a deeper crisis of the republican model of integration. The objective of the republican model of integration is to bring “naturalized citizens and their children into the national community as full members, even if in private they preserved their religious and cultural loyalties” (Jennings, 2000:582). Integration to the nation entails, moreover, the acceptance of the rules and the laws of a republican and secular state. As political theorist Jeremy Jennings (2000:577) has noted, the republican tradition “stresses the virtues of civil equality” as the basis of pertaining to the political community. The French citizen, as equal to the co-citizens, only exists as a universal subject in the eyes of the “one and indivisible republic.” Particularities, such as race and ethnicity, are suppressed as defining characteristics for membership to the political community. As Jennings (2000:577) put it, “one enters this community dressed simply and solely in the garb of an individual citizen divested of all particularistic affiliations.” As such, the formation of
communities around ethnic, racial, and/or religious affiliations is seen as a threat to the social and political logics of French republicanism. Integration to the political community, on the other hand, is achieved by the particular relationship of the individual with republican institutions. Internalizing the main principles of the Republic’s values is, furthermore, an integral part of the ideal of republicanism. As political scientist Gino Raymond (2006:12) succinctly put it, “the inculcation of the Republic’s values was crucial to the political socialization of its citizens and its institutions were the key to their integration.”

According to Jacques Donzelot (1994:171), the ideal of the Republic, founded upon economic growth and the protection of citizens, was finally realized and articulated through the consolidation of the French welfare state. Integration and social mobility was to be achieved through the Republican institutions – schools, housing, welfare – and, given that the state took care of economic growth, French citizens were assured constant social mobility and integration into Republican society. As long as economic growth was maintained, and rights preserved and enlarged, the Republican state would enjoy legitimacy and approval of its interventions in almost every area of social life. With the emergent geographies of inequality, and the introduction of French urban policy to fight “social exclusion,” the central role of the Republic – that of integrating the individual to a national project of economic growth and the provision of social protection – shifted to a project focused more on minimizing territorial, as opposed to social, inequalities. With urban policy, the project of national solidarity which formed the legitimating basis of the welfare state was replaced with a project of territorial solidarity (Donzelot, 1994; Palier, 2000).

The chapter documents the origins of French urban policy in the early 1980s (section 3.2), when the French welfare state was seriously critiqued. Following this discussion, the
reforms of decentralization are analyzed to situate French urban policy within a larger process of state restructuring occurring in the 1980s. A phase of intense institutionalization at the end of the 1980s and beginning of the following decade effectively rooted French urban policy within the institutional/regulatory arrangements of the French state (section 3.4). The capacity of French urban policy to manage patterns of exclusion was put in question in the early part of the 1990s after a series of revolts exploded in many of the neighborhoods covered by it. Thus section 3.5 documents the arrival of a “republican” discourse that sought to justify French urban policy around its missions of reducing exclusion through delivery of social assistance and strengthening its repressive capacities. Welfare retrenchment took force in the 1990s, and French urban policy introduced new spatial categories resulting in what I call the “absolute geographies of exclusion.” Within the tightly defined spaces of intervention of French urban policy resided the “deserving poor,” those who, in an effort of “republican solidarity,” could enjoy welfare provisions (section 3.6). The last two sections document the period from 1997 to the present where French urban policy turned from a social and economic policy to further the development of “socially excluded” neighborhoods, to an institutional/regulatory institution whose missions have been reduced to the repression of the poor and the demolition/reconstruction of social habitat. In fact, the penalization of the banlieue responds to a crisis of legitimation of the “republican” state whereby the banlieue is presented as a threat to the republic (Dikeç, 2006). As Loïc Wacquant (2001a:402; emphasis added) observed across Europe and North America “the growing interest in and increased means devoted to law enforcement also come in handy to compensate the deficit in legitimacy suffered by political leaders, owing to the very fact that they have renounced the established missions of the state on the economic and social front.”
3.2. 'Urban crisis' and origins of French urban policy

Minguettes, a social housing estate in the eastern suburb of Lyon, Vénissieux, suddenly rose into public consciousness when a series of “disorderly” acts caught the attention of the media. Adil Jazouli (1992:17) summarized the actions of young people there:

Young people, the majority of North African origin, steal cars, big-engine cars most preferably, and then gather at sunrise and race and do acrobatics with the cars in front of local inhabitants and representatives of the police who are dumbfounded. The kids stop after a couple of minutes, spill gasoline on the cars and set them on fire in an environment filled with bravado, sacrifice and fear. The entire country is in shock by the emergence of violence in the periphery of cities.

These incidents, known popularly as the “rodeos of 81,” took place almost without interruption from July to August of 1981, resulting in more than 250 burned cars. The suburbs of Vaulx-en-Velin and Villarbeune joined Vénissieux in these spectacular acts of “bravado.” The media gave extensive coverage to the “violence in the periphery of cities” while comparing it to the urban troubles arising in the inner cities of Britain and the United States. The most immediate reference, in fact, came from Brixton, a suburb of London, which experienced social unrest on May 10, 1981.

It was the references to the Anglo-Saxon counterparts that incited the most reactions among the political class and the wider public. For a country historically proud of its republican tradition, the formation of “ghettos” and disenfranchised “communities” represented a serious threat to the republican model of integration and the project of national unity. Moreover, the rodeos of 1981 pressured the newly elected Socialist government to take swift and concrete actions to “respond to a situation that appears to be a serious threat to the social fracture.” (Jazouli, 1992:17) Consequently, a National Commission for the Social Development of
Neighborhoods (*Commission Nationale pour le développement social des quartiers, CNDSQ*)\(^\text{27}\) was created in 1981. The objectives of the Commission, according to Prime Minister, Pierre Mauroy, were to “implement a plan of action in social housing neighborhoods”; to assess whether the “formula of the contract passed between the regions and territorial collectivities can constitute a satisfactory [institutional] response” to address the problem in social housing estates; and to become a place for the exchange of ideas and experiences.\(^\text{28}\) The Commission, presided by the mayor of Grenoble, Hubert Dubedout, visited various “difficult neighborhoods” and based on these observations they published in 1983 *Ensemble, refaire la ville* (“Together, remaking the city,” Dubedout Report from now on). The starting point of reference for the Commission was the rodeos of 1981. It is worth quoting the opening passage of the Dubedout Report to understand the impact of “social disturbances” on French urban politics (Dubedout, 1983:5):

"During the summer of 1981, after the incidents in the *banlieue* of Lyon the press brought to light a new phase of what we have called the illness of social housing estates [*maladie des grands ensemble*]. The media diffused to the country, surprised and anxious, the image of ghettos formed by individuals and families rejected from the city and society to a monotonous, degraded, and soulless life.

Will France have, like the United States and England, those abandoned neighborhoods and zones of uncontrollable social explosion? Weren’t they [*rodeos of ’81*] an epiphenomenon provoked by the conjunction of a hot summer, the reciprocal nervousness of unemployed youths and representatives of public order, and the conditions of the habitat? Or were they a symptom of a profound crisis where the economic situation and urban segregation combined their effects to create the serious threats of social desegregation and the fracture of the national collectivity?

The political magnitude of this phenomenon to the national scale has unquestionably surprised… general understandings of the situation have wrongly mingled the expression of a feeling of insecurity, exploited by some, the designation of young immigrants as scapegoats, the fear by local officials to a situation that they could not manage, *the*


\(^{28}\) Mission letter from the Prime Minister to the President of the Commission, cited in Dubedout, 1983: 101-103.
maladjustment of traditional mechanisms of prevention and social assistance, and the anxiety of organisms of HLM to the accelerated degradation of their infrastructure (emphasis added).

Having campaigned on a platform centered on prevention, the government of François Mitterrand and the Commission responded by “adopting a novel approach by breaking with previous politics which oscillated between leniency and repression.” (Dubedout, 1983:5) In fact, the Bonnemaison Report (1983) addressed the prevention of delinquency more specifically. The Bonnemaison Report concluded that prevention, not repression, was the best approach to fight the “feeling of insecurity” prevalent across distressed neighborhoods. As a result, Communal Councils for the Prevention of Delinquency (CCPD) were created at the communal level and a National Council for the Prevention of Delinquency (CNPD) coordinated them at the national scale. Because the “prevention of delinquency” became an important policy area of French urban policy, and since it became the basis for what I call the “territorialization of the law,” I dedicate the next chapter to it. For the moment I want to solely stress the institutional foundations of French urban policy and emphasize the restructuring of the system of social assistance and territorial governance in France.

The work of the National Commission centered on 16 sites “considered to be in a critical situation thus justifying an exceptional intervention from the state and an effort of national solidarity” toward these neighborhoods (Dubedout, 1983:6). The Commission’s first task was to define the causes behind the “physical and social degradation of certain popular neighborhoods” and to come up with solutions to “treat” those causes (Dubedout, 1983:6). The report, however, emphasized the necessity to understand the complexity of social housing estates as a result of not only an economic crisis but also a “cultural, social, [and] urban” crisis as well (Dubedout, 1983:29). For the National Commission, the problems at hand were mainly “urban.” In other
words, the crisis of the 1970s was exacerbated in certain neighborhoods which concentrated a
high proportion of immigrant populations and popular classes (1983:52), high unemployment
among young people (1983:66), degraded physical infrastructures (1983:74), and poor urban and
state services (1983:72-75). As such, an institutional realignment was necessary to respond to a
series of problems that could no longer be dealt by “by traditional mechanisms of prevention and
social assistance.”

The gravity of the situation in large-scale social housing estates, according to the
Dubedout Report, showcased the need to move beyond the physical rehabilitation of
neighborhoods, as previous policies had done, and rather focus attention on a holistic approach
intended to boost the social and economic development of neighborhoods. Contrary to popular
belief, the first signs of the “crisis of the banlieue” were not the rodeos of 1981, but a series of
“criminal” behaviors during the 1970s which had heightened the “feelings of insecurity.” Then
Attorney General, Alain Peyrefitte, published Réponses à la violence in 1977 where he called
attention to the rise of crime and insecurity in France and in particular in social housing estates.29
Similarly, Dikeç (2007a), as well as many other social scientists (Bachmann and Le Guennec,
1996; Daoud, 1993; Mucchielli, 2001; Rey, 1996), demonstrated that “incidents of violence” in
social housing estates had taken place well before 1981 (Daoud, 1993:136 quoted in Dikeç,
2007a:39). The difference was that these incidents had remained confined to the local press, with
little to no coverage in the national press. More importantly, these “isolated” phenomena were
understood to be a direct result to the degrading form and quality of the social habitat (see
Peyrefitte, 1977:32; Dikeç, 2007a:40) As a result of this understanding of violence and the city,
the first attempts at correcting the “malaise of the banlieue” centered on the physical

29 Fuller discussion of Peyrefitte Report is found in Chapter 4 (section 4.3.1).
rehabilitation of social housing estates. One of the first programs put in motion to rehabilitate the social habitat was the *Habitat et vie sociale* (Housing and Social life, HVS), created in 1977. The HVS sought to “promote cooperation among [various] administrations around a coherent local action.” (Bachmann and Le Guennec, 1996:334) The objective of the HVS consisted in revalorizing the rapidly degraded housing stock of HLM. However, as many urban policies at the time, the HVS remained a highly centralized institution, which meant that neither local inhabitants nor mayors were consulted or included in the decision-making process. As a result, the HVS concentrated on repairing the facades of buildings without really engaging in transformations of living conditions (Jaillet, 2003:6). By concentrating solely on the amelioration of the physical infrastructure, the HVS failed to politically and pragmatically commit to a long-term program of urban and social integration in its target neighborhoods (Dikeç, 2007a:39). Having witnessed the failure of the HVS, and cognizant of the complexity of the crisis in social housing estates, the National Commission called for a deeper engagement and a complete re-alignment of state institutions to tackle the various ills affecting social housing estates. “This new type of intervention,” the Dubedout Report (1983:28) stressed, “must constitute an alternative to the functional and sectorial logic that has prevailed until now.”

The National Commission thus proposed the reorganization of state institutions to encourage the social and economic development of neighborhoods. According to the Commission, the reorganization of state institutions in the selected sites entailed, more

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30 Policy-maker Dominique Figaet criticized the HVS and noted that social housing estates necessitated new and better modes of interventions beyond the physical rehabilitation of buildings. The history of la politique de la ville often begins with the operations of HVS, but the policy really takes off after the work of the National Commission during the 1980s. Figaet, in fact, was a member of the National Commission in 1981. For a fuller discussion of the HVS see Merlin, 1998.

31 In 1977, 39 sites or 60,000 housing units were included in the first operations of the HVS (Bachmann and Le Guennec, 1996:334)
specifically, the approximation of “public services” 32 to the terrain and the population; the
definition of a precise course of action, or project; the improvement of research techniques, and
thus knowledge of the neighborhoods in question; the redistribution of tasks and responsibilities
among the corresponding institutions and actors; the ability to work in cooperation; and, of
course, the execution of actions (Dubedout, 1983:40-41). The novelty of the “new type of
intervention” toward distressed urban areas rested on the insistence, by the National
Commission, to include “each individual, each family, each social group, each association, [and]
each institution” in the definition, formulation and implementation of social and economic
policy. More specifically, the Commission forcefully argued that:

No assistance can be effective if those concerned don’t take charge of their projects of
transformation. A need to substitute a policy of assistance with a policy of economic and
social development requires the operation of a movement of collective appropriation.
Operations must therefore take recourse of the social and cultural identities of the
different social classes, on the recognition of inhabitants as partners, with true powers,
and their real participation in decisions. (Dubedout, 1983:12)

However, the system of territorial governance that had prevailed in modern France privileged the
centralization of decision-making and implementation of policies. It was up to the central state
and its corresponding agents to decide what was best for poor neighborhoods, for the excluded
and the disenfranchised. How could the National Commission overcome the limits of a highly
centralized state and in turn include everyone in the policy process? It just so happened that the
system of territorial governance was undergoing its first transformation since 1789 with the
introduction of the decentralization laws of 1982 and 1983. To understand the institutional

32 In the 1870s public (administrative) law was developed in France to regulate an increasingly interventionist
state. The state is different from private citizens because it holds “public authority and delivers public services.”
(Cole, 2008:4; emphasis added) Estêbe (2004:49) shows that the development of the state as provider of public
services helped, on the one hand, justify the monopoly over the means of violence, and, on the other, move away
the basis of legitimation from the sole capacity to monopolize violence to the capacity to deliver services (i.e.
welfare assistance). The notion of public service, moreover, helped justify state intervention in the social and
economic realms.
context under which the National Commission was working, we must now turn to the question of decentralization and the transformation of territorial structures in France.

3.3. Decentralization and local politics

France has been traditionally represented as a highly centralized state. Before the French Revolution, France was divided into a dozen provinces extremely diverse and with their own particularistic interests. The leaders of the Revolution abolished the old structure and erased provincial differences by creating a uniform administrative organization. Regional differences were seen as barriers to nation-building and state-building (Keating, 1997). Immediately after the Revolution the départements and communes were created. The latter are the smallest territorial units in France and the former are intermediary levels between the communes and the central state. These territorial divisions have remained relatively unchanged since their inception in 1789; the number of communes being around 36,000 today in comparison with the 44,000 originally set out, and the number of departments increasing from 90 to 96 (Préteceille, 1991: 124) With this model the unitary state was born (Schabert, 1985). The centralized system that developed has remained intact with the prefect and notables 33 playing a key mediating role, and the central state and municipalities (communes) enjoying the most power, the departments having less autonomy. The prefects were the main representatives of the central state at the local level. Prefects were in charge of coordinating and implementing public policies at the local level and were de jure the liaison between the centre and the periphery.

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33 In the Napoleonic system, the prefect is the central state’s representative in the départements. Notables, on the other hand, are local elites which can exercise influence depending on their informal connections. Political notables include parliamentarians, mayors, and departmental councilors among others.
Local politics were limited to the extent that: first, rules and policies were defined at the national level, without regard of local variations; second, the main interactions occurred between prefects and leading political notables; third, and related to the latter point, local relationships were limited to political elites (prefects, influential mayors, etc.) and thus third parties were excluded from policy-making circles (Cole, 2008:54). The model of “cross-regulation,” in which only high-ranked officials and local elites, such as prefects and notables, were able to influence policy, prompted politicians to accumulate elective offices (cumul des mandats) as offices gave access to more influence and enhanced their bargaining power (Crozier and Thoenig, 1975).34 This model favored central state power since local politicians had to scramble through the bureaucracy in order to gain access to financial resources. In the cross-regulation model, “financial and juridical resources are the most important resources of power” (Duran and Thoenig, 1996:585). The failure and/or success of local municipalities was waged on the ability of local elites to attract money from the central government and gained access to a highly vertical bureaucracy. In that sense, “local autonomy [was] directly linked to political resources and to the mechanisms of territorial representation that allow, or do not allow, local units to use the State to their advantage” (Duran and Thoenig, 1996:585). Cross-regulation emerged mainly in rural and small-town France, and at a time when party politics were rather weak.

In large cities, and in particular the Parisian region, party politics were far more important than in rural France. The northeastern fringe of Paris, for instance, was controlled by the Parti Communiste Française (PCF) since the 1930s. The tight control that the PCF exercised over the communes in the Red Banlieue represented a strong bastion of opposition against State policies and government. While developing their own forms of local identity and solidarity, mayors of

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34 A politician can be both a mayor and a parliamentarian simultaneously, or a member of a state office. Hubert Dubedout, for instance, was the mayor of Grenoble while serving as president of the CNSDQ.
the Red Banlieue found ways to deliver locally-based social and public services by managing
taxation and financial resources, thus by-passing central state stipulations on the matter
represented an obstacle to political centralization, which by controlling the budget and local
spending could orient policies to central state priorities (Préteceille, 1991:130).

By the 1970s, however, the model of cross-regulation began to lose weight as the localist
movement gained ground. The economic crisis of the early 1970s forced the central state to
reconsider its hegemonic role as resource-manager and sole provider of public services. As
Préteceille (1991:131) described it:

Within the space of a few years, the early 1970s saw a complete shift from public
planning of steady economic growth to apparently disorganized private
deindustrialization and restructuring, and a progressive rechanneling of public resources
to more direct forms of support for profits leading to reduced central state expenditure
and collective consumption.

The crisis of political centralization was coupled by a new localist movement. Inspired by the
events of May 1968, many politicians, particularly from the Left, began to promote the ideals of
self-management (autogestion), participatory democracy, and even the right to the city (Dikeç,
2007a; Lefebvre, 2009). In the municipal elections of 1977, the French Socialist Party re-
established itself at the local level by capturing almost three-quarters of large towns and many
departmental councils. With this sweeping change of the local political landscape, Left
politicians increasingly by-passed the dictates of the prefect and resented the cross-regulation
system. Many mayors began to treat their municipalities as social laboratories to implement and
devise place-specific policies. It is under this new local context that the Left would increase its
constituency to the point of winning the 1981 national elections behind François Mitterrand. The
“local” would rise to prominence in French politics and the old regime of central state hegemony
would be put into questioned by the newly elected government which launched a decentralization reform in 1982.

The decentralization reform in 1982-1983 was one of the Left’s major achievements during its first tenure (1981-1986). However, decentralist views were relatively new within the ranks of the Left. They were in fact embedded in the Left’s commitment at the time to the ideals of self-management and democratization of public and private institutions (Jobert and Théret, 1994; Préteceille, 1991:133; *Programme Commun*, 1972). Decentralization reform was primarily pushed by Gaston Deferre, the Minister of the Interior and Decentralization. Between 1981 and 1983 more than ten laws\(^{35}\) were enacted leading to the creation of decentralized administrative units. The reforms created new institutions (22 regional councils) and enhanced the powers of local authorities (departmental councils and communes). More importantly, the decentralization reforms recognized local authorities as legal entities free from prefectoral control (Cole, 2008:55). Table 3.1 provides a non-exhaustive list of sub-national territorial units in France and their various competences.

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\(^{35}\) Most important were the law of March 2, 1982, on the ‘Rights and liberties of municipalities, departments, and regions’ which transformed the role of the Prefect; and the law of January 7, 1983, relative to the ‘Repartition of responsibilities between the municipalities, departments, regions and the State’ which specified how local collectivities could establish public authorities (*établissement publics*) for the purpose of inter-governmental cooperation.
### Table 3.1 Competences and responsibilities of sub-national authorities*

<table>
<thead>
<tr>
<th>Authority</th>
<th>Competences and Responsibilities</th>
</tr>
</thead>
<tbody>
<tr>
<td>Communes – 36,500</td>
<td>- Cultural services, building permits, register services, building and maintenance of primary schools, waste disposal, some welfare services (i.e. RMI), <em>politique de la ville</em> (contracts with state), security</td>
</tr>
<tr>
<td>Tax-raising inter-communal public corporations (EPCI) – Around 2,700</td>
<td>Includes: urban communities, city-wide communities and communities of communes36 - Inter-communal services such as fire-fighting, waste disposal, transport, economic development, housing, <em>politique de la ville</em></td>
</tr>
<tr>
<td>Departmental councils – 96</td>
<td>- Social affairs, some secondary education (<em>collèges</em>), cultural services, welfare services, social and professional insertion (RMI), road building and maintenance, waste disposal, young people, <em>politique de la ville</em>, security</td>
</tr>
<tr>
<td>Regional councils – 22</td>
<td>- Economic development, some transport, infrastructure, state-region plans, some secondary education (<em>lycées</em>), employment training, some housing</td>
</tr>
</tbody>
</table>

*List is based on second Act of Decentralization launched in 2003-04 (Constitutional reform of March 28, 2003; law on local referendums of March 1, 2003; and, law on transfers of competencies from central government to local authorities of August 13, 2004)

*Sources:* Adapted from *Ministère de l’Intérieur*; and Cole, 2008

At the outset, as Préteceille (1991) showed, the reform was paradoxical. Communes (36,494) vary considerably in size – 30,000 of them having fewer than 2,000 inhabitants, and 39 over 100,000. Departments too show great diversity with Paris having more than 2 million inhabitants and others less than 100,000. “It is a paradox of the reform,” Préteceille (1991:135)

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36 The 1999 Inter-municipal Cooperation (Inter-communalité) Act has created new joint bodies, the communities of agglomerations (communautés d’agglomération) which are in charge of economic development, strategic planning and environment policies in their area. These communautés must bring together more than 50,000 people and several municipalities. By law, they are given fiscal powers and receive the business tax of member municipalities, which is all the more important since the business tax is the largest source of revenue for the French municipalities. (Lefèvre, 2003:296)
asserts, “that a homogenous pattern has been applied to such a heterogeneous institutional reality. Size of municipality has evident consequences in terms of needs and resources…” Despite this paradox, decentralization reforms effectively transferred many responsibilities and competences to local authorities. Of all legal administrative units, départements gained the most as they were given larger budgets, more service-delivery responsibilities and larger staffs. The newly created regions (first regional elections took place in 1986) were given responsibilities of regional planning, economic planning, some transport, secondary education and some health. The prefect did not disappear but its functions were greatly diminished. Decentralization was a turning point in the devolution of responsibilities and increasing role of communes, in part because “their freedom was increased thanks to the suppression of the prefects’ authority over decisions taken in the local councils.” (Biarez, 1994:193)

Despite increasing powers devolved to communes, departmental councils and the newly created regional councils “the primacy of the state remained, in defining general regulations, economic and social policies, defence, justice and education.” (Biarez, 1994:194) One major shortcoming of the first round of decentralization was the vague definition of who should be responsible for certain policy areas. As Alistair Cole (2008:56-7) notes:

French sub-national governance rests upon a complex actor system, whereby policy is managed by actors and organizations with overlapping responsibilities. After the reforms of the 1980s, there remained much confusion about the division of policy-making and administrative tasks between central and sub-national units and among the local authorities themselves. While decentralizing major areas of responsibility, the 1982 laws did not specify clearly which body was responsible for what activity.

The territorial policies proposed by Dubedout’s report (1983) had to work around the recent laws of decentralization in order to effectively implement a long-term program of “territorial

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37 During the second Act of Decentralization départements gained over regions again.
solidarity.” The National Commission for the Social Development of Neighborhoods (CNDSQ), as a matter of fact, suggested that “local collectivities, and in the first place the communes, must have the responsibility to implement the range of objectives of the social development of neighborhoods, the organization of a new urban management, and the research of a bigger territoriality of social policies” (Dubedout, 1983:88).

The new mode of territorial governance introduced by decentralization laws facilitated the territorialization of social policies which required the active participation of a wide range of actors at multiple scales. In the cross-regulation system, local elected officials had little room to formulate and implement policies. In that regard, the Commission proposed to devolve most of the responsibilities for the implementation of French urban policy to the regional scale (Dubedout, 1983:90). Interventions in the area of housing and urban planning, for instance, had to be inscribed within the State-Region Plans. Yet to render a more efficient service, the Commission also awarded communes a great deal of responsibilities that included coordination of the different territorial actors responsible for education, culture, and security. With the transformation of the system of territorial governance and having set the foundations for its experimentation, the Social Development of Neighborhoods (DSQ) programme was expanded and reinvigorated.

3.4. The institutionalization of urban policy

By 1983, the neighborhoods included in the DSQ had grown from 16 to 23. Neighborhoods to be included in the DSQ programme had to gather together the mayor, local associations, and professionals at the local level and based on the local knowledge of these actors, recommendations were made to the National Commission. After evaluating the
recommendations, the National Commission made the final decision as to whether provide an “exceptional” treatment to that neighborhood and prevent the further exclusion of its population. In this sense, the criteria for selecting neighborhoods were based on local knowledge and no objective criteria had yet been devised (Tissot, 2007). Nevertheless, the selection of neighborhoods was based on one common criterion, namely the concentration of disadvantage populations and immigrants in social housing estates located in the outskirts of urban agglomerations. However, the founding members of the DSQ programme were very well aware of the repercussions of singling out certain neighborhoods and negatively representing them to the larger public. As the Dubedout Report (1983:97) stated, “by criticizing these places, it is their inhabitants that we reject, because their culture, their expressions and their misery bothers or scares the rest of the population.” To avoid such scenario, the National Commission’s main objective was to integrate these neighborhoods within the urban fabric; “it is the relationship between the traditional city and these neighborhoods that we must recreate.” (Dubedout, 1983:97)

And yet, the Social Development of Neighborhoods programme only targeted selected neighborhoods without really targeting the larger urban fabric. This was, in fact, one of the main critiques launched by the Levy Report, written in 1988 to evaluate the benefits of the Social Development of Neighborhoods, which noted the emphasis placed on the neighborhood scale and the necessity to re-inscribe neighborhoods within the larger urban area (Jaillet, 2003:8). By 1988, the number of neighborhoods benefitting from the DSQ had grown from 23 to 148. In 1986, Jacques Chirac (RPR Party, Rassemblement pour la République) had become Prime Minister. Between 1986 and 1988 there was a coalition government (Mitterrand remained President of the Republic) and as a result the policy toward distressed urban areas started by the
Socialists in the early 1980s was under intense scrutiny. It was under Chirac’s orders that the Levy Report was written, in part to assess the necessity of the DSQ programme and the innumerable resources deployed at an increasing geography of “exceptional” neighborhoods. The Levy Report concluded that the DSQ was a “national priority” and that termination of the programme “would have severe consequences.” (Dikeç, 2007a:61) The Report, however, called attention to the dangers of increasing the number of intervention areas and determined that 150 was a modest and manageable number (Jaillet, 2003:8).

The publication of the Levy Report coincided with Mitterrand’s second term (1988-1995) as President of the Republic. In his platform Mitterrand reiterated the importance of the city and the necessity to “reinvent urban civilization.” (Chevalier, 1996:211) In that regard, French urban policy would become an ideal institutional mechanism to achieve the Socialists’ goal of renewing and reinventing “urban civilization.” The second term of François Mitterrand began with a Socialist majority in Parliament and a new Prime Minister from the PS, Michel Rocard. Premier Rocard engaged in an ambitious reform of the public sector during his term (1988-1991) (see Cole, 2008:31 for details). Mitterrand’s second term was marked by a renewal of social policies as the economic constraints of the early 1980s had been relatively corrected by the economic policies of the PS (Schmidt, 1988). Under Rocard, for instance, the *revenu minimum d’insertion* (RMI, guaranteed minimum income benefit) was introduced. The RMI was positively regarded as it was clear that the new administration was responding to increasing patterns of socio-economic “disaffiliation.” (Castel, 2000)

The emphasis placed on social and urban reform meant that reforming the institutions of French urban policy would become a priority for the new administration. In the National Assembly, Michel Rocard asked in 1988 “how can we talk about liberty, equality or fraternity in
cities marked by exclusion?” (quoted in Anderson and Vieillard-Baron, 2003:39). Consequently, French urban policy underwent a period of intense institutionalization. In 1988, an Inter-ministerial Council of Cities (CIV) was created in addition to a National Council of Cities (CNV). The Inter-Ministerial Delegation to the City (DIV, Délégation Interministériel à la ville) was also born in 1988. The DIV became the coordinating mechanism of French urban policy by bringing every pertinent state institution under one administration. With the DIV “urban policy was given greater prominence, thereby symbolizing the commitment of the state to tackling the urban crisis and in turn encouraging greater involvement of the various ministries.” (Le Galès and Mawson, 1994:27-8 quoted in Dikeç, 2007a:63)

Although French urban policy had been part of the institutional landscape in France since the early 1980s, it was still an experimental policy. Hence, the policy toward distressed urban areas was not given the necessary financial resources or the legitimacy it required for every partner (mainly different state ministries) to be engaged. With the creation of the DIV a new sense of credibility and new revenue sources were created. From 1988 until 1992 the DIV funded its operations through revenues coming from the different ministries working in the DSQ programme (Infrastructure, Interior, Justice, and Social Affairs). In 1993 the DIV received its own budgetary line, coming directly from the central state’s budget. Further, state administrations saw with great skepticism the intervention of the DSQ programme on areas they already held the main responsibility. So, for instance, if the DSQ programme wanted to intervene in the area of education the DSQ personnel had to scramble around the hierarchy and bureaucracy of the National Education (Tissot, 2007:57) Moreover, those in charge of the various ministries of the state (education, housing, health and so forth) formed part of the “elite” in France. Since the DSQ began as a militant and localist movement toward distressed areas,
many functionaries working under the institutions of urban policy had not been educated in the *Grands Ecoles* of France. French public servants had traditionally come from the *grands corps*, such as the Highways and Bridges *corps* (*Ponts et Chaussés*). Also those graduating from the *Ecole Normale* gained easier access to higher posts in the state bureaucratic machinery than those coming from traditional universities and colleges (see Crozier and Friedberg, 1977; Cole, 2008:5). On the other hand, not even the first president of the DIV, Yves Dauge, came from a *grands corps*, although he held a significant position at the Ministry of Infrastructure, a key partner of urban policy. Of the 35 members of the DIV in 1990, only one was a member of the Highways and Bridges *corps*. State ministries were skeptical of the DIV because, first, it crossed over their areas of competences, and second, the DIV’s personnel lacked educational and professional credentials (Tissot, 2007:58). Therefore, those in charge of the DIV had to continually negotiate and compromise with the different ministries in order to gain respect and legitimacy (Gaudin, 1995). Despite its initial struggles, the creation of the DIV represented a significant departure from the first years of the DSQ which was based on a militant and localist approach and was in essence an experimental policy. The DIV introduced a more bureaucratic approach to French urban policy (Dikeç, 2007a:63).

The policy toward distressed urban areas gained further legitimacy and respect with the creation of a Ministry of the City in 1990. Years prior, in 1983, the operation *Banlieue 89* was formed and placed under the direction of two architects, Roland Castro and Michel Cantal-Dupart. The purpose was to promote “a public debate around the city and its architecture, to work along with inhabitants on the beautification of the city and to rethink the symbolic and the
practical.” (Anderson and Vieillard-Baron, 2003:30) Banlieue 89 held their third national meeting at Bron, a suburb of Lyon in 1990. The meeting, entitled “To finish with the grands ensembles,” took place under a tense political and social climate. On 6 October, 1990, a young disabled boy, Thomas Claudio, died after a collision with a police car. The neighborhood of Mas-de-Taureau, in Vaulx-en-Velin, a suburb of Lyon, was the scene, once again, of a major revolt that saw Claudio’s young friends and neighbors clash with police officers (Bachmann and Le Gunnecc, 1996:441-443; see Chapter 4 for more details on revolts throughout 1990s). At Bron, the President of the Republic delivered a famous speech invoking his commitment to social housing estates by announcing the creation of a Ministry of the City. For Mitterrand, urban policy had to constitute a network of “concrete actions, verified on the terrain, to construct the future and avoid the repetition of future tragedies,” such as Claudio’s death (quoted in Anderson and Vieillard-Baron, 2003:42). Little he knew that from 1990 through 1992 more than ten major revolts took place in neighborhoods that formed part of French urban policy.

Michel Delebarre, at the time Minister of Infrastructure, was named the first Minister of the City on February of 1991. Delebarre gave urban policy a boost on the administrative and legislative front. Delebarre was at the center of discussions and deliberation on two important laws passed in 1991: Law of 13 May on financial solidarity among communes, which was intended to redistribute financial resources from richer communes to poor ones (known as DSU, Dotation de solidarité urbaine); and, the LOV (Loi d’orientation pour la ville) or “anti-ghetto” law which set the stage for the promotion of “social mixing” by redistributing social housing across France. These laws were intended to stop the process of “ghettoisation” or “social

38 As Dikeç (2007a:56) observed: “While the DSQ programme criticized the exclusive focus on physical renovation, President Mitterrand, paradoxically, initiated this programme under the direction of two architects...the major concern of the programme was physical rehabilitation” Although Banlieue 89 can be seen as running against the critique launched by the Commission on the HVS, the physical renovation of neighborhoods was clear evidence that something was being done.
exclusion” which had become the main objective of French urban policy. Delebarre worked hard during his tenure at the Ministry of the City, living up to the expectations set at Bron by the President of the Republic.39

The period from 1988 through 1991 was crucial in the evolution of French urban policy. It marked the transition from a militant initiative to fight the various socio-economic causes affecting social housing estates to a bureaucratic machinery intended to fight “social exclusion.” Furthermore, during this period, new tools of governance were created and the scale of intervention shifted from the neighborhood to the city. In 1989, as an experimental measure, 13 City Contracts (Contrat de Ville) were signed. City Contracts were an agreement signed among one or multiple local collectivities (it could be one or various communes) and the central state. City Contracts were signed for a five year period and they were more comprehensive than the DSQ. The idea behind the Contrat de Ville was to link the central state and local authorities by “coordinating” their actions. Contracts and contractualization had become a key mechanism of governance in France, and a means of assuring a role to the central state in the context of decentralization (Richter, 2003). Yet City Contracts encountered serious difficulties as mayors used the financial resources awarded to them to fund projects that “had nothing to do with so called ‘neighborhoods in difficulty’.” (Dikeç, 2007a:63) Nevertheless, by 1993, 214 City Contracts had been signed for the period of 1994-1998 covering more than 1300 neighborhoods (Jaillet, 2003:11).

39 For political reasons, Delebarre was replaced on April of 1992 by Bernard Tapie at the head of the new Ministry. Tapie, rather than continue Delebarre’s administrative and legislative work, concentrated on proposing symbolic actions: “energy, will, competitive spirit” were the new catch phrases of urban policy. As Bachmann and Le Guennec (1996:469) sarcastically noted, Tapie inaugurated a new method of doing politics within the framework of urban policy: “to exalt the dreams of people from the banlieue.”
In addition, City Contracts facilitated the proliferation of “partnerships” within the framework of French urban policy (Le Galès and Loncle-Moriceau, 2001:81). The partnership approach to urban policy was primarily used to “achieve consistency in public intervention in a given area by recourse to a partnership which is made up of various public sector partners at the central and local level.” (Le Galès and Loncle-Moriceau, 2001:82) City Contracts became the primary means for structuring collective action in the context of decentralization (Duran and Thoenig, 1996). The central state was highly present in these partnerships yet “private associations” rarely bound themselves into these agreements. In fact, the abundance of public-private partnerships, often times seen as a sign that the state has retreated from decision-making processes and to the rise of neoliberal forms of governance, are uncommon in France, where the central state is still very much present in the implementation of public policies and programmes (Le Galès and Loncle-Moriceau, 2001:82). “French-style partnerships,” primarily based on the cooperation of a variety of public sector partners, responded to a “multiplicity of demands: the need to address the dysfunctionality highlighted by reports produced at the beginning of the 1980s (in particular the compartmentalization and centralization of social issues), the increase in forms of exclusion, and a commitment to the idea of reductions in public expenditure.” (Le Galès and Loncle-Moriceau, 2001:83)

City Contracts signaled the changing scale of intervention from distressed neighborhoods to the city. This shifting scale was also evident in the change of name of the DSQ programme. The DSQ targeted specific neighborhoods, and although the aim of Dubedout was to integrate these neighborhoods into the rest of the city the reality was that the scale of intervention was too narrow. In that regard, the Social Development of Neighborhoods (DSQ) was renamed Urban Social Development (Développement Social Urbain; DSU) which meant that emphasis was
given to the agglomeration rather than the neighborhood as the targeted area. As Estèbe (2004:103) put it, the objective of French urban policy in the 1990s was to “insert neighborhoods into the city.” Moreover, by 1993 more than 400 neighborhoods formed part of the DSU. In short, by the early 1990s, French urban policy had been equipped with a vast range of administrative (City Contracts), institutional (DIV and Ministry of the City), and legal (Dotation de solidarité urbaine and the LOV) resources which suggested the government’s deep commitment toward distressed urban areas.

3.5. The return of the ‘republic’

The new institutional landscape resulted in the formation of innumerable local associations, the rehabilitation of old social housing estates, the introduction of a vast range of social and economic initiatives, and more “politics.” In 1991 another report was published evaluating the success and/or limits of French urban policy. This time it was written by Jean-Marie Delarue who intended to “renew the methods and the framework of urban development.” (Delarue, 1991:11) The report was entitled Banlieues en difficultés: la relegation (Banlieues with difficulty: the relegation). The title of the document referred to a process whereby the “banlieue” had been “relegated” or displaced from the social, economic, political, cultural, and urban fabric of France. Further, that the report referred to “banlieues” meant that problems were

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40 The shifting scale from the neighborhood to the agglomeration would also address one of the critiques of the DSQ, that it was too social. As Damname and Jobert (1995:14) put it: “As la politique de la ville went from the neighborhood to the agglomeration, this policy entered the domain of intervention of planners and economists”.

41 Upon my arrival in France in 2007, I tried to explain my research interests as the relationship between instances of violence and French urban policy. The reply I often got was: “La politique de la ville, that is very, very political.” I could not understand what they meant until I fully embarked in my investigation of French urban policy.

42 Jean-Marie Delarue was a graduate of the Ecole Normale d’Administration, the elite school of civil servants in France. He was also counsel of the Conseil d’Etat, the highest administrative court in France (Dikeç, 2007a:78). Delarue’s appointment marked a significant change in the evolution of French urban policy as a member of the French “elite,” rather than a local elected official or a community organizer, assessed and proposed new policies for this initially militant initiative.
not specific to certain neighborhoods but peripheral urban areas in general. In other words, the “banlieue” became the preferred spatial reference to allude to the problems of segregation, social and economic exclusion, ghettoisation and violence. The picture Delarue drew was grim, where neighborhoods of French urban policy had in fact deteriorated. According to Delarue, the “problem of the banlieue” had been exacerbated by three interrelated processes, not yet adequately addressed by French urban policy: the architectural and urban planning problems of the 1960s, resulting in the grands ensemble; a demographic problem, with concentration of low revenue population in same neighborhoods; and lastly, the limits of the labor market and the rise of unemployment in these places (Delarue, 1991: 15-16). In the words of Delarue (1991:30), “the neighborhood, is poverty-made city.” By that, Delarue meant that “neighborhoods” had evolved independently from the rest of the urban fabric, and that a city within a city had emerged (the neighborhood). He cited the physical distance, the limited access, as well as the lack of economic activities to account for the “decline of the neighborhood.” (Delarue, 1991:32-33)

“The neighborhood is the young people,” also claimed the report (Delarue, 1991:35). This was one of the first governmental reports to explicitly connect the problem of the banlieue with the presence of young people. Young people were a problem because of their demographic presence, where in some cases 25 years and younger constituted 40% to 60% of the population (Delarue, 1991:35). Sociologically, young people in the banlieue encountered great difficulties of socialization because the father was absent from the family unit (Delarue, 1991:36). Yet the main reason as to why “the neighborhood is the young people” was because they constantly “conquered” the common areas of social housing estates: building halls, sidewalks, in-between areas, and surroundings of supermarkets (Delarue, 1991:36). This presence made young people the most visible residents of social housing estates. In short, according to Delarue (1991:36-7)
the “youth problem” was a result of three types of crises: the family; school; and integration (1991: 36-37). Consequently, the “accumulation of crises” had led to everyday forms of exclusion; exclusion from the family, from school, from the formal economy, from intimacy, and from social protection (Delarue, 1991:38) Out of this situation of “exclusion” and “social disorganization” the phenomenon of “violence” had emerged as a real problem.43 Petit crime, physical assault, and the formation of organized gangs meant, according to Delarue (1991:38-39), that “the law of the street” reigned in these neighborhoods.

Delarue heavily questioned the ability of public action to respond to the changing needs and social pressures in “difficult neighborhoods.” (Delarue, 1991:17) But one aspect was clear for Delarue (1991:40), “the Social Development of Neighborhoods had not aggravated the situation.” Delarue relied on a thesis that would be continually evoked to justify the benefits of French urban policy: without it, things could have been worse. And yet the DSQ had not been enough to address “the various factors aggravating the situation.” (Delarue, 1991:41) One of the main difficulties in addressing the “problems of the banlieue” had been the weakness of territorialization. “Public collectivities have territorialized their politics to an infra-communal scale,” Delarue (1991:51) observed, yet “has this territorialization been successful?” Simply put, territorialization as a strategy to improve the efficiency of service provision in “difficult neighborhoods” had not worked, according to Delarue (1991:61). The recent round of institutionalization had brought too many administrations, too many institutions, too much politics in the same place, and yet not all administrations were working together and toward the

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43 The reader may recall François Dubet’s La Galère, where he described the world of social housing estates around three axes: exclusion, social disorganization, and rage. Delarue continually referred to Dubet’s work when speaking of young people (Delarue, 1991:35-40). As mentioned in Chapter 2, “la galère” was based on the thesis that a dual society had emerged: either you are in or out. This type of representation was easily adopted by policy-makers.
same goals. The Report concluded that future legislation of urban policy must address the limits of territoriality as an adept strategy toward solving the problem of “exclusion” in “difficult neighborhoods.” (Delarue, 1991:64-65)

In line with the founding members of French urban policy, Delarue stressed the necessity to reinvigorate “local democracy.” (Delarue, 1991:89) Yet Delarue insisted that there could not be “militants without professionals.” (Delarue, 1991:89) In other words, the success of the DSU – the programme that replaced the Social Development of Neighborhoods – lingered on in a political environment that combined initiatives coming from “above” and from “below.” Delarue wanted to see “the State returned” to the center of decisions, as a guarantor of good politics (Delarue, 1991:89). It was therefore necessary to create new forms of “citizenship,” of “participation,” and of “democratic process,” with the state as the ultimate guarantor of “citizenship” to avoid the worst case scenarios (Delarue, 1991:90) According to the Report, the three scenarios that the DSU had to avoid, at all cost, were:

- The emergence of “communitarian groupings” a phenomenon completely “strange to the republican tradition.” The latter was defined, according to the High Council of Integration (HCI) as “the obedience to the logic of equality and not to the logic of minorities;”

- “A Sicilian drift in the projects; the media is worried about the emergence of American-style ghettos;” in this scenario entire “families” organize crime and drug trafficking;

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44 This has been a common critique to territorialization, and more specifically to the partnership approach in French urban policy; “a partnership always runs the risk of turning into a quagmire of public action without clear responsibilities.” (Le Galès and Loncle-Moriceau, 2001:88)

45 The HCI, according to Dikeç (2007a:79), “was created immediately after the Islamic headscarf affair in 1989 as council for advising the government on the issue of integration.” The HCI’s aim was “to conceive a ‘republican model of integration’,” which eventually turned into “an exclusive republican nationalism” whereby minorities had to accept French cultural values, and not the other way around (Dikeç, 2007a:79)
The extension of the previous two scenarios which could lead to the emergence of “places without faith or law [sans foi ni loi], in which nothing and no one can take hold.” (Delarue, 1991:90)

The Delarue Report was the first governmental report of French urban policy that made reference to the dangers of “communitarianism,” the formation of “gangs,” and the threats this posed on the “republican tradition.” Further, these developments were primarily attributed to young people; “the neighborhood is the young people” as Delarue said. Most importantly, the Delarue Report introduced the notion of “lawless urban areas” to designate the “banlieue.” Hence, the Delarue Report justified two trends that would characterize French urban policy in the 1990s: the penalization of the banlieue, and in particular, the specific spaces of intervention of French urban policy; and, the “return of the (central) state.”

Soon after the publication of the Report, Jean-Marie Delarue succeeded Yves Dauge at the head of the DIV. Delarue’s objectives as president of the DIV were clear: bring back the (republican) state, improve the territorialization of public action, and combine socio-economic policies with penal policies to effectively reduce “social exclusion.” In fact, one of Delarue’s major “achievements” was the introduction of penal institutions as legitimate partners of French urban policy.46 In addition, Delarue made an effort to strengthen the partnership approach as a way of simplifying the delivery of public services in the territories of la politique de la ville. In an interview conducted in 1993, Delarue described his role as a facilitator to “make the State and other partners work together. The State does not do anything alone anymore.” (Delarue, 1993:154) He further added, “I used to say that the administration [the state] functioned,

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46 Chapter 4 (section 4.3.2 ‘Urban violence’ and the presence of the republican state) documents in detail the introduction of the National Police and the Ministry of Justice in the institutional arrangements of French urban policy.
somehow, on empty grounds. Faced with this situation, la politique de la ville has positively responded, to the point where being in the terrain” has become the norm (Delarue, 1993:154; emphasis added). In short, asked the reported, “would you like to reform the state?” “Of course,” without hesitation replied Delarue (1993:158), “I have said this to the highest levels of government, we cannot modify the problems of the banlieue without reforming the methods of actions of the state.” Indeed, during the 1990s traditional methods for the distribution of social assistance underwent big transformations. Jobert and Théret (1995) called it “the neoliberal turn.” Unlike the British or American versions, French neoliberalism could not privatize the insurance market or the system of Social Security, as social movements prevented such radical changes (Levy, 2001:267).47 What took place instead was a “reorientation” of the welfare state to make the latter compatible with “the neoliberal perspective.” (Jobert and Théret, 1995:76) To lower the state budget, Social Security became an exclusive right of the active population – a commitment to “professional solidarity” – whereas those permanently excluded from the labor market had to rely on a system of “national solidarity.” In other words, “the republican state had a social debt toward the victims of progress.” (Jobert and Théret, 1995:76)

A new market of private insurance rapidly evolved in the 1990s, yet only those with a stable job and considerable income could gain access to this market (Levy, 2001). What to do with the long-term unemployed, who “coincidentally” lived in social housing estates generally located in the periphery of cities? To begin with, a new rhetoric emerged, based on the return of the “republican state”; a state committed to “citizenship,” “solidarity,” and “social rights.”

47 The most radical attempts to reform the system of Social Security took place during Edouard Balladur’s tenure as Prime Minister (1993-95) and were continued by Alain Juppé (1995-97). Balladur introduced austerity measures to lower the state deficit, which affected the health care and pension systems. In 1995, people took the streets to challenge the government’s “commitment to liberalization and retrenchment,” and although Balladur and Juppé had to renounce to their project of social reform, substantial changes had been achieved. (Levy, 2001:269)
French urban policy, and its politics of territorialization of public action, would become an important institutional space for the promotion of the republican ideology:

For the management of exclusion, the new rhetoric of republican solidarity tried to conjugate two complementary approaches to citizenship. This rhetoric postulates the affirmation of the eminent role of the national state in the reimbursement of the social debt. It is under the name of a republican citizenship, that new social rights are constructed, with the state as the ultimate guarantor. But the implementation of these rights no longer follows a uniform pattern of delivery of social assistance across the national territory...This new national solidarity is conceived through the lens of territorial policies for the management of exclusion [French urban policy]. A new form of urban citizenship thus substitutes social and professional citizenship which have been denied to the victims [of exclusion]. (Jobert and Théret, 1995:79; emphasis added)

French urban policy became an extended arm of the new republican state. This state was committed to the new urban poor, but unlike previous decades, when social assistance was uniformly distributed across the national territory, those receiving benefits had to meet two criteria: to reside in specific locales and be a deserving poor. In this new context “public action does not have to pretend to reduce inequality, but fight against absolute poverty, public action must therefore be reserved to the worse off.” (Jobert and Théret, 1995:45; emphasis added)

Consequently, French urban policy became the main institutional assemblage through which a new form of “republican and urban citizenship” was promoted. As Delarue (1993:158) said, “my conviction is that [French urban] policy must be reserved to those who truly need it.” The biggest questions during the early part of the 1990s were: who were the “deserving poor”? Where do they live? How can we measure and map “absolute exclusion”?

### 3.6. Absolute geographies of exclusion

The presidential elections took place in 1995 and the Socialist government, in power since 1981, was in danger of losing the elections. Edouard Balladur (Right) was serving as Prime
Minister during the second “cohabitation” government (1993-1995) under François Mitterrand. Balladur pushed for radical neoliberal policies (such as the austerity plans for the health care and pension systems) and had encountered widespread opposition to his politics. Jacques Chirac entered the campaign with a discourse that heavily criticized the arrival of neoliberalism in France and promoted the need to reduce the “social fracture.” In that sense, Chirac placed himself in the center of the political spectrum and eventually defeated Balladur and Socialist incumbent Lionel Jospin. After taking office, Chirac named Alain Juppé as Prime Minister who continued the austerity measures of his predecessor – thus signaling Chirac’s turn to the Right. Juppé tried to reform the Social Security system by increasing the retirement age of public employees, and attempted to raise taxes and reduce social expenditure. By year’s end the new center-right government was facing one of the largest general strikes (November-December) since 1968, and as a result Juppé had to abandon the neoliberalization of the welfare state (Levy, 2001:269-71).

Under this context, the future of French urban policy was uncertain, since as we may recall, French urban policy was created under the Socialists. Yet with his emphasis on reducing the “social fracture” it was clear that Chirac had no intention of eliminating the policy toward distressed urban areas. In effect, in 1995 the new administration addressed the DIV and expressed their intensions to implement a “Marshall Plan for the banlieue.” (Jaillet, 2003:12) The discourse on the “social fractures” was explicitly aimed at reducing “social exclusion,” a term that was being used by proponents of la politique de la ville to describe the general situation affecting the territories of intervention. As welfare provision was shifting its focus to only provide social assistance to the “deserving poor,” it was necessary to devise precise definitions
for the proper identification of the “absolute poor,” so as to avoid unnecessary expenses of public funds.

Therefore, new categories were created to account for the “deserving poor” and the territories that “truly” needed social assistance. The rationalization of the geography of French urban policy was facilitated by statisticians at the INSEE (Institut National de la statistique et des études économiques; National Institute of statistics and economic studies) and the INED (Institut national études demographique; National institute of demographic studies) who created legible cartographies of the “social division of space” and the “spatial distribution of social groups.” (Tabard, 1993; Chenu and Tabard, 1993) The work of statisticians enabled the delimitation of the most vulnerable populations and the identification of the most pertinent variables that contributed to the different degrees of exclusion (Estèbe, 2004:98). In short, statisticians effectively “extracted the territory from the locality” through the mapping of the boundaries of exclusion (Estèbe, 2004:100). Based on this work, the DIV adopted a formula for the classification of the geography of French urban policy. The Indice synthétique d’exclusion (Synthetic index of exclusion, ISE) classified neighborhoods and their degrees of exclusion. The formula was: ISE= (% of 25 years and younger x % of long-termed unemployed x % of school drop-outs x total population of neighborhood)/fiscal potential of the commune.

By 1993, City Contracts encompassed more than 1300 neighborhoods across France. Based on the ISE formula, statisticians were able to identify 750 “excluded” neighborhoods from the 1300 neighborhoods under City Contracts. A further classification of these neighborhoods took place until a precise geography of French urban policy emerged: the 38 most “synthetically excluded” neighborhoods were named Zones Franche Urbaines (ZFU), in the middle of the pack were 230 neighborhoods under the category Zones de Redynamisation Urbaine (ZRU) and the
rest, considered less “excluded,” were termed *Zones Urbaines Sensibles* (ZUS) (see Table 3.2). The new geographies of exclusion were drawn in the context of a piece of legislation launched by the new administration: The Urban Renewal Pact (*Pacte de Relance pour la Ville*, PRV from now on). The PRV was placed under the direction of Jean-Claude Gaudin, Minister for Territorial Planning, City and Integration.

<table>
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<th>Table 3.2 The Geography of French Urban Policy</th>
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<tr>
<td>Name</td>
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<tr>
<td>Zones Urbaines Sensibles</td>
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<td>Zones de Redynamisation Urbaine (ZRU)</td>
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<td>Zones Franches Urbanines (ZFU)</td>
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Adopted by the National Assembly in 1996, the aim of the PRV was, according to Gaudin, to “fight against the territorial fracture,” the spatial corollary of Chirac’s “social fracture” discourse. This fracture, Gaudin continued, “isolates a portion of our co-citizens from the Republic and its values.” (Senate, 8 October, 1996) As Dikeç (2007a:98) observed, “everything in the 1990s, it seemed, was ‘republican,’ except the banlieues, which were deemed to somehow defy the republic’s values and principles.” To justify the new measure, Gaudin alluded to “the rise of unemployment,” and “the emergence of petit crime and urban violence,” as prime examples that the “risk” of “ghettos” was real (Senate, 8 October, 1996). The Urban Renewal Pact intended to stop the process of ghettoization since, “different” from previous policies, the PRV constitutes a “comprehensive programme that seeks to address *all aspects of the daily life of the banlieue*: housing and urban development, *security*, the *restoration of the republican order*, equal opportunities in school, strengthening local public services, and the
development of community life.” (Senate, 8 October, 1996; emphasis added) The reference to “daily life” is important because, in addition to Dikeç’s remark that everything in the 1990s was ‘republican,’ every official document about the banlieue in the 1990s had as its main objective the management of “everyday life.” The “territorial fracture” alluded to the fragmentation of everyday life, no longer fragmented according to functions, but more importantly fragmented from the “republic” itself.

Regardless, the main objective of the PRV was to economically revitalize the most excluded neighborhoods (ZFU), by giving tax concessions and subsidies to firms willing to locate their operations in the designated areas. The axiomatic assumption was that firms would come to deindustrialized neighborhoods and create job opportunities for the unemployed and in particular young people from 18 to 25 years old. The PRV privileged the creation “of jobs for the residents, the return of economic activities, and the exaltation of an innovative spirit, for it is true that unemployment is the main cause for the drift of difficult areas.” (Gaudin in Senate, 8 October, 1996) The method adopted by the PRV for the creation of jobs was, paradoxically, anti-republican in essence. One of the main contributions of the PRV to the politics of social assistance was the introduction of “positive discrimination.” As Dikeç (2007a:99) observed, “the main tenet of the programme was the ‘differential’ treatment of the urban policy neighborhoods by providing financial advantages for businesses in these areas.” However, proponents of the PRV were unable to employ the term “affirmative action” to justify the differential treatment of urban policy neighborhoods, “for it connoted too strongly the wrong-headed approach of the so-called ‘Anglo-Saxon model’.” (Dikeç, 2007a:99)

48 A good portion of Chapter 4 treats precisely this question, namely the discourse that linked the degradation of everyday life with the prevalence of violence and the need to insert “republican” institutions in the fabric of everyday life.
Based on the principle of equality, the republican tradition “is reluctant to designate target-groups” to compensate for “individual liabilities (such as unemployability, absence of training, and difficulties at school).” (Behar and Estève, 1996a:159) Nevertheless, the progression of “precarious situations and the risks of exclusion showcase the limits of this [republican] approach,” since there are more individuals excluded from the labor-market, the school and leisure which no longer qualify for “individualized” social assistance schemes (Behar and Estève, 1996a:159). Behar and Estève (1996a:159-60) claimed that under the pretext of a territorial approach France had introduced a unique system for the distribution of social assistance whereby the most “fragile social categories and territories” are in a “permanent status of exception.” Singling out groups of people based on their ethnic, racial and/or religious origin runs contrary to the republican tradition and it is unconstitutional (Jennings, 2000). Yet “designating spaces,” as Dikeç (2007a:101) pointed out, “was not contrary to the principles of the republic, since it did not imply the official recognition of any particular groups based on culture, ethnicity or religion.”

A remarkable fact about the Pacte de Relance pour la Ville was the precise circumscription of the territories to be “positively discriminated.” The Decree of December 26, 1996 for the delimitation of the zones franches urbaines in certain communes, clearly defined the boundaries of the territories enjoying tax-breaks and subsidies for the re-allocation of firms. To illustrate the point, here is the delimitation of the ZFU of Cilichy-sous-Bois-Montfermeil, which ten years later would become the epicenter of the 2005 revolts:

- Alley of Chêne-Pointu until promenade of Petit-Tonneau;

49 In reference to the crisis of the French welfare state, Bruno Palier (1998:22) writes, “in a period where the economic crisis is marked by high unemployment rates, membership to a professional category as the condition for accessing social security benefits is inadequate.”
- Promenade of Petit-Tonneau until alley Maurice-Audin;
- Alley Maurice-Audin (all plots on each side of the street) until the Postes C.E.S. trail, Louise-Michel included;
- Trail of des Postes (limit of the commune) until the limit of plot section AT number 47;
- Limit of plot section AT number 47 and Northern limit of plot sections AT numbers 26, 25, 24, 19, 18 and 17; these limits correspond to the south of the fences of the stadium Roger Calto and the town park (not included) until the alley Salvador Allende;
- Alley Salvador-Allende until trail of la Vieille-Montagne-de-Clichy;
- Trail of la Vieille-Montagne-de-Clichy until the avenue of Sévigné;
- Avenue of Sévigné until the alley of Bellevue;
- Alley of Bellevue until pathway Stratégique… [the list goes on and on]

It was within the limits of this tightly defined geography that the “deserving poor” resided, those who would benefit from a “republican and urban citizenship.” In short, this is where “absolute poverty” was to be found.

This highly delimited geography was heavily criticized for furthering the stigmatization of neighborhoods. In that vein, the Sueur Report, Tomorrow the city, published in 1998, was particularly harsh in its critique. According to Sueur, “strict zoning” carried more negative effects since “the more we try to rehabilitate or renovate neighborhood X, in the eyes of the public, we are in fact assigning a function and an image to that neighborhood which in effect incites developers or those seeking housing to turn elsewhere.” (Sueur, 1998:24 quoted in Estèbe, 2004:109) The zoning of urban policy neighborhoods “isolates rather than integrates” them into the rest of the city, for the “neighborhood” cannot be conceived outside the city and the city, presently, is the agglomeration.” (Estèbe, 2004:109-10) Moreover, the PRV operated under the assumption that these “neatly delimited areas [ZUS, ZFU, ZRU] supposedly contained both the problem and its solution” (Dikeç, 2007a:103; Palier, 1998:26). In this sense, the Pacte de Relance effectively fragmented urban space according to the degree of “exclusion.” More importantly, the PRV “was arguably the closest French urban policy got to a neoliberal approach,
with a shift in focus from solidarity between communes to economic success within strictly
defined spaces of intervention.” (Dikeç, 2007a:102)

3.7. The ‘threats’ of the banlieue and post-contractual territorial politics

The image of the neighborhoods covered by French urban policy had dramatically
changed by 1997. Whereas the spaces of intervention of urban policy were seen throughout
much of the 1980s and 1990s as sites lacking the necessary social and economic capital to further
their development, in 1997 representations of neighborhoods were dominated by the apparent
expansion of the geography of fear. Concerns shifted away from the social and economic
development of neighborhoods to the “social control” of neighborhoods (Body-Gendrot, 2000).

As Jaillot (2003:12) succinctly summarized the context in 1997:

On the terrain, if the actions [of French urban policy] were carried out, the energy of the
programme ran out of steam, and revived by the explosion of a neighborhood here or
there, a kind of exasperation emerged. [Social disturbances] justified the [discourse on
the] rise of fear and the feeling of insecurity, constructing on the way an image of
neighborhoods that put the accent not on poverty, but on the threats they pose to the city.
The neighborhoods were dramatized by the media, which continually documented the
prevalence of incivilities, vandalism of public spaces, stoning, and attacks at
representatives of public institutions. [These images] justified a call for security and
public order.

In the mid 1990s a new category had already emerged to designate the spaces of intervention of
French urban policy: “sensitive neighborhoods” – this in addition to the technical categories of
ZRU, ZFU, and ZUS. According to Estève (2004:85), “these neighborhoods are sensitive in the
sense that they pose a permanent risk to public order.” Under the pretext that neighborhoods
represented a “threat” to the “republic,” the spaces of intervention of French urban policy were
further fragmented and isolated from the city and the nation.
The legislative elections of 1997 were in fact dominated by the theme of security. The Socialist Party emerged victorious which resulted in the election of Lionel Jospin as Prime Minister, yet Jospin had to share office with Jacques Chirac (1997-2002). Jospin had centered his campaign on the “right to security,” in response to the rising demands for security and the imposing images of the fear and threats of the banlieue. Taking recourse on the “contract” method, whereby localities and the central state agree to work in cooperation on a well defined project for a limited period of time, Lionel Jospin launched the Local Contracts of Security (Contrats Locaux de Sécurité, CLS). The CLS, signed primarily, but not exclusively, in the neighborhoods of French urban policy, were intended to bring the police and the courts closer to the most insecure territories so they could work in conjunction with local governments and the gamut of territorial bureaucracies (education, health, housing, social workers, and so forth).  

Furthermore, despite the emphasis placed on security by the Jospin administration, the government was still committed to reduce poverty and exclusion in the neighborhoods of French urban policy. During the Jospin administration two important pieces of legislation were enacted to address the problem of exclusion and “ghettoisation.” The law of July 29, 1998 relative to the fight against exclusion, was passed to “ensure the effective access of all, across the entire national territory, to the fundamental rights of employment, housing, health protection, justice, education and culture, and the protection of family and childhood.” (Law 98-657 of July 29, 1998) In regards to housing, the law established the “right to housing” as a priority. Likewise, the law of December 13, 2000 relative to solidarity and urban renewal (SRU) was similar to the ‘anti-ghetto’ law (LOV, 1991) that had established the principle of “social mixity” to prevent the “concentration of ‘ethnic’ groups in social housing estates.” (Dikeç, 2007a:12) The SRU set as

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50 Chapter 4 (section 4.5) details the political and discursive transformations of 1997. Particular attention is given to the territorialization of penal institutions in the neighborhoods of French urban policy.
an objective to redistribute social housing across the communes and required the latter to have 20% of its housing units dedicated to social housing. Richer communes had fewer social housing, and thus to force the construction of housing in those communes the law established that failing to attain the 20% threshold would result in a fine of 152 euros for each “missing” housing unit. Mayors of rich communes decided to pay the fine rather than construct social housing which would have meant attracting low-income populations, immigrants, and a deeper commitment to social assistance (such as the construction of schools and other expenses incurred by the communes) (see Dikeç, 2007a:112). The SRU placed the responsibility for the destruction, construction, and distribution of social housing to the communes reducing in the process the responsibility of the central state in the provision of social housing (Donzelot, 2006:107-8). Communes had to negotiate among themselves and commit to a sort of “territorial solidarity,” yet the willingness and incentives for the redistribution of social housing across the national territory were not there. A deeper engagement from the central state was essential if “social mixity” was to be achieved. This more “intrusive” central state in the affairs of housing distribution would emerge in the coming years.

Since 1981, there has been a concerted effort to devolve a variety of central state responsibilities to lower administrative and political echelons (see section 3.3). Similarly, attempts to introduce neoliberal policies in France encountered enormous opposition among the population and civil servants. Conversely, the City Contracts, signed for the 1994-1998 period, had to be renewed or replaced. During 1999, the Jospin government was in discussion for the renewal of the “new generation of City Contracts” for the period 2000-2006. The scale of intervention (neighborhood versus city) was once again at the center of debates. Headed by Interior Minister, Jean-Pierre Chevènement, the “inter-communal” law was signed in 1999 (law
n. 99-586 of July 12 1999) which created a new territorial entity: the communautés d’agglomération (Agglomeration Communities). Agglomeration Communities brought more than 50,000 inhabitants and several municipalities together, and were empowered to receive the business tax of member municipalities (see Table 3.1. and note 10). The “new generation of City Contracts” were signed between individual communes and the state, but also between the “Agglomeration Communities” and the central state. In total, 247 City Contracts were signed encompassing more than 1500 neighborhoods (compared to 1300 for the 1994-1998 period). Moreover, more than 70% of City Contracts were signed among Agglomeration Communities and the central state. The intention was to expand the scale of intervention from the neighborhood to the agglomeration.

The change of government in 2002 – Jacques Chirac was again victorious, but this time enjoyed legislative majority – put in motion an intense round of state reforms centered on the core values of efficiency, financial responsibility and competition. In 2003-04 the Second Act of Decentralization was launched which further defined the competences of each administrative jurisdiction (see Table 3.1). With new tasks and responsibilities, local governments had to manage the public budget with more efficiency. Under Minister of State Reform, Jean-François Copé (2005-07), audit agencies proliferated across France to inspect the financial health of each administration. Furthermore, a renewed concern with “state productivity” brought new “agencies to manage public services.” (Cole, 2008:32) These agencies “are national in their scope and often guarantee a high degree of organizational autonomy. They use new techniques and policy

51 One of the most successful ‘Agglomeration Communities” is the Plaine Commune, comprising the communes of Aubervilliers, Epinay-sur-Seine, l’Ile-Saint-Denis, La Courneuve, Pierrefitte-sur-Seine, Saint-Denis, Stains, and Villetaneuse; all located in the Department of Seine-Saint-Denis. The Plaine Commune financed the extension of the tramway, a new subway and RER station near the Stade de France, and attracted innumerable enterprises to the area (Lefèvre, 2003).
instruments to achieve their objectives, notably tendering, monitoring and performance indicators.” (Cole, 2008:33; emphasis added) These new agencies are entrusted with enormous regulatory capacities to ensure relative levels of performance and efficiency. Of interest to the present discussion is the National Agency for Urban Renewal (*Agence Nationale pour la Rénovation Urbaine, ANRU*).

Chirac’s new Minister of the City, Jean-Louis Borloo, came into office with a well defined vision for French urban policy. The objective, as he said in 2003, was to: “break up the ghettos; [create] jobs and professional insertion; and [the] simplification of procedures.” (Dikeç, 2007a:120) Inspired by his vision, the ‘Borloo law’ was passed on August 1, 2003 *relative to the orientation and programme for the city and urban renovation*. The law is important for it introduced new techniques of governance in the area of territorial and urban policy. The law aimed to standardize the procedure of formulation and implementation of policy, and to create precise methods of evaluation to assess “results.” According to Article 1 of the ‘Borloo law’ the programme of action of the law:

sets for each zone, and for a period of five years, the goals of numerical results for the reduction of unemployment, economic development, diversification and improvement of housing, restructuring or rehabilitation of spaces and community facilities, restructuring of commercial areas, strengthening of public services, improving access to health care based on public hospitals, improving the education system and vocational training, social support, and the restoration of peace and safety. Program delivery is subject to periodic evaluations. (Law no. 2003-710 of August 1, 2003; emphasis added)

This renewed emphasis on results and evaluations required a detail record of numerical data to evaluate progress or regression in the long-term. Thus the law created the National Observatory of Sensitive Urban Areas (*Observatoire National des Zones Urbaines Sensibles, ONZUS*) “responsible for measuring the evolution of social inequalities and disparities in sensitive urban areas [ZUS], to monitor the implementation of public policies carried out in their favor, to
measure the specific means used and assess the effects against the targets and performance indicators” defined by the law (Law no. 2003-710 of August 1, 2003). Since its creation, the ONZUS has published an annual report on “sensitive urban areas” detailing employment, industry, housing, health, education, and security data in each area of intervention.

But the ‘Borloo law’ was best known for the creation of the demolition/reconstruction program. “The national program of urban renewal,” states the law (no. 2003-710 of August 1, 2003), “seeks to restructure, with the objective of social mixity and sustainable development, urban areas classified as sensitive.” The program of urban renewal was based on the rehabilitation, demolition, and construction of housing in the spaces of intervention of French urban policy as defined by the “absolute geographies” of the Pacte de Relance (PRV). There were some additions to this geography, however. The number of Zones Franches Urbaines (ZFU, areas benefitting from tax concessions) was raised to 100, seven of which were in overseas territories (ONZUS, 2007:38). Responsibility for conducting the urban renewal program was awarded to the ANRU (National Agency of Urban Renewal). The finances of the urban renewal program were administered by the ANRU, and decision-making was the sole responsibility of this national agency, with local administrations having minimal saying. The ANRU was awarded a budget of 12 billion euros for the period of 2004-13 intended to demolish 250,000 social housing units, construct 250,000 social housing units, and rehabilitate 400,000 social housing units. Some expressed concerns that the ANRU could result in more demolitions than construction of housing, leaving a portion of the population up in the air. In fact, of the 157 projects signed by the ANRU in 2006, 28,500 social housing units were set to be demolished versus 19,800 social housing units to be constructed (Le Monde, November 12, 2007).
Marie-Christine Jaillet (2003:15) argued that the creation of the ANRU signaled the “death sentence” of French urban policy. By privileging the demolition/reconstruction of housing and urban renewal, the new territorial politics toward distressed urban areas “closed a long-term cycle of French urban policy which was marked by the ambition to redevelop the physical environment, and fight against the disadvantages and exclusions that affect and prevent the populations living therein from finding the means to attain economic and social integration in French society.” (Jaillet, 2003:15) Moreover, the demolition/reconstruction program “narrowed down the engagement of the state to physical interventions only, leaving the social dimension to the initiative and capabilities of local collectivities.” (Dikeç, 2007a:122) Furthermore, the ANRU signaled a break up with traditional modes of governance whereby multiple actors, inscribed within a well define hierarchy, formed part of the formulation, implementation, and evaluation of public policy – a good example were the City Contracts where local administrations negotiated the programme of action with the central state to attain better results. According to Alistair Cole (2008:34):

The growing delegation of regulatory tasks to semi-independent agencies represents an important break with French administrative traditions of uniformity, hierarchy and clear bureaucratic chains of command. French public administration has moved closer to European norms, to the mode of agency governance preferred by the European Commission itself for many of its activities. This development brings France much closer to the new public management norm. There are echoes of UK-style new public management in the definition of national targets (rather than their coproduction by social partners), in the principles of agency monitoring and use of the nationally defined performance indicators that have replaced softer notions of pluralistic self-evaluation.

According to Renaud Epstein (2005) the re-centralization of urban policy around a single agency, the ANRU, signaled the emergence of the “post-contractual territorial politics” (Epstein, 2005). “Post-contractual territorial politics,” writes Epstein (2005:141), “correspond to an
attempt by the state to restore its power and its capacity to intervene at the local level.” In this sense, through the ANRU, and the gamut of national regulatory agencies that have sprung out in the French administrative landscape, “the state organizes its withdrawal from the local, in order to find the capacity of selection and intervention that it had lost by binding itself in multiple contracts.” (Epstein, 2005:141)

3.8. Back to everyday life

Toward the end of Jospin’s tenure, the debates and policies implemented were shaped by the attacks of September 11, 2001 in New York City. On November 15, 2001 the government passed the Law of Security in Daily Life (Loi sur la Sécurité Quotidienne, LSQ) which aimed at reinforcing the police in the fight against terrorism, drug trafficking, and daily disturbances. The law targeted, in particular, the “illegal” appropriation of common areas such as building halls. Thus the law specifically aimed at policing the common areas of social housing estates where young people regularly converged. The “securitarian” turn in French society had already made significant strides in the 1990s, yet the 2002 presidential elections were dominated by a draconian discourse on security. With the extreme Right, personified in Jean-Marie Le Pen, gaining significant support, candidates had to strengthen their positions on issues such as immigration, security, and the banlieue. Le Pen reached the second round and was eventually ousted by Chirac who won thanks to an unprecedented coalition of different fractions of civil society in repudiation to the rise of the extreme Right. The new Interior Minister, Nicolas Sarkozy, quickly enacted a series of securitarian laws designed to better police the spaces of everyday life in social housing estates.
Of particular interest, was Law no. 2002-1094 of August 29, 2002 on the orientation and programme of interior security (the so-called ‘Sarkozy law’) and Law no. 2003-239 of March 18, 2003 for interior security (LSI law). These two measures reinforced Jospin’s LSQ law, by criminalizing and introducing repressive measures against prostitutes, beggars, squatters, and young people gathered in building halls. The laws facilitated identity checks by making them almost arbitrary. As a result, police forces were massively deployed in the spaces of intervention of French urban policy to, presumably, control drug trafficking and the “illegal” appropriation of common areas. These laws were not designed, according to some police officers, to reduce the underground economy, but rather “to show that we are back there, and that we do not accept lawless urban areas.” (Libération, January 14, 2003) Innumerable laws, decrees, and reforms to the penal system and the police (Chapter 4 discusses in detail these laws) were passed since 2002, which consequently reinforced the presence of the police and courts in the spaces of intervention of French urban policy.

Perhaps the most dramatic consequence of the intensification of repressive measures against everyday life was the 2005 revolts. As the reader may recall the 2005 revolts were originated by a police identity check that went wrong, resulting in the deaths of Zyed and Bouna. The 2005 revolts sprung out in a context in which the “banlieue” was heavily repressed, when the “securitizing” discourse was particularly strong against “youths from the banlieue,” and when the state had retreated from the provision of social assistance to the neighborhoods of French urban policy (See Chapter 1). In fact, reports issued by the Cour des comptes (Court of Accounts) in 2002 and 2007 concluded that “the efficacy and efficiency of French urban policy remains uncertain.” (Le Monde, November 8, 2007) The complex bureaucratic system and overlapping policies had affected the “quality” of services rendered to the spaces of intervention.
In particular, the reports added, local associations were unable to receive the necessary financial resources in time, thus hindering their operations (Le Monde, November 8, 2007). Numerous scholars and community leaders had observed that prior to the 2005 revolts, while Sarkozy was targeting the “youths of the banlieue,” funding for local associations had been cut, and thus argued that the retreat of the state from the social domain and the state’s commitment to repression were the primary causes for the 2005 “events” (Lagrange and Oberti, 2006).

Following the 2005 revolts, the capacity of French urban policy to prevent social disturbances, was once again put in question (Bacqué and Denjean, 2006). The election of Nicolas Sarkozy as President of the Republic in 2007 – perhaps as a reward for instigating the 2005 revolts! – intensified a neoliberal discourse that had roamed the French public sphere since the 1990s. The emphasis this time centered on “state productivity,” the “repression against delinquency,” and “individual responsibility.” Sarkozy sought to reform, yet again, French urban policy stating that “we will reinvent the city,” since this is a “challenge of civilization.” (Le Monde, February 8, 2008) While recognizing the “diversity” of the population of the banlieue, a major achievement considering that the official recognition of ethnic, racial or religious difference is unconstitutional, Sarkozy decided instead that the state can no longer help those who live off public assistance. “It will be necessary,” said Sarkozy (Le Monde, February 9, 2008; emphasis added) in reference to the population of the banlieue, “to wake up early and earn the trust of the state. The state will help those who are willing to do something for themselves. Those who do not want to do anything, the state will do nothing for them.”

### 3.9. Conclusion

From 1983 to 1996, French urban policy had undergone innumerable transformations. Institutionally, the policy toward distressed urban areas had been reinforced with the creation of
new institutions (i.e. the DIV, Ministry of the City, the PRV) and the enactment of a variety of laws (LOV and DSU) which aimed at reducing social and territorial inequalities. Geographically, the spaces of intervention of urban policy had been expanded and neatly defined. The absolute geographies of exclusion, constructed for the Urban Renewal Pact, intended to circumscribe the territories that “truly” needed social assistance. In terms of objectives, urban policy had oscillated from two main approaches: socio-urban initiatives and economic approaches. Whereas in the 1980s emphasis was mainly placed on social and architectural measures to ameliorate the deteriorating physical conditions of social housing estates, in the mid 1990s the policy toward distressed urban areas paid more attention to the economic success of the spaces of intervention.

Since 1997, the solutions to the “problem of the banlieue” have been reduced to two options: the repression of the populations of the banlieue, and the demolition/reconstruction of social habitat. Further, the accent is no longer put on exogenous social and economic causes that contribute to patterns of socio-spatial exclusion, but rather on the “willingness” and responsibility of each individual to do something and “earn the trust of the state.” (Bonelli, 2008; Donzelot, 2006; Oblet, 2008) On the one hand, the state has renounced to the project of developing the social and economic capital of the spaces of intervention, deciding instead to demolish the spaces supporting everyday life and start anew elsewhere through the demolition/reconstruction program. Second, rather than increase the delivery of social services in those places not intended to be demolished, the state has instead intensified the delivery of “penal services,” thus criminalizing the everyday life of the populations living in the spaces of intervention. Finally, responsibility for furthering the development of neighborhoods covered by French urban policy has shifted away from local associations, the communes, the departments, and the gamut of state institutions that have territorialized their actions in those neighborhoods,
to the individuals themselves. Each citizen must wake up early, find a job, and work in order to improve their life conditions.

In that sense, French urban policy has been a key institutional arrangement for the restructuring of the French welfare state and a testing ground of neoliberal governance techniques. Based on the principle of “national solidarity” the French state constructed a redistributive system of welfare provision at the national scale. The economic and social crisis of the 1970s was acutely exacerbated in social housing estates, whose populations had been victimized by deindustrialization. Taking recourse on the principle of “national solidarity” the National Commission for the Social Development of Neighborhoods (CNDSQ), headed by Hubert Dubedout, intensified the delivery of social, economic, and cultural services in the “most critical” neighborhoods. With French urban policy the territorialization of welfare provision was initiated. Nevertheless, concurrent with the neoliberalization of welfare states in Europe and North America, a round of privatization of insurance markets and a discourse on the “deserving poor” blossomed in France (Levy, 2001; Ferrera, 2005). Based on the principle of “republican solidarity,” proponents of French urban policy neatly circumscribed the spaces that housed the “deserving poor” through the Pacte de Relance pour la Ville (PRV). The further liberalization of insurance markets, and the emergence of a French state deeply committed to reducing the public budget, increasing “state productivity,” and providing social assistance when truly necessary, resulted in the retreat of the state from the social domain in French urban policy and the reinforcement of the “penal state” in the spaces of intervention. Is French urban policy a neoliberal policy? The answer to this question still haunts many scholars and commentators alike. The reason, I believe, is that there are no clear yes and no answers. What we can observe,
however, is a tendency toward a discourse with increasing neoliberal connotations, evident in particular by the changing discourse surrounding French urban policy.

Over the last decade, discourses on French urban policy have focused on “efficiency,” “efficacy,” and “productivity” and the policy’s capacity to deliver services. Further, recent discursive interventions by Nicolas Sarkozy have radicalized French urban policy, where there is no mention of “national solidarity” or “republican solidarity” for the justification of the territorial approach for the delivery of social assistance. On the other hand, the “republican” discourse has been reserved to the area of crime control, where politicians often highlight the threats crime, violence, gangs, and the banlieue pose to the republican tradition, as Chapter 4 will argue. In the area of social policy – that is, the capacity of the republican state to offer a universal minimum level of provision – the emphasis has been placed on “individual responsibility,” rather than an effort of “national solidarity,” as the condition for receiving welfare benefits. In that sense, it seems that the discourse of the social state is moving closer than ever to the generalized tendency by the most advanced capitalist-democratic countries to move from “welfare to workfare,” where those who work are compensated by the state and the unemployed are further excluded from a shrinking system of welfare provision (Jessop, 2002; Peck, 2001). Nevertheless, it would be erroneous to claim that the French state has withdrawn from the area of social welfare provision. Likewise, erroneous would be to claim that the state has devolved all its responsibilities of welfare provision to sub-national or supra-national administrations. In fact, through the institutional arrangements of French urban policy, the central state has assured itself a permanent presence at the local level. Through policy instruments like the contracts and partnerships, the central state invents new ways to delegate responsibilities in the areas of social, economic, cultural, and territorial policy to sub-national administrations, while at the same time assuring
itself a central role in the formulation, direction, and implementation of public policy at the local level.

Yet French urban policy is not an institutional arrangement to increase the competitive advantage of cities, as observers of urban policies across Europe have noted in the case of other national contexts. The objectives of French urban policy, despite recent institutional and discursive transformations, are primarily social, as opposed to economic. As Dikeç (2006:76) noted, “French urban policy has not sought to institutionalize inter-urban competition and to encourage a growth-first competitive logic as an overriding goal. Economic growth and competition have not replaced social issues as primary objectives; urban policy is a social, not an economic development, policy.” Nevertheless, it is still uncertain what the future holds for French urban policy, and more importantly, for the spaces of intervention. What is clear is that French urban policy will remain a privileged site for demagogues, and with the fall and rise of new political personalities (from the Left, Right, extreme Right, though perhaps not, the extreme Left) the motivations and directions of French urban policy will change along.

Regardless of the political context, French urban policy has enabled the formation of a complex set of organizations and institutions that tied multiple actors, located at multiple scales, to the territories of *la politique de la ville*. Understanding the origins, evolution and consolidation of French urban policy and its geographical implications has thus been crucial for apprehending, in subsequent chapters, why and how the Ministry of Justice got involved in the fight against “social exclusion” in “lawless neighborhoods.” The Ministry of Justice’s actions in the *banlieue* benefited from the presence of urban policy structures on the “territory.” First, urban policy brought multiple institutions into the neighborhoods in order to collectively work and devise solutions for the “problem of the banlieue;” included among those institutions was the Ministry
of Justice; second, in light of the definition of “social exclusion” as both a socio-economic as well as a penal problem, the Ministry of Justice rendered judicial services to places increasingly understood to be in “need” of social and penal interventions; and finally, the decentralization laws allowed mayors to take responsibilities over security issues, and thus municipalities have had to “interpellate” central institutions (i.e. National Police and Ministry of Justice) to help them fight crime and the fear of crime. In other words, changing modes of territorial governance in France, understood through the evolution of urban policy, may help us explain the increasing “territorialization of the courts.” Crucial to the increasing presence of the courts in the spaces of intervention of French urban policy was the shifting representations of the banlieue. From neighborhoods lacking the necessary social, economic, and cultural capital to further their development, the banlieue became a “threat” to the “republic,” thus justification for the territorialization of the “republican law.” It is to this discursive transformations and the territorialization of penal institutions in the spaces of intervention that we now turn.
4.1. Introduction

On January 31, 1995, Hubert Zodros, a member of the Mini-Black Boys, a gang of young individuals residing in Aubervilliers (Seine-Saint-Denis), was killed by 21-year old Haitian J.P. Wilkins. After surrendering to the police, Wilkins confessed he wanted to quit the Mini-Black Boys, thus the motive of the homicide. In retaliation, other members of the Mini-Black Boys went to Wilkins’ old apartment and set it on fire. To their misfortune, an 84 year old neighbor was burned in her face by the flames and consequently passed away at a local hospital. Wilkins, of course, was not in the apartment at the time of the incident. Two weeks after the fire, five members of this “dreadful band of black teenagers” were arrested in various social housing estates of Aubervilliers. The three oldest members, 17 years old, were placed on provisional custody. A fourth one, aged 16, was taken to a home for young offenders. The youngest member, a very “dangerous” individual according to the magistrates, was “only twelve years old and had already amassed an impressive list of delinquent activities that turns you pale.” (Le Parisien, March 17, 1995)

The story, covered in the Seine-Saint-Denis edition of Le Parisien, cited a report prepared by the French Intelligence Service, or the Renseignement Généraux (RG). The RG kept a close eye on the Mini-Black Boys since they first appeared in the housing estate of Quatre Chemin at Aubervillier in the early 1990s. According to the RG report, the Mini-Black Boys were the perpetrators of multiple aggressions at the metro, burglary of local businesses, car theft,
and racketeering. Moreover, some of the members “had already served time in prison, despite their youth.” Magistrates who had previously prosecuted the Mini-Black Boys described them as a “gang à l’américaine,” “totally unrecoverable” and “fearing no one.” Even more threatening, the Mini-Black Boys were not “guided by any ideology;” their only objective was to attack “young white boys and girls.” (Le Parisien, March 17, 1995)

The period between 1993 and 1998 witnessed a spectacular rise of juvenile delinquency in France, when the average 95,000 young people annually convicted in the pre-1993 era nearly doubled in a five year span to more than 170,000 convictions (Lagrange, 2002:161). Furthermore, images of collective violence, crime, the banlieue and youths were continually fostered by the press and penal institutions increasingly involved in the politics of crime in the banlieue. Emphasis was placed on the young age of offenders, the salience and collective dimension of violence, and the location of their threatening conduct, thus effectively forging a “fear of the banlieue.” (Rey, 1996) The appearance of “ethnic gangs” in the banlieue was portrayed as a paradigmatic example of the expansion of “ghettos” across the French urban landscape and the Americanization and racialization of violence, a highly misleading comparison according to critical scholars (Wacquant, 1992, 1993, 1995).

Youth gangs represent the tendency of “communitarianism,” that is the formation of ethnic communities seen, in turn, as a “threat to the cultural and political integrity of the republic.” (Dikeç, 2007a:11) Communitarianism, and its spatial corollary, the “ghetto,” are notions popularly employed in policy discourse, the media, and public officials to denote the ethnicization of social and territorial relations in contemporary urban France (Tissot, 2007). The image of “ethnic communities” and the terror they generate played an important ideological role in a political context dominated by a discourse on threats to the “republic” and the need to
restore its power and legitimacy (see Chapter 3, section 5). Under this political climate, the advent of “ethnic gangs” and their presence in public space was seen as a direct confrontation to republicanism, a set of political values around which the French state has been constructed that promotes equality and liberty at the expense of the non-recognition of cultural differences in political (public) life, particularly racial differences (Jennings, 2000). “Urban violence,” a term popularized during the 1990s to denote the collective dimension and specific geographic location of violence became a euphemism for racialized violence, and thus that which opposed the Republic. In response, republican penal institutions (police, justice, RG) prioritized the fight against “urban violence” during the 1990s, thus bolstering the “territorialization of the Republican law” in those same neighborhoods where the threat against the Republic prevailed.

During this period any gathering of young people in public space was understood in terms of “bands.” Although these bands are not comparable to American gangs (Mohammed, 2007), nor are there visible patterns of hierarchical organization among them, these groups, structured around a common territorial (and perhaps ethnic) identity, are the source of the great majority of “urban violence.” (Esterle-Hedibel, 1997) As illustrated in the story on the Mini-Black Boys, key penal institutions such as magistrates (the courts) and the French Intelligence Service have increasingly intervened in the banlieue. Republican penal and social institutions have intensified their presence in public space as a measure to break up these potentially violent social and collective modes of socialization. Presupposed in these practices is the idea that “youths from the banlieue” have developed a particular identity, structured around the informal rules of the territory and “different from the normal and common citizen.” (Peyrat, 2003:98) In other words, the territory of the cité falls outside the legal framework of the republican state and the generally accepted rules and norms of “our society” (see Chapter 2). The image of a dual

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52 Another term referring to public housing estates. An English translation of the cité could be the “project.”
legal society, reinforced by state officials and policy discourse effectively justified the insertion of penal institutions into “lawless neighborhoods.”

The politics of “urban violence,” fully discussed in the first section of the chapter, and the gamut of national and local security policies devised to contain those actions, the topic of the third and final section of the chapter, reveal the fundamental struggle of the politics of prevention: how to increase the presence of the state in the everyday life of the banlieue where violence originates and finds expression. Over the past several decades, emphasis has been placed on the debilitating effects of crime and violence on everyday social relations (Beaud and Pialoux, 2003). Commentators on the subject argue that the fear and consternation prevailing in places ridden by ordinary crime and violence – theft, petty crime, and aggressive gatherings of youths – prevents users from frequenting collective spaces, thus hampering neighborhood relationships, and consequently destroying the possibility for the emergence of informal social control mechanisms (Bacqué and Sintomer, 2001). This vicious circle pulls neighborhoods in a downward and endless spiral of destitution, desolation, and exclusion from urban life (Dubet and Lapeyronnie, 1992). Insecurity, a generalized feeling produced out of the combination of crime and fear, and the main objective of contemporary security politics in France, attacks the very foundations of collective and urban life (Donzelot, 2006).

The reality of insecurity and the threats it poses on daily life are more pronounced in housing estates generally located in the banlieue (Bonnemaison, 1983; Duprez and Hedli, 1992). Inhabitants of social housing estates, particularly those of immigrant extraction, have experienced a steady decline of their life conditions as a result of long-term unemployment, concentration of poverty, and discrimination and differential treatment from institutions (Bachmann and Le Guennec, 1996; Duprez, 1997; Samers, 1998b). Furthermore, the
deterioration of their material reality is exacerbated as crime and disorderly conduct envelops the spaces supporting everyday life in the city, such as building halls, benches, parking lots, and streets (Personal interviews, 2008). “Quotidian” conflicts are one of the major sources of insecurity. To stem these “ordinary” transgressions, and the insecurity they produce, national and local governments have attempted to inscribe an array of penal and social institutions in crime-prone areas to police everyday urban spaces.

To illustrate how everyday life was suddenly implicated in the production of insecurity, the chapter begins with a discussion of the term “urban violence.” This latter term came into usage during the 1990s to denote a series of non-punishable disorderly conducts as well as criminal, and at times violent, actions committed by young people from social housing estates in the banlieue. “Urban violence” as a rhetorical and political phenomenon generated a vast range of legislative pieces and helped mobilize a whole new set of actors and institutions in the “spaces of relegation” throughout the 1990s (Delarue, 1991). Government concerns centered on the collective character (i.e. bands), the young age of perpetrators, and certainly, the anti-institutional dimension evoked in episodes of “urban violence.” This term, however, masked the distinction between “expressive transgressions” and “crimes of appropriation,” the former being highly political acts often conflated with criminal and delinquent activities (Lagrange, 2002). As such, every act committed by young people in the banlieue, whether violent or not, could have been potentially classified as “urban violence,” a catch phrase to indicate the geography of violence in France. Through this term a cartography of violence was drawn – in which Seine-Saint-Denis was consecrated the cradle of “urban violence” – allowing, in turn, a mapping out of the spaces void of law and consequently identifying the territories necessitating a stronger presence of the republican penal state (Dikeç, 2006). The trio of the Ministry of Justice, the
National Police, and the French Intelligence Service emerged as the principal penal institutions to be “inserted” in outlaw urban areas (Wyvekens, 1997). Most importantly, by conflating all sorts of transgressions under the term “urban violence” a direct connection was established between the presence of “ordinary” offenses and the episodic eruption of “riots.” In this sense, the fight against “urban violence” became a fight against the degradation of everyday life and its spaces. The fight against everyday life reached troubling proportions in the post-1997 period when the enactment of a myriad of laws further inscribed penal institutions within the fabric of everyday life thus consolidating the republican penal state, the topic of the last section of the chapter.

4. 2. Everyday life and “urban violence”

It is then clearly a word that needs early specific definition, if it is not… to be done violence to – to be wrenched from its meaning or significance. (Williams, 1983:331)

A complex word, “violence” has often been utilized to explain a wide range of actions that do not necessarily refer back to its primary meanings of physical assault and the use of physical force. Confusion begins to pile up when the word denotes other senses, as in “violence in television,” “violence as threat” or “violence as unruly behavior.” (Williams, 1983:329-30) To understand interpretations of what violence might mean in a particular context, Raymond Williams suggests we turn our gaze to the state. As the only entity to hold legitimate possession of the means of violence, the state finds itself in the privileged position of deciding when and who is allow to use force. By means of the police and the courts, the state exerts its capacity to use force to protect and maintain the existing political, social, economic, and certainly legal order (Giddens, 1987). State “violence” is therefore informed by the logic of means and ends, the protection and maintenance of the legal order always justifying the means (Benjamin, 1986:280;
Arendt, 1970). Williams astutely noticed, however, the suspect tendency whereby the state seldom characterizes its actions designed to maintain order as violent, preferring rather the term “force” (i.e. police force).

To understand this turn of events, we must take into consideration the distinction between “authorized” and “unauthorized” force; the latter is generally understood as violent, such as the “violence of a terrorist,” whereas the former usually describes itself as “force” or “defense,” as in military defense. Despite the fact that both the terrorist and the state use force to attain their particular ends, Williams noted how a distinction is often drawn between these two forms of “violence.” For state “force” is not only “authorized,” more importantly it is not “unruly.” It is often the “unruly” who are deemed violent, not necessarily because of the use of “force” but the threat illegitimate actions pose on the existing social order. A clear example, previously cited in Chapter 1, is taken from the 2005 revolts when France’s current President, Nicolas Sarkozy, acting at the time as Interior Minister, remarked that “the difference between the force of the Republic and the force of rioters is that the former is legitimate and follows a framework of values, with rules” (Assemblée Nationale, 8 November, 2005). The “force of rioters” is always deemed violent for it operates outside the legal framework.

The de-politicization of revolts has been widely documented by social scientists concerned with the social and spatial justice of French banlieues (Dikeç, 2004). Social disturbances are rarely described as “revolts,” and they are strategically referred to as “riots.” (see Body-Gendrot, 2006; Tilly, 2003) As Collovald (2001: 106) noted, in the 1990s the word “riot” (émeute) was introduced “in the vocabulary to describe social disorders in the banlieue.” A “riot” has enormous criminal implications – property damage, physical assault at police forces, etc. – thus stripping off the contestatory character of social disturbances. But since the 1990s a
wide range of “unruly behaviors” originating in the same geographical location, the banlieue, have been lumped together under the term “urban violence” to denote the threat of the banlieue to the existing social, political, economic and spatial order of contemporary France. As the term was liberally employed in the media, by politicians, and by social scientists to describe, highlight, or simply condemned the new spatial relationships of urban France, its meaning and significance began to swirl away.

Historically, the “riot” was an episodic, yet spectacular, event triggered by a police action gone wrong. The decade of “urban violence,” the 1990s, was characterized by the recurrence of “riots” catching the attention of the media and political leaders. The first of these major “riots” was at Vaulx-en-Velin, a suburb of Lyon, on October of 1990. Thomas Claudio, a handicapped boy, was on the back seat of his friend’s motorcycle. Chased by a police patrol, the driver lost control of the motorcycle, throwing Claudio to the ground and killing him instantly. A “riot” quickly ensued at Sartrouville when police officers killed Djamel Chettouh on 26 March, 1991. The first “riot” of Mante-la-Jolie occurred on May 25, 1991 when Aissa Ihich, a 19 year old kid, and asthma patient, was in custody at the police station and was denied access to his medication. Ihich died at the police station. A month later, on 9 June kids from Mante-la-Jolie were performing rodeos in their neighborhood when one of the cars hit a police officer. Infuriated, police officers retaliated and shot 23 year old Youssef Khaif, killing him (Bonelli, 2008:91; Dikeç, 2007a:77). These and other similar stories were at the heart of “riots” during the 1990s. According to calculations made by Dikeç (2004), between 1990 and 2000 there were 48 large-scale “riots” in French banlieues. Interestingly, Dikeç (2004:201) notes that “riots” in the 1990s tended to occur in neighborhoods with high proportions of immigrant families where levels of unemployment were high as well as in priority neighborhoods of urban policy. Perhaps most

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53 Drag racing with stolen cars that are ultimately burned in most cases.
telling of all was the fact that 34 out of the 48 “riots” of the 1990s, were triggered by “the killing, accidentally or not, of a young person, of immigrant origin, of the neighborhood in question” (Dikeç, 2004:203). In almost thirty of those killings or woundings the police were implicated. Despite the causal effects of violent police practices as they encountered youths from the banlieue, public attention focused not on the triggering incidents, but on the degradation of these neighborhoods and the failures of urban policy to reduce social exclusion (Bonelli, 2008:91).

Interior Minister, Pierre Joxe, was under pressure to respond to these political “moments” of contestation. A special section originally called “Urban violence” was created under the direction of the French Intelligence Service (Renseignement Généraux) and given to Lucienne Bui-Trong.54 The Renseignement Généraux (RG, hereafter) has been central to the “exercise of political power in France.” (Bonelli, 2001:95) The Intelligence agency is particularly concerned with the defense of state institutions and the maintenance of social order. Its principal mode of operation is the surveillance of “social and political movements of ‘contestation’.” (Bonelli, 2001:95). To justify the role of the RG in combating urban crime a discursive turn was necessary; thus the birth of the notion “urban violence.” This term was introduced by the RG, the press, and public discourse during the 1990s to designate “weakly organized actions, from youths acting collectively against goods and persons linked to institutions in neighborhoods regarded as ‘sensitive’ by authorities, but also against other young and older residents.” (Body-Gendrot, 2000:68; emphasis added) Furthermore, since the RG is an institution concerned with “political contestation” and not necessarily with crime and delinquency in general, it was necessary to assign a political dimension to juvenile delinquency. The term “urban violence”

54 Bui-Trong was a graduate of the Ecole Normale Supérieure of Fontenay-aux-Roses. She also attended the universities of Paris, Rennes, and Vincennes, and later in her career attended the Police School of Inspectors and Commissioners. She was a teacher of philosophy in a high school and it was later that she became full-time police commissioner at the RG. She was often presented as an intellectual-cum-police officer (see Bui-Trong, 2000).
served this function by stressing the collective dimension and the instrumentality of juvenile
delinquency “against the state.” (Bonelli, 2001:97) To defend the state from these “urban”
attacks, the RG provided its resources and expertise.

The mission of the RG was to analyze the evolution of juvenile gangs (bandes de jeunes)
in French banlieues (Bui-Trong, 2000:19). The section “Urban violence,” later called “Villes et
banlieues” (Cities and banlieues), devised a list of “sensitive neighborhoods” and created a
database to document the evolution of “urban violence” in those areas. The analysis of “urban
violence” was ultimately based on the Bui-Trong scale (Table 1), or urban violence scale, created
in 1991 to better define, understand and manage this phenomenon (Bui-Trong, 1993).

Table 4.1: Index of Collective Violence, French Intelligence Service (Renseignement Généraux)

<table>
<thead>
<tr>
<th>Degree</th>
<th>Characteristics</th>
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| 1      | Collective violence with no anti-institutional connotation  
Raids in shops  
Rodeo of stolen and then burnt cars  
Villainous delinquency in gangs against individuals (racketeering)  
Fights, gangs setting scores |
| 2      | Collective provocations against vigils or guards  
Verbal and gestured insults towards adults in the neighborhood,  
uniformed police officers, and teachers  
Furtive anti-institutional vandalism (schools, post-offices,  
teachers’ cars, public spaces) |
| 3      | Anti-institutional assaults: uniformed police officers and teachers |
| 4      | Hostile crowds gathering during police intervention  
Threats to policemen on the phone  
Police patrol cars being stoned  
Demonstrations in front of police stations  
Drug-dealer hunting |
| 5      | Vindictive crowd gathering, hindering police intervention  
Police station invasion |
| 6      | Assaults on police officers  
Open attacks on police stations  
Ambush of police stations |
| 7      | Open and massive vandalism (shop window havoc, car breaking,  
Molotov cocktail) of small duration, without confrontations with  
police officers, and done by 15 to 30 youths |
| 8      | Guerrilla warfare, riots, looting followed by confrontations with |
police officers, lasting three to five days and staged by 50 to 200 youths


The data provided by the RG allowed the identification of the most violent neighborhoods. Annual reports illustrated the evolution of “urban violence.” Based on RG numbers in 1993, 485 neighborhoods were touched by “urban violence.” Since then, the number of neighborhoods increased most years (647 in 1994, 636 in 1995, 664 in 1996, and 749 in 1997). Of the 749 neighborhoods in the list in 1997, 358 neighborhoods have been consistently in the list since 1993. One hundred and forty seven new neighborhoods appeared in 1994, 56 in 1995, 76 in 1996, and 112 new neighborhoods joined the list of urban violence in 1997. These numbers showed that the geography of violence was expanding, the phenomenon touching more than 50 new neighborhoods every year. The type of “violence” these neighborhoods experienced varied as well. Four hundred and thirty nine neighborhoods were situated in degree 1. Further, 143 neighborhoods were in degrees 2 and 3, and 167 neighborhoods reached degrees 4 to 6 (anti-institutional violence). Not surprisingly, the department of Seine Saint Denis had the greatest number of neighborhoods (64) with “urban violence” than any other. The “fear of banlieues” (Rey, 1996) that developed during the 1990s was in direct relation to the elucidation of the “geography of violence” often associated with the banlieue.

Throughout the 1990s some territories were associated with the phenomenon. Always cited in these reports were the departments of Seine-Saint-Denis (suburb of Paris), Vaulx-en-Velin (Lyon), Essonne (Paris), Val d’Oise (Paris) and Seine-Maritime (Rouen). Other agglomerations often associated with “urban violence” were Toulouse, Strasbourg, Nice and Marseille. In particular, Seine-Saint-Denis, a northeastern suburb of Paris, almost always appeared first in the list. A “criminal laboratory” for criminologists, “experts” and politicians (Bauer and Raufer, 2002:26), Seine-Saint-Denis epitomized the geography of “urban violence.”
In the 1998 report, the reference to Seine-Saint-Denis was explicit: Seine-Saint-Denis is “the most gravely affected Department in France, in terms of multitude of ‘incivilities’, violence among young people, gang violence, and anti-police feelings that have become an integral part of a culture of banlieues.” Although the risk of major explosions (degrees 7 and 8) was minimal, the report concluded that the “feeling of insecurity is very high.” (DCRG, 1998:103) Two “experts” that greatly profited from the economy of “insecurity,” Alain Bauer and Xavier Raufer (see Mucchielli, 2001:32-37), published a Que sais-je?55 entitled “Urban violences and insecurities.” Using the data from the RG the authors conclude that Seine-Saint-Denis typified the concept of “ghetto à la française.” (Bauer and Raufer, 2002:27)

What “urban violence” meant remained somewhat vague, however. Bauer and Raufer claimed that “urban violence” was a homogenous term because “all the acts committed reveal a form of primitive delinquency, often brutal…the perpetrators of these violences have a well defined age and social reference; urban violence takes place in particular territories.” (Bauer and Raufer, 2002:11) Based on “official statistics,” the authors show the constant growth of “urban violence” from 1993 to 2001 (from 3,000 to more than 30,000 registered episodes in 2001), the “brutality” of crimes (45 deaths in 2001 versus 33 in 2000), the young age of perpetrators (aggravation of violence in the school system), and finally the territories affected (the banlieue).

The geographical connotations of violence were clear. The “urban” was used to distinguish violence originating in the banlieue from that of urban centers (Macé, 1999:59). Yet this notion did not explicate what made violence exclusively urban or why was it different from other forms of violence. In effect, the term “urban” referred more to the scene (banlieue) than the cause of violence. In that sense, the term “urban violence” was a euphemism “for a form of

55 Que sais-je? is a series that introduces important topics to the public. Their accessible language and brief introduction to complex social issues have made this series very popular.
violence related to the social relations of exclusion, the ‘urban’ was just the place where these social relations of exclusion were spatially projected.” (Macé, 1999:61) The reference to exclusion was not coincidental since in the 1990s “social exclusion” became the main object of public policy (Chapter 3). As a matter of fact, the list of neighborhoods that the RG first used to map out the geography of violence was taken from the classifications made by French urban policy (Dikeç, 2004). Unofficially, the geography of “urban violence” became “an integral part for the designation” of neighborhoods to be included in urban policy. If a neighborhood was regularly cited in the RG, the chances that it would be designated “sensitive neighborhoods” were very high, and vice versa (Estèbe, 2004:85). Riots were, in short, the violent expression of social exclusion (Lagrange and Oberti, 2006).

4.2.1. Violence and the death of the street

“When violence first appears in a neighborhood,” Bui-Trong (2000:63) noted, “the first target is the immediate environment (commons, cars in the parking lot). Vandalism becomes a means to mark space or to express resentment.” As a means of expression, violence is inscribed in the everyday spaces of the city. It is this inscription – physical degradation, graffiti, aggressive crowds, etc. – that constitutes the first sign of “urban violence.” The term, however, forbids making the important distinction between what Lagrange (2002:160) calls “expressive transgressions” and “crimes of appropriation,” the two main registers of juvenile delinquency. A large proportion of transgressions committed by young people are driven by their desire to express frustration, anger, and resentment against a situation they find unjust, humiliating and degrading (Dubet, 1987; Kokoreff, 2003). Particularly troubling for young people growing up in “difficult neighborhoods” is the conflictive relationship they have developed with the police
(Mucchielli, 1999). A conflict poorly addressed by past administrations (Battegay and Boubeker, 1992), the police-youth relationship was at the heart of popular revolts during the early parts of the 1990s, and more recently it constituted the trigger for the 2005 revolts (see Chapter 1 and above). Kokoreff (2003:147) reminds us that “what is at stake is not the expression of an arbitrary violence [by young people], but fear. Fear of a police ‘blunder’…this fear is particularly strong among young people of popular neighborhoods who are confronted by repeated identity controls, verbal provocations, humiliations and racism from the part of the police.” Dubet (1987:80) too observed that “rage” structured the system of actions of young people in popular neighborhoods. In his investigation on the transformations of popular neighborhoods Dubet (1987:86) found that “domination, the impression of being rejected, crushed, humiliated, all these feelings are crystallized on the police, the face of their rage.” Attacks on police officers, public officials (post office), destruction of property, rodeos, and graffiti constitute the main repertoire of “expressive transgressions.” It is the anti-institutional connotations of these transgressions that concern public officials. The Bui-Trong scale takes notice of this “anti-state” violence. Despite the political character of “expressive transgressions,” they were nonetheless confounded with delinquent activities in the scale of “urban violence.”

One of the main differences between these two forms of juvenile delinquency is precisely the end they pursue. Appropriation crimes often involve thefts, thefts with violence, racketeering, and drug dealing. Expressive transgressions, on the other hand, seek no instrumental end. This distinction is important because expressive transgressions manifest a larger critique of life conditions, real political moments that must not be confused with criminal activities which seek the illegal appropriation of goods for personal, or collective, gains. Hidden in the notion of “urban violence” is this political dimension of young people’s daily conflict in the urban arena.
The street constitutes an important arena for the encounter of the state and urban dwellers. The police, in particular, are a highly territorial institution whose presence in the territory is critical to effectively carry out their function of social control. Daily policing practices seek to control space as a means of exercising police territoriality (Herbert, 1997:5). The police constitute one means by which the state maintains its presence in the territories of despair. This daily state presence, in turn, has the ability of structuring the movements and behaviors of young people around “their” neighborhood. At times, and in defense of “their” territory, young people resist policing practices which they find unjust, humiliating and discriminatory. At the source of “riots” lie these daily conflicts with the police. The common experience of injustice, racism, and humiliation that youths from the banlieue have developed over the years facilitates the activation of ‘we-them’ boundary (Tilly, 2003). Social boundaries are latent in everyday discourse and practice, yet boundaries do not necessarily operate at all times. What it takes is a police action gone wrong – a failed identity check, an accidental shooting or wounding, or just simply the rumor of a police malpractice – for the activation of these latent social boundaries (Tilly, 2003:145).

Kakpo (2006) observed a clear difference in the use of the neighborhood space in the banlieue between males and females from immigrant origins. As such young girls from North and Sub-Saharan Africa tend to stay at home to help their mothers (Kakpo, 2006:82). On the other hand, boys tend to dominate the spaces of the street. The “socialisation through the street” practiced by many young boys is at times accompanied by deviant behaviors (Kakpo, 2006:83). Furthermore, their presence in the street makes them easy targets for the police. As a consequence, young boys have forged a collective identity around the common experience of routine “identity checks,” police actions that can easily turn awry and suddenly spark a social
revolt (Kakpo, 2006:84; see also Chapter 1). Lapeyronnie (2006:438) further observed that despite the inevitable destruction of public and private property and assaults at public officials during the 2005 revolts, “young people from the banlieue” cannot be described as criminals; they are rather “daily victims of police harassment and racism.” Expressive transgressions, in other words, express these daily (and perhaps routine) unjust practices. They are a cry against the collective experience of injustice, inequality, and destitution.

These critiques of daily life find expression in the common areas of housing estates – the street. Due to a lack of truly public spaces (Mitchell, 2003; Young, 1990), where every member of the community can meet and exchange ideas, concerns, or simply enjoy life, young people tend to appropriate common areas as these constitute the main arena of socialization. Often cited by local officials and inhabitants is the problem of “building halls.” “When inhabitants go down to the hall during the morning,” the coordinator of security in the city of Montreuil noted, “and they see their mailboxes destroyed, bottles of alcohol around the hall, papers everywhere, and burned trash cans,” a sense of insecurity invades “quotidian life.” (Interview, Coordinator of CLSPD, Montreuil, June, 2008)

The problem generated by the appropriation of quotidian spaces by young people finds explanation in the particular spatial organization of neighborhoods. According to Dubet and Lapeyronnie (1992:69), the construction of social housing estates “destroyed the street,” the space where informal control mechanisms could emerge (see also Jacobs, 1992). At times it seems that the only inhabitants of housing estates are “young people and kids,” who act like the “owners of open spaces such as parking lots, the lawn, the cellar, and building halls.” (Dubet and Lapeyronnie, 1992:70) The socialization of young people in common areas is the source of many of the tensions with adults who see these gatherings as threatening and volatile. Their presence in
these common areas is a result, according to Dubet and Lapeyronnie (1992:69), of the spatial organization of housing estates which have “destroyed the street, the lane, the small square that constituted the terrain of play and socialization of young people…the street was an area subject to a diffuse adult control, each neighbor could ‘throw an eye’ on the kids and especially they had the right to intervene in this world that was ‘ruled’ by a common set of norms.”

In the old industrial neighborhoods, everyone knew each other, adults were able to ‘interpellate’ teenagers and inform their parents of their misconducts. “This form of social control withers away in the new neighborhoods,” argue Dubet and Lapeyronnie (1992:69) in reference to the dismantling of the working class neighborhood and the arrival of the anonymous community. “How to intervene with young people whose parents we no longer know?” is the conundrum that many adults face in regards to the new social organization of neighborhoods (1992:69). Inevitably, “the feeling of insecurity proceeds from the combination of this social void and anomy. [Inhabitants] describe less a real insecurity and more so a loss of confidence in their environment.” (Dubet and Lapeyronnie, 1992:70; emphasis added)

4.2.2. The moment, everyday life, and spaces of social control

In search of satisfactory explanations for the emergence of “riots,” the RG made a crucial causal connection between these “moments” and the conditions of “everyday life.” According to Bui-Trong (1998:215), the relationship between small offenses carried out in common areas and the “riot” was a direct one:

Experience shows that riots never occur ‘out of nothing’ [ex nihilo], without signs of social degradation appearing in the neighborhood…All the serious accidents have been preceded by the presence of a small violence in everyday life, shocking acts that have become repetitive and, gradually, have become worse.
Whilst these small offenses are associated with “riots” they are not violent acts. Yet the scale of “urban violence” is understood only as a whole spectrum. In that sense, everyday “incivilities” (1 and 2) and the eruption of riots (7 and 8) are related episodes. “In the event that a drama occurs,” Bui-Trong (1998:219) explained, “the passage from a mini-riot to a major riot is in relation to the degree of quotidian violence that a particular place experiences.” Neighborhoods which continually register degrees 1 and 2 have experienced a sudden increased of violence in degrees 5, 6 and 7. Similarly, neighborhoods routinely experiencing degrees 5 and 6 are more susceptible to reach degree 8, according to RG analysis.

The “Bui-Trong scale” has partially faded away as an accurate indicator to identify the complex reality of collective violence in France. In 2005, the Bui-Trong scale was replaced with the National Indicator of Urban Violence (INVU) by the Minister of the Interior. Under the new measurement, the most “reliable” variable is taken to be the number of burned cars. Nevertheless, police officers and official statistical agencies find it hard to understand the reality of “urban violence” since a good number of cars are burned not as a means of expression, but for monetary reasons (i.e. insurance fraud). The National Observatory of Delinquency (OND), on its part, acknowledged that “numerous questions remain in suspense as to what urban violence means and the best way to measure this phenomenon.” (Le Monde, 18 September, 2007) Since 1991, when the Bui-Trong scale was first conceived, more than four indicators have been developed, making impossible “long-term comparisons.” (Le Monde, 18 September, 2007) The police are therefore still searching for a more “pertinent” measurement of “urban violence.”

Some local governments, moreover, have constructed their own scales of violence. The point of reference still remains the Bui-Trong scale. At Aulnay-sous-Bois (Seine-Saint-Denis), security officials devised an “ambiance scale” similar to the Bui-Trong scale. “This version ranks
neighborhoods between ‘very degraded, degraded, good, and very good.’ We try to measure the perception of the neighborhood through subjective categories provided by mediation-prevention agents.” (Interview, Aulnay-sous-Bois, 2008) In explaining the effectiveness of this “subjective” scale, the director of security at Aulnay-sous-Bois, noted how

in one neighborhood we found signs of tensions when individuals that we did not know began to gather in groups in public space. The agents remarked the tensions in this neighborhood during June of 2005, and actually in November 2005 riots began in this neighborhood. The scale helped identify this neighborhood as having favorable conditions for the emergence of what happened at Clichy-sous-Bois.

With the introduction of “urban violence” and the various typologies, scales, indicators and measurements to assess its prevalence a direct correlation was established between the collective appropriation of the “street” and the emergence and salience of “urban violence.” This discursive maneuvering effectively drew an intimate connection between the everyday spaces (the street) and the eruption of “moments” of violence. The most visible element of “urban violence” was the presence of (unruly) youths in public space. To that end, national and local governments have deployed an array of social and penal agents to “take charge of these kids in public space.” (Interview, Aulnay-sous-Bois, 2008)

By linking “violent” moments and the everyday, a justification for the introduction of repressive tactics on the level of everyday life was found. Indeed, one of the main transformations in the politics of security between 1980 and 1990 was this discursive link between the everyday and the moment. The moment of the “riot,” transformed into “events” by the press and public discourse (see Chapter 1), found explanation in the everyday. More precisely, a clear sign that a neighborhood might be at risk of “urban violence” was the constant presence of young people in the streets. Juvenile delinquency since the 1990s has been understood spatially; particularly powerful has been the notion that spaces of social control are
either ineffective or nonexistent. The same official in charge of security at Aulnay-sous-Bois clearly expressed the generally accepted view that the school can no longer perform its function of social control. While citing school absenteeism, “a very serious problem in Seine-Saint-Denis,” as one of the main reasons behind the prevalence of street crime in the commune, the official observed that “if kids are not in school they are in the streets. In the street the factor of opportunity operates. If you are in the street and there is no one watching, and you see a purse…” (Interview, Aulnay-sous-Bois, 2008)

Local governments have established numerous social and cultural structures to better supervise young people. Cultural centers and youth services, in particular, have played an important preventive role – their mission is to provide an alternative place for young people. The director of OMJA (Office municipal de la jeunesse d’Aubervilliers), a cultural center in the city of Aubervilliers (Seine-Saint-Denis), explained to me the role of his organization in the prevention of delinquency. For him, the main source of juvenile delinquency is the lack of surveillance of young people in the streets. “All the actions we put in place intend to watch young people and educate them about their surrounding environment. This is done to ensure that young people don’t fall into delinquency and marginality.” After school, the director of OMJA further explains, what “remains is the family and their neighborhood” as the main spaces of socialization. At night, young people go back home, however, “if the family situation is not stable or ideal…then youths begin to frequent the spaces of the neighborhood.” “If there is no relay between the school, the home, and us [cultural center], that can constitute a fragile point,” since kids are no longer under adult supervision (Interview, OMJA, 2008).

This particular interpretation of crime, deviancy, and delinquency takes the collective appropriation of public space by young people as a starting point. The street is viewed as a risky
arena, where social control is missing and deviant behavior can easily emerge. Moreover, the discourse on the lack of social control spaces presupposes the absence of state institutions in the “street,” particularly institutions of social control. The “crisis of surveillance” has consequently led to the production of numerous social spaces, at the scale of the neighborhood, seeking to replace the informal control mechanisms hitherto present in working class neighborhoods. Furthermore, by linking political “moments” of violence (riots) with the conditions, appropriation and deviant usage of quotidian spaces, the term “urban violence” effectively established a direct relationship between the everyday and the moment. In that sense, the prevention of political “moments” of revolt necessitates the re-appropriation of these quotidian spaces by local and national governments. As we will see in the last part of the chapter, the politics of prevention since the 1980s have focused their attention on the spaces of everydayness. The aim is to fill these “void” spaces with state institutions capable of managing and preventing daily conflicts, including “expressive transgressions” as well as “crimes of appropriation.” Finally, the term “urban violence” contributed to the construction of a spatial imaginary of violence where the banlieue emerged as a place threatening the social, economic, and political order of France. It must be clarified that local officials are aware of the nuances of the term “urban violence,” evident by their continual emphasis, during the interviews, on using quotation marks when referring to this term. Nevertheless, the fundamental assumption that the source of violence lies in the everyday spaces of neighborhoods is a powerful image that, for better or for worse, has informed local security politics since the 1980s.
4.3 The shifting presence of the penal state, 1981-1996

In this section I demonstrate how national and local security policies since the 1980s have increasingly been pushed closer to the everyday life of the population of the banlieue in their effort to prevent crime and fight the “feeling of insecurity.” The process by which state institutions began to fill the everyday spaces of distressed urban areas was first launched with la politique de la ville. Contemporary security politics in the banlieue were first informed by the rodeos of 1981 which helped bring forward the so called “malaise of the banlieue.” (Collovald, 2001) Drag racing and burned cars in the social housing estates of the most notorious banlieues of Lyon were the most popular images during that time. The ‘hot summer of 81’ was followed by a swift state response by the newly elected government of François Mitterrand. Attention quickly turned to the physical as well as social degradation of grands ensembles with high proportions of immigrant populations. The (1) Schwarts Report (1981) pointed out the propensity of youths of immigrant extraction, living for the most part in social housing estates, to be poorly integrated in the Republic’s social and economic life. Strategies for “social and professional insertion” were developed in this first report that initiated the politics of the banlieue. In 1983, the (2) Dubedout Report made recommendations to devise a new urban policy toward the most distressed areas. More pertinent to our current discussion was the (3) Bonnemaison Report, published in 1983. This Report pointed out the territorial disparities of “insecurity” and showed the risk that the reproduction of the fear of crime posed on the social fabric of popular neighborhoods. The territorial politics of security were originally centered on a preventive/social approach to curb “the feeling of insecurity.” (Bonnemaison, 1983:9-10) These three reports constitute the foundational texts of a new politics of the banlieue. The Bonnemaison Report, in particular, was based on the premise that some places within the national territory were increasingly falling
outside the economic, social, political, cultural, and later on, legal order of the French Republic. To prevent these neighborhoods from drifting even further, an ambitious social/urban response was staged through *la politique de la ville* (see Chapter 3).

The “prevention of delinquency” in the banlieue has been subject to numerous political disputes between the Left and the Right. On the one hand, since the 1980s the Left has greatly contributed to the politics of security by emphasizing prevention, while the Right has maintained its position of a more repressive approach to combat crime and delinquency. The implication of the Left in the politics of security since the 1980s has demanded the police and the judiciary to assume a social role in the fight against crime and insecurity. Moreover, since the fight is not against crime itself, but the feelings of insecurity that plague the daily lives of citizens in the most vulnerable neighborhoods, the new politics of security demanded the police and the judiciary to have a daily presence in the city. Their presence in the city must not be exerted through repression, according to the Left. Rather, since the 1980s the police and the judiciary are called upon to render *services* to the population in the *proximity* of their neighborhood or city. In other words, political cleavages between the Left and the Right, as well as internal resistance among the police and the judiciary, have been major obstacles for the creation of a “police de proximité” and a “justice de proximité.”

“We have decided that the local is the most pertinent scale…to manage security,” said the coordinator of security in the city of Montreuil (Interview, Montreuil, 2008). Asked what he meant by “we,” the same official replied that it was “a decision at the governmental level…It was after the Villepinte Colloquium in 1997 that all these policies were born… it was said by that policy that security needed to be managed at the local level and that the mayor was central

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56 These can be translated as “local police” and “local justice,” respectively. At times I retain the French version to emphasize the notion of “proximity” which entails a geographical mobility of state institutions toward the populations of the banlieue.
for its implementation.” (Interview, Montreuil, 2008) The official also acknowledged that the original idea for the municipalization of security dates back to the Bonnemaison Report and the creation of Communal Councils for the Prevention of Delinquency (CCPD) in 1983. However, increasing powers were granted to mayors after 1997 when Lionel Jospin, Socialist Prime Minister from 1997-2002, reorganized the security landscape by yielding mayors and inhabitants greater input into the proposal and implementation of security at the local level (communes). Thereafter, the presence of penal institutions in the everyday life of the population of the banlieue and the spaces they inhabit intensified. Although 1997 remains a crucial date for the territorialization of penal institutions we cannot dismiss the role of the Bonnemaison Report and the context of the 1980s in instilling the idea that security must be managed at the local level. For that reason this section will trace the evolution of security since the 1980s to show how the “prevention of delinquency”57 in France has increasingly targeted the local scale in order to prevent crime, curb the feelings of insecurity, and increase the presence of the state in the everyday life of the population of the banlieue.


The Commission of Mayors on Security was formed in 1982 to understand “the role of delinquency in fueling insecurity” and devise strategies to “block the development of the feeling of insecurity.” (Bonnemaison, 1983:9-10) The Commission of Mayors defined the parameters of the new politics of security. The final text of the Commission was entitled Face à la

57 “Prevention of delinquency” refers to the specific policy area dealing with security since the 1980s. The reader should be aware that “prevention of delinquency” does not necessarily stand for what it implies, a preventative approach to crime. The phrase has been used to mask the increasing role of repression in the politics of security. The 2007 law on the prevention of delinquency, for instance, expanded the use of the police and courts to repress delinquency and recidivists. That the law is called “prevention of delinquency” speaks more to the fact that it is inscribed within the larger history of security politics since the 1980s, than to its approach toward crime (see below).
délinquance: prévention, répression, solidarité, and published in 1983. The text is generally referred as the Bonnemaison Report, in reference to the main author of the text, Gilbert Bonnemaison, mayor of the city of Epinay-sur-Seine (Seine-Saint-Denis). The Report concentrated on “everyday delinquency,” and not organized crime or terrorism, for the former directly impacted the lives of inhabitants and mayors (Bonnemaison, 1983:11). “The firecracker put in the mailbox of an old man, or the engine waking up an entire neighborhood,” the report cited as examples (Bonnemaison, 1983:11), “are felt more strongly by the inhabitants than a theft in the supermarket.” However, “repression is better organized around the theft of the supermarket” than for these “daily troubles.” (1983:11). Furthermore, for the Commission “everyday delinquency” is the main contributor to the “feeling of insecurity.” In fact, insecurity results from the “repetitive risk of being assaulted or robbed,” thus creating “a lasting sense of fear and revolt” among the population (Bonnemaison, 1983:14; emphasis added). The risk of becoming a victim of crime, the Commission emphasized, is higher in public space where the encounter with anonymous and potentially dangerous individuals is more plausible. Insecurity is not tied to the fluctuations of crime rates, it is rather a perception derived from the immediate environment. In that sense, the fight against “insecurity” was a fight against the degradation of everyday life.

While not the first governmental report to highlight the alarming development of the “feeling of insecurity” in France, the Bonnemaison Report is nevertheless important for it “introduced the notion of security for the Left.” (Bonelli, 2008:74) The term “feeling of insecurity” was first mentioned by Alain Peyrefitte in 1977 with the publication of Réponses à la violence, a governmental report prepared by the “Committee of Studies on Violence, Crime and Delinquency.” Peyrefitte, president of the committee and Attorney General under President
Giscard D’Estaing, published his report at a time when the biggest capitalist-democratic countries were experiencing an increase in crime rates, unemployment was growing, and the economy rapidly transforming (see Hall et al., 1978). As a result of these changes, Peyrefitte noted that a “general feeling of insecurity has appeared” in France (Peyrefitte, 1977:25). This feeling was a “collective fear” based on “fragmented perceptions” of reality. The fear of crime, although not necessarily based on the “objective reality” of crime, negatively affected everyday social relations, according to Peyrefitte (1977:33), because people might choose to remain within the relatively safe confines of their homes rather than experience public life in a state of fear, anxiety and/or suspicion of the “other.” In other words, insecurity affected social cohesion (Peyrefitte, 1977:33).

While the Peyrefitte Report introduced the notion of insecurity to policy circles, the report was more concerned with understanding the psychological, urban, economic and demographic aspects of violence. The Committee of Studies was composed of politicians, jurists, scholars, architects, and psychiatrists whose objective was to understand the multiple causes of violence to eventually eradicate it. The Peyrefitte Report assumed the possibility of living in a world without violence: “We have always associated the progress of humanity to the recoil of violence.” (Peyrefitte, 1977:26) On the contrary, the Commission of Mayors was not concerned with understanding the causes of violence. The Bonnemaison Report assumed that the causes of crime are multiple and that there is no single cause that could explain the origins of delinquency. Citing unemployment, housing conditions, segregation, lack of professional and social integration, absence of informal control mechanisms, drugs and alcoholism, and other factors, the Bonnemaison Report concluded that “what the origins of delinquency reveal is the necessity of State action.” (Bonnemaison, 1983:31) The fundamental difference of the politics of security
of the early 1980s versus the Peyrefitte Report lies precisely in the understanding of violence/crime. Whereas Peyrefitte believed in the eradication of violence, Bonnemaison devised a strategy to socially “treat” delinquency with the goal of reducing the feeling of insecurity (Estèbe, 1990:91). “Neither the Commission of Mayors, nor the National Council for the Prevention of Delinquency (CNPD), nor me pretended to make crime disappear. That would have been a big lie,” stated Bonnemaison in 1987 (cited in Bonelli, 2008:83). “The objective is to provide everyone…with a context where they can express themselves without prejudice.” (Bonnemaison, 1987:9-10 quoted in Bonelli, 2008:83; emphasis added)

The distinction between eradication and treatment was crucial for it revealed the shifting balance between repression and prevention and emphasized the necessity to treat the everyday spaces of the city. To reach the quotidian spaces of the city where insecurity was prevalent and visible to the population, state action needed to be localized, according to the Bonnemaison Report. To do so, the Communal Councils for the Prevention of Delinquency (CCPD) were created at the local level to understand, devise and implement preventative measures toward delinquency. “The desired is for the Communal Councils for the Prevention of Delinquency to work as spaces where, on a regular basis, a discussion is established on the orientations of penal policies.” (Bonnemaison, 1983:93) CCPDs were organized around the figure of the mayor, the closest of all public officials to the local context. Justification for the localization of security politics centered on the detachment of national institutions to local variations: “The external services of the state cannot fully appreciate the exact situation of a city or neighborhood. Repressive and preventive politics, decided at the national scale, can be effective only if they are adapted to local conditions…only local collectivities are in position to assess whether prevention is working.” (Bonnemaison, 1983:32) The CCPDs brought social workers, public landlords,
police officers, court officials, and other state institutions preoccupied by security to work alongside the mayor. The localization of security and the partnership approach sponsored through the CCPDs corresponded with the decentralization reforms of 1982-1983 and the break-up of the cross regulation system which had given greater leeway to local mayors in policy-making and policy implementation (see Chapter 3, section 3).

The Communal Councils for the Prevention of Delinquency sprouted across the French urban landscape between 1984 and 1988 when more than 400 were created. However, their power to devise and implement policies remained limited and thus their existence was at risk by the end of the decade. As Bonelli (2008:88) noted, “the prevention of delinquency lacked administrative support.” First, CCPDs remained attached to the larger institutional structures of French urban policy, thus limiting their autonomy, financial assistance, and room of maneuvering. In fact, the National Council for the Prevention of Delinquency (CNPD), the national structure that coordinated CCPDs, was finally absorbed by the Délégation Interministériel à la ville (DIV) in 1989. The administrative marginality of the “prevention of delinquency” is explained by a second and more crucial development: the weak involvement of the police and courts in CCPDs.

It was no secret that relations between the police ranks and the Socialists were difficult for the latter waged numerous critiques against repressive policing practices during the 1960s and 1970s (Estèbe, 1990:101). Nevertheless, the Commission of Mayors envisioned straighter working relations with the police through the CCPDs. Their vision, informed by a preventative approach to crime, centered on the development of a community police (police d’îlotage), or an urban police of proximity (Estèbe, 1990:102), that would be present in the neighborhood assuming in turn a social, rather than repressive, role toward the population (Bonnemaison,
The Commission noted the concerns of the population who demanded a permanent presence of the police in their daily lives, thus the “place of the police in the Communal Councils for the Prevention of Delinquency [was] absolutely necessary.” (Bonnemaison, 1983:86-87) Yet the very notion of “prevention” did not sit well within the police culture (Estèbe, 1990:101). In fact, community policing was resisted on the grounds that it went against police professionalism; “it is the big crimes, perpetrated by big criminals that make great police officers,” was how some police officers viewed their profession (quoted in Estèbe, 1990:101). According to Estèbe (1990:102-103) the police’s role in CCPDs was limited to the dissemination of crime statistics just to fulfill the minimum requirements established by the Bonnemaison Report. The minimal presence of the police in the politics of prevention was detrimental to the future of CCPDs.

On the other hand, the judiciary was a little bit more active in the daily operations of CCPDs (Estèbe, 1990:103). The Commission of Mayors envisioned a highly implicated judiciary in the prevention of delinquency. As stated in the report, “the Commission wishes that future relations between the justice and the Communal Councils are not limited to criminal justice, but also includes civil justice as it appears that the prevention of delinquency would benefit from this juridical distinction.” (Bonnemaison, 1983:92) For that reason, the Commission of Mayors stressed the need to expand the types of judicial responses to complaints. In particular, the Commission sought to expand “community service” (Travaux d’Intérêt Généraux, TGI) and “victim assistance” (aide aux victimes) as alternative measures to prison sentences. Under this context, the objective was to reduce pressure on courts, “clogged” with numerous unsolved cases, and to fight the “feeling of impunity,” one of the main contributors to the feeling of insecurity, according to the Report (Bonnemaison, 1983:24; Wyvekens, 1997:89). Overall, the Commission estimated that these measures “will not diminish the independence of the judiciary.
On the contrary, they will provide greater force to the *legitimacy of the judiciary by reinforcing the credibility of its interventions.*” (Bonnemaison, 1983:93; emphasis added)

Did the judiciary openly accept the invitation to participate in the new local politics of prevention? No. According to Estèbe (1990:103), the judiciary, for political as well as professional reasons, “rejected every contact with the local.” Despite internal debates about reforming the judicial system so it could have a more strategic place in society, proponents of a “territorial justice” were marginal within the system (Estèbe, 1990:104). Many magistrates feared losing their “judicial independence” by inscribing their actions in local partnerships. “Linking the judiciary to the territory…imagining that the judge could be part of a local strategy of solidarity, many judges preferred to not even think about these proposals!” (Estèbe, 1990:104) Some magistrates, furthermore, feared that their practices could have been compromised if they worked under the demands of local elected officials. In short, “such a climate of resistance or even ideological defensiveness is hardly conducive to a coherent and continuous presence in the Communal Councils for the Prevention of Delinquency.” (Estèbe, 1990:105)

As Battegay and Boubeker (1992:54) rightly noted, “between the cultural approach and the urban approach, there was no place for law-and-order questions[…] That is, without a doubt, the first and main misunderstanding between France and its banlieues.” Although not totally oblivious to law-and-order questions, the Socialist government of François Mitterrand stressed urban, cultural, and preventive responses as measures to curb crime and insecurity in the banlieue (Estèbe, 1990). Moreover, internal resistance among the police and the judiciary retarded the territorialization of the main penal institutions in the everyday spaces of the banlieue. As we will see in the next section, the intensification of “urban violence” in the 1990s as well as the return to power of the Right fostered the territorialization of the penal state in the
everyday spaces of distress urban areas. Decentralization reforms had been underway since 1982, yet local governments had little power at their disposal and the mayor, the main figure under the new politics of prevention, had minimal influence over the police and courts. The marginal place of security, and in particular CCPDs, in the institutional structures of French urban policy came to haunt this program during the 1990s when “riots” and juvenile delinquency took center stage in debates over the banlieue. As Battegay and Boubeker (1992:62) further claimed, law-and-order questions could no longer be masked behind “urban rehabilitation projects.”

Although the overall goal of the prevention of delinquency during the 1980s was to bring social and penal institutions closer to the streets, this process had to wait for the explosion of “urban violence” for its consolidation (Dikeç, 2007a).

4.3.2. “Urban violence” and the presence of the republican state (1990-1996)

The poor engagement of the police and the courts in the prevention of delinquency during the 1980s hindered the territorialization of the penal state in everyday life. This movement took root in the 1990s with the intensification of “urban violence.” As argued above, “moments” of contestation were directly linked to the degradation of everyday life and the spaces supporting it. As a strategy to ameliorate the built environment and to integrate the banlieue to the city, French urban policy was seriously questioned after the explosion of “riots” in the early part of the decade as it was unable to mitigate crime and violence (Bonelli, 2008:92). In fact, “riots” seriously hampered the reputation and legitimacy of mayors from the Left who in the previous decade promoted the prevention of delinquency and the CCPDs. The communist mayor of

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58 An example of this was the 1990 Vaulx-en-Velin “riot.” Months after major renovations were done through urban policy programs to the housing estate of Mas-du-Taureau, youths staged the first of a series of major revolts during the decade. The link between the degradation of housing estates and violence was no longer justified and other explanations needed to be found by government officials and “experts.”
Vaulx-en-Velin, Maurice Charrier, and the socialist mayor of Mantes-la-Jolie, Paul Picard, active promoters of French urban policy and the prevention of delinquency, were hit hard after major revolts exploded in their communes; Picard lost his seat during the municipal elections of 1995. More symbolic perhaps was the downfall of Gilbert Bonnemaison. Following the death of a high school kid, who received numerous knife wounds after the theft of his scooter, other youngsters took the streets and damaged surrounding infrastructures. These revolts at Epinay-sur-Seine represented for many the failure of the “prevention of delinquency” in curbing crime and the feelings of insecurity; Bonnemaison lost his seat to Raoul Béteille from the Gaullist Party after the 1993 municipal elections. With the “holy place” of the prevention of delinquency and the founder of this innovative approach to crime both down, the conditions were created to justify and legitimate repression as a more satisfactory answer to the rise of “urban violence” and urban delinquency – a new term emerging in the decade (Bonelli, 2008:92).

While Bonnemaison and proponents of a preventative approach toward crime emphasized the multiple social causes (housing conditions, unemployment, discrimination, and so forth) to explain the prevalence of crime and violence in the banlieue, the explosion of “urban violence” led to a legal and penal reading of this phenomenon. More precisely, various governmental reports in the early 1990s stressed the threats that collective violence posed on the “republic.” This discursive maneuvering legitimated the insertion of the “republican penal state” in “lawless” urban areas (Dikeç, 2006; 2007a:94; Wyvekens, 1997). This legal discourse placed the banlieue outside the legal order of the state thus justifying an intensified penal approach toward the banlieue (see Chapter 2). New geographical and legal imagination informed the police and the courts who began to participate more actively in the operations of French urban policy in the 1990s, when law-and-order questions were conflated with its overall object of action: the fight
against “social exclusion.” (Estèbe, 2004) In 1991, Edith Cresson, the first and so far only female Prime Minister in France, clearly summarized the new objectives of the government toward the banlieue, wherein a legal discourse was entwined with the fight against “social exclusion.” In a circular Cresson (Circular of 21 December, 1991:2) stated:

In the current context of urban tensions, the fight against delinquency, [an] element of a comprehensive policy to fight against social exclusion, must be based most notably on the learning of the rule of law, and knowledge of each person’s rights and duties. (emphasis added)

Under this new approach, which stressed knowledge of the legal system and the responsibility of each individual to assert their rights and duties as citizens, the police and the judiciary would become central to the fight against social exclusion. The preferred method of action of these two institutions, to impart knowledge and make sure the law was respected, was seen to begin with their geographical proximity vis-à-vis the populations of the banlieue, a point I further address below.

With the “law” now central in the fight against social exclusion, French urban policy had to shift its purely social/urban approach toward exclusion and strengthen as well legal and penal approaches to reduce exclusion. In fact, for the first time in an official report of urban policy, Jean-Marie Delarue, in the highly influential report Banlieues en difficulté, la relégation of 1991, negatively characterized these neighborhoods in legal terms. Delarue (1991:90) portrayed the banlieue as “lawless places in which nothing and no one can take hold.” The idea that some neighborhoods operated outside the legal framework became a powerful image which, subsequently, helped justify a stronger state presence. Delarue, president of the DIV in 1991, later added in an interview that “Pierre Bourdieu regrets that the left hand [of the state] ignores what the right hand is doing. My objective […] is to make sure that the two hands don’t ignore
each other.” (Delarue, 1993:157) In fact, under Delarue’s tenure and in subsequent years, urban policy effectively combined social responses (left hand of the state) with penal responses (right hand), thus consolidating a “republican penal state.” (Dikeç, 2006) Governmental reports throughout the 1990s kept reproducing the same geographical discourses in which the banlieue was continually placed outside the legal order of the state. In that sense, the police and the courts became extremely important and active institutions in the fight against “social exclusion.”

The Geindre Report, published in 1993 in preparation for the XIth Plan (1994-98), clearly portrayed the shifting discourse toward the banlieue. The Report was intended to provide a critique of past practices of urban policy and propose concrete solutions to better fight exclusion. As Dikeç (2007a:95) pointed out, in the Geindre Report the “problem had changed direction” as it went from “the neighborhoods themselves to the republic.” The Report began by stating, “Some neighborhoods are escaping republican law.” (Geindre, 1993:8 quoted in Dikeç, 2007a:95) The Report further expanded on the apparent lack of respect to the “republican law” and proposed a clear state strategy toward “lawless” urban areas. As the Report read (Geindre, 1993:81 quoted in Dikeç, 2007a:95-6; emphasis added):

The reassertion of the rule of law in difficult neighborhoods implies for the state to take steps to both make everyone respect the law and give everyone the possibility to have his/her rights respected…It is therefore necessary to ensure a strong territorial presence of state services. The aim is to make the rule of law visible mainly by locating police stations and justice representatives in the toughest neighborhoods. Ensuring that the law be respected implies an increased presence of police forces in the field and a quick and adapted judicial response.

The Geindre Report neatly summarized the trend during the 1990s until the present whereby the authority of the state is reasserted in difficult neighborhoods through its mere presence. The visibility of the law in the everyday spaces of the city thus became one of the main strategies of
the “republican penal state” in combating crime and the feeling of insecurity. The threats to the republic served as a powerful discourse justifying these new state geographies of repression.

To understand this shifting discourse on the threats “urban violence” posed to the republic we must look at the political climate of the early 1990s which was tumultuous, to say the least. The fall of the Berlin wall and the integration of Eastern Europe into the capitalist west signaled the end of a bipolar world. Geopolitically, the enemy suddenly changed face and states started to look inwards in search of new enemies (Giddens, 1990). Further, the emergence of the European Union after the Maastricht Treaty in 1992 posed a serious threat to national identity, already affected with the dismantling of the welfare state beginning in the 1980s (see Chapter 3). Internally, France was now seeking answers to the realities of a multicultural society epitomized by the headscarf affair in 1989 (Jennings, 2000).59 The implosion of “urban violence” in the banlieue came in handy for a French state that could no longer attain its claims of legitimacy by correcting market failures, as it had done in the past with a highly interventionist welfare state (Donzelot, 1994). State legitimacy was in need of new sources to validate state action and intervention in society. As unemployment, urban decay, poverty and exclusion increased in most Western capitalist states, and their inability to correct these “failures” through welfare programs, states turned instead to law-and-order as a means to restore state authority and gain back legitimacy (Peck, 2003; Wacquant, 2001a). In this context, “urban violence” was portrayed as a serious threat to the nation, and it was associated with the evolution of Islam among young people, the ethnicisation of society, and the tendency of “communitarianism.” (Khosrokhavar,

59 As a secular state, the French Republic prohibits the use of religious symbols in “public” places, and in particular the school. In October, 1989, the principal of a middle school in the Parisian suburb Creil, suspended three Muslim girls for wearing a headscarf inside the school. France was divided about the principal’s decision. The case was referred to the State Council who, vaguely, ruled in favor of the girls. The headscarf conflict has resurfaced numerous times since, and public opinion remains divided on the matter for it questions the multicultural reality of contemporary France and the particular French tradition of republicanism (see Beller, 2004)
1997) Amidst these turbulent times, a republican discourse emerged, one that emphasized the threats to republican values and the need to reassert the republican authority (Jobert and Théret, 1994:60).

As the story of the Mini-Black Boys illustrated at the beginning of the chapter, during the first half of the 1990s consternation centered on the threats of “communitarianism,” that is the formation of “ethnic communities” and their presence in public space. The enemy was now young people of immigrant extraction who had a strong ethnic and religious identity and who were seen to have rejected the republican state. French urban policy became the main institutional structure through which the state tried to integrate immigrant populations into the “republic” through social and penal approaches. The institutional sluices of urban policy therefore enabled the police and courts to further their access and insertion in the everyday life of the populations of the banlieue. As noted earlier, the institutional foundations for the localization of security were laid down in the 1980s with the Bonnemaison Report and the evolution of CCPDs. These institutional spaces lacked force particularly because the police and the courts resisted their participation in local schemes of prevention. Interventions “from above,” however, tried to engage the courts and the police in local preventive actions through legislation.

Important in that regard were the adoption of decree no. 88-1015 of October 28, 1988 for the establishment of a National Council of Cities and an interdepartmental committee of cities and urban social development and the Prime Minister’s circular no. 3519 of November 15, 1989 relative to the prevention of delinquency of 1990. In those two pieces the prevention of delinquency was absorbed by the institutional structures of French urban policy and they sought to reinforce the impact and legitimacy of preventative approaches to crime. In reference to these two pieces, Interior Minister Pierre Joxe issued a circular on August 14, 1990 on the
Participation of the national police on the prevention of delinquency and the urban social development program. In the circular, Joxe stressed the importance of prevention in the fight against crime and delinquency, and emphasized how prevention is “a privileged means for bringing the population and the police closer to each other.” (Circular, 14 August, 1990:2) The “new phase of the prevention of delinquency” required the police to further develop a “community policing” (ilotage) program, render more efficient services to the population, in particular in regards to responses to complaints, and provide preventive campaigns to the public. Further, the circular highlighted the importance of working in coordination with “social partners,” such as the school and local associations. Coordination and partnerships with other institutions and actors would be enabled through participation in the CCPDs and the Social Development of Neighborhoods (DSQ). In short, “preventive action…cannot be considered as being exclusive to specialized functionaries; prevention requires, on the contrary, a personal engagement of each police officer to the service of the population.” (Circular 14 August, 1990:5; emphasis added)

Similarly, the Attorney General noted on a separate circular (October 8, 1990 no. 90 11), that despite the increasing number of CCPDs the judiciary had no clear role in some of these structures for “some of them have retained a traditional socio-cultural character.” For the Attorney General it was imperative that the judiciary actively participate in the elaboration of preventive politics at the communal, departmental and regional levels so it could develop long-lasting relationships with different “local institutions, collectivities and partners.” (Circulaire no. 90-11 of October 8, 1990:2) Further, the action of the judiciary in local preventive politics needed to concentrate on the expansion of “victim assistance” programs and points of “access to rights,” services that required engagement, cooperation, and coordination with numerous
partners at the local level. Priority was given to alternative measures to the prison, such as mediation-reconciliation, in order to make people’s rights valid and to ensure that even the smallest criminal offenses did not remain unsolved. Only a judiciary actively present in the city could undertake these measures, according to the Attorney General.

In 1991, the Ministry of Justice published a document entitled *The Law acts in the City* in which the judiciary laid down its role in the politics of the banlieue, centered on the DSQ and the prevention of delinquency. The document stated that the “law [was] mobilized to better respond to urban problems.” Pointing to the weak authority of the state in the banlieue the document stated that the aim was to have “a more direct presence of the Law [La Justice] in sensitive neighborhoods.” (Ministère de la Justice, 1991 quoted in Dikeç, 2007a:80; emphasis added) To attain this goal, the Minister of Justice launched the *Maisons de Justice et du droit* (MJD, Houses of Justice and law). “The *Houses of Justice* were created to compensate the absence of the court in certain places,” explained a judge in the Tribunal of Bobigny (Interview, Bobigny, 2008). The MJDs do not substitute for the courts; they are rather physical structures where judicial services are rendered, such as information and knowledge of rights and duties, and third way measures (alternative measures to the prison, warnings, reparation and mediation) (Interview, Bobigny, June, 2008; see Chapter 5 for details).

The circular of October 2, 1992 (no. 92-13) authored by the Minister of Justice, Michel Vauzelle, numbered the steps to be taken by the judiciary in response to “urban delinquency.” As summarized in the first page of the circular, the judiciary’s role in fighting urban delinquency had to be “to reaffirm the place of criminal law in [everyday] social relations.” (Circulaire no. 92-13: 1; emphasis added) While stressing the crucial role of the judiciary in the prevention of delinquency through points of access to judicial services (i.e. MJD) and victims assistance, the
circular reminded judicial personnel that “the effectiveness of judicial responses must be increased so as to avoid a sense of impunity among offenders, an obvious cause of reiteration [of criminal acts].” (Circulaire 92-13 of October 2, 1992:2) In that sense, it was “necessary to ensure that no criminal act, even minor, even committed by a young person, remain without judicial response. Greater swiftness in the punishment is also particularly important.” (Circulaire 92-13 of October 2, 1992:2) Acceleration of judicial responses along with “proximity” of the law would therefore ensure that the law is respected and understood among offenders and victims of crime in the banlieue. With this circular the “local justice” or “justice de proximité” was officially launched.

The “local justice” entails a clear presence of the judiciary in the banlieue. As the circular specifies (Circulaire 92-13 of October 2, 1992:12):

The Law [la Justice] takes place in the courthouse, and it must continue to take place there. However, the remoteness of the courts from the neighborhoods and communities most affected by crime makes random the actions undertaken in regards to access to law, victim assistance or mediation of criminal matters. Further, [the remoteness of the Law] does not allow developing fruitful relationships with elected representatives, associations, teachers and police officers. The incomprehension expressed by the population of certain neighborhoods in regards to the activities of law enforcement agencies is the consequence (emphasis added).

In subsequent years significant strides were made to amplify the presence of the courts and the police in the banlieue (see Circulaire of December 23, 1992; Circulaire 93-2 of January 25, 1993; Circulaire 4.051 of March 29, 1994). The aim was to swiftly and more efficiently respond to crime, prevent recidivists and fight the sense of impunity. With the return of the Right to power in 1995, with Jacques Chirac as head of state, and as “riots” intensified in the urban landscape during the 1990s, the penal state was actively called upon to better respond to the development of “urban violence” and the “urban crisis;” two notions that took on special force with the change of government (Circulaire of October 31, 1995; Circulaire 96-14 of June 26, 1996).
The points of reference underwent a dramatic change in 1995 as “prevention” was suddenly relegated to a secondary role and “public order” became the desired end of the state. This order, as will become evident in the next chapter, had a particular name: the “republican order.” Particularly crucial in establishing the new parameters of penal politics in the banlieue were the Interior Minister’s circular of October 31, 1995 entitled Reinforcement of the action of the National Police in the fight against urban violence, and circular 96-14 of June 26, 1996 entitled Management of urban crises. Although geographical proximity of penal institutions in “sensitive neighborhoods” was still the aim of these two pieces, prevention was not the main goal but rather “reinforcement,” “mastery” and “management” of violence. The Interior Minister’s circular (October 31, 1995:1) stated:

The right to security is a fundamental right which our citizens aspire legitimately. This need is strongly felt by disadvantaged populations of sensitive areas who, most of them, want to live in peace and respect the Laws of the Republic. The mastery [la maîtrise] of urban violence is a priority…the mastery [of urban violence] requires a global and coherent action that must rely on greater coordination of State services in terms of public order (emphasis added).

And further down, the circular added (October 31, 1995:4):

Indeed, the fight against urban violence requires an active presence in public space [voie publique] in order to strengthen the confidence of the population in the police, who often symbolize the only State action in the neighborhood (emphasis added).

Constant throughout the 1980s and 1990s was the necessity of the state to be present in “sensitive neighborhoods.” However, the nature of this presence and the institutions that needed to be present changed with the explosion of “urban violence.” Whereas social workers, architects, urban planners, and social institutions took priority in the 1980s, in the 1990s both the courts and the police gained greater legitimacy to insert their actions in the everyday life of the populations of the banlieue. Crucial in these new state geographies was the emergence of a
“republican” and legal discourse. This discourse portrayed the banlieue as a menace to republican values, republican laws, and the republican order, and hence needing repression as much as prevention.

4.4. The emergence of “security” and the restoration of social relations (1997-present)

In 1997, Lionel Jospin of the Socialist Party became Prime Minister of France while Jacques Chirac (UMP) held the Presidency. During the cohabitation period (1997-2002), the Left further reinforced its position in matters of security, hitherto dominated by the Right. The year before becoming Prime Minister, Jospin turned to Bruno Le Roux and Daniel Vaillant to write a report intended to solidify the Left’s position on security. Published in 1997, the text *La Sécurité pour garantir la cohésion sociale* (Security to guarantee social cohesion), laid down a program of action for the new politics of security of the Left. This report, in fact, represented for the Socialist Party a “rupture with previous approaches” on security (Bonelli, 2008:102). As opposed to Gilbert Bonnemaison’s politics centered on a socio-preventative approach toward crime, the 1997 report clearly puts the accent on the delinquent – not on his social environment – and emphasizes the importance of aiding the victims of crime. As the report stressed, security must be based on “sanctioning every act of delinquency and, also, guarantying the right to live, without fear or apprehension, for [every person], their relatives and their goods.” (Parti socialiste, 1997:43; quoted in Bonelli, 2008:103) In this sense, crime politics in France moved from “prevention” to “security,” the latter accentuating the sanction of every act as the most efficient means to stem crime rates and curb the feelings of insecurity.
The spatial imaginaries of crime and insecurity underwent, subsequently, a radical transformation from the “prevention of delinquency” era. During that period (1982-1996) crime and delinquency appeared as consequences of social inequalities. In this view, socio-urban approaches were employed to regulate “social exclusion” and therefore reduce its consequences. Yet, as Bonelli (2008:103) noted, since 1997 crime and delinquency were seen as factors aggravating social inequalities, thus necessitating a penal approach to fight crime and therefore reduce social inequalities. By inverting the causes of crime, the new politics of security easily justified the use of the police and courts in the fight against “social exclusion.” Furthermore, the new spatial references of crime emphasized the uneven geographies of state authority. The 1997 report noted that “the persistent idea that outlaw areas exist in the country, areas where the forces of order are prohibited from entering” required swift government action in the fight against crime (Parti socialiste, 1997:4; quoted in Bonelli, 2008:104). Lawless urban areas, or “sensitive neighborhoods,” thus became the primary targets of the new politics of security.

Overall, the program of action of the Left consisted of three main priorities to ensure the security of everyone. The first priority was to reinforce the capacity of the police and the courts to repress small and medium acts of delinquency among, particularly, young people. In regards to the judiciary, the report stressed the lack of credibility that institution suffered vis-à-vis the police and the population whereby the absence of sanctions for small and medium acts of delinquency frustrated the former and generated a “feeling of impunity” on the latter (Parti socialiste, 1997:24; quoted in Bonelli, 2008:104). Thus it was imperative to “reorient the missions of the police toward public space [voie publique] delinquency and to assure that the judiciary transforms its temporalities and sanctions toward these types of crimes.” (Bonelli, 2008:105; emphasis added) The second priority of the report concerned the public service of
security. To render a more efficient service to the population and local administrations, the report suggested reinforcing the policy instruments of the contract and partnerships as means to better respond to the “demands of French people.” From this, the Local Contracts of Security [Contrats Locaux de Sécurité, hereafter CLS] were born. These were partnerships to organize the “coproduction” of security among local governments, other state services, including penal services, social landlords, public transport and the population. (Parti socialiste, 1997:23; quoted in Bonelli, 2008:105) The third priority put the accent on the victims of crime. The new politics of security must sanction every act of delinquency yet, furthermore, the victims of crime must be taken care of if the propagation of a “feeling of impunity” is to be avoided (Bonelli, 2008:105). Reinforcement of the police and the judiciary, contractualization and partnerships of security, and assistance to victims of crime constituted the three pillars of the new politics of security of the Left. The victory of Lionel Jospin in the legislative elections of 1997 allowed the PS to test and put in motion these three priorities.

Soon after taking office, Lionel Jospin declared on June 19, 1997, that employment was the first priority of his government closely followed by security (Bonelli, 2002:53). Without wasting any time, the new Interior Minister, Jean-Pierre Chevènement, organized the colloquium “Safe cities for free citizens” at Villepinte (Seine-Saint-Denis) on October 24-25, 1997. The Villepinte Colloquium officially launched the views and programme of action of the Left on security. Alongside Chevènement were the ministers of education, employment, justice, defense, the secretary of housing, police officers, members of the gendarmerie, public transport officers, local elected officials and sociologists. In his opening discourse, Chevènement addressed the audience by saying that “security is the affair of everyone…it is not only the affair of the police

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60 Public or social landlords refer to the institutions that manage social housing estates. Social landlords are in charge of internal security, quality of buildings, and of course collecting rent.
and the Interior Minister. Security is the affair of the entire government…It is also the affair of local officials and associations, who are in daily contact with the life of the neighborhood…” (Villepinte, 1997:3-4; emphasis added) Jospin, for his part, added a republican tone to the subject. As Jospin indicated, “the republican principle of equality among citizens cannot ignore the right to security. Every citizen, every person living in the territory of the Republic, has a right to security.” (Villepinte, 1997:88) In the circular of October 28, 1997, relative to the implementation of the local contracts of security, which officially initiated the CLS, the republican discourse was further accentuated. The circular began by stating that “safety is for the Republic the necessary base for the exercise of all liberties. It is the first right of the citizen. And it is the first mission of the state.”

I demonstrated in the previous section how the politics of prevention put in motion since 1983 accentuated various social causes – housing, the urban form, unemployment, and social (dis)integration – as explanations for the emergence of crime. While emphasizing the social environment, the politics of prevention gradually justified the presence of social and penal institutions in the everyday life of the people of the banlieue as a measure to better respond to crime. However, the new politics of security sponsored by the Left relegated these social causes to a secondary role and rather emphasized the individual responsibility of the criminal as the primary cause for crime. As Chevènement stressed during the Villepinte colloquium, “nothing is more dangerous…than to take as pretext social and economic causes of insecurity for we would be powerless… Delinquency is not a response to the feeling of social injustice.” (Villepinte, 1997:5; quoted in Bonelli, 2008:108) Jospin further reinforced this view by stating in 1999 that: “Prevention and sanctioning are the poles of action that we have put in place. These problems [of crime] are linked to serious phenomena of bad urban planning, family decomposition, social
misery, but also to the lack of integration of some young people living in housing estates. Yet these causes do not constitute an excuse for individual delinquent behaviors. We must not confuse sociology with the law. Each person is responsible for their acts.” (quoted in Bonelli, 2008:108)

To what extent did these discursive transformations, originally stressing social causes and more recently highlighting the responsibility of each individual as explanations of crime, impact the geographies of prevention and repression launched since the 1980s? In other words, by turning away from the social environment as the most immediate cause of crime, do contemporary geographies of security (the place of social and penal institutions) move away from the spaces supporting everyday lives and onto new social spaces to better prevent and sanction crime? A preliminary answer to the latter question is no. On the contrary, the shifting discourse on the causes of crime has further reinforced the presence of social and penal institutions in the everyday lives of the population of the banlieue.

First of all, the new politics of security, centered on the Local Contracts of Security, continued and intensified the territorialization of state institutions in “sensitive neighborhoods,” a trend which roots were first observed in the Bonnemaison Report and the CCPDs. Secondly, the devolution of central state competences to regional, departmental and communal governments initiated with decentralization reforms in the 1980s, and facilitated by French urban policy, enabled the municipalization of security, with the mayor as central actor in the organization of partnerships designed to prevent crime. For that reason, CLSs have been implemented at the communal or intra-communal level. French territorial governance may partly explain why the CLS, despite the changing discourse from social to individual causes of crime, intensified, rather than retracted, the presence of social and penal institutions at the level of everyday life of the
population of the banlieue to fight crime. Thirdly, the individualization of crime became, since 1997, a crucial justificatory discourse to further the presence of penal institutions in the everyday spaces of the banlieue to better fight “deviant behaviors.” As contracts exclusively designed to fight small and medium delinquency, the territorialization of security through the CLS was based on the “localization of a certain number of ‘deviant’ behaviors…CLS target [more precisely] the deviant behaviors of young people from popular neighborhoods.” (Bonelli, 2002:57)

The main difference between the politics of prevention and the new politics of security initiated in 1997 rests precisely in the fact that the government no longer sought to reconstruct or rehabilitate the spaces supporting everyday life as a measure to prevent crime. Rather, the main objective for the government was crime itself and not the spaces where crime took place. And yet, the prevalence of deviant behaviors in the everyday spaces of the banlieue justified a clear presence of penal institutions in those areas for sanctioning and preventing crime. To put it differently, the objective after 1997 was not the fight against the spaces supporting everyday life, or the urban form; the prevention, repression and sanctioning of crime was centered on everyday life itself – on the individual and/or collective behavior of young people in the banlieue. As Bonelli (2002:58) succinctly summarized, the main conundrum of the CLS was: “how to manage ‘deviant’ behaviors of groups of teenagers in public space, who, without necessarily committing any criminal infraction, degrade the environment of the neighborhood by the repetition of their acts [and their presence]?”

After conducting extensive research on various CLSs across Seine-Saint-Denis, Donzelot and Wyvekens (2004:136) noted that by concentrating on the fight against “incivilities,” the main concern of the Local Contracts of Security was to “restore the social bond [restaurer le lien social].” Restoring social relations requires that the institutions working under the partnership of
CLS “remind everyone of the order of institutions, the conditions of their functioning, and the respect of the discipline they [institutions] require.” (Donzelot and Wyvekens, 2004:137; emphasis added) Thus, one of the purposes of CLS was to increase the presence of institutions in everyday life, render institutions “more visible, to reassure inhabitants, and fill the void that has opened between them and the inhabitants.” (Donzelot and Wyvekens, 2004:149) Most importantly, the objective was not only to increase the visibility of institutions in the spaces of everyday life; this institutional presence “pretends,” instead, “to send a message, and this message is to respect the rules of life in society.” In other words, “the reinforcement of the social bond that constitutes the leitmotiv of CLS covers two operations – approximation of institutions closer to the people and pedagogy of the law – these two operations reaffirm the function of the French state, to teach society.” (Donzelot and Wyvekens, 2004:156) The Houses of Justice and Law (MJD) would become the most prominent judicial structures whereby the pedagogy of the law would take place. Their role, fully discussed in the next chapter, would be to teach everyone how to respect the rules of life; these rules, however, were in a continual state of flux given that during the 2000s the penal code was the object of “an exceptional legislative activity” that successfully armed the “penal state” with the legal and institutional bases it necessitated for its consolidation (Danet, 2008:19)

4.4.1. Consolidating the penal state

Prominent French urban sociologists, Sophie Body-Gendrot and Dominique Duprez (2001), as well as French penal scholar Sebastian Roché (1999) argued that the politics of urban crime from the mid 1970s until the 1990s were characterized by the continual negotiation between prevention and repression. As a result, the boundaries between prevention and
repression have blurred. The 2000s, however, have been characterized by a “security frenzy,” where the balance has been increasingly tilting toward the side of repression (Mucchielli, 2008). Three instances might explain the unprecedented levels of legislative reform to penal laws. First, the events of September 11, 2001 justified governments around the world to strengthen surveillance and policing instruments within and at the borders of the national territories to facilitate the apprehension of potential “terrorists.” The banlieue, consequently, was targeted as a potential breeding-ground for terrorists, particularly since it housed a great number of inhabitants from immigrant extraction. Second, the 2005 revolts brought a renewed concern with the damaging effects – property damages, but also damages to the legitimacy of the state – of social disturbances. The banlieue once again became a target of these new penal policies since social revolts generally originated in “sensitive neighborhoods.” Third, the privileged position of Nicolas Sarkozy in the government, as Minister of the Interior (2002-2004; 2005-2007) and currently as President of the Republic (2007-present), has enabled him to promote and enact multiple laws intended to criminalize the populations of the banlieue. Sarkozy is perhaps the biggest proponent of a penal/repressive approach toward the banlieue, evident by his role of “political entrepreneur” before and after the 2005 revolts (see Chapter 1).

The first set of laws passed after 2001 increasingly penalized the “right to the festival.” In other words, these laws sought to criminalize the collective appropriation of public space. The first “anti-festival” law was passed under the Jospin government, two months after the attacks on 9/11. The purpose of law no. 2001-1062 of 15 November, 2001 on security on daily life (LSQ), was to fight against terrorism, drug trafficking, and social nuisances. As the title of the law clearly indicates, the LSQ intended to penetrate deeper into the fabric of everyday life. The LSQ further centered the politics of prevention and security on the mayor, who is responsible for the
elaboration of the CLS. More importantly, the LSQ was notorious for sanctioning the collective appropriation of common areas in buildings. Articles 51 and 52 of the law modified the Code of Construction and Housing. In particular, article L126-1 of the Code of Construction now stipulates that property owners or resident associations can grant the national police and the gendarmerie a “permanent authorization to penetrate the common areas of these buildings.” If, according to the newly modified article L126-2 of the Code of Construction, people occupying the common areas “hinder the free access of tenants or prevent the proper operation of security and safety devices or affect the tranquility of the place,” residents can “call the police or the gendarmerie to restore the peaceful enjoyment of these places.”

The law no. 2003-239 of 18 March, 2003 for interior security (LSI) gave further means to the police to fight against insecurity. The LSI was highly controversial for it criminalized prostitutes, beggars, squatters, and those who “insult the flag or national anthem.” The LSI further sanctioned “menacing or hostile gatherings in building halls.” Article 61 of the law modified again Article L126-2 of the Code of Construction by granting residents affected by the collective appropriation of common areas of buildings permission to call the national police, the gendarmerie, or the municipal police to “reestablish the peaceful enjoyment of these places.” In other words, a new jurisdiction was given policing powers over the collective appropriation of residential areas. Further, the LSI created Article L126-3 of the Code of Construction which states that those occupying building halls and denying the free access of tenants could be prosecuted and subject to two months of prison and a fine of 3750 euros. The law no. 2007-297 of 5 March, 2007 relative to the prevention of delinquency, amended Article L126-3 of the Code of Construction which further sanctioned those who, while occupying common areas of residential buildings, threatened or used violence against tenants; they could now face six months
of prison and 7500 euros fine. Article L126-3 of the *Code of Construction* was amended again by the law no. 2010-201 of 2 March, 2010 to reinforce the fight against collective violence and the protection of persons charged with a mission of public service. Under the new law, not only those occupying building halls are charged with two months of prison time and 3750 euros fine but also those who occupy the rooftops of residential buildings, a common practice among young people in social housing estates. Those incriminated for occupying building halls and rooftops must further serve “community service” time according to the new amendments of Article L126-3.

Not only was the use of space criminalized but so was free association. The “anti-band” law of 2010 criminalized the formation of bands. The law of 5 March, 2007 on the prevention of delinquency had introduced the notion of “ambush” to the penal code, defining it, according to Article 44, as “the fact of waiting for a certain period of time and on a specific location one or various people to commit one or various offenses against” another person or group of people. If the ambush is performed collectively, those prosecuted could face seven years of prison time and €100,000 fine. Article 44 was intended to sanction “band” activities while the 2010 law allowed judges to pronounce harsher sanctions to members of a “band,” a still relatively loose concept (see Chapter 2 section 7). Article 1 of the 2 March, 2010 law established that if a “person is knowingly participating in a group, even formed on a temporary basis,” and the group is in “preparation” of “violence against persons, the voluntary destruction or degradation of property,” then that person is “punishable by a year’s imprisonment and a fine of €15,000.” According to Frédéric Lefebvre, spokesperson of the UMP, the “anti-band law” was intended for the “eradication of bands of scum [racaille], who always target the most vulnerable of our citizens in popular neighborhoods.” (Le Monde, 29 March, 2010) The reference to “bands of scum” should
come as no surprise since, as the reader might recall, Nicolas Sarkozy, acting as “political entrepreneur” in 2005, called “youth from the banlieue” “racaille” (scum) further inflaming the 2005 revolts. Nevertheless, the vagueness of the term “group” as defined in the law has opened up the possibility to utilize the “anti-band” law against street protests which bring together “groups of people” to press claims against unjust practices. In fact, the “anti-band” law was first applied against two hundred people protesting against the Santé prison on Sunday 28 March, 2010. Believed to be part of a “band,” 110 protesters were arrested and prosecuted according to the “anti-band” law (Le Monde, 29 March, 2010).

The second set of laws passed after 2001 sought to amend the juvenile justice system to better respond to the insecurity generated by young people in the banlieue. The law no. 2002-1094 of 29 August, 2002 d'orientation et de programmation pour la sécurité intérieure (LOPSI), “fixed the institutional architecture of interior security.” The LOPSI cited the “multiplication” of “lawless urban areas” and the rise of juvenile delinquency as examples of the problems of insecurity in France. In reference to the former, one of the main tasks of the law was “the eradication of lawless urban areas [zone-de-non-droit] which give way to the underground economy and the law of the band.” (LOPSI) In regards to juvenile delinquency, the law stated that “this type of crime, whose perpetrators are getting younger and more violent, is encouraged by the relative impunity they enjoy. It is important to give investigators the necessary means to end this unacceptable situation.” The LOPSI defined the role of the state as having “the duty to ensure the security of the entire territory of the Republic, to defend the national interest and its institutions, to respect the laws, to maintain peace and public order, and protect persons and property.” To this end, the LOPSI created the Council of Interior Security (CSI) which “defines the general guidelines of the policy in the field of interior security [i.e. Homeland security], and
sets the big priorities.” At the local level, the LOPSI created the Local Councils of Security and Prevention of Delinquency (CLSPD), which officially replaced the CCPDs of the Bonnemaison era. Presided over by the mayor, the CLSPDs were charged with “identify[ing] existing prevention efforts, identify[ing] a strategy based on specific objectives [set by the CSI], and facilitate[ing] a coherent policy based on these objectives.”

Attorney General, Dominique Perben, drafted two laws in 2002 and 2004 that modified the system of juvenile justice intended to reduce juvenile delinquency. Known as Perben I, the law no. 2002-1138 of 9 September, 2002 d'orientation et de programmation pour la justice reformed the Ordinance of 2 February, 1945. The Ordinance of 2 February, 1945 on juvenile delinquency was one of the first measures adopted after the liberation of France, and created the juvenile court and the juvenile judge to treat young delinquents (18 years or younger). The Ordinance clearly privileged a pedagogic approach to treat young offenders, rather than incarceration or other repressive measures that might further alienate young offenders. According to the Perben I law, however, 10-13 year old offenders can now be placed in custody, if only in “exceptional” situations. The law, furthermore, reinforced the “jurisdictions of proximity” for the treatment of small and medium size offenses.61 Perben II law, or more precisely the law no. 2004-204 of 9 March, 2004 portant sur l'adaptation de la justice aux évolutions de la criminalité, opened up the possibility of holding minors of 16-18 years old in custody. Further, the Perben II, which was intended to adapt the justice system to the evolution of crime, prolonged the time of custody to four days. The law expanded the notion of “organized band,” yet it did not precisely define what level of “organization” a “band” must attain to be prosecuted. The insistence by Sarkozy that the 2005 revolts were instigated by “organized

61 The law of 26 February, 2003 relative to proximity judges, gave legal recognition to judges working in “jurisdictions of proximity.” Proximity judges can warn and/or apply disciplinary measures to small offenders, yet they cannot punish offenders with prison time or fines (see Chapter 5)
bands” and that the banlieue was under the “law of the band” intended to place participants of the 2005 revolts under the realm of the Perben II law. Of equal significance, article 44 of the Perben II law created article 131-5-1 in the Penal Code wherein offenders could be asked to participate in a “citizenship course.” The article reads: “When an offense is punishable by imprisonment, the court may, in lieu of imprisonment, require that the offender will complete a citizenship course, the terms, duration and content [of which] are fixed by decree of State Council, which aims to remind [the offender of] the republican values of tolerance and respect for human dignity on which society is based.” (emphasis added)

The LOPPSI 2, or law no. 2011-267 of 14 March, 2011 d'orientation et de programmation pour la performance de la sécurité intérieure, complementary to the LOPSI 1, further reformed the Ordinance of 2 February, 1945. Article 43 of the LOPPSI 2 created curfews for underage people. The article states that representatives of the state can “restrict the freedom of coming and going of thirteen year olds or younger if the fact of being circulating or stationed in public space between twenty-three hours and six hours without being accompanied by the parent or person with parental authority exposes them to a risk to their health, safety, education or morals.” Equally, a “contract of parental responsibility” could be imposed upon the parents of a minor caught during curfew hours. Failure to respect the contract, such as the minor being caught again during curfew hours, could penalize the parents by the imposition of a fine of 450 euros.

The third set of laws enacted after the 2001 period sought to fight recidivists. The first anti-recidivist law was enacted on 12 December, 2005 relative au traitement de la récidive des infractions pénales. This law introduced the electronic bracelet and opened up the debate over “minimum sentences” for recidivists, similar to the Three Strikes you are out policy in the United
States. After taking office, Sarkozy pushed for the adoption of a “minimum sentence” doctrine and on 10 August, 2007 the law no. 2007-1198 renforçant la lutte contre la récidive des majeurs et des mineurs, or Dati law, after Attorney General Rachida Dati, was passed. The latter effectively introduced the “minimum sentence” doctrine for recidivists where their prison sentences would be automatically increased if caught a second or third time. Further, recidivists of 16 years and older could now be treated as adults and be subject to the “minimum sentence” doctrine. In defending the law, Attorney General Dati addressed the National Assembly and stated that “to effectively prevent [crime], the judiciary must be effectively repressive. Opposing these two terms would be absurd.” (Libération, 17 July, 2007)

This intense round of legislative activity concerning the reform to the penal system effectively blurred the boundaries between prevention and repression (see Roché, 1999). More precisely, the trend since 2001 has been to reinforce the repressive capacity of the state at the moment of encounter with any potential suspect. With these laws both the police and the courts were given extra instruments to penetrate the everyday spaces of the banlieue. The criminalization of the collective appropriation of building halls (and rooftops) as well as the reforms to the Ordinance of 2 February, 1945 aimed at policing “youths from the banlieue.” Further, these set of laws have introduced the notion of “collective violence” to the penal code in an effort to control the rise and threats of “urban violence.” More troubling perhaps is the loose definition of the term “band” or “groups” and the harsh sanctions imposed on offenses committed collectively. The elusive term “band” might give way to a systematic break up of any gathering of young people in public space. As I emphasized at the beginning of this chapter, and in particular in Chapter 2, youths socialize in the common areas of neighborhoods and with these new set of laws their main source of socialization, the collective appropriation of public space, is
now legally condemned by the authorities. These repressive laws have been accompanied by a pedagogic mission that seeks to teach society how to live under the Republic through, for instance, the “citizenship course.” In short, the aim of the Republican penal state is not so much to incarcerate those who commit small and medium size offenses, although the Dati law might in fact inflate the prison population with the Three Strikes you’re out doctrine. The main goal of the Republican penal state is to legally allow the police and courts to penetrate the spaces supporting the everyday lives of the population of the banlieue and teach them how to respect and follow the laws of the Republic (Donzelot and Wyvekens, 2004:126).

4.5 Conclusion

In this chapter I advanced the thesis that a particular spatial imaginary of violence was constructed to justify the inscription of state institutions in the fight against “social exclusion” and “insecurity.” Often referring to a sort of “everyday violence,” local officials, politicians, and “experts” of security have forced policy-makers to shift their gaze toward the spaces supporting everyday life where crime and insecurity find fertile ground to flourish. Local security politics in France, characterized by the continuous renegotiation of the prevention/repression boundary, have been able to partially enter the realm of the everyday as a strategy of crime control. By inscribing penal, social, and political institutions in urban space, local security politics have become part of the fabric of everyday life.

Despite the recurrence of police violence in the banlieue (Jobard, 2006; Monjardet, 1996), and the direct correlation between “police actions gone wrong” and the sudden eruption of “riots,” the term “urban violence” tended to obviate the immediate causes of revolts and their political character (Dikeç, 2006). Reacting to the discriminatory and oppressive practices of
police officers enforcing the Republican law in the spaces of the banlieue, youths attacked police officers, state institutions, and burned surrounding objects (trash cans, cars) to express their critique, rage, and opposition to the unjust living conditions imposed upon them. For Macé (1999:62), revolts “carry a cultural and political force that is critical and affirmative, and that enters into direct conflict with the French model of integration which not only is unable to hold its promise, but is the source of exclusion and confinement.” Furthermore, anti-institutional violence is rooted in the false promise of the Republican state to advance equality through the public institutions of the state, such as the schools, the welfare state, and local governments. By conflating political revolts, or what Dikeç (2004) calls “unarticulated social movements” with “incivilities,” delinquent activities, and other forms of criminal and/or violent acts without political force, “urban violence” was a debilitating term for anyone fighting toward social justice in the banlieue.

And yet “urban violence” not only effectively depoliticized revolts; the notion also helped establish an intimate connection between “moments” of contestation and everyday offenses. Since the 1980s security politics in France have sought new and innovative ways to insert state institutions in the everyday spaces of the banlieue. Whereas in the 1980s these spaces were mostly filled with social institutions (see in particular Chapter 3 for details), the explosion of “urban violence” led to an increase presence of penal institutions in the banlieue. In this chapter I simply wanted to demonstrate how the geographical mobility of state penal institutions to the spaces of everyday life was established at the discursive and legislative level. As clearly illustrated, as the banlieue became not only a threat to the social and urban order of France, but a legal and cultural threat to the republic, the police and courts were actively called upon as crucial institutions in the fight against “social exclusion.” Represented as “lawless” areas, the everyday
spaces of the banlieue necessitated a stronger state presence, a justification clearly articulated in governmental reports throughout the 1990s. The period between 1981 and 1996 was instrumental in establishing a connection between “moments” of contestation and everyday life, on the one hand, and erecting the discursive and legislative foundations for the insertion of social and penal institutions in everyday urban spaces. However, the post-1997 period solidified the position of penal institutions in the spaces of everyday life. Discursive transformations on the causes of crime – from the social environment to the individual itself – and a shifting political economic context dominated by the threats of terrorism and “riots” justified and accelerated the securitization of the banlieue. In particular, the individualization of crime was clearly manifested in the enactment of successive laws criminalizing the free association of individuals in public space as a measure to better police “deviant behaviors.” As a result, the presence of the police was reinforced in the spaces of everyday life. In short, by enacting successive laws to reform the penal code, the post-2001 period resulted in the criminalization of everyday social relations in the banlieue, the penetration of the police and the courts into these relations, and pedagogy of the law as a strategy for “restoring” social relations. The republican penal state carries two main functions: to repress everyday social relations in the banlieue through its presence and to restore social relations by teaching the values of the republic. In the next chapter I will illustrate how these new court geographies operate at the level of the everyday by paying particular attention to the Houses of Justice and Law and the Local Groups for the Treatment of Delinquency.
CHAPTER 5
JUDICIAL PRESENCE IN EVERYDAY LIFE: PEDAGOGY OF THE REPUBLICAN LAW AND THE MAISONS DE JUSTICE ET DU DROIT (MJD)

5.1. Introduction

The 2005 revolts revealed the expanding geographies of discrimination, repression and contestation across France. Moreover, neighborhoods who participated in the revolts were portrayed as being disrespectful to French laws and values, unwilling to integrate to the nation, and violently threatening the republic. For some observers, attacks against republican institutions (schools, the police, and town halls) during the revolts showcased the failure of these institutions to integrate a population who continually reject the “republican order.” (Balibar, 2007; Dell’Umbria, 2006; Ott, 2006) High levels of crime attributed to young immigrants in the banlieue represent, according to the media and high-ranking officials, the lack of “republican civisme” prevalent in these places (Jennings, 2000). The main site for sharing and teaching republican ideals and values, the school has lost its force of integration and solidarity (Dubet, 2010), in particular in neighborhoods with high concentrations of students from immigrant extraction (Dubedout, 1983; Oberti, 2006). Those who insist on ignoring the socio-economic conditions beneath revolts, mobilize discourses that rather stress the threat of the banlieue to the “republican order,” disrespect to the “republican law,” and loss of “republican values” in such violent places. Constructing the “problem” in this fashion highlights the necessity to call upon other republican institutions, beyond the school, which can spread and instill republican values in places ignorant and/or belligerent to such tradition. In this chapter I demonstrate how the judicial
system has played a key role in promoting, perhaps imposing, but surely spreading, key republican ideals in territories historically represented as being outside the republican tradition, and yet posing a threat within the national territory of the republic.

As argued in the previous chapter, a discourse on the lack of social control spaces in the banlieue emerged in the 1990s to justify the presence of state institutions in the everyday spaces of the banlieue. The death of the “street” that resulted from the dismantling of working class neighborhoods generated a void of institutions capable of exerting some form of surveillance and control over young people constantly present in the common areas of social housing estates. Cultural centers, socio-preventive institutions, and more recently, the police and courts have “come down” to the streets to fill this void. Through the sluices of French urban policy many state and civil institutions have been able to territorialize their actions at the level of the neighborhood to better serve the population, on the one hand, and prevent crime and deviant behaviors by young people, on the other. The production of socio-institutional spaces to replace the informal social control mechanisms present in working class neighborhoods, moreover, finds its justificatory roots in the assumption that political “moments” of violence (riots) are a result of the constant appropriation and deviant usage of quotidian spaces by young people. Thus local and national governments have gradually re-appropriated the everyday spaces of the banlieue in an effort to prevent and better manage the spontaneous, and yet recurrent, eruption of revolts that threaten the social, political and economic order of France. Framed in republican terms, revolts represent, in the eyes of the government, a clear threat to the “republican order” and an assault at the “republican law.”

In this chapter I explore the increasing presence of the judiciary in everyday life. In particular, I explore the Houses of Justice and law (Maisons de Justice et du droit, MJD
hereafter) in Seine Saint Denis. These physical structures constitute a means through which the judiciary and the law are inserted into the spaces of everyday life. Intended to make the law more visible and accessible to the public, particularly to the victims of crime, the *Houses of Justice* have been expanded in the urban landscape since the 1990s. While examining the MJDs, I will emphasize how these judicial structures illustrate the further territorialization of penal institutions in the fabric of everyday life, a trend which took force particularly after 1997.

In 1997, as the reader might recall, explanations of crime dramatically shifted away from the social conditions that cause this phenomenon to the individualization of crime, whereby behavioral explanations took precedence over political-economic causes. I suggested that such understandings of crime resulted in a further round of territorialization of penal institutions in the spaces of everyday life. Moreover, by explaining crime in relation to the deviant behaviors of offenders, responses to crime inevitably transformed along the way with emphasis placed on the capacity of penal institutions to change precisely the behavior of individuals. Such endeavor requires, I contend, a permanent presence in everyday life. In that regard, the *Houses of Justice and law* are not only physical structures which are present in everyday life, but this presence allows the judiciary to actively *teach* the population the central place of the law in the French Republic. This pedagogic mission undertaken by MJDs, fully analyzed in the last section of the chapter, is presupposed by the idea that young people, particularly from immigrant extraction, do not understand French laws, thus they do not respect the values of the French legal system, and continually contest the authority of the state. The role of MJDs is to make the law visible in the spaces of everyday life, but also to discipline, educate, and teach key republican values *and* duties so that populations from immigrant extraction learn how to live collectively under the Republic.
The analysis of MJDs, furthermore, will allow me to explore the shifting geographies of state authority. Following Hannah Arendt (1970) and geographer John Allen (2003), I contend that authority requires recognition for its exercise. Authority can best be recognized, moreover, if it is present and in close proximity to those it seeks to influence. The Houses of Justice and law, as we will see, are spaces designed to spread and anchor the authority of the state in so called “lawless urban areas.” The now popular narrative of the individualization of crime is rooted, furthermore, in four interrelated socio-political transformations of the 1990s, namely: a) the rise of juvenile delinquency; (b) the incapacity of penal institutions to efficiently respond to the crime problematic; (c) the crisis of authority; and (d) the growth of the feelings of insecurity. These transformations are explored in the next section. Nevertheless, the emergence of MJDs cannot be solely explained in relation to these socio-political transformations in France but, as I fully explore in the third section of the chapter, their emergence must also be understood in the context of the rise of “restorative justice” within criminologists and policy-makers across North America and Europe.

Restorative justice differs from retributive justice in many ways. The latter prioritizes sanction over prevention as the most effective answer to crime. Retributive justice, moreover, maintains that harsher sanctions deter criminals from committing further crimes. Restorative justice, on the other hand, prioritizes mediation, reparation of damages, and communication as the most effective weapons against crime. Central to restorative justice are the victims of crime whose concerns, damages, and losses are seriously addressed under this paradigm. MJDs adopt the principles of restorative justice as evident by their mode of operation which seeks not to sanction offenders but to respond to small and medium size offenses swiftly and with more efficiency, as well as providing a wide array of services to the victims of crime. By drawing on
the literature of restorative justice I wish to address one troubling phenomenon of MJDs, often couched under its “benevolent” operations (as a provider of judicial services), and that is the many ways in which state authority is asserted, maintained, and reproduced under the guise of “restorative justice.” I lay out Petr Kropotkin’s arguments on law and authority in order to argue that restorative justice, as a crime-prevention approach sponsored and implemented by central state institutions (i.e. the Ministry of Justice), advances the modern state’s tendency to monopolize the conflict-resolution process. This latter capacity has historically enabled the state to maintain and reproduce relations of obedience-servitude, hence the law’s ability to legitimate and re-assert the authority of the state.

5.2. Discourses around the new court geographies

Over the past three decades the judicial system has been subject to numerous critiques stemming from four interrelated socio-political transformations: (a) the rise of juvenile delinquency; (b) the incapacity of penal institutions to efficiently respond to the crime problematic; (c) the crisis of authority; and (d) the growth of the feelings of insecurity. Since the 1980s, these four interrelated transformations have been strategically enunciated to highlight the emergence of “lawless urban areas.” It is in those spaces where the judiciary has heightened its presence as a strategy to re-introduce the “republican law” in everyday life.

*Juvenile delinquency:* Since the 1990s official crime statistics have been utilized by politicians and local elected officials to highlight the rise of juvenile delinquency and justify penal interventions to contain criminal acts. As penal reforms have concentrated their efforts to fight juvenile delinquency and violent crimes, official statistics have been inflated along the way. In other words, official statistics drawn from police records illustrate policing trends more so than
actual crime rates. Graphs 5.1, 5.2, and 5.3 show rates of convictions from the 1980s to the 2000s. Local officials repeatedly expressed how “statistically, delinquents are people that, generally, are in the ages of 15 and 25 years old. They are younger and younger.” (Interview, Bobigny, 2008) Although thefts constitute the majority of infractions in France, their rate has steadily decreased since 1984. On the other hand, assaults and public order offenses have dramatically increased since the 1990s in particular among the 13-24 year old cohorts. Increasing arrests of young offenders have pressured the juvenile courts to respond to increasing numbers of cases.

![Graph 5.1](image_url)

**Source:** Mucchielli, 2004

62 According to Mucchielli (2004), public order offenses include vandalism, damages to property, drug infractions, insults, rebellion (i.e. revolts), and “violence on people with public authority” (i.e. police officers, firefighters, and so on).
Incapacity of penal institutions: As crime policies shifted toward the fight against juvenile delinquency and small and medium size offenses (i.e. public order offenses) arrests increased along the way. Consequently more and more cases were referred to the prosecutor’s office.
awaiting a response. In 1995, for instance, nearly 5.2 million crimes were referred to the prosecutor’s office and 4.2 million of those cases resulted in no further action (Ministère de la Justice, 1996:15). This process is known as ‘classement sans suite,’ (or prosecutorial inaction). The number of cases which result in prosecutorial inaction is often used as a performance indicator of the judiciary. In 1965, for instance, 73.3% of cases were not prosecuted, against 87.5% in 1992 (Crawford, 2000:35). Hence, an image of a lax judiciary has haunted this institution, and even more, many feared that the judiciary’s incapacity to deliver a response, even minor, to criminal misdemeanors could yield a generalized feeling of impunity among offenders who could potentially commit more serious offenses. In light of these accusations, since the 1990s the judiciary’s mission has been to increase the number of responses and the turnover time of responses to cases referred to the prosecutor’s office. One of the results of the “lax” discourse was the introduction of “treatments in real time” whereby judges pronounce sentences by telephone, rather than the courthouse, and “immediate prosecution” where cases are lined up in the courtroom and dealt with immediately (Bastard and Mouhanna, 2007). Those arrested for their participation in the 2005 revolts, for instance, were processed through “immediate prosecution” which effectively created an assembly-line production process of arrest-sentence-containment. The moments of infraction and sanction are brought together by this innovative procedural system which often times delivers a penal response in less than one day from the time of the infraction. Further, researchers have noted that in the name of efficiency, “immediate prosecution” tends to deliver harsher and more punitive responses to infractions (Chrsitin, 2008:11) The introduction of alternative measures to the prison has further reduced the rate of ‘classement sans suite’ for small and medium size offenses. Table 5.1 illustrates the evolution of rates of penal responses to small and medium size offenses since 2000, when prosecutors began
to increasingly rely on “alternative measures to the prison” as a response to crime. Since 2004 the rate of responses has surpassed that of prosecutorial inaction pointing to greater efficiency on the part of the judiciary in its response to increasing number of offenses.

### Table 5.1. Responses to small and medium size offenses: 2000-2007

<table>
<thead>
<tr>
<th></th>
<th>2000</th>
<th>2001</th>
<th>2002</th>
<th>2003</th>
<th>2004</th>
<th>2005</th>
<th>2006</th>
<th>2007</th>
</tr>
</thead>
<tbody>
<tr>
<td>Cases prosecuted</td>
<td>1,292,808</td>
<td>1,327,848</td>
<td>1,350,081</td>
<td>1,384,143</td>
<td>1,455,657</td>
<td>1,462,429</td>
<td>1,525,114</td>
<td>1,468,486</td>
</tr>
<tr>
<td>No response</td>
<td>414,692</td>
<td>434,475</td>
<td>429,506</td>
<td>385,874</td>
<td>366,414</td>
<td>323,594</td>
<td>298,859</td>
<td>239,208</td>
</tr>
<tr>
<td>Alternative measures</td>
<td>250,051</td>
<td>269,996</td>
<td>289,485</td>
<td>328,905</td>
<td>388,944</td>
<td>421,169</td>
<td>467,578</td>
<td>486,581</td>
</tr>
<tr>
<td>Penal composition</td>
<td>N/A</td>
<td>1,511</td>
<td>6,755</td>
<td>14,785</td>
<td>25,777</td>
<td>40,034</td>
<td>50,430</td>
<td>58,864</td>
</tr>
<tr>
<td>Rate of penal response (%)</td>
<td>68</td>
<td>67</td>
<td>68</td>
<td>72</td>
<td>75</td>
<td>78</td>
<td>80</td>
<td>84</td>
</tr>
</tbody>
</table>

Source: Jean (2008:72)

Lost authority: Explanations of crime, as forcefully argued in the previous chapter, have dramatically shifted away from a discourse on the multiple social causes of crime to a discourse which tends to blame the individual offender. In the latter view the socio-economic circumstances that surround offenders are seen as excuses and not as legitimate explanations for the prevalence of everyday forms of crime (Interview, Aulnay-sous-Bois, 2008). In relation to the individualization of crime, an emergent discourse has tended to explain the rise of crime, and in particular juvenile delinquency, as a direct effect to the crisis of authority in contemporary society. The school, the family, and the state are institutions said to be suffering from a crisis of authority. In particular, parents from immigrant extraction are often blamed for not exercising greater control over their children who, according to official discourse, tend to freely idle in

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63 Contrary to alternative measures to the prison, penal compositions require a judgment pronounced by a judge. Although the sanction can be similar to an alternative measure (reparation of damages, fine, etc.) penal composition results in a judicial file.
public space away from informal and formal social control institutions. By ‘responsabilising’ parents for the prevalence of juvenile delinquency, the social causes of crime – poverty, inequalities, racism, and so on – are dismissed in favor of behavioral explanations. For a local official in Saint Denis, young people’s contestation of parental and institutional authority could be understood by a psychological and sociological explanation. According to the director of security of Saint Denis:

Teenagers relate to the world of adults by discrediting them, this relates to classical psychology which states that we are in opposition to our parents, we are in opposition to institutions, and this is an inevitable process…we can say that Freud understood that very well. In my view teenagers regard adults as incompetent, incapable to judge, and there is an attitude of rejecting every form of authority that, if you want, is inevitable. On the other hand, sociologically speaking, there is the question of credibility, of discrediting institutions and their capacity to solve problems (Interview, Saint Denis, 2008).

For this local official, the contestation of authority is trivialized and normalized since it is understood in purely behavioral terms. In light of the inevitability of young people’s contestation of authority, what is required, according to the same local official, is greater “symbolic” presence of the state’s authority (Interview, Saint Denis, 2008). Another popular narrative among local officials is the lack of control that parents from immigrant extraction exercise on their children. Outside the supervision and surveillance of their parents, the argument runs, kids find the opportunity to commit all kinds of offenses. As an agent of Judicial Juvenile Protection (Protection Judiciare de la Jeneuse, PJJ) told me:

It is imperative that parents become more strict…we see kids from 12 or 13 years old that are outside their house during the weekdays, maybe because their houses are too small, and also the parents are a little bit tired after work and that results in the fact that kids are always hanging out outside…and if the kids are outside they are beyond their surveillance and they start doing stuff. (Interview, PJJ, 2008)
The discourse on the crisis of parental authority has been primarily aimed at parents from immigrant extraction whose apparent inability to exercise control over their children is often used as an explanation to the rise of criminal and deviant behaviors in public space. Both narratives, the loss parental and state authority, are often mobilized to explain “urban violence.” As shown in the previous chapter, the discourse on “urban violence” often highlights the high degree of offenses directed at state officials and institutions and in particular during revolts where town halls, schools, police officers and firefighters are regularly attacked by “revolting youths.” One of the missions of the state to contain these forms of anti-state violences is to increase the presence of the “law” in the everyday spaces where young people socialize.

*Feelings of insecurity:* The Bonnemaison Report highlighted the prevalence of insecurity in social housing estates and the necessity to reduce rates of fear among the population through greater visibility of state institutions in these neighborhoods. Thus since the 1980s preventative politics of crime, anchored around the CCPDs and more recently the CLSPDs, organized their efforts based on the reduction of the feelings of insecurity. This type of criminology puts the accent on aiding the victims of crime more so than offenders by offering the former greater availability of services, compensation for their loss (property or emotional), and responding to their demands for more police officers and security in their everyday lives.

Measuring rates of victimization in France is a recent phenomenon that has been undertaken by few researchers who have conducted surveys of victimization to systematically account for rates of fear of crime and concerns for safety (Névanen et al., 2006). Phillipe Robert has been the most vocal researcher in favor of victimization surveys. Robert (2008) argues that, as opposed to the USA where victimization surveys have been conducted since the 1960s, France lacks the knowledge to account for the realities of crime and that reliance on police statistics may
hinder understandings of what type of criminal policies are necessary to reduce the feelings of insecurity (Robert, 2008:2) As such, the discourse on the feelings of insecurity often highlights the prevalence of “violent crimes” and the population’s fear of physical assaults. Milburn (2000), for instance, lacking the proper statistics to document the risks faced by the population of an anonymous neighborhood, creatively broke down police statistics to differentiate violence from incivilities. Violence, if defined as “physical aggression,” referred to the categories of voluntary aggression and robbery with violence in police statistics. On the other hand, the term “incivilities,” popularized in France by Roché (1996), are acts that are not necessarily illegal, but since they lie outside the informal norms of socialization, cause many problems and evoke the presence of crime. These acts range from insults, to appropriation of space, vandalism, or just simply disturbances of social order. The ambivalence of this concept lies in the fact that institutionally speaking many of these acts cannot be penalized, or in order to do so the judiciary system would have to make major reforms to include uncivilized acts within its penal code. Milburn (2000) used the notion of “illegal” acts (punishable conduct, yet not necessarily violent) to document the rate of uncivilized acts versus violent ones. The result was that in this particular neighborhood, damage to property constituted 24.5% of infractions, robbery without violence 42.6%, incivilities (noises, appropriation of building halls, etc.) 23.9%, and violence 9%. Even though the media heavily reports the prevalence of “urban violence” and assaults in public space (Collovald, 2001), the reality shows that violence is less recurrent than everyday uncivilized acts. Furthermore, by privileging the victims of crime, contemporary criminological policies are highly dependent on oscillations in public opinion. The emphasis placed on reducing the gap between infractions and sanctions and the need to increase the number of penal responses to a
greater number of criminal acts is a direct response to the population’s concerns with safety and insecurity.

In an effort to change perceptions of a lax judiciary, to reduce challenges to state and parental authority and to better respond to the victims of crime government policies since 1997 have prioritized the need to increase the visibility of the law in everyday life and to create a more efficient judiciary capable of responding to small and medium size offenses. It is under these circumstances that the Houses of Justice and law began to sprout across the French national territory since 1998. MJDs became a means through which the law was present in the spaces of everyday life, where a greater number of penal responses were rendered, and an ideal place where victims of crime could find refuge and services to overcome their fears and gain compensation for their losses. The MJDs, as we will see in the next section, have been informed by a penal/criminological theory generally known as “restorative justice,” or “third way” justice that pretends to solve conflicts through non-punitive means. Restorative justice privileges the victims of crime and seeks to make offenders accountable for their acts. Restorative justice has resulted in the creation of numerous non-traditional courts, such as drug courts, community justice, and problem-solving courts, and in the process transformed the landscape of justice in North America and Europe. It is to that topic that we now turn.

5.3. Restorative justice and the new court geographies

Up until the 1960s the dominant penal approach in North America and Europe was “penal welfarism.” In the latter paradigm incarceration was the last option available for offenders and, in case of imprisonment, this institution worked toward rehabilitating and reinserting offenders back into society. According to David Garland (2001:34):
In the penal-welfare framework, the rehabilitative ideal was not just one element among others. Rather, it was the hegemonic, organising principle, the intellectual framework and value system that bound together the whole structure and made sense of it for its practitioners.

The correctionalist movement was instrumental in the expansion of social-control institutions beyond the prison, such as hospitals, child guidance, mental health institutions, and social workers. Supporting these institutions was “the correctionalist criminology that developed alongside these institutions,” which “perceived crime as a social problem that manifested itself in the form of individual, criminal acts.” (Garland, 2001:41) In other words, crime was explained as a personal defect or social handicap that could be corrected through scientific techniques and strong social institutions. More importantly, “the correctionalist criminology assumed the efficacy of criminal justice and the possibility of an individualized mode of crime reduction.” (Garland, 2001:44) In France, for instance, correctionalism took force in the postwar period with the enactment of the Ordinance of 2 February, 1945 which introduced educational measures for juvenile delinquents and prevented at all costs the imprisonment of underage offenders. That same year the prison administration instituted as one of its priorities the reinsertion of criminals into society. In 1958, the judge of sentence application (juge de l'application des peines, JAP) was created in order to individualize sentences and pronounce the most appropriate sanction with the ultimate goal of reinserting the criminal into society (Janas, 2004).

During penal-welfarism, the role of experts was significantly expanded. The welfare state, and in particular penal-welfarism, sought to regulate every aspect of social life through “professional” interventions. As Garland (2001:46-7) observed, “a whole series of problems – such as crime, or health, or education, or work, or poverty, or family functioning – came to be conceived of as social problems, with social causes, to be dealt with by means of social techniques and social work professionals. This new style of regulation empowered expert
authorities to establish social norms and standards in areas of life that had not previously been formally regulated.” By the 1970s, the edifice of correctionalism began to crumble as the role of “experts” and the use of scientific techniques to regulate and correct social life were seriously questioned. Furthermore, advocates for the enhancement of prisoner’s rights, calls to minimize imprisonment and to decrease state power and its control over citizens and prisoners took force in the early 1970s. In France, for instance, one of the most stringent critiques against French prisons was launched by philosopher Michel Foucault through the Prison Information Group (Groupe d’Information sur les Prisons, GIP)\(^6^4\), which he founded, and later on with the publication of *Discipline and Punish* in 1975. According to Garland (2001:54), anti-correctionalist movements spread very quickly across the developed world:

> In the course of a few years, the orthodoxies of rehabilitative faith collapsed in virtually all of the developed countries, as reformers and academics, politicians and policy-makers, and finally practitioners and institutional managers came to dissociate themselves from its tenets. With surprising speed, a liberal progressive ideal came to appear reactionary to the very groups that had previously championed it.

In the criminological field, the most serious critiques came from the burgeoning Marxist criminologists. Radical criminologists explained crime in relation to political-economic processes, and more specifically the unequal class structure that characterized capitalist societies (Beirne and Quinney, 1982; Taylor et al., 1975). Richard Quinney (1975), for instance, argued that the criminal justice system reproduced the conditions of inequality inherent to the capitalist mode of production (see conclusion to Chapter 1). To solve the crime problem, radical criminologists suggested that a complete overhaul of the capitalist system was necessary and that until an egalitarian society emerged, the problem of crime and the penal system that reproduced it will continue to exist (Baratta, 1984). The proposals of Marxist criminologists, however, did

\(^{64}\) The GIP was instrumental in mobilizing prisoner’s concerns to the larger public. Thanks to the GIP’s actions the media was able to gain access to French prisons which was impossible in the past.
not translate well into policy recommendations. Nevertheless, the field of criminology was fast changing and an array of critical criminologists emerged suggesting new and innovative proposals to reform the criminal justice system (see Bernard, 1981; Milovanovic, 1988; Reiman, 1995).

Of particular interest to the present discussion was the (re)emergence of the restorative justice movement. Already present in variegated forms in traditional and First Nation societies, restorative justice seeks to restore the social bonds broken by the criminal act in question. Rather than punish the offender, restorative justice brings the victim(s) and offender(s) to the table, along with community members and together they try to come up with common solutions that could in essence prevent the offender from reiterating the act, restore the victim’s trust and confidence, and in the process bring the entire community together (Dickson-Gilmore and La Prairie, 2005; Weitekamp, 1993). The theoretical underpinnings of contemporary restorative justice are generally attributed to Norwegian criminologist Nils Christie. In his polemical piece “Conflicts as property” of 1977, Christie forcefully argued that in contemporary society “conflicts have been taken away from the parties directly involved and thereby have either disappeared or become other people’s property.” (1977:1) Christie argued that penal policies tend to privilege the offender through rehabilitation measures, and that the victims of crime are absent from the resolution process or simply denied their rights to participate in the resolution of conflicts. In his particular interpretation of the state of criminology in the 1970s Christie (1977:5 emphasis in original) noted that:

We have, in criminology, to a large extent functioned as an auxiliary science for the professionals within the crime control system. We have focused on the offender, made her or him into an object for study, manipulation and control. We have added to all those forces that have reduced the victim to a nonentity and the offender to a thing. And this critique is not only relevant for the old criminology, but also for the new [Marxist]
criminology. While the old one explained crime from personal defects or social handicaps, the new criminology explains crime as the result of broad economic conflicts. The old criminology loses the conflicts, the new one converts them from inter-personal conflicts to class conflicts. And they are. They are class conflicts – also. But, by stressing this, the conflicts are again taken away from the directly involved parties. So, as a preliminary statement: Criminal conflicts have either become other people’s property – primarily the property of lawyers – or it has been in other people’s interests to define conflicts away.

According to Christie, victims have become double losers; first in relation to the offender, and second “by being denied rights to full participation in what might have been one of the more important ritual encounters in life.” (Christie, 1977:3)

In this victim-oriented criminology traditional courts would cease to exist as we know them. Christie claims that traditional courts are ill-suited to treat each conflict with complete fairness and equality. One of the main problems of courts is their distant geographic locations; they lie “outside the territory of ordinary people.” (Christie, 1977:3) Furthermore, even the interior architecture of courts is complex, thus making it difficult for lay people to feel comfortable in the houses of law. Inside the courtroom, Christie argues, the inequality of the criminal justice system is more evident. The parties involved in the dispute are separated and, more importantly, they are absent from the judicial process. Moreover, the parties involved rarely have a say in the process and often lawyers, prosecutors and judges take center stage (Christie, 1977:3). In an effort to bring back the rights of victims and the practice of restoration, Christie proposed the creation of neighborhood courts that would be foremost victim-oriented in their organization. In this neighborhood court model, punishment would come as a last resort yet it would be “that suffering which the judge found necessary to apply in addition to those unintended constructive sufferings the offender would go through in his restitutive actions vis-à-vis the victim.” (Christie, 1977:10) Punishment and restoration of damages would come after
both the offender’s and victim’s account had been heard, scrutinized and discussed by the members of the neighborhood court.

A decade later, Australian criminologist John Braithwaite’s 1989 book *Crime, shame and reintegration* further reinforced the theoretical debate of restorative justice. Braithwaite introduced the theory of “reintegrative shaming,” which contrary to traditional punitive measures that tend to instill guilt and further the exclusion of offenders from the community, is based on a process of shaming over the offense committed and has as its goal the reintegration of the offender into the larger community. More specifically, the theory of reintegrative shaming

[i]s an attempt to specify when it is right and when wrong. The distinction is between shaming that leads to stigmatization – to outcasting, to confirmation of a deviant master status – versus shaming that is reintegrative, that shames while maintaining bonds of respect or love, that sharply terminates disapproval with forgiveness, instead of amplifying deviance by progressively casting the deviant out. Reintegrative shaming controls crime; stigmatization pushes offenders toward criminal subcultures (Braithwaite, 1989:12-13).

The theory of reintegrative shaming argues that current punitive measures have a tendency to stigmatized offenders and thus makes it almost impossible to reintegrate them into society. Stigmatization leads to outcast individuals who can then, according to the theory, fall into criminal subcultures “which provide systemic social support for crime in any of a number of ways.” (Braithwaite, 1989:101)

If punished, Braithwaite argues, those sanctions should at least aim at integration rather than exclusion; “if we must punish, and formal punishments are inevitable up to a point, it follows that we should do so in a way that is visible rather than hidden and that nurtures the social integration of the offender: community service orders are an example.” (Braithwaite, 1989:179) Reintegrative shaming, furthermore, is a moralizing practice that would in essence maintain a balance between right and wrong whereby every member of a given community
would have a voice; “moralizing social control, in contrast, has the virtue of being oriented to attacking the acceptability of crime as a way of life, to the goal of persuading offenders that they should not want to commit crime in any neighborhood at any time.” (Braithwaite, 1989:182)

Following the theory of reintegrative shaming, criminologists in the 1990s began to explore “peacemaking” practices (Pepinsky and Quinney, 1991). Quinney (1991), for instance, one of the most prominent radical criminologists in the 1970s and 1980s, turned his research agenda toward the exploration of the intersection of criminology, humanism and religion in an effort to achieve peace in society. Peacemaking and restorative criminologists began to call attention to the power of “communicative action,” mediation, and reconciliation as the best ways to treat crime, prevent recidivism, and instill key moral values in a rapidly changing “postmodern” society (Habermas, 1996; Pavlich, 1996; Wozniak, 2008). In short, “rather than blaming or punishing the offender through incarceration, [restorative justice] focuses on repairing the harm done to victims and communities through a process of negotiation, mediation, victim empowerment, and reparation.” (Levrant et al., 1999:6) Furthermore, restorative justice “broadens the focus of justice from offender-oriented penal harm to community-oriented peacemaking and only considers justice to be achieved when the suffering of offenders, victims, and communities has ended and crime has been reduced.” (Levrant et al., 1999:6)

Pavlich (1996), from a Foucauldian standpoint, persuasively argued that conceptions of “justice” have been “fragmented.” Turning away from universal principles of justice, such as Rawls’ influential “theory of justice,” Pavlich (1996:41) observed that “justice has been fragmented, cast adrift from the secure shores of an essentially unified courtroom process.” In fact, “it is this fragmentation that provides the discursive space for the rising tide of alternatives, claiming as they do to operate in the name of justice – be it popular, informal, community,
restorative or neighborhood justice.” (Pavlich, 1996:41) Since the 1980s criminal justice systems in North America and Europe began to experiment with new modes of delivering “justice” beyond the traditional courts. Community justice programs, restorative initiatives, problem-solving courts, and therapeutic jurisprudence have all increased in number (Berman and Feinblatt, 2005; Dorf and Fagan, 2003). These new forms of justice-delivery, rather than simply representing a change of philosophy, emerged from the need to raise the number of penal responses to an increasing number of infractions in societies of “high crime rates.” (Garland, 2001) In particular, these new court geographies are designed to respond to small and medium size infractions, which are now heavily targeted by contemporary policing and penal strategies.

Over the past three decades, the dominant criminological theories have emphasized a need to regulate everyday life in order to increase the visibility of the state’s authority and reduce perceptions of insecurity. According to Garland (2001:127-28)

The new criminologies of everyday life are a set of cognate theoretical frameworks that includes routine activity theory, crime as opportunity, lifestyle analysis, situational crime prevention, and some versions of rational choice theory. The striking thing about these various criminologies is that they each begin from the premise that crime is a normal, commonplace, aspect of modern society. Crime is regarded as a generalized form of behavior, routinely produced by the normal patterns of social and economic life in contemporary society…crime comes to be viewed as a routine risk to be calculated or an accident to be avoided, rather than a moral aberration that needs to be specially explained.

The new criminologies of everyday life, informed mainly by the “broken windows” theory and situational crime prevention, seek to control spatial relations in particular ways. Herbert and Brown (2006:773) demonstrated how these two “popular criminologies” tend to reduce spaces “to their propensities for criminal activity, and some spaces are produced as always already criminal.” We could allude to the spatial representations of the banlieue, as places that are crime-prone and which necessitate a strong state presence to control crime. The main object of current
Criminological practices is not the criminal per se but the territories in which criminal activity takes place (Belina, 2007; Beckett and Herbert, 2010). Once the police and other penal agents penetrate these criminogenic areas, the goal is to fight small and medium size delinquency. Drug consumption, public disturbances, loitering, panhandling, and other visible forms of “misdemeanors” have been systematically policed (see graph 5.3). In fact, in these new criminologies, there is a greater emphasis on “the crime reducing potential of the police and to policing activity in general… [Moreover,] the police play a much more central role, and social or psychological interventions recede into the background.” (Garland, 2001:187)

This renewed emphasis on minor offenses by the police has added extra pressure to the courts which now must respond to a greater number of offenses. In that regard, community justice and restorative justice play a crucial role in the current politics of everyday criminologies. Rather than not responding to these “minor” offenses, the courts refer these cases to the new judicial structures where a more punctual response to minor offenses can be pronounced. According to Pavlich (1996), responses to minor offenses through community justice initiatives do not necessarily reduce “feelings of impunity” among offenders, or restore a sense of confidence and justice among victims of crime. Instead, the increasing number of responses to small offenses tends to trivialize conflicts in a number of ways; “by trivializing such disputes as ‘minor,’ and providing alternative, informal forums that emphasize voluntarism, settlement and individual participation, community justice helps to neutralize conflict while nurturing normative behaviors sanctioned by law.” (Pavlich, 1996:139) Furthermore, by concentrating on more serious disputes, traditional courts have re-legitimized their role in society. In the words of Pavlich (1996:140), “by claiming an ability to resolve only minor disputes, informal justice
reinforces the authority of the law by relinquishing more serious (important?) disputes to the courts.”

With its ability to absorb a good number of disputes, community and restorative justice initiatives have been intensely promoted by policy-makers and politicians from different ideological backgrounds. In fact, restorative initiatives are often represented as a benevolent response to crime and thus its appeal to liberal and progressive politicians. Some have noted, however, how restorative justice has been also endorsed by conservatives “as a means of securing more justice for victims.” (Levrant et al, 1999:6) Similarly, in an effort to secure justice for victims the same conservative politicians have promoted harsh and punitive responses against offenders. Furthermore, restorative justice is promoted as a potential means to reduce crime, recidivism, and for strengthening community and societal bonds. However, since these are relatively novel experiments there are no conclusive studies that show that restorative justice works. For that reason, Levrant and her colleagues (1999) warned us of the dangers of readily accepting restorative justice as the most adept response to the problem of crime. Critiques of restorative justice have questioned whether restorative practices are capable of addressing the structural causes that produce crime, such as urban inequalities, or racial and class segregation (Levrant et al., 1999; see also Herbert and Brown, 2006). Moreover, some observers have noted how restorative practices have been more efficient in their symbolic representations that “something is being done” and that the state is combating crime (Strang and Braithwaite, 2001:3). At times, proponents of restorative justice mobilize undefined categories such as “community,” “offenders,” “victims,” “peace,” and “reintegration” as a means to showcased their own views (Levrant et al., 1999). For instance, the notion of “community” has been heavily criticized in the literature of restorative justice (Pavlich, 2001). Observers have noted, moreover,
that community involvement in restorative practices is limited, and interest in participating in these programs is perhaps the greatest challenge of community justice (Grinc, 1994). Others have noted that in disadvantaged neighborhoods, where the prospects of restoration are perhaps more needed, participation is low and a general sense of withdrawal from community and public life is experienced (Skogan, 1996).

Although it is not yet clear whether restorative justice actually helps restore victim-offender relations, and to a lesser extent, community relations, some studies demonstrate the potential of restoration to ameliorate everyday social relations (Wachtel and McCold, 2001). In fact, Wachtel and McCold (2001:129) persuasively argued that “restorative justice must be perceived as a social movement dedicated to making restorative practices integral to everyday life.” The authors have envisioned a society whereby conflicts are dealt by the parties directly involved, à la Nils Christie, and disputes are solved in any type of setting, not just through community courts and the like. Although I agree with the authors, that restoration should be a common practice in our everyday lives, the reality is that “alternative” courts – community courts and drug courts for instance – are tightly linked to the criminal justice system. In the name of “restorative justice” these localized courts have effectively brought a greater number of people into contact with penal institutions and consequently the state. In fact, in some cases participation in restorative programs has been imposed on offenders as a condition of their probation (Levrant et al., 1999:8). In other words, in many instances restorative justice has served as an extended arm of the state and has enabled state authorities to expand their reach and power of control over the population (Pavlich, 1996). It is this double function of the restorative justice movement that needs more scrutiny. On the one hand, the intention is to promote restorative practices to the wider community as a form of regulating relations among offenders and victims, hence its crime
reducing potential through peaceful means. On the other hand, “community justice” has served a symbolic function intended to restore the state’s presence and authority in places that, as we will see, supposedly lie at the fringes of the legal boundaries. Since restorative justice functions in and through the criminal justice system, we must explore as well the geographies of power and authority that these judicial structures entail.

5.3.1. Geography, restorative justice, and state authority

Since their creation in the 1990s, the Houses of Justice and law have served as the ideal places where practices of restoration take place. Rather than punish, MJDs employ victim/offender mediation, or what the French call penal mediation, and provide a wide array of services and resources to the victims of crime. In that sense, the Houses of Justice are the French corollary of community justice and/or neighborhood courts. MJDs emerged in response to the victims movement in France and the rise of “Third Way” justice or alternative measures to the prison (reparation of damages, warnings, and so on) (Interview, judge, Bobigny, 2008; see also Crawford, 2000:35; Wyvekens, 1996). Through MJDs a greater number of small infractions have received a penal response (see Table 5.1). Rather than assess the effectiveness of MJDs in lowering rates of recidivism and the “feelings of impunity,” the next section will illustrate how the Houses of Justice and law are in fact a means through which the French state re-asserts its authority in so-called “lawless urban areas.”

I view MJDs as important “new state spaces” intended to regulate social life through the law (Brenner, 2004). As demonstrated in the previous chapter, the territorialization of the courts since the 1990s seeks to make the law more visible and closer to crime-prone areas. Furthermore, the aim is to re-assert the authority of the state by regulating social relations through legal
procedures. To a certain extent the goal of MJDs is that people can solve their conflicts through legitimate venues, such as the courts, rather than take recourse on violence and other illegitimate means (see Peyrat, 2001). The “judiciarization of life,” as a local official pointed out, requires that the population utilize judicial services to solve conflicts and thus diminish their reliance on violent and/or illegitimate means to regulate conflictive social relations. MJDs aim at solving as many conflicts as possible through restorative practices (i.e. penal mediation and victims assistance) and they do so by being present and closer to territories where legal conflicts are prevalent.

The geographic literature on restorative justice is very limited. When mentioned, restorative justice is readily promoted as an alternative to the security frenzy in North America and Europe. Yet “restoration” has not been examined against a wider critical analysis of the law and its geographical implications. It is for that reason that I turn to Peter Kropotkin, a prominent Russian geographer-anarchist in the late nineteenth century, since he is one of the few geographers who have explored the prospects of restorative justice. Although Kropotkin was writing at the turn of the nineteenth and twentieth century and from a radically different political position, it is striking to note the similarities in his argument and Nils Christie’s, the latter writing in the 1970s. Kropotkin developed a particular historical interpretation of the state and law, noting that before the existence of the modern state, social life was organized around the “village,” the “clan,” the “tribe,” and later on the “guilds.” (Kropotkin, 1908:9-12) In these pre-modern forms of social organization local customs helped organize collective life, instead of a set of formalized laws enacted by a higher authority. He states that “a whole code of tribal morals was already elaborated during this primitive stage. And to maintain this kernel of social customs in force, habit, custom, tradition sufficed. There was no authority to impose it.”
According to Kropotkin (1908:9), conflicts were solved through restorative practices, although he never employed this term directly:

Local custom was law and the plenary council of all chiefs of families – men and women – was judge, the only judge, in civil and criminal affairs. When one of the inhabitants, complaining of another, planted his knife in the ground at the spot where the commune was wont to assemble, the commune had to ‘find the sentence’ according to local custom, after the fact had been proved by the jurors of both litigant parties.

Modern state institutions eventually took control of “all forms of judicial procedure,” thus taking away conflicts from the directly involved parties (Kropotkin, 1908:9). The form of law adopted by European states was based on the Roman code, which was eventually “superposed to customary law.” (Kropotkin, 1908:9) Kropotkin defined the state as not only “the existence of a power placed above society, but also a territorial concentration and a concentration of many functions of the life of society in the hands of a few or even all.” (Kropotkin, 1908:4; emphasis in original) Kropotkin despised the centralizing power of the state, and in particular the centralization of authority around the (Roman) law and the national territory (Kropotkin, 1908:13).

As the state took away conflicts from the directly involved parties, as Christie later noted, any grievance arising from two persons, for instance, had to be addressed by the state or church: “If you have any common interests in the city and the town ask the Church and the State to look after them. But you are forbidden to combine in a direct way to settle matters for yourselves.” (Kropotkin, 1908:32) The conflict-resolution capacity of the modern state, furthermore, required vast amounts of resources and personnel exclusively devoted to the resolution of small and medium size offenses. The increasing amounts of conflicts directed at the state fostered the bureaucratization of the judiciary and consequently the piling up of numerous case files in the
judiciary’s offices, a critique that has been constantly launched against the French judicial system (see section 5.2). According to Kropotkin (1908:35)

the only arbitrator was the State. All local disputes, sometimes of the most insignificant kind, in the smallest town of a few hundred inhabitants, had to be piled up in the shape of useless documents in the offices of king and parliament. We see the English parliament literally inundated with these thousands of petty local squabbles. It then became necessary to have thousands of functionaries in the capital to classify, read, judge all these documents to pass judgment on every detail; to regulate the way to forge a horse’s hoof, bleach linen, salt herrings, make a barrel, and so on…

As people regularly turned to the state to solve their disputes, the state’s legitimacy and authority grew. In Kropotkin’s particular historical interpretation of the state, the main function of the law was to establish a relationship of obedience and servitude. These unequal power relationships were made possible not through violence, but through the “inculcation” of the moral values of the law. “Cleverly assorted scraps of spurious science are inculcated upon the children to prove necessity of law; obedience to the law is made religion; moral goodness and the law of the masters are fused into one and the same divinity.” (Kropotkin, 1886:2) Or as he said elsewhere, “[m]an allowed to be enslaved far more by his desire to ‘punish according to law’ than by direct military conquest.” (Kropotkin, 1908:12) The law was accepted and obeyed by the people because it was viewed as “an improvement upon the arbitrary authority and violence of the past.” (Kropotkin, 1886:4) Yet it was the active education of the law that finally legitimized the relationships of obedience and servitude: “the teaching of canonical and Roman law had perverted them.” (Kropotkin, 1908:23) Consequently, “men became enamoured of authority.” (Kropotkin, 1908:24)

For Kropotkin, state law demands only one thing in return – obedience. The law helps maintain unequal relationships among those who own private property and the dispossessed (Kropotkin, 1886:15). This is particularly clear, according to Kropotkin, when we explore the
vast majority of criminal laws: “First of all, as to so-called ‘crimes’ – assaults upon persons – it is well known that two thirds, and often as many as three fourths, such ‘crimes’ are instigated by the desire to obtain possession of someone’s wealth. This immense class of so-called ‘crimes and misdemeanors’ will disappear on the day on which private property ceases to exist.” (Kropotkin, 1886:21) Kropotkin notes that “the severity of punishment does not diminish the amount of crime” (1886:21), and “it is also well known fact that the fear of punishment has never stopped a single murderer.” (1886:21) Thus the best response to “criminals” is “to relieve him by the most brotherly care, by treatment based on equality, by the usages of life amongst honest men.” (Kropotkin, 1886:23) It is important to remark the similarities of Kropotkin’s proposals toward crime and Braithwaite’s reintegrative shaming theories. Both agree that punishment does not reduce crime, and instead increases the chances of excluding “criminals” from the community. However, whereas Braithwaite suggested that “punishment” was inevitable to a certain extent, Kropotkin adopted a radically different approach where law would cease to exist altogether.

Consider what corruption, what depravity of mind, is kept up amongst men by the idea of obedience, the very essence of law; of chastisement; of authority having the right to punish, to judge irrespective of our conscience and the esteem of our friends; of the necessity of executioners, gaolers, and informers – in a word, by all the attributes of law and order. Consider all this and you will assuredly agree with us in saying that a law inflicting penalties is an abomination which should cease to exist. (Kropotkin, 1886: 22-23)

In short, although Kropotkin never really employed the term “restorative justice” to characterize his response toward “crimes” and/or conflicts, it was clear that the principles of restoration were at the heart of his political project. Kropotkin was militating for a judicial process close to the community, where community members would judge themselves according to local customs and traditions. Furthermore, the aim of “punishment” should be the integration of that member back to the community for that would ensure that the offense at hand would not be reiterated. But
more importantly, by taking conflicts away from the directly involved parties, Kropotkin argued, the possibility for cooperation and mutual aid disappeared along the way. Quoting Leo and Botta, Italian medieval historians, Kropotkin argued that “a commune only then represents the picture of a moral whole, only then appears universal in its behavior, like the human mind itself, when it has admitted conflict and opposition in its midst.” (Kropotkin, 1908:20; emphasis in original) Without conflicts and the capacity to solve them, community life would be impossible. By introducing the authority of the law and re-centering conflicts, albeit minor they were, back to the appropriate centralized institutions, the state ensured that no cooperation among individuals was possible without the state’s mediation. “The State does not recognize a freely adopted union working within itself. It only deals with subjects. The State alone and its prop, the Church, arrogate to themselves the right of being the connecting link between men.” (Kropotkin, 1908:27; emphasis in original) Against the tendency of individuals to cooperate and organize themselves, the state “must substitute [it to] the principle of submission and discipline.” (Kropotkin, 1908:28)

In other words, integral to the state’s capacity to solve conflicts is the recognition, legitimacy, and authority bestowed upon the state’s institutions. Hannah Arendt (1970:45) noted that authority, one of the many modalities of power, “can be vested in persons…or it can be vested in offices.” What authority requires, according to Arendt (1970:45) is “unquestioning recognition by those who are asked to obey.” Furthermore, “to remain in authority requires respect for the person or the office.” (Arendt, 1970:45) In that sense, authority’s constant need for recognition and respect requires it to be present and visible in order to be effective. Yet “the critical issue,” geographer John Allen (2003:155) contends, “is not about presence per se but whether or not a controlling presence is established.” In other words, authority’s ability to exert
control and remain intact rests upon its geographical proximity to those upon whom it seeks to control and a relative presence to remind those under its authority who is in charge. “Authority’s need for recognition implies that the more direct the presence, the more intense the impact. In which case, proximity and presence have a significance part to play in the successful mediation of authority relations when confronted with a diverse and disperse civic population.” (Allen, 2003:149)

The reemergence of restorative justice since the 1970s was sponsored by the criminal justice system in an effort to reduce the number of disputes directed at the state waiting to be solved. The emergence of neighborhood courts, in other words, has been stirred by the criminal justice system and not from local communities seeking to solve their disputes according to local customs and traditions, as Kropotkin would have liked to see. Despite the usage of restorative practices in these local courts, disputes are still being taken away by the state, now under the guise of “restorative justice.” By being tightly linked to the criminal justice system, community courts, I argue, represent a subtle geographical strategy through which the state extends its reach and power over territories that allegedly lie outside the legitimate boundaries of the legal framework (i.e. the banlieue). Thus central to understanding the operation and implications of the

Houses of Justice and law is the question of authority and its spatiality. What do these spatial arrangements contribute to the reproduction and maintenance of state authority? Put differently, in what ways does the French state assures that its laws are understood, respected, and recognized across a variety of settings and territories that continually resist, challenge, and surpass the norms that regulate collective life under the Republic? As explanations of crime, and in particular juvenile delinquency, have centered on the apparent crisis of authority of the family and the state, politicians and local officials have continually stressed the need for young people
to respect the law and recognize the authority of adults. In that sense, the *Houses of Justice* have become a means through which the state produces new law-abiding citizens who will potentially work *with* and not *against* the state. The latter is done by the various pedagogical sessions that MJDs organize with school kids. In short, MJDs seek to *symbolically* restore the power of the French state by being present and in close proximity to “lawless” urban areas.

### 5.4. Judicial presence in everyday life: The Houses of Justice and law

The *House of Justice and law* of Saint Denis inaugurated in October 15, 2003 by a convention signed by the Prefect of Seine-Saint-Denis (Chief of Police of the Department), the President of the Tribunal of Bobigny, the Prosecutor of Bobigny (or District Attorney), the Mayor of Saint Denis, and the President of the Bar Association of Bobigny.\(^{65}\) The MJD is open from Monday through Friday from 9:00 to 5:00 pm and is at the service of approximately 94,700 clients (population of Saint Denis in 2004). In 2007, 7,085 people visited the MJD and 4,397 people called the MJD seeking information or services. On average, slightly more than 37 people visit this judicial structure daily. The MJD is operated by a jurist, which in the case of Saint Denis, holds the title of City-Justice Correspondent. The City-Justice Correspondent is the main liaison between the mayor and the prosecutor’s office of Bobigny. A clerk of the court (*greffièrè*) also works permanently in the MJD. She is in charge of receiving calls, referring cases to the appropriate entities and for establishing communication lines with the Prosecutor’s Office of Bobigny. A lawyer and a notary also work for the MJD on certain days of the week as well as a mediator and two delegates of the prosecutor which are in charge with treating small and medium size offenses and deliver judicial decisions. Apart from these employees, there are at

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\(^{65}\) The information that follows is drawn from the Report of Activity: from January 1\(^{st}\) to December 31\(^{st}\) 2007. This is not a public document and I am grateful to the director of the MJD of Saint Denis for providing this information.
least nine partner associations that provide a wide array of services to the population. These associations play different roles depending on their capacities and specialization. Some provide mediation services, others provide family services (parental advice, children rights, and so on). There are a handful of associations that provide information on rights: penal, family, immigration, housing, work, juvenile, and many others. The mediator, on the other hand, receives people that need to solve disputes with state administrations and who need someone with legal expertise to find a resolution. Finally, one association deals exclusively with victims’ rights. This association helps victims in various ways such as filing a complaint, advancing the healing process (physical and/or emotional) and understanding the rights they hold. The lawyer, notary and the associations are grouped under the Access to Rights component of the MJD. In the MJD, citizens can come and gain access to information about their rights.

The Justice component of the MJD is headed by two delegates of the Prosecutor’s Office of Bobigny (one for adults and the other for minors) and the Penitentiary Service of Insertion and Probation (Service Pénitentiaire d’Insertion et de Probation, SPIP). The delegates to the Prosecutor are in charge of applying “alternative measures to the prison” to first time offenders. The latter are referred to the MJD only when their first offense is considered of minor gravity, such as vandalism, insult, theft, or driving under the effects of alcohol. In such cases, the delegates to the Prosecutor can take recourse on a variety of alternative measures. The available measures are as followed: rappel à la loi (RAL), or “citing the law”\(^6\); penal mediation and reparation of damages; regulation of driver’s license; and referral to other structures such as, for instance, anger management programs. In 2007, the delegate to the Prosecutor for adult offenders received 1334 offenders and 375 victims of crime. Of all the cases dealt by the delegate, 840

\(^6\) The RAL is, according to Crawford (2000:48), a “distinctly French practice” which “does not translate easily into English.” Citing the law or warning are perhaps the two terms that best describe this practice. The RAL consists of a “lecture,” which often cites the Penal Code, and reminds the offenders the law and his/her responsibility to it.
were dismissed and/or referred back to Prosecutor’s Office; 99 cases could not be followed because the victim dropped the complaint; 38 cases were dealt by penal mediation sessions where some sort of reparation of damages was pronounced; 42 cases were referred to other structures; 108 cases the driver’s license was taken away; and 176 RAL or “citing of the law” to the offenders. On the other hand, the delegate of the Prosecutor for minors received 340 offenders and 111 victims. Of these offenders, 96 were dismissed or referred back to the Prosecutor’s Office, 101 were subject to mediation sessions or reparation of damages, and 115 offenders were “cited by the law.” Finally, the MJD houses probation officers who exercise close surveillance of ex-convicts and those on parole. The SPIP takes charge of parole of ex-convicts and helps them find a job, reunite with the family, prevent them from reengaging in criminal activities, and find the appropriate services. The SPIP received 296 males and 38 females in 2007. In reference to the pressures that the judiciary has confronted over the past three decades as crime rates have increased, MJDs have become important vectors whereby a greater number of judicial decisions are rendered. In the words of Crawford (2000:43), “confronted by a crisis of prosecutorial inactivity,” MJDs represent “less an alternative form of justice than an attempt to respond quickly to situations where otherwise there would have been no prosecutorial response.” Before analyzing the relationship between the MJD of Saint Denis and the state’s authority and the latter’s quest to produce law-abiding citizens, I will briefly document the origins and geographical justifications for the proliferation of MJDs across the French urban landscape.

5.4.1 Origins of MJDs

The law of 18 December, 1998 relative to the access to rights and the amicable resolution of conflicts, provided MJDs with a legislative and institutional foundation to enable
their proliferation. During the deliberative process, the Minister of Justice addressed the National Assembly and stated that MJDs, “born in 1990, under an experimental framework initiated by various jurisdictions, local collectivities, and local associations,” necessitated a “juridical existence” to “foster their development.” (Peyrat, 2002:354). According to the law, MJDs must serve three interrelated missions: a) MJDs must assure “a judicial presence of proximity;” b) MJDs must “contribute to the prevention of delinquency, to victims’ assistance and increase access to the rights of citizens;” and c) these structures must be the ideal sites for the development of “alternative measures” to the prison and to all actions intended for the “amicable resolution of litigations.” (Article 21 of law of 18 December, 1998)

By simplifying and institutionalizing the operation and functioning of MJDs, the law of December 18, 1998 fostered the growth of MJDs across the French urban landscape. Only 28 Houses of Justice and law were created during the experimental phase between 1990 and 1998. Between 2002 and 2004, ten new MJDs were open annually, representing the most productive period of the short history of MJDs. This number slightly subsided during 2005 and 2006, with five new MJDs created annually. And over the last four years only a handful of MJDs have been created. In short, there are 133 Houses of Justice and law across France, including oversea territories (see Map 5.1). The best served departments are Seine-Saint-Denis and Val d’Oise, both located in the periphery of Paris, with seven each. The Houses of Justice and law of Seine-Saint-Denis are located in the municipalities of Aubervilliers, Blanc-Mesnil, Clichy-sous-Bois/Montfermeil (created in response to the 2005 revolts), Epinay, La Courneuve, Pantin, and Saint Denis.
Map 5.1 Distribution of Houses of Justice and law in France and overseas territories

Source: Ministère de la Justice et de Libertés
Created as a means “to compensate the absence of the court in certain places,” (Interview, judge Bobigny, 2008), the Houses of Justice and law are the main vector through which the Ministry of Justice inscribes its presence in the city. In the words of a local official, the House of Justice and law “is a way to territorialize the courts.” (Interview, Saint Denis, 2008) Contrary to the police, whose effectiveness is measured by its capacity to enter and control the territory – as Steve Herbert (1997) clearly demonstrated in the case of the LAPD – the courts do not necessarily have to be present in the territory to carry out their duties. The same local official succinctly explained the difference between the two main penal institutions: “the National Police, they have a culture of the territory, as opposed to the Ministry of Justice which has a culture of the file… [the police] have a mission that requires them to be in the city, at the local level, in the territory; that is less true for the Ministry of Justice which is based more on the study of a situation.” (Interview, Saint Denis, 2008)

5.4.2. Presence, Proximity, and Authority

The Houses of Justice contribute to the perceptions of proximity and presence so crucial for the exercise of state authority. As the director of public tranquility of Saint Denis put it, “[the House of Justice signifies] the presence of a jurisdiction that is far away, well there is the feeling that is far when it isn’t, so the courts come closer to this city of the department and give the impression of being closer to the territory.” (Interview, Saint Denis, 2008). Furthermore, MJDs are often presented as benevolent state institutions that are at the service of the population. As a judge told me “when people need to solve a conflict they come to the court. We go to the court and we obtain judicial decisions.” (Interview, judge Bobigny, 2008) Yet the kinds of services that MJDs and the judiciary provide are unique in nature. In other words, these services are
delivered by a powerful and “distinct” public institution. In the words of the judge, “we have been asked to provide other services beyond judicial decisions. These other services don’t have to be carried out in a court. But if these services are done by the judiciary they have to be carried out at least in a place that is identifiable, that can be differentiated from other public services; and we have decided to call those places Houses of Justice and law.” (Interview, judge Bobigny, 2008)

Nevertheless, the delivery of “justice services” is still very uneven. Despite efforts to approximate the judiciary to the territories that need it most, the Ministry of Justice is still coping with increasing demands from communes and limited resources. Asked whether a House of Justice exist in the commune, the official in charge of security at Aulnay-sous-Bois replied: “No, we asked for one, as one of the missions of the Contrats Locaux de Sécurité, but they [the Tribunal of Bobigny] refused because there are already seven in the Department, and they thought that was enough for the moment.” (Interview, Aulnay-sous-Bois, June, 2008) The city of Montreuil, another commune of Seine-Saint-Denis, received a similar response from the Tribunal of Bobigny. Equipped with various Points of Access to Rights, Victims’ Help centers, and Community Service sites (Travaux d’Interet Generaux, TIG), Montreuil is, nonetheless, ill-equipped to deal with the problem of “incivilities.” According to the head of the CLSPD of Montreuil, through “reparation measures we can arrive at a response” to incivilities. Moreover, it is:

for that reason that we are militating for the MJD because that will allow us to respond to these small offenses. When there is a graffiti made, we opened TIG sites…[where we have] workshop services to clean up a wall that has been painted, but nowadays, as you said, these small offenses we need to catch the person in the act, and we also need to put in place a reparation measure, and that is the interest of having a MJD in the commune, is to be able to respond to these type of offenses (Interview, Montreuil, 2008)
In that sense, the Ministry of Justice is a long way from achieving its commitment of “proximity justice.” On the other hand, communes that have succeeded in bringing the judiciary close to their territories regularly expressed the benefits of it.

The director of public tranquility of Saint Denis explained the positive aspects of the MJD. In his word, “instead of having [prosecutorial inaction] in the Tribunal, or having a long procedure on small affairs, I don’t want to disqualify them but affairs that are dealt minimally, or dealt wrongly in the courts,” the Houses of Justice are better suited to respond to these small offenses. More importantly, “it is better to give a signal to citizens that we are also fighting against the feeling of impunity.” (Interview, Saint Denis, 2008) It is the functional capacities of MJDs that is often cited as the most beneficial aspect of these judicial structures. Situated in the heart of Seine Saint Denis, the district court of Bobigny, the second largest in France after Paris, treats more than 180,000 penal cases each year. Slow turnover times, case-building, and a dysfunctional bureaucracy have forced the court of Bobigny to employ alternative strategies to alleviate some of its pressures (Le Monde, 25 May, 2004). According to the judge in Bobigny, “we just don’t have the material capacity” to deal with all the cases. Spatial dispersion has been one strategy adopted. Through the Houses of Justice, the court of Bobigny “can treat 20 to 30% more cases. There is better execution, and for us that is interesting, our interest is for a decision to be executed, if the fact of being closer allows us to execute more decisions then it is a benefit for all. A benefit for us and the victims…we have everything to win.” (Interview, judge Bobigny, 2008)

The Houses of Justice also work as a relay between citizens and the state. These new state-society relations are forged through the particular geographies of presence and proximity. For instance, the judge of Bobigny explained how the MJDs help bridge the geographical gap
between citizens, dispersed across the Department of Seine-Saint-Denis and the Tribunal of Bobigny, which is located in the center of the Department. But, beyond a geographical problem, there is a “sociological problem” that the MJD intends to solve (Interview, judge Bobigny, 2008). To understand the impacts of the MJD in the social geographies of the Department, the judge of Bobigny provided the following example:

It is very hard to explain to an immigrant worker in Saint-Denis, who has not been to school, or to the son of that immigrant worker who goes to school to come to Bobigny for information. It is possible, but for them it is unimaginable to come to the tribunal to ask for aid and information, even if it is not far (Interview, Bobigny, 2008).

The purpose is to create new lines of communication between the judiciary and the population, to forge a relation of trust, rather than fear, of respect instead of resentment. The director of public tranquility of Saint Denis, for instance, laments the lack of respect to French laws. As he explained in relation to particular forms of crime when the perpetrator and the victim are easily recognizable:

We need first of all to sanction and we need to also assist the victim. You can’t solve that through dialogue, I am sorry, what we need, first of all… I mean, if we have laws we need the resources to make people respect those laws, right? And when the law is broken [pause], I think Americans understand that much better than us, we [in France] are always trying to create a law, we create a law to precisely not respect it. I mean most Frenchmen respect the law, but we are always looking for excuses, we are fascinated by the law, but we have always an excuse [for not respecting it] (Interview, Saint Denis, 2008).

This particular interpretation of the relationship between the law and the people in France was echoed by French legal scholar Antoine Garapon who argued that the “function of rules is not so much simply to co-ordinate social behavior as it is to symbolize collective ideals.” (1995:496) As the author notes, “many rules are not applied in practice simply because they cannot actually be enforced.” (Garapon, 1995:496) The purpose of juvenile judges, for instance, is to make the child “internalize” the law through educational and “paternalistic” measures (Garapon, 1995:499). This distinctive feature of “Latin legal cultures,” as opposed to common law
countries such as Germany, Britain and the United States, might help us explain why the MJD undertakes educational sessions with school kids as one of its most important missions. According to Garapon, “the rules of the game in common-law countries must be respected otherwise this would render the game absurd, the ideal of law in Latin countries, on the contrary, quite satisfies itself with inefficiency. This is due to the very objective of law, which lies in its symbolic expression, rather than its application in reality.” (Garapon, 1995:500; emphasis added)

In the final section I document the specific ways in which the judiciary, through the MJDs, attempts to “internalize” the law in the younger populations and in the process produce law-abiding citizens. It is to the MJDs educational sessions that we now turn.

5.5. Pedagogy of the law

We are so perverted by an education which from infancy seeks to kill in us the spirit of revolt, and to develop that of submission to authority; we are so perverted by this existence under the ferule of a law, which regulates every event in life…Our society seems no longer able to understand that it is possible to exist otherwise than under the reign of Law, elaborated by a representative government and administered by a handful of rulers.

Kropotkin, 1886:2

Calls for better education of the law, particularly to young people, was a common topic of discussion among interviewees. As the agent of the PJJ put it

We need to expand educational measures within a judicial framework…we also need to make kids accountable for their actions, when they commit an act, they must know what the consequences of those acts are…but kids they need to discover, so they will do stuff. Here in France we have a saying “Nul n’est censé d’ignorer la loi”, it means that apriori everybody must have knowledge of the law, it is quite complicated because at what point we gain knowledge of these laws…I think the teaching of the law is the mission of the school…but also kids must have knowledge of their rights…but certainly, I think the law must be taught at school, for kids must know how to behave… (Interview, PJJ, 2008)

In the past, the education of the law was conducted in the school system. However, according to the director of security in Aulnay-sous-Bois, this practice is no longer in existence. “In France
there was something we called civic instruction in the school. In that course we covered topics about what the law is, what we risk, etc. That course was abandoned some years ago, it has regained momentum the last two or three years and I think that is a good thing.” (Interview, Aulnay-sous-Bois, 2008) This same local official explained to me that education is necessary for kids and parents of foreign origins since, first of all, many juvenile delinquents are from immigrant extraction, and second, this population does not understand how the French system works. As he put it

Parents tell us, “I would like to educate my kid,” but in their country they weren’t the only ones raising the kid. It was often the clan, the village, which helped raise the kid [through informal social control] and parents have problems accepting that in France is not like that. I am eager when parents tell me that they want to educate their kids because that gets down to the question of correction. Often these parents say that they are powerless because, on the one hand, we ask them to better educate their kids, and on the other hand, when the kid does something stupid and they need to be [reprimanded] questions of human rights and children rights need to be taken into consideration. A true concern in France is being able to explain to these families from the ex-colonies how that question is dealt with in France. I also think that in France we talk a lot about human rights and children rights, but we seldom talk about duties and obligations. That is a concern because it reinforces the feeling of impunity among youngsters. Youngsters often say to their parents, “if you hit me I will go and see the social worker”…they play with the system, and that is a reality (Interview, Aulnay-sous-Bois, 2008).

The problem of crime and juvenile delinquency has often been explained in relation to citizenship rights and responsibilities. In particular, over the past few decades as explanations of crime shifted away from social and economic causes and rather emphasized individual responsibility as the main cause of crime, many have put the accent on the lack of knowledge and therefore respect for the law. The judicial system has taken the education of the law seriously with the “hope that those kids later in their life address us if a conflict arises.” (Interview, judge Bobigny, 2008)
As mentioned above, the *Houses of Justice* are presented as a benevolent and service provider institutional space. Their main purpose is not to judge and punish, but rather to facilitate the access to justice and, above all, to solve as many conflicts as possible. The *Houses of Justice*, moreover, carry a very important symbolic role in the city, namely that the law can actually help structure and organize everyday life. In order to demonstrate to citizens that the law actually works, the *House of Justice* of Saint Denis organizes educational sessions with school children to teach them about the role of the law in everyday life. These educational sessions take place in the town hall because “a building of the republic is a symbolic place.” (Interview, Saint Denis, 2008)

On 19 June, 2008 I attended a session organized by the director of the *House of Justice* of Saint Denis in the town hall. An ethnically diverse group of sixth graders, showed up in the town hall around 9:30 in the morning. We all walked into a small room equipped with all sorts of interactive tools and educational images specifically intended for these sessions. First, the organizer talked about the different types of infractions, the different kinds of laws and the benefits of knowing your rights as a French citizen. In particular, the session stressed the importance of the duties, responsibilities and obligations that citizens must perform; these include, respect of the law, knowledge of the law, attend school, and respect of others. Students showed great deal of interest in the session. In fact, the director of the MJD of Saint Denis is very optimistic about the prospects of these sessions. As he cited during our interview, since 2004, the MJD has instructed over 4,000 students. One interesting aspect he has noted is the tendency of young people to compare the American Justice system with the French, even though both are “very different.” (Interview, MJD, 2008) For judicial personnel, these educational sessions are important “because we believe that the law can structure and repair situations.” (Interview, judge Bobigny, 2008)
These sessions are an important preventive tool against crime. The MJDs involvement in the prevention of delinquency is a novel approach amongst the judiciary. “The impression of the court, in a strict and historical sense, is of an institution that intervenes over a symptom, there is a disease and the court is there for the symptom,” said the judge from Bobigny. “But courts don’t intervene before the symptoms appear, because what the courts treat are the symptoms of a social disease, and the judiciary does not hold a grip over that. What we are trying to do here [MJD] is to intervene before…to avoid the symptom.” (Interview judge Bobigny, 2008). This preventive capacity of the MJD is undertaken from a very early stage in life.

The director of public tranquility of the city of Saint Denis explained how these sessions could potentially help “structure” the everyday lives of young people:

We take recourse on the interactive tools of these sessions to relate their quotidian lives to the law. These tools introduce young people to questions relating to education, family life, street life, racketeering, and so on. We think that the law can structure everyday life, such as, for example if my parents beat me what can I do, or if I smoke what would happen, can a teacher do this or that, these tools cover these types of questions. The purpose is not only to situate the law in relation to these questions, but to allow kids to see the law from the perspective of the teacher, the point of view of the police officer, the point of view of the friend, the point of view of the parents, and so on.

But more importantly, the sessions help kids understand not only how the law structures their everyday lives, but more importantly, how to become a law-abiding citizen. Through these sessions, and more generally through the various measures of the MJDs, the judge of Bobigny explained, “we can call them [young people] up and remind them that citizenship requires respect, of the fact that if we have rights we also have duties. In my opinion, the House of Justice has a role to play, as an interface.” (Interview, judge Bobigny, 2008)

The goal is to entice young people to utilize the services of the MJD to solve their conflicts. In other words, the aim of MJDS is for kids to respect the law and for them to “give”
away their conflicts to the state. What these officials want to avoid is the resolution of conflicts in the streets, through fist-fights, violence, and worse “urban violence.” What the officials envision is a society that views the state as a facilitator, not as an enemy, hence the image of MJDs as a benevolent state institution. After pressing on the question about the specific role of these sessions to young people, the judge of Bobigny provided perhaps the most astonishing answer:

These sessions allow us to implicate young people into the House of Justice… the sessions work also toward ‘judicial evangelization’ [pause and laughter]. It is not a work of civic education. We don’t go to schools teaching what the French judicial system is. It’s not that. It is a work of civism, I’ll rather say…it is a work that we can’t measure, but is a job from which we can expect something… The hope is that later in life if a conflict arises for those kids to come to us for help (Interview, judge Bobigny, 2008).

In short, is “judicial evangelization” an effective strategy against crime? According to the director of public tranquility of Saint Denis, “this strategy does not work.” (Interview, Saint Denis, 2008) For him, reaching out to young people is difficult because “we are in a place that is too institutional, a place that is too rigid. Is not that we are too rigid, it is that our organization makes it [rigid].” (Interview, Saint Denis, 2008) For this local official, the bureaucratic process of the MJD whereby people must call the greffière (court clerk), make an appointment, attend the appointment within working hours and so on, “just does not work with young people.” (Interview, Saint Denis, 2008) For the director of the MJD, the work he conducts with young people “is difficult to measure.” (Interview, MJD, 2008) Finally, for the judge in Bobigny, “the impact of [the House] on delinquency cannot be measured. We can’t know.” (Interview, judge, Bobigny, 2008)
5.6. Conclusion

If you have a grievance, complain to the State! It alone has the right to redress its subjects’ grievances. As to combining to protect yourselves – never! It was in this sense that the [French] Republic called itself one and indivisible. Kropotkin, 1908:36; emphasis in original

The Houses of Justice and law have found innovative ways to bind subjects and the state. This new society-state relation is made possible by the spatial logics of presence and proximity. By being close to and highly visible in the territories where crime, violence, and challenges to the authority of the state regularly take place, the Houses of Justice immediately establish a symbolic statement of authority. Through its various outreach programs, and in particular its educational sessions, the Houses of Justice actively seek to bind the younger generations to state institutions. The hope is that rather than take recourse in illegal conflict resolution practices, young people trust state institutions to solve their conflicts. More importantly, the Houses of Justice suggest that new judicial geographies are emerging in the French urban landscape. Historically represented as an abstract set of norms and rules that needed to be internalized by the population, the law is now highly visible in the spaces of the city.

My focus on the educational sessions of MJDs was intended to demonstrate the state’s mission to maintain the republican ideal, particularly to a population that is seen as external and foreign to French values and ideals. Furthermore, educating on the virtues of the French judicial system to solve societal problems has required the state to spatialize the courts and insert them right in the middle of the urban fabric. The territorialization of the courts, moreover, has also entailed the implication of the Ministry of Justice as an important state institution, along with the school, in the diffusion of French republicanism. This is an important and recent phenomenon
that needs to be explored in more detail in order to unpack the implications of an increasingly legal republicanism. As Garapon (1995:504) observed almost two decades ago:

Little by little, the State has been losing its function of guardian of the Republic, which is being taken over by the judges…This function of guardian of the Republic is now allotted to the legal personnel, and in particular to the judges, who obviously become the moral conscience of the political and economic life. Consequently, state law in France is taking the new meaning of a justiciable State. ‘Law’ is overtaken by the judiciary, which doubtless marks the end of the State’s supremacy over the law.

Many have noted how administrative, social, and economic relations in France have been recently dominated by the intervention of judges, prosecutors, and magistrates who impose, through their powerful positions, their own views and rationales of doing things (Serre, 2001). It is this increasing presence of judicial personnel on a wide variety of institutional arrangements that has led many to conclude that the judiciary has become the “guardian of the Republic.”

The Houses of Justice emerged in the 1990s out of four interrelated socio-political transformations: namely, the rise of juvenile delinquency, the incapacity of penal institutions to respond to crime, the loss of authority, and the emergence of the victims of crime. The Houses of Justice tried to intervene in each of these areas with variegated results. Based on the analysis presented above, we can conclude that MJDs have become key sites for addressing the crime problematic – by providing a response to small and medium size offenses – and for responding to the needs of the victims of crime. The increasing use of alternative measures to the prison and the treatment of small offenses are testimonies that the state is reducing the gap between infractions and sanctions (see Table 5.1). Nevertheless, these results should not cloud the fact that the judiciary is unevenly distributed across the urban landscape. In Montreuil, for instance, their request for a House of Justice was denied on the ground that there were “too many” in the department of Seine-Saint-Denis.
On the other hand, as interviewees clearly pointed out, the effectiveness of MJDs in responding to the rise of juvenile delinquency is still very much in question. Citing a lack of methodological devices to measure the impact of MJDs in preventing crime, many practitioners have decided instead to concentrate on the MJDs role as a “guardian of the Republic.” In other words, MJDs have become important sites for re-asserting the authority of the state (or the law, more precisely), more so than an effective strategy for preventing crime. Having a “house” where the “law” is located and visible to the public has an effect on perceptions of authority. Authority, as indicated above, is more effective when it is present and in close proximity of those it wishes to influence (Allen, 2003; Arendt, 1970). Moreover, following Kropotkin, the legitimacy and effectiveness of state authority is based not only on its presence and proximity, but also on a relation of obedience-servitude (an integral relationship for the maintenance of authority) through the inculcation and education of the law. In fact, the criminological policy of restorative justice, and in particular the MJDs, fit perfectly within the new politics of crime which are dominated by behavioral explanations and the need to change these behaviors. As claimed in the previous chapter, the individualization of crime resulted in the further territorialization of penal institutions in everyday life. The MJDs illustrate this intensified mode of territorialization.

First, by being permanently present and in close proximity to “lawless urban areas,” MJDs are able, if only symbolically, to re-assert the authority of the state and, in turn, help police the spaces of everyday life, where incidents of “urban violence” germinate and take root. Second, by being permanently present in the commune (Saint Denis), the MJD can further its insertion in the everyday lives of people. This is particularly true with its pedagogical sessions that allow the judiciary to “inculcate” the younger generations about the value of the “republican
law” in “structuring” collective life and in the process change the behavior of young people in relation to the law. I am not suggesting that these educational sessions effectively change the behavior of young people, but rather that the judiciary is actively working toward that goal. Whether it is effective or not in changing young people’s behaviors, and thus in reducing crime, remains a point of contention as interviewees clearly pointed out. MJDs, moreover, have become important institutions in the new criminologies of everyday life. With their emphasis on individual responsibilities, the new criminological theories seek ways to ‘de-responsabilize’ the state and, in turn, ‘re-responsabilize’ individuals. As Crawford (2000:46) noted in his study of MJDs during the 1990s, through mediation sessions, MJDs have adopted ways of “‘responsabilising’ individuals, families and groups into taking on board a greater role in social regulation.” As such, MJDs “offer a way of reminding people of their legal duties and by giving them the tools, namely mediation, to resolve disputes outside of the orbit of the law and justice system.” (Crawford, 2000:46; emphasis added)

And yet despite the fact that they adopt restorative practices (mediation, reparation of damages, and so on) for conflict-resolution purposes, the analysis of MJDs point to the limits of the restorative justice literature in addressing the uneven power relations between the judiciary and its “clients.” For instance, one of my main critiques to this body of literature is the lack of discussion of cultural differences. The case of Saint Denis has provided us with a context where an ethnically diverse population encounters a paternalistic institution seeking to instill universal values of equality, liberty, and fraternity. It is for that reason that I relied on Levrant and her colleagues (1999) in arguing that restorative justice, although often presented as a benevolent practice, could be a detrimental practice if not implemented properly. By relying on the discursive interventions of local officials and their particular interpretations of the Houses of
Justice I was able to uncover some troubling remarks. As an example, the term “judicial evangelization” surely describes the methods employed by the judiciary as “guardian of the Republic.” More troubling perhaps were the remarks made by the director of public tranquility of Saint Denis, who throughout the interview openly criticized the various preventative measures adopted by the city. At the end of the interview I asked him what a safe city would look like. His reply was very much a “republican” one:

A safe city is probably a city that is sure of its identity, of its cultural identity. I think that is what a safe city is. Americans don’t come with answers like that because for them a safe city is a mechanically closed city, controlled, monitored, and segregated by money. We are beginning to see that in France – well done for the export! – but it would be a closed city. I think a safe city is a city that is sure of its cultural identity because the city will know who she is and I think Saint Denis does not know anymore who she is. Saint Denis is not a safe city because she doesn’t know who she is at the level of her identity. A while back a political decision was made to welcome Third World populations in Saint Denis, and that failed because Saint Denis cut her popular roots and historically Saint Denis was a working class city. The problem of Saint Denis is not to find Kebabs, delis, or quality shops; the problem is that Saint Denis cut its roots. A city can have the capacity of absorption, of different components, of absorbing people from immigrant origins, but that has limits too. In France we have an identity problem where we don’t sufficiently claim our French cultural identity (Interview, Saint Denis, 2008).

Crawford (2000:48) noted that during mediation sessions carried in the MJDs, mediators regularly cited the Penal Code, “as if to say ‘we may be in an informal setting but we are before the law’s presence’.” For Crawford (2000:48), mediation, and I would add the pedagogical sessions, were “in practice often transformed into the carrier of an idealized, central normative order.” And this order, as I have stressed throughout the dissertation, is simply called the “republican order.”

In other words, in the name of restorative justice, or as the French call it, Third Way measures (or alternative measures to the prison), the judiciary has undertaken its role as “guardian of the Republic.” Further, the literature of restorative justice has not critically analyzed the impact of these new judicial structures – community justice, Drug Courts, problem-solving
courts – on the geographies of state authority. As shown in the chapter, MJDs have become important vectors through which the state monopolizes conflicts (Christie, 1977), binds a greater number of citizens (and non-citizens) within the orbits of the state and judiciary, and in the process MJDs become important arenas for re-asserting and reproducing the authority of the state. One way through which the latter is manifested is through the MJDs pedagogical sessions which seek to “teach” young people how to behave and how to internalize the “republican law.” A true and radical project, on the other hand, should aim at stripping the state from its monopoly of conflict-resolution and build the capacity of citizens to solve conflicts collectively by adopting restorative practices in their everyday life (Wachtel and McCold, 2001). The pedagogical sessions aim not at building the capacity of young people to solve their own conflicts, as Crawford (2000) might suggest, but rather to entice them to use the judiciary (including the MJDs) as the only legitimate institution capable of solving conflicts in society. MJDs seek to “re-enamor” young people with authority, as Kropotkin would say.
CHAPTER 6
BETWEEN PRESENCE AND ABSENCE: POLICING THE
“CORNERS” THROUGH THE LOCAL GROUPS FOR THE
TREATMENT OF DELINQUENCY (GLTD)

State intervention does not just occur episodically or at specific points but incessantly, by means of diverse organizations and institutions devoted to the management and production of space…the aim is to make [space] appear homogeneous, the same throughout, organized according to a rationality of the identical and the repetitive that allows the State to introduce its presence, control, and surveillance in the most isolated corners (which thus cease to be “corners”). (Lefebvre, 2009:227)

6.1. Introduction

I view social housing estates located in the suburbs of big urban agglomerations as the most “isolated corners” of the French state. A vast number of people from immigrant extraction are housed in these “corners,” and over the years these corners have seen economic, political and social life deteriorate at a fast rate. Sociologist François Bailleau (2002:415) argued that one common characteristic of social housing estates at the outskirts of cities is the “strong concentration of young people and adults without occupation, without employment.” He further added that “the physical occupation of a narrow space,” by young people who have “no social or economic occupation, is one of the main sources of the tension that might engender violence.” (Bailleau, 2002:415) This violence, I should emphasize, takes place “essentially at the interior of the neighborhood.” (Bailleau, 2002:415) This “corner violence,” as I would like to call it, is seldom reported to the police, who “do not possess the means” to respond to every act committed at the interior of the neighborhood, and the police are also hesitant to intervene in the “corners” for fear of “provoking” further acts of violence, such as “urban riots.” Moreover, the lack of
official complaints against these acts of violence has enormous implications on the geographies of the judiciary for, as Bailleau (2002:415) says, “the judiciary is formally absent [from these corners], [since] the tribunal does not have the possibility to treat these affairs.”

The geographical constraints of violence, taking place almost exclusively at the interior of social housing estates, thus generate some important geographical limitations to state institutions seeking to respond to these acts. In this chapter I will investigate the Local Groups for the Treatment of Delinquency (GLTD), a partnership designed to police and exercise a temporary judicial presence in the “corners” of the state. With the GLTD the judiciary attempts to invert the geographies of punishment wherein instead of waiting idly in the courthouse the judiciary must actually pay a visit to these corners if they wish to respond to this geographically-constrained violence. I argue, however, that the judiciary is incapable of properly responding to this “corner violence” for one main reason: namely, as a traditional territorially-absent institution, the judiciary lacks the geographical and human resources necessary to exercise an effective presence in the “corners” of the state. Alternatively, the judiciary utilizes the territorial and human resources of the other partners that constitute the GLTD (i.e. school, police, social landlords, mayor’s office) in order to overcome its absence from the “corners.” State intervention in the corners requires the active construction and production of these spaces as “outlaw” by means of the diverse partners and institutions that collaborate under the GLTD. The aim, as Lefebvre would say, is to make the “corners” appear homogeneous (“lawless”) in order for the judiciary to introduce its “presence, control, and surveillance in the most isolated corners,” if only temporarily.
6.2. GLTDs

The Local Groups for the Treatment of Delinquency are *temporary* partnerships intended to penetrate, and therefore, control specific sites on the brink of a crisis. Under the authority of the District Attorney, the GLTD brings together police officers, social workers, educational personnel, local associations and many other local actors. As president of these partnerships, the DA office organizes a joint approach that combines preventative and repressive measures in a specific location (a social housing estate, certain streets, a public square, a school and surrounding areas, a transportation hub, and so on) for a specific duration of time that could span from a minimum of three months to two years. This space-time specificity enables the appropriate institutions, and in particular the judiciary, to employ an intensive strategy of crime control in areas where “insecurity” has reached high levels. After an intense round of repressive measures – deployment of police officers, arrests, and pronouncement of sentences – an array of preventative measures are put in motion in order to help reduce crime in the *long term*. Based on the experience of GLTDs in the 1990s, the objectives of this partnership approach to crime were defined as (1) the re-establishment of the authority of the law and (2) the creation of “tolerable living conditions” in the specific areas it operated (Body-Gendrot, 2001:57).

The Local Groups for the Treatment of Delinquency first appeared in the French urban landscape in the early 1990s. The explosion of “urban violence” in the early 1990s, particularly in neighborhoods included in French urban policy, pressured the main penal institutions to engage in the fight against urban crime. Up to that point, the government had prioritized educational and preventative measures in response to the rise of juvenile delinquency. “The beginning of the 1990s, by contrast,” remarked Nicole Chambron (*Gazette des communes*, April 6, 1998:17), “was marked by a feeling of disarray, and more aggressive attempts to fight
delinquency.” Chambron, former director of the European Center of Research and Formation, observed that by the late 1990s France had entered a third phase, preceded by the preventative approach to crime of the 1980s and the repressive epoch of the early 1990s. This third phase was characterized by “the development of a discourse on education, parental authority, access to justice, and greater consideration to incivilities.” (Gazzette des communes, April 6, 1998:17)

In the late 1990s, the main objective in the fight against delinquency and “urban violence” was to provide a response to every misdemeanor, however minor. This “zero tolerance” stance was actively sponsored by the Jospin administration which reinvigorated the Left’s politics in the prevention of delinquency. By increasing the number of judicial responses, according to the Left’s new security politics, the “feelings of impunity” would subside and axiomatically rates of recidivism would decline. The judiciary, however, did not possess the administrative capacity to deliver a judicial response to every offense committed. In fact, the judiciary was subject to numerous critiques. In particular, the judiciary was said to be too lenient in its response to juvenile delinquency, as evident by this headline from Le Monde Diplomatique, “Dangerous youths and lenient judges” (November, 2006). The Prosecutor’s Office of Bobigny, located in the Court of First Instance of Bobigny which covers the department of Seine-Saint-Denis, was perhaps the most heavily criticized jurisdiction in France. In 2004, Le Monde ran a story on Bobigny that portrayed it as an “asphyxiated” “machine” incapable of responding to the growing number of cases the Court of First Instance received annually (Le Monde, 25 May, 2004). The tribunal of Bobigny received on average 180,000 criminal affairs per year and pronounced a judgment on a meager 12,000 of those cases (Le Monde, 25 May, 2004). In light of these accusations, the Prosecutor’s Office of Bobigny has been perhaps the most innovative jurisdiction in France. In the early 1990s, for instance, judges in Bobigny devised the “treatment
in real time” (or Traitement en Temps Reel, TTR), which sought to respond to criminal cases as soon as they were referred to the court (Bastard and Mouhanna, 2007).

Behind many of the new reforms was Pierre Moreau, the former Deputy Prosecutor for juvenile justice in Bobigny. In 1992, when he took office in Bobigny, Moreau noted that “responses to juvenile delinquency were completely inadequate.” (Le Monde, 15 January, 1998) “On the one hand,” Moreau had observed (Le Monde, 15 January, 1998), “you had teachers, inhabitants that were scared of young people, and on the other hand, we had a judicial response that was too slow for it to be truly effective.” Under Moreau’s administration, Bobigny introduced restorative justice as one of the responses to juvenile delinquency (see Chapter 5). In that regard, juvenile judges began to call upon the parents of juvenile offenders to remind them the responsibilities they hold as parents, hence the Prosecutor’s Office’s first objective was to “restore the dialogue between parents and children.” (Le Monde, 15 January, 1998) Moreover, the objective of this new approach to juvenile delinquency was to remind everyone of the authority of the Republican law. By bringing parents and children in front of a judge, Moreau said, “we remind them that French law implies a series of duties vis-à-vis their children, inconveniences which they cannot escape.” (Le Monde, 15 January, 1998)

Restorative justice, TTRs, and emphases on parental authority were manifestations of the new philosophy of crime-control in France. Crime-control was informed by the “criminologies of everyday life,” which sought to attack the everyday spaces where deviant and criminal behaviors germinated. As the former president of the now defunct National Association of Coordinators of CCPDs summarized in 1998, the most effective strategies against juvenile delinquency were those that “combine[d] responses in three spaces of socialization which are the family, the school and the neighborhood.” (Gazzette des Communes, 6 April, 1998:17) Juvenile
justice, therefore, had to find its way into these three spaces. By referring parents of young offenders to the tribunal of Bobigny, judges could gain access to the family space, yet the question of how to gain access to the school and the neighborhood was not clear to a jurisdiction which operated from a fixed location, namely the courthouse in Bobigny. For Moreau, and the panoply of actors genuinely seeking to respond to juvenile delinquency, it was imperative to put the “judiciary in motion.” (Le Monde, 25 April, 1998)

In general terms, the GLTD associates the competences, resources, and manpower of local actors and state institutions that share their knowledge and know-how in an effort to accomplish one goal: “to restore social peace in neighborhoods affected by endemic violence.” (Le Monde, 6 March, 1998) Meetings of the group take place in the tribunal, “to show that this mechanism is under the aegis of the Prosecutor’s Office.” (Prosecutor quoted in Donzelot and Wyvekens, 2004:36) In those meetings, partners devise strategies to reduce the “feeling of insecurity” and “reconstruct” social relations in a well-defined area. The first phase of the GLTD consists in identifying the main sources of crime, followed by the deployment of police officers in the area of intervention. The arrested are referred to the judiciary where they are swiftly judged. This “shock treatment” effectively breaks up the visible patterns of crime and temporarily reestablishes the “law” in the neighborhood. Fereshteh Tabib, in charge of urban planning at Stains during the 1990s, noted that “all we did until now [1998] was simply to avoid the damages but we could not repair the problems. We knew we needed to work in tandem with the police and the judiciary if we wanted to reestablish the law in our neighborhood.” (Le Monde, 6 March, 1998; emphasis added) In other words, at the beginning of the GLTD it is imperative to deploy a “massive” and “dissuasive” repressive intervention in the area in order to “show troublemakers that they are not ‘the kings of the neighborhood’.” (Le Monde, 6 March, 1998)
Regular visits and identity checks conducted by the police in the common areas, like building halls, green spaces, and other corners that tend to attract deviant behaviors, seek to demonstrate to inhabitants that the “law” is present, active, and able to suppress any “uncivilized” action. Further, the swift prosecution of the arrested creates the impression that the judiciary is also present and active in the “most isolated corners” of the state.

Following this repressive period, partners of the GLTD organize preventative measures intended to restore social relations in the neighborhood and re-establish trust in state institutions. These measures range from investment in the physical façade of buildings, prevention campaigns in schools, sessions on parental authority, and the organization of meetings and campaigns by cultural and neighborhood associations. Above all, the preventive efforts seek to liberate inhabitants from the fear of crime by encouraging them to denounce any wrongdoing to the police and the courts. An agent of the Housing Authority at Stains observed that “before, people turned to the Housing Authority when a problem arrived. Now, they go to the police and the judiciary because they finally have the impression that they are taken into account.” (Le Monde, 6 March, 1998) Once the GLTD successfully re-establishes the relationship between individuals and republican institutions, by making the former trust the latter, the GLTD terminates its operations in the area. In fact, one of the main critiques of the GLTD is their short duration. The same agent of the Housing Authority of Stains lamented the departure of the GLTD, “the GLTD is just the implementation of resources necessary to restore social peace in a neighborhood. In the Republic I dream of, that should exist everywhere and never stop.” (Le Monde, 6 March, 1998) Pierre Moreau added that the GLTD’s role is to “reestablish social cohesion when it seems truly threatened in a neighborhood, by identifying and responding to the sources of insecurity. Once the major problems have been solved, we reinvest [our resources] in another place.”
The GLTD’s capacity to intervene in the three main spaces of everyday life – the family, the school, and the neighborhood – has certainly added to its widespread reputation. Commenting on a GLTD put in place in May, 1996, in the city of Montreuil, Michel Didier, at the time in charge of the Social Development of Neighborhoods of that commune, explained that within the framework of the GLTD “the actors in the terrain, such as educators or agents of the PJJ [Judicial Protection of Young People] intervened with parents and children. A prosecutor and the police intervened in the schools to talk about risks, weapons and racketeering.” (Gazette des Communes, 6 April, 1998:21) The municipality “hired a sociologist” to survey the public spaces, and based on the results, they decided to “reinvest public spaces with institutions and inhabitants.” (Gazette des Communes, 6 April, 1998:21) By intervening and “conquering” the spaces of everyday life, the GLTD represents an effective weapon in “the battle of the territory,” where the state temporarily re-appropriates the spaces of everyday life (Donzelot and Wyvekens, 2004:77). Before analyzing present-day GLTDs I will first situate GLTDs within the civil law tradition in order to understand how and why prosecutors are increasingly able to join partnerships and coordinate collective efforts to fight delinquency at the local scale. In the last section I demonstrate how the judiciary’s involvement in local partnerships for the prevention of delinquency exposes this institution’s ongoing territorial struggles between establishing a permanent presence in the “corners” of the state and its actual absence from those spaces.

6.3. Situating GLTDs within legal traditions

Under the republican and civil law model, the relationship between citizens and the state is mediated through public institutions – “the institution is always before the individual.” (Garapon and Papadopoulos, 2003:64) “The common law” tradition, on the other hand, “is
conceived as an instrument at the disposal of private actors, considered – or required – by the law as autonomous. That which comes first is individual action,” and not state institutions (Garapon and Papadopoulos, 2003:65) In other words, faithful to the republican and civil law traditions, the French state has historically mobilized its institutions to regulate collective life. Garapon and Papadopoulos (2003:28) noted that lawyers are the “motors” of the American justice system, given that, as representatives of the private interests of citizens, they are entrusted with bringing disputes in front of the judge. On the other hand, in the French justice system the examining or investigative judge (juge d’instruction) plays a similar role as the American lawyer since s/he is responsible for collecting the facts that would render a judicial process possible. As the authors remarked, in the French system it is a “public” actor, the judge, which acts, whereby in the other system it is a “private actor,” the lawyer, which propels the system (Garapon and Papadopoulos, 2003:28). Similarly, prosecutors (or District Attorneys), whom we examine in this chapter, enjoy the freedom to engage in partnerships and contact other institutions and actors that might help the judiciary respond to acts of crime and delinquency. In the American context, drug court judges are the closest resemblance to the French judges’ ability to move across space.

To illustrate how the American judge’s role resembles his/her French corollary under the drug court model I turn to James Nolan’s book Reinventing Justice: The American Drug Court Movement (2001). James argued that the Drug Court movement constitutes an innovative way through which the criminal justice system legitimizes itself. More specifically, drug courts directly respond to contemporary realities, namely the drug problem in American society. These courts “can be understood in part, then, as an effort to remedy a perceived deficit of legitimation by appealing to dominant cultural values [drug problem].” (Nolan, 2001:58) Nolan further argues that the role of the judge in the drug court differs from the traditional common law tradition
which characterizes the American justice system. “The common law, as such,” writes Nolan (2001:91), “requires a certain kind of judge, trained in a particular tradition, who operates within the confines of important structurally and personally imposed limits. It is a passive rather than an active posture, which, again, distinguishes it from the civil law tradition.” (emphasis added) “The common law judge,” more precisely, “literally and figuratively stays behind the bench, while the civil [or Latin] law judge, often behaving more like an American lawyer, does not.” (Nolan, 2001:92) The central characteristics of a common law judge are “disinterest, impartiality, passivity, and restraint.” (Nolan, 2001:92) The drug court judge departs from this tradition since she is “an activist judge.” (Nolan, 2001:94)

Drug court judges are involved in the lives of their client, even outside the drug court. They often reach out other members of the community that might help the client stay off drugs. “The drug court judge’s involvement in the community, however, is not just relating individually to drug court clients, their relatives, or their employers. The drug court judge also plays a significant role in bringing the whole program together.” (Nolan, 2001:96; emphasis added) Moreover, “the drug court judge is expected actively to engage the community, campaigning on behalf of the program, pulling different resources and services together, cultivating relationships with the media, garnering support from the police, and so on.” (Nolan, 2001:96) “Whether recruiting external resources, providing cover, lobbying, campaigning, coordinating, fund-raising, or talking to the media, the drug court judge is an activist judge.” (Nolan, 2001:98) By being present and in close proximity to the clients’ everyday spaces, drug court judges can therefore mobilize a whole set of resources, bring community members together, and more effectively solve the clients’ addictions. Drug court judges, in other words, have become key actors who hold the ability to reshape and re-constitute social relationships at the local scale.
If judges can actively participate in the community as “judges” under these new court arrangements, do they therefore become key agents in the construction and production of space? In addressing that question, Moore et. al. (2011) demonstrated how drug courts in Canada are predicated on specific definitions of urban spaces as “healthy” or “unhealthy.” The authors argued, moreover, that drug courts assume drug use as being a geographically fixed practice which makes neighborhoods “unhealthy,” that is neighborhoods void of any social and/or institutional support. “Spatio-therapeutics” denotes, according to the authors, drug courts ability to treat, through therapeutic measures, the “unhealthy” relations that perpetuate the clients’ and the neighborhoods’ drug addiction. In other words, drug courts more specifically require greater judicial presence in the spaces of everyday life in order to treat the sources and social behaviors that reproduce the drug problem. Thus, explains Nolan (2001:183-84):

[O]pen communication, family background, even sexual relationships are part of the discourse of the contemporary therapeutic idiom, legal appropriation of the therapeutic ethos makes these areas of human life open to judicial exploration. Thus, the possibilities for expanded judicial authority in the drug court may extend not only to a growing number of populations in the criminal justice system but to a deeper penetration into the life, mind, psyche, soul of the individual client. The liberated self, ironically, is now open to the therapeutically defined machinations of judicial oversight (emphasis added).

Although GLTDs drastically differ from the drug court model – the latter being a permanent structure, administered by a judge, which receives and treats clients over a prolonged period of time – GLTDs share with drug courts the fact that it relies on personal information and other details of life in order to treat crime areas deemed “lawless.” Access to this information, as we will see further below, enables the GLTD to penetrate even deeper into the everyday lives of young people in the banlieue. Both the GLTD and drug courts, moreover, require that the judge, or in the case of the GLTD the District Attorney, mobilize resources across a specific location in
order to solve specific problems. Although I wouldn’t characterize the DA in the GLTD as an “activist judge,” I would nonetheless contend that the DA must actively engage all the partners and coordinate the activities that will be carried out in the territories where GLTDs operate. In that sense, the DA’s actions can re-shape social and institutional relations in the “corners” of the state. Yet similar to drug courts, the GLTD’s intervention rests on the active construction and production of space. Whereas drug courts differentiate between “healthy” and “unhealthy” neighborhoods, GLTDs classify the spaces of intervention according their “dangerousness” and “lawlessness.” Thus the aim of the GLTD is to reestablish the “law” in the “corners,” which are systematically placed outside the legal boundaries of the French Republic.

6.3.1. “Corners” as refuge

I prefer the metaphor of the “corner,” as opposed to “lawless” or “outlaw” areas for the corner does not necessarily refer to negative representations of space. On the contrary, the corner can be a very productive and important space of everyday life. In fact, this particular space of everyday life was beautifully explored by Gaston Bachelard in The poetics of space. For Bachelard (1997:172), the corner is a “refuge that assures the being its first value: immobility.” One goes to the corner to seek shelter from the outer world, for in the corner one feels safe. Bachelard’s poetics regard the corner as a voluntary space, a space designed by the self for her/his-self. Yet what if subjects do not voluntarily go to their corners, their shelters, but are rather placed there against their will? This is precisely what I argued in chapter 2, that the populations of the banlieue are there not by their own choosing, but rather by the specific social conditions that have shaped Paris’ urban landscape since the nineteenth century. The specific social and urban geographies of Paris, furthermore, defined by the functional division of urban space, have created the conditions of “immobility” in the banlieue. Young people gather in the
corners of social housing estates, for instance, because they are regularly denied access to the centers of production and consumption (i.e. Les Halles). In their corners – benches, building halls, staircases, and the public square – young people socialize, they feel safe, and let time pass in front of their eyes.

The metaphor of the *cité-refuge*, or housing project-refuge, is often used by ethnographers to denote the capacity of the everyday spaces of social housing estates to operate as safe territories. Writes David Lepoutre (1997:61), “in their neighborhood, teenagers feel they are in a conquered and familiar territory, protected by their peers against physical aggression by unknowns or external populations, and also and above all [in their territory they feel] safe from the symbolic violence of the outer world.” In that sense, social housing estates are “corners” whereby young people can find refuge against the threats of the external world. Furthermore, the *galère*, as Dubet (1987) described it, is the system of action that results from the repeated socialization of young people in the “corner.” In her ethnography of the *galère*, sociologist Edith Théodose (1992:71-2) observed the everydayness of a group of young people gathered in a corner: “they talk to each other, but silence dominates [the atmosphere] most of the time…they seem to be waiting, waiting for something or someone… and time passes by, sometimes a movement, one, two or three leave the place, we don’t know why, we don’t know where they go, they leave, they turn the corner of a street, and escape for a moment the numerous eyes of this transitory place, then they reappear moments later and take their place in the middle of the group.” In both these passages the authors described essential aspects of corners. In those places young people find refuge against external threats and at the same time in the corners young people socialize among each other.
For some city officials, “corners,” and the deviant behaviors that are said to take place there, have appeared in the French urban landscape due to particular political-economic conditions. For the director of security at Montreuil, a great majority of infractions committed by youngsters in the “corner,” such as selling drugs, are caused by the economic difficulties of the neighborhood. Said the director:

The cost of living has gone up and people live in over-crowded housing, which explains the gathering of youths in the building halls. Who does not want to get together with their friends? It is because of the gatherings [in building halls] that we might have deviant behaviors as well. However, we have noticed that in these gatherings there are youths who are still in school, but who have the need to meet in the building hall to tell their stories of the day. They feel the need to be together in the bottom [of the building] because their younger siblings are in the house…we must be careful not to generalize and stigmatize youths because for the most part these gatherings [in the corners] do not cause any problems (Interview, Montreuil, 2008)

For the judiciary, however, “corners” need to be policed because moments of “urban violence” often germinate in those spaces. In the following section I explore present-day GLTDs to demonstrate the judiciary’s inability to exercise a permanent presence in the “corners” of the state. Moreover, I show how contemporary GLTDs have placed greater emphasis on repression whereas the preventative campaigns that should follow have receded to the background. Nevertheless, the tendency to construct these “corners” as “outlaw” or “dangerous” remains an integral part of the daily operations of GLTDs.

6.4. Repression over prevention: present-day GLTDs

“I’ve been living in lower Montreuil for the past two years; I love this corner even if the housing project of La Noue is next door.”

(Commentary posted at L’internaute.com)

I first learned about the GLTDs while researching criminal justice responses to the 2005 revolts. Navigating the site of the Ministry of Justice I came into contact with a piece from 17
November, 2006 entitled “Prevention of delinquency in Seine-Saint-Denis” and the corresponding “closing statements” delivered by then Minister of Justice, Pascal Clément. In the wake of the 2005 revolts, state ministries, particularly the Interior Ministry and the Ministry of Justice, spent a great deal of time and effort devising effective strategies to avoid similar revolts in the future. Seine-Saint-Denis became the focal point of this new round of penal policies for it was the place where the 2005 revolts originated and this department has historically been a laboratory for testing new penal policies (see Chapter 2, section 3). As Clément expressed in his closing statement, “Seine-Saint-Denis is not the caricature that some peddle but the laboratory of modern public policies that the French demand.” (Clément, 2006; emphasis added) According to the Minister of Justice, the prevention of delinquency in Seine-Saint-Denis should follow three main principles: first, the prevention of delinquency is the affair of all public actors; second, every act of delinquency must be followed by a swift and systematic penal response; finally, there is no one single response to delinquency, particularly against juvenile delinquency. Following the last point, Clément drew a general course of action for the prevention of delinquency, and “urban violence,” in Seine-Saint-Denis, in which the “systematic” use of GLTDs was central. According to the Minister of Justice, the GLTD “allows us to consolidate, in a sensitive area and for a limited period of time, the actions of the police, the judiciary, and social services.” Furthermore, “this device is an effective tool to anticipate, for example, [moments of] urban violence, to analyze their causes and to reduce delinquency in a specific sector.” (Clément, 2006) After announcing the opening of a GLTD in Montreuil-Bagnolet intended to fight the confrontation of rival gangs (which I further investigate below), Clément assured the audience that this and other GLTDs would “contribute to bring[ing] back the right to public peace which the inhabitants of these neighborhoods” deserve (Clément, 2006).
I told a local official about my difficulties finding information on the GLTD, and the lack of knowledge about their existence. The local official agreed and added that “we don’t find a lot of written evidence on the GLTD because the GLTD, often by principle, finds it appropriate to not write anything.” (Interview, Saint Denis, 2008) The lack of written documentation, furthermore, is due to the degree of sensitivity of the information passed around: “we have monthly meetings and we exchange information with the District Attorney, the police commissioner, the mayor, teachers, and me, and we examine confidential situations about a certain number of minors in a well-defined territory.” (Interview, Saint Denis, 2008) The detailed information that is exchanged in the GLTD (such as the name, address, family members, friends, and times a minor has missed school in the past year) requires that these information remain behind closed doors. Similar to drug courts, the ability of the GLTD to gain access and discuss such details suggests that the judiciary and its partners, by combining their information and by being close to the territory, can gain easy access to the everyday lives of the populations and territories where GLTDs operate. It is this level of accessibility to the everyday life that the judiciary would be unable to attain were it to remain within the distant confines of the Tribunal of Bobigny.

Access to this information about the everyday life of young people is being used to further repress the territories where the GLTD operates, whereas the preventive component of this partnership approach to crime has not been followed up in recent years. I illustrate the increasing use of the GLTD as a repressive force, more so than a preventive mechanism, with the example of the GLTD at Beaudottes. Previous to Pascal Clément’s closing statements in November 2006 (see above), the District Attorney of Bobigny appeared in the Senate in June of 2006 to inform the government about the available judicial responses to prevent “urban
violence.” Molins began the hearing by defining “urban violence,” which according to him referred to “any act committed against goods, people or institutional symbols by individuals that act, or are suspected of acting in group in the context of a neighborhood or city.” (Senate, 28 June, 2006) Molins further added that the judiciary must fight the “fundamental” causes of “urban violence,” notably “drug trafficking,” and the “underground economy.” (Senate, 28 June, 2006)

Two years after Molins’ intervention in the Senate, the GLTDs were again in the spotlight. On 23 April, 2008, five individuals were taken into custody after more than 350 police officers were deployed in Beaudottes, “a sensitive neighborhood of Sevran (Seine-Saint-Denis).” (Libération, 24 April, 2008) The aim of this operation was to “surround eight building halls that had been identified as regular points of [drug trafficking] and a dozen empty apartments, ‘susceptible to traffic,’ places where drugs were hidden or laboratories for [manufacturing] drugs.” (Libération, 24 April, 2008) After months of investigation conducted by the GLTD, the operation, however, only yielded five arrests, including an underage individual, as well as the confiscation of a handgun, a rifle, a bulletproof vest, unspecified amounts of cash, and 800 grams or 1.7 pounds of cannabis. Despite the lack of evidence, considering the vastness of the operation, the GLTD was satisfied with the results given that one of the arrested was “one of the main lieutenants of local trafficking.” Furthermore, according to the prefect of Seine-Saint-Denis, Claude Baland, the objective was to launch “a visible operation” destined to “destabilize [drug] trafficking.” (Libération, 24 April, 2008)

Yannick Danio, a member of the union UNSA-Police, justified this vast operation, despite the poor results. “It is important,” said Danio, “to understand this operation within its context.” (Libération, 24 April, 2008) “350 police officers might seem an important number but
we must remember that we are dealing with an *ultra-sensitive area*, there are 10,000 inhabitants in that housing estate and we need to protect our agents.” (*Libération*, 24 April, 2008) “We must remember,” added Danio, “that in 2005, during the urban riots, this was one of the hottest neighborhoods.” (*Libération*, 24 April, 2008) The GLTD at Beaudottes was necessary, in other words, for this social housing estate was a “dangerous” place where “urban violence” could potentially germinate. Further, the journalist asked Danio whether this operation, conducted within the framework of the GLTD, was “an illustration of the spectacle of security,” given the number of journalists and cameras at the time of the operation. Said Danio, “I don’t know how the journalists knew about it. But they were probably well informed.” (*Libération*, April 24, 2008)

Whereas media reports of GLTDs in the 1990s focused on the innovative and collaborative character of these partnerships as well as its potential for preventing crime in the long-term – to create “tolerable living conditions” – the most recent representations did not mention who constituted the GLTD, how they worked, and even more, there was no comment on the preventive campaigns that should follow the repressive rounds. In other words, the innovative character of the GLTD which characterized journalistic accounts of these partnerships in the late 1990s was dismissed in favor of the potential “results” this approach might yield. And even after the results were “unsatisfactory,” considering the vastness of the operation, what matter most was the message sent to the population. As the Communist mayor of Sevran, Stéphane Gatignon commented, “it is important that the work of the police pays off, I hope that there are true results behind [this operation], in order to ease the population, and [I hope] this was not just a demonstration of force.” (*Le Monde*, 25 April, 2008) In the GLTD, “judicial authority” is showcased through the police, a state institution that can exercise territoriality more
efficiently and more forcefully. In other words, the judiciary exercises territoriality through the actions of the other partners who are better trained and possess the necessary geographical resources to be permanently present and exert social control in the corners of the state.

6.4.1. GLTDs as demonstration of judicial authority

The Beaudottes case forcefully brought GLTDs back to the public light. Created in the mid-1990s, GLTDs were at first intensely promoted by the media, policy makers and scholars who saw these partnerships as an innovative and effective strategy to reduce crime rates and the feelings of insecurity and impunity. After its popular appearance in the landscape of criminal public policies in the late 1990s, GLTDs faded from public view. Information and research on GLTDs were hard to find during the 2000s and many thought GLTDs had deceased.\(^67\) GLTDs in Seine-Saint-Denis received considerable media attention, in comparison with neighboring departments, particularly because the Prosecutor’s Office of Bobigny employed them with more regularity and more “audacity.” (Donzelot and Wyvekens, 1998:32) After 2005, GLTDs began to appear in media reports with more regularity. By 2007 I knew of the existence of at least eight GLTDs in Seine-Saint-Denis, namely at Aubervilliers, Montreuil-Bagnolet, La Courneuve, Aulnay-sous-Bois, Montfermeil, Clichy-sous-Bois, Epinay-sur-Seine, and two at Saint-Denis. I investigated the GLTDs at Montreuil-Bagnolet, because there was sufficient information available in the news and articles, and Saint Denis since I had already gained access to the local security landscape, particularly through my research on the MJDs. I was also able to interact with the director of security of Aulnay-sous-Bois who provided some fruitful observations about

\(^{67}\) The most comprehensive study of GLTDs was conducted by Donzelot and Wyvekens (2004), based on their research in the late 1990s. I contacted both scholars in 2007 and 2008 and expressed them my interest on GLTDs. They both told me that GLTDs were no longer in existence. They were both surprised to know that at the time, 2007-08, there were at least eight GLTDs operating in Seine-Saint-Denis alone. I received a similar reaction from Sophie Body-Gendrot who had actively promoted GLTDs in her own research (2001). This lack of knowledge inevitably fueled my interest on GLTDs and motivated me to “solve” this mystery.
the GLTD in his commune and elsewhere. My inquiries sought to uncover whether GLTDs were still regarded as the innovative, preventative mechanisms that many promoted during the 1990s, or whether, as I suspected, GLTDs had become a repressive force intended to re-assert the “republican law” in “outlaw” urban areas.

The GLTD at Montreuil-Bagnolet was highly advertised. This was the first ever GLTD that comprised two communes. La Noue is a neighborhood located between the communes of Montreuil and Bagnolet. In 2001, the “proximity police,” or neighborhood police, had disappeared “leaving a big void” in the neighborhood (Maesano quoted in Montreuil dépêche hebdo, 2007:13). The police commissioner of Montreuil had lost more than forty officers since 2001, a reduction which meant “less human presence in the terrain and, by consequence, less prevention.” (Maesano quoted in Montreuil dépêche hebdo, 2007:13) Over the years, as the police presence had decreased, the presence of groups of young people had increased contributing to the feelings of insecurity that had plagued this neighborhood since then. As the director of security at Montreuil described it (Interview, Montreuil, 2008):

We had a very strong tension between youngsters, rival gangs that confronted regularly, armed with iron sticks, Molotov cocktails, etc. in short it was very, very violent, to the point that even [social workers] that intervened in the neighborhood had to escape because they could not reduce the tensions. These were tensions that existed a long time ago, at the beginning it was caused by love affairs between youths, young guys and young girls. The neighborhood of La Noue is situated at the same time in the city of Bagnolet and Montreuil, and that entertained a certain number of rivalries in a school at Montreuil that receives at the same time the youngsters from Bagnolet and Montreuil, so these rivalries went even inside the school premises, and in the vicinity of the school.

This particular GLTD combined the resources of the two communes since, as Antoine Maesano, former adjunct of security at Montreuil, stated “delinquency does not stop in the limits of the city, inter-communality is a necessity.” (Montreuil dépêche hebdo, 2007:13) Having campaigned
for a GLTD since 2005, the Prosecutor’s Office finally gave green light to the project in 2006 and the first meeting of the group took place in February, 2007. The group included the District Attorney of Bobigny, the Police Commissioners of Bagnolet and Montreuil, the director of the school, representatives of the Housing Authority of La Noue, representatives of the mayors’ office of Bagnolet and Montreuil, including Antoine Maesano, and local associations of the neighborhood (Interview, Maesano, 2008) The GLTD lasted ten months and it was intended to respond to the increasing “gang” violence and squatters in the social housing estate.

More specifically, to solve the problem of “squatters” it was imperative for the GLTD to showcase its force – this meant increasing the presence of the state in the spaces of everyday life. As the director of security at Montreuil specified (interview, Montreuil, 2008):

In the territory of La Noue we tried to target different problems, we had this rivalry between youths, we also had an important gathering in front of building halls in this neighborhood, we had squatters, there was also a strong suspicion of arms trafficking according to the police, in short, different problems, including school absenteeism. Since in the GLTD an ensemble of partners participate, including the city of course, but also the Housing Authority because we needed to remedy this gathering of youths in front of the building halls, that is a problem for the inhabitants, important degradations occurred in the staircases, mailboxes, squatters that bother the inhabitants and threaten public tranquility, and everything that had to do with the cleanliness of the building. The National Education also participated and in particular the principal of the school…The interest of this instance is that it is presided by the judge, the meetings take place in the Tribunal of First Instance [of Bobigny]. We had a meeting monthly that allowed us to follow-up, particularly people who knew well the youths in the school. There were two profiles: on one hand, kids in danger, in difficulty, but also delinquent kids, one of our priorities was to fight against temporary exclusion from the school, if one student is excluded they find themselves free outside and then he can perform delinquent acts in the neighborhood…we put all of our forces in this territory, there was a strong presence of the police in the zone…

The Montreuil-Bagnolet GLTD, in short, sought to control the spaces of socialization of young people. From the neighborhood, the school, and even the family, the main objective was to
provide supplementary means to local agents in order to control the presence of youths in public space. As Antoine Maesano put it, the objective was to increase “the human presence” in the neighborhood, particularly during the night time (Interview, Maesano, 2008). Maesano later added that “during the day inhabitants feel that the city is theirs and during the night the city is [the property of] youths,” thus the high levels of “insecurity” at La Noue (Interview, Maesano, 2008). Further, intervention at La Noue was necessary since this site had become too “dangerous” and “insecure” for inhabitants. For these local officials, youth gatherings at the entrance of buildings “threaten public tranquility” a rather vague and homogenous term that implies the need to reestablish law and order in the everyday spaces of this social housing estate.

 Whereas the judiciary and the police expect to fight crime and “corner violence” through demonstrations of force (increased presence of the penal state), for the other partners involved in the GLTD their objective is to provide the necessary services to help young people at school and the neighborhood. This is how the director of security at Montreuil put it:

 I don’t know if Mr. Maesano evoked it but… we had a lot of difficulties to find a resolution [with] the squatters in the building hall. We did quite a bit of public meetings and also there were other preventive actions that we were able to do, because the GLTD is, before anything, repressive. And it is up to the commune to put in place preventive actions, we asked the Prosecutor’s Office to help us, I mean they have a different [objective]…they had done awareness campaigns in front of students in the classroom, they didn’t do that this time, we did that in the neighborhood of Bel-Air [subject to a GLTD three years prior] (Interview, Montreuil, 2008).

 Two important points stand out from this account. First, there is the recognition by local actors that the GLTD is, above all, a repressive force. Second, and related to the first point, there seems to be a clear division of labor where the judiciary and the police, perhaps the two most important partners in the GLTD, take care of repression, and the rest of the partners should take the initiative on prevention.
The greatest shortcoming of the municipalisation of security, a trend that was first proposed by the Bonnemaison report, is the lack of control municipalities hold over resources. Mayors are increasingly in charge of preventing crime in their communes, but in order to do so they need to rely heavily on the aid of the National Police and the Ministry of Justice. These two institutions, however, are highly independent and they can either engage in local efforts to prevent crime or not. Local elected officials regard the GLTD as a fruitful avenue to build alliances and for working together toward solving a series of problems. Yet municipalities must provide most of the resources, particularly for the implementation of preventative measures, if they wish to make the GLTD an effective weapon against crime. Added the director of security at Montreuil (Interview, Montreuil, 2008):

We must create a dynamic relationship between the National Education and the police because the [gang] confrontations can happen in the environs or in the interior of the school…through this partnership exchange [GLTD] we can know each other and exchange ideas more easily, but it is true that the city was pivotal in that matter because it was the city that tried to create this feeling, to allow the different partners to exchange, to know each other, and to see how exactly we can work together, so we were able to put together preventive actions in schools, via the National Police. At Montreuil we are lucky to have two full-time police officers that are in charge of putting in motion preventive actions in elementary schools and high schools. They do awareness campaigns on boy-girl relationships, on racketeering, reminder of order [rappel à l’ordre], on drugs, etc. I mean they talk about different topics in the classrooms.

In other words, what benefits do the GLTD bring to the judiciary? Put differently, what are the true objectives of the judiciary in the areas of intervention? The greatest benefit of the GLTD is in fact the regular contact between the different partners. Another benefit is the mobility of the GLTD, whereby the judiciary can intervene in multiple locations without necessarily investing too many resources in one single area as is the case with the Houses of Justice of law. Yet, based on my analysis I suspect that the purposes and objectives of GLTDs, from the perspective of the
judiciary, have become less to create “tolerable living conditions,” and rather emphasis has been placed on the GLTDs capacity to “re-establish the authority of the law” by increasing the presence of police officers in the spaces of everyday life. By emphasizing the latter objective, the GLTD has become a mechanism of “crisis management.”

6.4.2. GLTDs for “managing” crises

There is a widespread conception that mayors must willingly seek out the judiciary in order to penetrate the “corners” of the state and fight crime and violence therein. According to the director of public tranquility at Saint Denis, mayors must actively demand the judiciary to intervene in their communes. GLTDs, in other words, often originate from the initiatives of mayors and not by the judiciary’s desire to fight crime and violence in the “corners.”

We are communicating, so, we make a year at Saint Denis [with the GLTD], and then later we will respond to the demands of the mayor of Stains, etc…and we need to service a maximum of cities, at least for a moment so that we have more GLTDs put in place. From the start that goes back to a political culture of the territory and the fight against delinquency…if you have a mayor that is not demanding action and does not require a culture of results because he considers that it can be very explosive, I mean why disturb the balance? It is a form of equilibrium… if we agitate the underground economy, the drug business, and things like that, that leads to confrontation and then we have ‘urban violence.’(Interview, Saint Denis, 2008)

The initiative of the mayor of Saint Denis resulted in a GLTD that was put place in the notorious social housing estate of Franc Moisin, Saint Denis, to fight street robbery. This GLTD was not intended to prevent crime in the long-term. Instead its objective was to prevent the “endemic violence” that regularly affects this neighborhood from reaching over and damage France’s image during the World Cup of Rugby in 2006.

We [municipality] do what we can, the Ministry of Justice does what they can, the police do what they can, but we never see the “mayonnaise.” So at Franc-Moisin certain families control the project [cité], they have cut the neighborhood in groups, and they are involved in
racketeering, I am not using an excessive language, I am employing a well-orchestrated vocabulary, we have *prevented nothing*. But what is it that we wanted, we wanted in front of the Stade de France, during a world event, the World Cup of Rugby, we wanted that the project in front was as calm as possible, during the event. So we put in place a GLTD a year before, we tried a number of things to reduce the conflicts during that time period... but the delinquents of the neighborhood did not trembled during the duration of the GLTD. No one would tell you that, but I can tell you that because that is what I think. So, if you want, we are in a crazy situation (Interview, Saint Denis, 2008).

Although successful in containing these “corner” conflicts from disturbing the World Cup of Rugby, the judge from Bobigny noted that this GLTD was not successful preventing crime in the long-term. According to the judge (Interview, judge Bobigny, 2008)

> At Saint Denis, we had a GLTD for a year, in a particular sector that was Franc Moisin, and it was aimed at treating a problem, street robbery. We were able to lower the number of street robberies, that is certain, but we had a problem with the presence of the police in the area. We also had a problem completing some physical modifications in the buildings that have not taken place. By contrast, another aspect of the GLTD, which is re-conquering the terrain, by convincing the inhabitants of the neighborhood to talk more about what is not working properly, didn’t work too well either.

What could have been done instead? What should the GLTD aim for in the future? The local official at Saint Denis emphasized the need for the GLTD to be more “pragmatic”:

> Sometimes I envy the pragmatism of Anglo-Saxons... I know a little bit the Canadians, I know a little bit the British, but less the Americans, if you want... I tell you that because a GLTD is, at a modest level, based on a system of representation...the partnership at New York with that New York mayor that at a time, I don’t know, he was inclined to obtain results in relation to a catastrophic situation in a precise territory to re-take public space in regards of having a sort of public tranquility and create the conditions to construct housing, to invite a new population to live in there, re-open theaters, restaurants, to give back life, and give the feeling that the city is “back” in relation to a situation that was ruled by the mafia, etc. In France we have problems doing that [gentrification?], so if you want I am unhappy with the GLTD, in terms of efficiency...And there is a consensus from the part of the police, who do not want to be engaged in violent confrontations, and the Justice Department does not want to see these projects in flame, we are witnessing a *silent consensus*. In other words, we treat the situation at a minimum; we don’t want to change that a lot. It is in that sense that I envy the Anglo-Saxons...we don’t arrive at having this culture of results (Interview, Saint Denis, 2008; emphasis added).
Local officials regret the GLTD’s inability to provide long-term solutions to the problem of crime. Moreover, although many view the GLTD as an effective mechanism to “contain” or “manage” the crisis, it is clear that local officials prefer a permanent and long-lasting “judicial presence” rather than the ephemeral judicial intervention which succeeds only in treating the “situation at a minimum.”

For Antoine Maesano the GLTD is an excellent mechanism to “manage the crisis.” “I am happy with the GLTD,” said Maesano (Interview, 2008), “it worked for managing the crisis, but I think that the GLTD must be implemented in the long term.” (Interview, Maesano, 2008) The shortness of the GLTD is what most commentators regret about this mechanism. The director of security of Montreuil commented about the post-GLTD period at La Noue:

Well it is true that the municipality is “happy.” When a GLTD takes place it’s because we are conscious of our difficulties and we are going to successfully solve the problems, as I told you, in Bel-Air that was true, in La Noue success was less, because the difficulties continued, and the GLTD finished one day, and still the problems continued. The squatters in the hall are very problematic, the groups of youths, I mean there was a strong consumption of alcohol in the street, the forces of order were assaulted, I mean these were real problems, the members of the neighborhood council who are really neutral, they were also attacked, so we can say that the human presence during the night, notably, was lacking in this sector and I think the GLTD was a failure because we weren’t able to recreate that dynamic, we tried with the temporary jobs and invite the youths, the parents, the elderly, we made evaluations about passive security that were guided by the Direction Departmental de la Sécurité Publique, so they could help us find solutions on commercial surfaces property of the Housing Authority, but still, the gathering of youths prevented people from going shopping, a number of businesses had to close doors because there were victims of “hold-ups” or because there was this strong feeling of insecurity, we asked the youngsters to move to the front but we couldn’t because that bothered the elderly, in short, we tried to do a lot of stuff but as of today I think we have failed, and we haven’t found a miraculous solution, I mean the GLTD stopped one day and it’s hard to find solutions in six months… (Interview, Montreuil, 2008)

The GLTD’s temporal limitation prevents the judiciary, and by consequence the other actors that constitute this partnership, to find long-term solutions to the problem of crime and “incivilities.”
Nevertheless, the judiciary, through the GLTD, can intervene in numerous areas without necessarily exhausting all the financial and human resources at its disposal. Yet it is precisely this sporadic presence that prevents the GLTD from creating long-lasting “tolerable living conditions.”

6.4.3. Judicial absence and the impossibility of creating “tolerable living conditions”

It is the judiciary’s limited geographical and human resources, furthermore, that prevents this institution from being completely engaged in the entire chain of crime-control – that is, to contribute equally to repression and prevention – and therefore to create “tolerable living conditions” as its original objectives proposed. Antoine Maesano provided the following example to demonstrate the judiciary’s limitations. “We had one youngster that had many problems, we had an open file on him and it was clear that he needed all the available services [judicial and social] to solve his problems,” said Maesano (Interview, 2008). He added that “we couldn’t do anything because the judiciary didn’t have the means. They do not possess the human means, they lacked personnel.” (Interview, Maesano, 2008) In fact, the greatest shortcoming of the GLTD, according to Maesano, was the lack of support from the judiciary. “The judiciary is engaged, they gave us the means during the GLTD, but I don’t think they have the means to be completely engaged. We met once or twice a month, but at times we couldn’t get a hold of them because they didn’t have time,” lamented Antoine Maesano (Interview, 2008) In short, “we need more resources from the judiciary.” (Interview, Maesano, 2008)

With the GLTD, the judiciary can exercise a more direct presence in the “corners” of the state, such as the neighborhood of La Noue, but this presence is accompanied, paradoxically, by the absence of the judiciary in the territory. It is the inability of the judiciary to overcome the
spatial dialectic of presence/absence that might perhaps explain the GLTD’s inability to create “tolerable living conditions.” Moreover, the judiciary’s absence from the territory unleashes certain tensions among other partners who feel that they must undertake the judiciary’s repressive functions. It had been remarked by observers of GLTDs during the 1990s that historically preventive institutions, like the school, encountered great difficulties cooperating with traditionally repressive institutions, such as the courts and the police (Roques, 1998). Teachers were reluctant, during the 1990s, to disseminate information about specific students for fear that the information would be used to detain and sanction those kids. At first Antoine Maesano denied any form of conflict among the partners. However, later during our conversation he admitted the tensions among some partners. “The National Education,” he stated, “did not have confidence in the police, therefore they were reluctant to give out information to them.” (Interview, Maesano, 2008) The director of security at Montreuil elaborated more on the question. He stated (Interview, Montreuil, 2008):

We didn’t really have problems with the Housing Authority. On the contrary, they were willing to associate themselves with this mechanism and to find sustainable solutions to the phenomenon, we were able to have good “nominative” exchanges, and, on top of that, we realized convocations with families, so we have a strong partnership with Housing Authority. The National Education, however, it was true that they felt more distant, they really didn’t have the desire to denounce the youths with which we had difficulties because, you know, they didn’t want to deal with all that had to do with the law, prevention of delinquency, etc., they were sort of reluctant, so we needed to show them that we were there to help them, and in fact they realized that the names that were being thrown out by the Housing Authority or the police, because we were dealing with some people that had been detained more than twenty times, I mean it was really important, and we realized that there wasn’t a real follow up by the court because there were youths that had committed quite important crimes, and consequently there were cases dating one year a year and half, two years, I mean some cases have been piling up, cases that needed to go through the PJJ for a follow-up, cases that continue to pose great problems, so we couldn’t really find solutions, and it was there that the National Education had an advantage because these were also youths that they knew were problematic, or were
suffering from absenteeism. Well, it’s true that there was this reluctance from the part of the National Education, but they came regularly to the meetings and also the academic inspector gave green light to participate in the partnership.

The director of security at Montreuil was careful not to criticize the National Education. From the interviews it was clear that the school system, since it is an institution that has a permanent presence on the territory, was an important partner of the city. By contrast, the judiciary, since it is an institution that is far away, and quite distant from the immediate environment of the commune, except through the couple of months that a GLTD is in place, was subject to numerous critiques.

It is the distance between the judiciary and the city that is regretted by local elected officials. The director of security at Montreuil maintained that with the opening of a city-justice correspondent, similar to the title held by the director of the *House of Justice and law* at Saint Denis (see Chapter 5), the city can have “a foot in the tribunal.” (Interview, Montreuil, 2008) For this local official, it is imperative to maintain regular contact with the tribunal in order to have access to “statistics,” as well as “follow-ups” in specific cases that affect the city of Montreuil. From the interviews, it was clear that local officials regard the increasing involvement of the judiciary in the local politics of security as necessary, on the one hand, and insufficient on the other. More importantly, local actors regard the judiciary as a distant institution that despite its limited resources desires to control every facet of the conflict-resolution process. Tensions with the judiciary arise when it comes to sharing information. Municipalities increasingly asked the judiciary to inform them about follow-ups on particular cases since many of the services at the disposal of that person are controlled and delivered by the municipality. Said the director of security at Montreuil:
I remember during the GLTD at La Noue we had the case of a woman that was victim of serious domestic violence by her husband. We wrote letters, we signaled it through the GLTD, etc. I mean, I am not saying that nothing was happening behind closed doors, but we had no reply on the monitoring of this person, or on how was this person being helped… It is a real pity, we know that the violence persists and we can’t remedy it (Interview, Montreuil, 2008)

The director of security at Montreuil later added that one of the main problems with partnerships such as the GLTD is “shared secrets” (secrets partagés). This question has resurfaced quite frequently with the proliferation of partnerships, where many institutions, in order to solve a series of common problems, must share their knowledge and “secrets” if those ends are to be met. The problem with the GLTD is that “each [partner] keeps their own information, they don’t communicate sufficiently, and yet the idea is to be able to solve a problem, a situation.” (Interview, Montreuil, 2008) The local official recognizes that “we need to surpass this problem of ‘shared secrets’ because the number one priority is to support the families and youths in difficulty, and not to…rely on repression, to repress everything. We need to find durable solutions.” (Interview, Montreuil, 2008)

The inability of city officials to gain access to critical information that might help solve conflicts in their communes, as well as the judiciary’s unwillingness (or incapacity) to be permanently present in the territory, prevents the GLTD to create “tolerable living conditions.” I often asked local officials what “tolerable living conditions” meant and whether it was possible to attain that goal despite the short duration and increasing mobility of the GLTD. The director of security at Montreuil said that creating “tolerable living conditions” depends on the situation like “when there has been drug trafficking, or arms trafficking, where the head of the network could be detained, and the calm returns to the cité.” (Interview, Montreuil, 2008) I quickly asked,
“like at Beaudottes?” To which he replied “Yes, there you see, in other neighborhoods that is true.” (Interview, Montreuil, 2008)

Similarly, I asked the director of security at Aulnay-sous-Bois whether the GLTD can bring “tolerable living conditions” to a neighborhood. He answered, “the GLTD didn’t work here.” (Interview, Aulnay-sous-Bois, 2008) At Aulnay-sous-Bois the GLTD was put in place to fight school absenteeism, yet the director of security was very critical about its usage adding that “the GLTD works better when it is designed to fight drug trafficking, the underground economy, and gang confrontations, just like in Montreuil.” (Interview, Aulnay-sous-Bois, 2008) Only when the GLTD targets the “big criminality” can it accomplish its task, to bring “tolerable living conditions.” (Interview, Aulnay-sous-Bois, 2008)

The decentralization reforms of 1982, along with the emergence of “contracts” as ideal policy tools used primarily to organize “security” at the local scale (i.e. Local Security Contracts, CLS), have fueled the devolution of policing functions to the mayors, social workers, and private security companies (Ocqueteau, 2004). Nevertheless, the mayor’s influence on the judiciary and the police, perhaps the two main institutions in the fight against crime and violence, is still very limited (Le Goff, 2004). It is through partnerships and contracts that mayors can sit at the same table along with the judiciary and the police and together devise a comprehensive strategy to provide security at the local level. In the GLTD it is clear that not all partners share the same responsibilities nor do they have the same power to stir a collective action in the territory. In other words, the crime-control objectives of the judiciary and the mayor’s office sit diametrically oppose many times. For the judiciary, what is imperative is to create the conditions for populations in the “corner” to denounce any wrongdoing. If official complaints are made, the judiciary has the capacity to solve those cases and thus reduce “corner violence.”
I remember, we gathered all the members of the Housing Authority, including the watchmen at the door, and we asked the District Attorney to speak with the watchmen and encourage them to make official complaints, because they had the fear of retaliation, and we noticed that all the difficulties of the Housing Authority were not being taken care of because the watchmen feared for their security but also their families and their kids, so we needed to reassure them that they could come up and make a complaint, or go to the Housing Authority and let them know, in anonymity.

To compensate for the judiciary’s inability to exercise a permanent presence in the “corners” of the state, the GLTD actively seeks to recreate the “trust” conditions that will ultimately reactivate the functioning circle of “crime-complaint-sentence-reduction of crime.” Yet municipalities are aware that the prevention of crime, and the creation of “tolerable living conditions,” cannot solely rely on the re-activation of this judicial circuit.

Rather, municipalities such as Montreuil are actively working toward providing the populations of those “corners” the means to re-integrate them back into society, hence the increasing reliance on restorative measures to fight crime. During the GLTD, explained the director of security at Montreuil:

We also had difficulties following-up youths at risk; youths who we knew were in danger and needed help from different administrations, including the PJJ [Judicial Protection of Youths]. There wasn’t a real follow-up of that, when there was a judgment pronounced for a kid, I mean, it wasn’t repression, you understand, but to help them go through the PJJ, but there were some members, well, that lacked management skills, from the part of the tribunal, the court, to really remedy the situation. Well, it is because of that that we decided at the level of the city to create temporary jobs, we invited a number of enterprises to help the youngsters to integrate themselves professionally, etc., because we have great difficulties in this neighborhood in regards to unemployment…

The director further added that city officials need to be more pro-active in order to help the judiciary put in place effective measures destined to prevent, and not necessarily repress, crime at the local level. Said the director:

We [Montreuil] are perhaps the most dynamic city in regards to the implementation of alternative measures to the prison, such as community service programs [Travaux d'Intégration]...
...we are not against repression or the prison, but behind every response there should be a constructive approach that help us fight the feeling of impunity...the idea behind the TIG is to be able, for first-time offenders...to show them what the world of employment consists of. The majority of these kids are no longer in school, so the TIG helps to integrate them back into the circuit, to re-attach them to local institutions, to re-orient them to our associations and therefore help them with their CVs. In short, it is to help them discover the world of employment so that at the end the feeling of impunity disappears. Young people suffer many problems such as alcohol and drug consumption, school drop-out, and so we are trying to teach them the framework of respecting time, give them responsibilities...all this is done thanks to the willingness of the municipality.

The GLTD, however, exacerbates institutional tensions that already exist in the French security landscape. With the municipalization of security, and more precisely, since 1997 when the Jospin administration promoted the idea that “security is the affair of everyone,” state institutions, instead of working collectively toward common goals, have increasingly devolved responsibilities over security to other administrations. Moreover, responsibility over security has also been devolved to inhabitants. Consequently, the success or failure of a particular policy depends on, and is often attributed to, the citizens’ participation. In that regard, the judge from Bobigny added that besides the GLTD previously discussed at Franc Moisin (Saint Denis), “we have another GLTD in another area of Franc Moisin and the problem is not the same [previously it was street robbery]. There we have inhabitants of the neighborhood that are more implicated, they want things working.” (Interview, judge Bobigny, 2008) The judge insisted that the efficacy of this GLTD is due to the citizens’ actions.

Nevertheless, the failure of security policies, such as GLTDs, has increasingly been blamed on someone else, and seldom state institutions are held accountable. The lack of accountability, therefore, creates a vicious circle. The director of security at Montreuil noted that for every delinquent act “the tendency is to say ‘it is the city’s’” fault. The idea behind
mechanisms such as the GLTD, is to show that the “city is not alone to solve these problems of security,” further adding that

If the problems persist in the neighborhood, in the building halls, it is not only up to the Housing Authority or to the city to respond to these questions but we have to work all together with the police… Yet now [when a problem arrives] the police say ‘we detain someone, we file a complaint, and then there is no judicial action.’ [The judiciary is said to be] too lenient, the feeling of impunity persists, and the vicious circle continues. (Interview, Montreuil, 2008)

6.5. Conclusion

GLTDs are in essence a judicial mechanism designed to gain access to the “most isolated corners” of the state. Sold as a miraculous solution to crime (Interview, Montreuil, 2008), the GLTD has been widely employed, particularly after 2005. Yet GLTDs have not been able to re-create the “tolerable living conditions” it promised at the beginning. Why, then, do municipalities and the judiciary continue to implement this promising yet highly unsuccessful collective approach to crime? One possible answer to such a question is what GLTDs represent for many state institutions seeking to respond to the crime problematic, namely GLTDs momentarily help overcome the deficits of legitimacy that both local governments and penal institutions suffer in the “most isolated corners” of the state. While in place, GLTDs are effective to the extent that a response to a misdemeanor is provided immediately. As the director of security at Montreuil expressed, “the ideal would be to be able to, while a problem has been identified, respond to it right away.” (Interview, Montreuil, 2008) GLTDs allow city officials to have supplemental means – more police officers, information, and new strategies – to solve a persistent and perhaps threatening problem in a particular location.
Nevertheless, GLTDs have failed in implementing the preventative measures so crucial for the creation of “tolerable living conditions.” As demonstrated above, one of the main shortcomings of the GLTD, and in particular the judiciary, was maintaining open communications with all the partners and to swiftly respond to the partners’ demands. This is not a problem of GLTDs only, but it is a problem that lies at the root of all the security policies that have been put in place since the 1980s. The appropriate responses to the crime problematic are available, according to the director of security at Montreuil, the problem is the lack of efficiency from all institutions to conduct constant monitoring of youngsters and make sure that they are being helped. “We are lacking a strong follow-up,” said the local official, “to help youths on an everyday basis, to help them find a job, find housing, to live a normal life, in normal conditions.” (Interview, Montreuil, 2008)

The lack of long-lasting results, and the frustrations that this causes, has led some local officials to call for more pragmatic approaches and to embrace a “culture of results.” GLTDs generally work when the objectives are clear, such as the dismantling of drug networks. By pulling together the work of the police and courts, GLTDs can swiftly curtail crime and bring a sense of “collective peace” to the neighborhood. In other circumstances, such as the cynical approach at Saint Denis, GLTDs fail in their mission. GLTDs bring the possibility of restoring the law in one area, through strong demonstrations of force, yet what keeps missing from this mechanism is a stronger preventive component which would include not only renovations to the physical façade or awareness campaigns, but more importantly viable economic and political alternatives that would help young people “sortir,” that is to escape the “tyranny of the territory.” (Body-Gendrot and Wihtol de Wenden, 2007)
I attribute the lack of success of GLTDs to the judiciary’s inability to exercise a more direct and permanent presence in the corners of the state. Despite the increasing mobility of the judiciary, we must point out that the DA Office exhibits a limited territoriality. As Antoine Maesano told me, during the GLTD at Montreuil-Bagnolet all “the meetings took place in the tribunal, because that gave an image.” (Interview, Maesano, 2008) In that sense, the DA Office acted in the city in and through the other partners. The GLTD is a temporary space that allows the judiciary to coordinate, organize, and direct local efforts to fight and prevent crime. Yet throughout the entire operation of the GLTD, as the examples demonstrated, the judiciary was absent from the spaces of everyday life. To overcome that absence the judiciary vested its authority on the other partners – such as the National Education, the National Police, and the mayor. The judiciary’s presence in the “corners” of the state was facilitated by the space of the partnership, as well as the contract, policy instruments that, as Virginie Gautron (2010:9) rightly pointed out, are “instrumental for restoring, if not reaffirming, the authority” of the judiciary. In other words, partners represent the judiciary, and it is the partners that act in the territory, not the District Attorney. The judiciary lacks the geographical and human resources to intervene in every corner. Through the GLTD what is showcased is the lack of commitment to a truly mobile judiciary that responds to the needs of local communities.

The primary motive of GLTDs is to convert as many “corners” as possible into legal spaces – spaces bound by the laws and customs of the French Republic – to pull these “corners” back into the realm of the “republican law.” Partnerships have been increasingly used precisely to territorialize the “republican law” in “outlaw” urban areas. Faithful to the civil law and republican traditions, GLTDs intend to spatialize the “republican law” through the various state institutions that collaborate in this partnership approach to crime. As mentioned in the previous
chapter, the judiciary has become the “guardian of the Republic” (Garapon, 1995:504), and the GLTD is one of many instances where we can observe this trend. As presidents of this partnership approach to crime, prosecutors hold the power to coordinate how and by whom (education, police, mayor, etc.) the “republican law” will be territorialized. Further, the fact that municipalities increasingly demand the judiciary, and not the central state (i.e. Interior Minister) to join their local efforts to fight crime, suggests that the judiciary’s role as “guardian of the Republic” has been recognized. Finally, as Lefebvre suggested “State intervention does not just occur episodically or at specific points but incessantly, by means of diverse organizations and institutions devoted to the management and production of space.” The GLTD reflects, however, that state intervention in the corners of the state occur “episodically” and at “specific points.” For lack of sufficient geographical and human resources, the judiciary is incapable of intervening in every “corner” of the state. The inability of the judiciary to “incessantly” intervene in every “corner” means, moreover, that there will always exist a “corner,” somewhere, where the state’s presence will be rigorously challenged. “Corners,” in other words, cannot cease to exist.
In June, 2008 it was announced that a gymnasium in the Parisian region, paid with public funds, was inaugurated. This inconsequential event made news because the gym was intended for the exclusive use of (Muslim) women, meaning that men were excluded from using this public facility. I was sitting in Les Halles one Thursday afternoon when a reporter from a daily newspaper *Metro* (a free newspaper distributed in subway stations) approached me and asked what I thought about this gymnasium and the fact that despite it being “public” excluded a portion of the population along gender lines. “Does that surprise you?” asked the reporter. I said “No. I come from the United States [I actually said Puerto Rico, but the editorial team decided to suppress this fact], it is the French debate over communitarianism that surprises me. Under the pretext of equality, France does not recognize [different] communities and their traditions.” The reporter took a photo of me and left. The next morning my statement along with my photo appeared in the first page of the newspaper. I was put in between two other interviewees, Erwan and Sandra. Erwan’s quote, inserted to my left, read “Of course [it surprises me]! We are in a secular and mix State, it is not logical that a religion, no matter which one, dictates its own rules.” Sandra’s statement, placed to my right, was similar to Erwan’s. She said “Yes [it surprises me]. It is up to the other communities to adapt, not the inverse.”

As I analyzed the entire context of my first appearance in a French newspaper, I was surprised about how the media actively construct public debate and shape public opinion. First, the fact that there were two statements against Muslim women having their own gymnasium in contrast to my own remarks suggested that the “majority” of French people are opposed to “communitarianism.” Second, the fact that the editors of the newspaper decided to include my
place of origin, the United States, often represented as a secular yet multicultural country distinct from the French Republic, whereas the other two interviewees, who were clearly white French citizens, did not mention their place of origin, suggested that my statement needed to be taken with caution. Third, the entire debate was structured in order to highlight the prominence of Islamic customs and traditions in French society. The question “does that surprise you?” was designed in order to yield strong and emotional responses against the rise of the “Muslim community” in the French public sphere. In short, it is these types of public debates and how they are constructed that continually structure and shape the image of Islam, minorities, and difference in the eyes of the French. In other words, the increasing number of minority groups residing in France is continually represented negatively as their customs and traditions supposedly pose a “threat” to the secular and republican tradition of the French state. The authors of The coming insurrection remarked as well the tendency of republicanism to destroy any form of “communal” tendencies among its minority populations. As they put it,

[I]n France, the ferocious and secular work of individualization by the power of the state, that classifies, compares, disciplines and separates subjects starting from a very young age, that instinctively grinds down any solidarities that escape it until nothing remains except citizenship – a pure, phantasmatic sense of belonging to the Republic… [The Frenchman envies] these so-called “problem neighborhoods” where there still persists a bit of communal life, a few links between beings, some solidarities not controlled by the state, an informal economy, an organization that is not yet detached from those who organize. (The invisible committee, 2009:23)

Throughout this dissertation I have investigated one aspect through which the French state still seeks to protect the “republican tradition” against the “communitarian” tendencies prevalent across social housing estates. I investigated, more specifically, how the judiciary has become an important and powerful “republican institution” entrusted with securing and protecting the “republican tradition” in places where republicanism is systematically challenged and contested.
More precisely, the dissertation explored the increasing presence of the judiciary in the spaces of everyday life. I analyzed a wide range of sources and data sets to contextualize the political, economic, social, and legal conditions that define the relationship between France and its banlieues. Generally speaking, the dissertation sought to uncover the spaces of state intervention and the motivations for it. In particular, I investigated the material and discursive construction of social housing estates in the suburbs of Paris in order to demonstrate why and how the courts are so close to the spaces of everyday life of social housing estates. In this conclusion I revisit the major arguments presented throughout the dissertation and reflect on the political possibilities of the banlieue. I conclude that the territorialization of the judiciary in the spaces of everyday life reflects the state’s ongoing struggles to legitimate itself in so-called “lawless” urban areas. These judicial geographies, furthermore, seek to institutionalize the daily lives of the populations of the banlieue by binding these spaces to the daily operations of the French legal system. The expected end result is to produce and reproduce responsible and law-abiding republican citizens that will not threaten the legitimacy and authority of the state.

The institutionalization of the banlieue through the judiciary has been primarily carried out by the Houses of Justice and law and the GLTD. The analysis of these two judicial initiatives in the banlieue illustrated how the judiciary has taken an active role in educating the population on the values of republicanism and the French legal system. Ultimately, the territorialization of the judiciary, and by consequence its pedagogical role, seek to advance the “republican project.” Republicanism demands subjects to renounce to their communal bonds – especially if these bonds are structure around ethnic, racial, gender, religious, and/or class identities – and in the absence of “community” the state, and the judiciary in particular, asks subjects to construct and organize their daily lives around a common identity, one which we can call a “community of
citizens”. Although traditional forms of collective organization – such as the neighborhood, ethnicity, gender, and class, to name just a few – don’t seem to be at risk, it is worth noting that justice in the banlieue will be fulfilled, according to state officials, only if every subject of the banlieue fully embraces the values of the French republic.

Finally, the dissertation raised three interrelated questions about the presence of the courts in everyday life. These were:

1. Why the courts are present in the city?
2. How have the courts increased their presence in the city?
3. What are the implications of this on the everyday lives of youths from the banlieue?

I pointed out in the Introduction that there was a critical gap in theories of state territoriality and the penal state, namely the lack of consideration to the role of courts for the exercise of state power and for defining the geographies of statehood. In this conclusion I will answer these three questions and highlight how my findings contribute to theories of state territoriality and the penal state. Before addressing why the courts are present in the city, I will first provide an answer as to how the courts have become more visible in the spaces of everyday life. The implications of the territorialization of the courts for youths in social housing estates will be discussed at the end.

**The construction of “lawless” urban areas**

One of the central themes across the dissertation was the construction of social housing estates in the outskirts of urban agglomerations as “lawless” spaces. Discursively and materially, social housing estates have been historically placed outside the social, economic, political, cultural, and legal order of France. “Lawlessness” as a particular feature of social housing estates
has been gradually constructed across three interrelated instances and by a manifold of actors and institutions. The moment, event, and situation of revolts are perhaps the ideal instances for advancing representations of the banlieue as places lacking a strong state presence and therefore places where the “republican law” is absent. The conflictive relationship that has developed between France (i.e. the central government) and social housing estates, particularly since the 1990s, has been structured by the always latent possibility of the emergence of “absolute moments of contestation,” also known in policy circles as “urban violence.” As shown in the first and fourth chapter, interpretations of revolts as criminal acts committed essentially against state officials and institutions often stripped these “moments of contestation” off their political character. Government officials, moreover, have surprisingly understood very well what Lefebvre noted decades ago, namely that everyday life “is the native soil in which the moment germinates and takes root.” (Lefebvre, 2002:357) In fact, the term “urban violence” served precisely the function of connecting everyday socio-spatial practices with the emergence or germination of “absolute moments of contestation.” Since the 1990s, the politics of the banlieue, organized around the prevention and repression of “urban violence,” have concentrated on policing the roots of “moments of contestation”: everyday life. The policing of everyday life has thereby required a stronger and more permanent presence of penal institutions.

The construction of “lawless” urban areas often takes place in the “public sphere.” As “events,” revolts are subject to public interpretations that result in (mis)representations about their purpose, their “sites” of origin, and the authors of these collective manifestations of “violence.” Media coverage of revolts seldom questions the “structures which made them possible,” (Lefebvre, 1969:7) and rather concentrates on the criminal implications of such actions and the capacity of the government to suppress/contain “riots.” As argued in the second
chapter, moreover, representations of “events” have been informed by the historical construction of the “dual-city” model. As Paris urban transformation took force in the nineteenth century, working class and immigrant populations were systematically displaced away from the city center. The fragmentation of everyday life which resulted from the functional division of urban space has enabled policy makers, politicians, and the public at large to actively “exclude” social housing estates and the populations living therein from the city-œuvre. The unique urban experience of residents of social housing estates has been condemned on the basis that such housing complexes, often represented as “ghettos,” foster the formation of “bands” that threaten everyday social relations. These spatial practices – which at times are accompanied by deviant and/or criminal behaviors, but often times take place without any form of conflict – have been the subject of intense policing and judicial responses intended to suppress the collective association of youths in the public spaces of social housing estates.

Moreover, revolts generate new situations that, as opposed to moments, are not necessarily bound by time or space. Moments begin and end, as Lefebvre noted, yet situations prevail by the very fact that the intention of a “situationist” (i.e. anyone who creates a situation, not necessarily a member of the SI) is to open new spatialities and temporalities. During revolts, a situation of “lawlessness” is generated that in turn enables “rioters” to attack public officials, institutions, and private property. Paradoxically, this “lawless” situation opens up a space and time for public officials and “public opinion” to construct their own representations of the authors and places where revolts emerge. The construction of “lawless” urban areas, in short, is made possible by the very impossibility of youths from the banlieue to master their own representations. As argued in the first chapter, what youths necessitate is the creation of “spaces of representation” where they can master their own representations. Unfortunately the public
sphere cannot serve as the “space of representation” for youths who participate in revolts since they are systematically excluded from the legal community; thus their inability to generate a type of political and administrative power that would eventually help them transform their everyday life. Rather, revolts allow government officials and public opinion to advance the notion that in those “revolting” spaces the “republican law” is absent.

The discourse on “lawlessness” regularly highlights the absence of state institutions in the spaces of everyday life. The politics of “urban violence” which originated in the 1990s, masked the important distinction between “expressive transgressions” and “crimes of appropriation,” the former being highly political acts (i.e. revolts) conflated with criminal and delinquent activities. The term “urban violence” forcefully introduced in the collective imaginary of France a particular representation of violence which linked the recurrence of “ordinary transgressions” in the spaces supporting everyday life in the banlieue with the emergence of revolts. The ordinariness of violence, furthermore, suggested that social housing estates were dangerous spaces which no longer possessed the informal social control mechanisms so crucial for maintaining order. Thus the criminalization of everyday life in social housing estates justified the insertion of social and penal institutions in the fabric of everyday life. The territorialization of state institutions in the spaces supporting everyday life is intended to make the “republican law” more present, to re-assert the authority of the state, and therefore to restore the “republican order.”

How have the courts increased their presence in the spaces of everyday life?
To understand how the judiciary has increased its presence in the spaces of everyday life we must undoubtedly address the three main socio-political organizing principles that have enabled these shifting judicial geographies: the civil law tradition, the republican tradition, and France’s current mode of territorial governance. Garapon and Papadopoulos (2003) conducted a much needed comparative study of the two juridical “cultures,” noting that “the foundational pact in France is not juridical but political: it is the Republic. If we must find a French equivalent to the American constitution, we must find it in the Declaration of the Rights of Man” of 1789 (Garapon and Papadopoulos, 2003:27). Moreover, “if the Republic, for the French, [means] acting together, the Constitution is, for the Americans, that which allows each individual to act on his side, to enjoy his liberty.” (Garapon and Papadopoulos, 2003:28) Hence, in the French case the republican and civil law traditions have been linked since the origins of the French state.

The “republican law,” that is the ensemble of civil and penal codes, refers to a set of abstract and universal laws which seek to organize collective life under the French Republic. The “republican law” should yield a certain kind of collective organization, often deemed by the political class as the “republican order.” French political scientist, Christian Barrère (2005) maintained that

The republican order is founded on the identity of individuals considered as citizens and as having equal rights. It introduces political democracy as a political link between citizens. Social cohesion is ensured through everybody’s submission to the law. This order distinguishes between the private and the public, between individuals and the collective, between private, individual interests and the general interest. It allows the emergence and the institutionalization of a political dimension in a political space, with its own institutions and specific political public processes (elections, law, government and so on), no longer subject to the cabinet of the king, the court of the lord or the sovereignty of the prince… In this model, political institutions have the responsibility of organizing the pursuit of the general interest and of common welfare. (Barrère, 2005:297)
The French Republic, in other words, affords state institutions with the responsibility of organizing collective life on the one hand, and vying for the common welfare of the nation, on the other hand. Further, under this model individuals are equals in the eyes of the law, the latter is thus universally and abstractly designed so as to apply to every situation and individual regardless of her/his particular class, racial, and/or gender position. Application of the “republican law,” moreover, is a function afforded to state public institutions, and in particular the judiciary. In the absence of the “republican law,” it is thus up to the judiciary to apply it wherever and whenever necessary. In other words, the penal and civil code is like a “readable manual” which citizens can always refer back to (Garapon and Papadopoulos, 2003:50). In case an individual or a group of individuals continually reject, disrespect, and/or simply obviate the penal and civil codes, and by doing so affect collective life, then the judiciary can take recourse on the “codes” in order to apply “the legislative intention.” (Garapon and Papadopoulos, 2003:50)

Since the “republican order” is defined by the legislative branch of government – the latter being the only institution capable of enacting laws under the civil law tradition – I therefore assessed numerous Senate and Parliament discussions, laws, decrees, and government reports in order to uncover how the “republican order” was defined.68 The analysis of these official documents enabled me to identify the “everyday life” as a specific object of policy and legislation. Consequently, the criminalization of everyday life at the discursive level has been progressively codified in the French state’s penal code. The period between 1981 and 1996 helped establish the connection between “moments” of contestation and everyday life and for

68 “Who is a legislator?” asked Gramsci (1971:265). The legislator, he said, means “those persons who are empowered by the law to enact laws.” (1971:265) Further, “the greatest legislative power belongs to the State personnel (elected and career officials), who have at their disposal the legal coercive powers of the State.” (1971:266)
erecting the legislative foundations for the territorialization of penal institutions in the banlieue. From 1997 onwards, successive laws have increasingly criminalized the free association of young people in the public spaces of social housing estates – in particular, gatherings in the building halls have been condemned in order to prevent the formation of “bands,” the source, according to public officials, of “urban violence.” These collective gatherings, moreover, pose a threat to the cultural and political integrity of the republic since, according to local and central state officials, “youth gangs” represent the tendency of “communitarianism,” that is the formation of ethnic communities.

The biggest challenge in a country that follows the civil law tradition is not codification and legislation, but enforcement (Garapon, 1995). Thus the legislative work that was carried out between the 1980s and the present laid the groundwork for the territorialization of penal institutions – the courts and the police – which are entrusted with enforcing these laws at the level of everyday life. Hence the first explanation as to how the judiciary has increased its presence in everyday life. The civil and penal codes constitute the basis of the “republican order,” and under the republican tradition, public institutions are responsible for enforcing the codes of law and therefore the “republican order.” Second, legislators redefined the causes of crime stressing the behavior and conduct of young offenders rather than the larger political economic conditions that dominated the discourse of crime during the 1980s. By explaining crime in relation to the deviant behaviors of offenders, responses to crime changed along the way with emphasis placed on the capacity of penal institutions to change the behaviors of offenders.

The evolution French urban policy illustrates both the changing role of state institutions in the context of urban mass poverty and the increasing responsibility afforded to penal institutions to safeguard the values of the French Republic. As demonstrated in the third chapter,
French urban policy was born in the 1980s in response to the intensification of urban fragmentations and socio-economic distress in social housing estates. *La politique de la ville* resulted in the creation of new institutional structures to facilitate the management and governance of urban fragmentations. More importantly, French urban policy has enabled in recent years the territorialization of the “republican law” in the spaces of intervention. Whereas in the 1980s policy makers sought to upgrade the socio-economic conditions of social housing estates through socio-urban initiatives, in the 1990s the policy toward distressed urban areas paid more attention to the economic success of the spaces of intervention. Moreover, since 1997 solutions to the “problem of the banlieue” has been reduced to the repression of the populations of the banlieue and the demolition/reconstruction of social habitat. This shifting strategy was justified as the government sought to prevent the recurrence of revolts emerging in the spaces of intervention. In fact, the discourse of “social exclusion” that justified French urban policy in the early years morphed into a discourse over law-and-order whereby state officials emphasized the threats posed by the banlieue to the “republican order” more so than the dire socio-economic conditions prevalent in those spaces.

Moreover, policy makers introduced the contract and partnerships as ideal policy tools to facilitate the collaboration and territorialization of state institutions at the local level. Through contracts and partnerships, such as the Local Contracts of Security (CLS) and the Local Groups for the Treatment of Delinquency (GLTD), the judiciary and the police have increased their presence in the spaces of everyday life of social housing estates. In other words, changing modes of territorial governance, analyzed in the dissertation through the lens of French urban policy, partly explains the increasing “territorialization of the courts.” Crucial to the increasing presence of the courts in the spaces of intervention of French urban policy was the shifting representations
of the banlieue. From neighborhoods lacking the necessary social, economic, and cultural capital to further their development, the banlieue became a “threat” to the “republic, thus justifications for the territorialization of the “republican law.” In short, the institutional sluices of French urban policy have thus enabled the further territorialization of penal institutions.

**Why the courts are present in the spaces of everyday life?**

The presence of the courts in the spaces of everyday life in the banlieue responds both to the need to police and control a structurally unemployable population, on the one hand, and to compensate the deficits of legitimacy that continually challenged the French state in so-called “lawless” urban areas. First, the changing discourse of crime – with its emphasis on the behavior and conduct of offenders – as well as the gradual construction of “lawless” urban areas constitute the main justifications for the territorialization of penal institutions. Second, unable to maintain the “republican dream” alive – the latter was founded upon constant economic growth and social mobility – particularly in social housing estates, the French Republic has since the 1980s suffer a crisis of legitimacy in these spaces. In other words, in the banlieue republican institutions are viewed with skepticism since they are unable to carry out their main function, namely to integrate the population to a national project of economic growth and to provide social protection. For three decades residents in social housing estates have witnessed the continual degradation of their socio-economic conditions. Further, the rise of crime and violence in those spaces and the “feelings of insecurity” that come along have fueled a negative perception of republican institutions since they are unable to provide what politicians often refer as the fundamental right of every citizen: security (personal safety and economic security).
In response to the crisis of legitimacy stemming from the inability to provide personal safety, the central state has progressively devolved this responsibility to local governments. Mayors are now responsible for assuring the security of their constituents. As pressure to provide security increases, mayors have had to “interpellate” central state institutions, such as the police and the judiciary, to help them fight crime and the “feelings of insecurity.” By using the policy instruments and institutional structures of French urban policy, mayors have been able to create partnerships and signed contracts with the police and a whole range of local actors to collectively fight crime. In that vein, the Houses of Justice and law are partnerships between the mayor’s office and the judiciary intended to provide a set of judicial services to communes suffering from high rates of small and medium size misdemeanors. Similarly, the Local Groups for the Treatment of Delinquency are partnerships between the prosecutor’s office, the mayor’s office and other local actors that collectively intend to provide repressive and preventative responses in neighborhoods in the brink of a “crisis.” In both instances I noted two interrelated trends. First, the judiciary, subject to numerous critiques from the part of the police, local governments, and the public at large, has made a concerted effort to be more present at the local scale. The judiciary, perhaps the most important representative of the “republican law,” has actively responded to the demands of mayors and therefore joined partnerships designed to fight crime and violence at the level of everyday life. Its presence and proximity in the spaces of everyday life responds, in other words, to the crisis of legitimacy this institution has suffered since the 1990s. Second, mayors, now the central actors in the politics of security, have seen their legitimacy – that is their capacity to actually provide security – diminished as “incivilities,” “bands” and other deviant behaviors have progressively invaded the everyday spaces of social housing estates. It is for that reason that mayors have taken recourse on the judiciary to help
them restore their legitimacy by making the “republican law” more visible and accessible to the population.

Nevertheless, commentators regularly cited the “ineffectiveness” of the *Houses of Justice and law* and the *Local Groups for the Treatment of Delinquency* to actually curb patterns of crime and reduce the “feelings of insecurity.” I noted in both case studies how the judiciary’s presence and proximity in the spaces of everyday life corresponds with the necessity to re-assert the authority of the state more so than reducing crime and violence. Put differently, why are the courts increasingly present in the everyday life’s of the population of the banlieue despite its ineffectiveness? This is a question that Marxist-psychoanalyst Erich Fromm raised decades ago. His conclusion along with Antonio Gramsci’s analysis of state/civil society relations fit perfectly with the argument I have been making throughout the dissertation, namely that the criminal justice system’s role is not so much to punish or reduce crime, but to educate the population. In contemporary France, as noted in the fifth chapter, the responsibility to maintain the “republican myth” alive has been handed over to the judiciary to the detriment of other republican institutions such as the school. I will cite both Fromm and Gramsci to help articulate this argument.

Fromm maintained that “‘the cultural apparatus’ of society propagate ideologies that legitimate the existing system of domination.” (Anderson, 1998:676) On that note, Fromm wrote about the ideological and legitimating function of the penal system. Fromm, furthermore, began to pay attention to the ways “the dominant classes use the threat of punishment and the public preoccupation with crime for their own purposes of social control over the mass of the population.” (Anderson, 1998:678) In the essay “The State as Educator,” Fromm advanced the thesis that
Modern criminal justice thinks of itself as a form of pedagogy. It officially renounces the thought of revenge and maintains that its intention is to reform the criminal and that on the whole its methods are a useful means toward reform of the offender. It tries to achieve this reform in two ways: negatively, it believes that it can intimidate and deter through punishment, so that henceforth the offender will be a quiet, well-behaved citizen; positively, it labors to create a system of finely-layered rewards for good behavior through the compulsion to work, or through ‘uplifting’ words of encouragement from a clergyman as well as other devices, all in order to educate the criminal on how to become a socially useful person. (Fromm, 1930:6 quoted in Anderson, 1998:679; emphasis added)

Fromm stressed, however, how the criminal justice system fails to carry on its pedagogical function. First, Fromm differentiated crimes of survival – those crimes committed to satisfy the offender’s everyday needs – and expressive crimes which are rooted in “unconscious motives.” (Anderson, 1998:679-80) In regards to the first type of crimes, Fromm noted that legal means would not deter offenders for “the only possibility is an improvement in the economic situation of the ‘criminal’ to the point where his situation is so secure that committing a crime to gratify elementary needs is unnecessary.” (Fromm, 1930:6 quoted in Anderson, 1998:679) In regards to expressive crimes, Fromm argued that “the contemporary penal system may on the whole be considered to have just as little effect” since crimes which derive from unconscious motives cannot “be prevented by influencing people at the conscious level.” (Fromm, 1930:6 quoted in Anderson, 1998:680) Finally, both forms of transgressions – expressive and survival – “involve the rejection of social norms such as honesty and obedience to law.” (Anderson, 1998:683)

Regardless of the Freudian overtones in Fromm’s discussion, these set of propositions led him to ask one crucial question: if the criminal justice system fails to lower the rate of crime, a fact well known to policy makers, politicians, and social scientists why does “society hold on to these ineffective measures with such determination?” (Fromm, 1930:7 quoted in Anderson,

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69 Both forms of crimes seem to coincide with the distinction I made in Chapter 4 between crimes of appropriation and expressive transgressions. Both forms of transgressions have been systematically lumped together in order to highlight the threats of “urban violence.”
Fromm, thereby, began to question the “broader social significance” of the criminal justice system, particularly its role within the capitalist state (Anderson, 1998:680). Fromm hypothesized that the criminal justice system was an important “agent of legitimation.” (Anderson, 1998:680) It follows that punishment is necessary for the modern state “for purposes which have nothing to do with effective approaches toward the criminal.” Similar to the Houses of Justice and law and the GLTDs which effectiveness toward curbing crime was questioned by local officials as well as by criminal justice personnel (Interviews, 2008), these local judicial structures should be viewed instead as attempts “to influenc[e] the masses psychologically in the sense desired by the rulers.” (Fromm, 1930:9 quoted in Anderson, 1998:682)

In another essay devoted to the criminal justice system, “On the Psychology of the Criminal and the Punitive Society,” (1931) Fromm asked “what is the purpose of punishment?” (1931:242) Punishment, said Fromm, should deter, rehabilitate and provide security to society. Fromm argued that criminal sentences stir rather than prevent crime, hence the need for rehabilitation; punishment does not prevent recidivism, thus its inability to deter crime; and, given the fact that punishment increased crime rates and produced more recidivists, then the system was unable to provide security (Anderson, 1998:683-84). Based on this analysis, Fromm draws the conclusion that the criminal justice system, in view of its inability to effectively decrease crime and provide security, serves the function of legitimating the state. As he put it,

Every class society is characterized by the domination of one class by another, or more precisely, of the great mass of propertyless by the thin layer of the propertied. The means by which this domination is exerted are quite varied. Among the most visible ones are the means of physical violence, as represented by the military and the police. But these means are in no way the most important ones. With them alone the continuity of domination cannot be accomplished. Much more important are psychological means of domination, means which require the open use of force only in exceptional cases. These psychological means place the masses in a situation of having an emotional tie to and being dependent on the ruling classes. (Fromm, 1931:246 quoted in Anderson, 1998:684)
Similarly, Hannah Arendt (1970:50) had observed that “no government exclusively based on the means of violence has ever existed.” Moreover, “in domestic affairs,” Arendt (1970:51) as well as Fromm noted, “violence functions as the last resort of power against criminals or rebels – that is, against single individuals who, as it were, refuse to be overpowered by the consensus of the majority.”

Fromm equaled the criminal justice system and the school as important ideological apparatuses that legitimated the capitalist state. Their function was to “educate” the population, to make them work for the state and therefore become productive citizens. This was a recurrent theme among Marxist scholars who, particularly after the writings of Antonio Gramsci, began to pay closer attention not only to the moments of physical violence exercised by the state against the masses, but the entire ideological work carry out by a wide range of institutions and actors determined to maintain the existing capitalist relations. Said Gramsci (1971:258)

Every State is ethical in as much as one of its most important functions is to raise the great mass of the population to a particular cultural and moral level, a level (or type) which corresponds to the needs of the productive forces for development, and hence the interests of the ruling classes. The school as a positive educative function, and the courts as a repressive and negative educative function, are the most important State activities in this sense...

For Gramsci, the “law” is perhaps the most important instrument at the disposal of the state to “educate” the population, to mold their behaviors and customs. “If every State tends to create and maintain a certain type of civilization and of citizen (and hence of collective life and of individual relations), and to eliminate certain customs and attitudes and to disseminate others,” maintains Gramsci (1971:246), “then the Law will be its instrument for this purpose.” Just as we saw in the fifth chapter, the French state struggles against the customs and attitudes of its foreign population who, according to public officials, do not know how to educate their children.
Increasingly, through the judiciary and its educative function, the French state is trying to “eliminate certain customs” and “disseminate” others, such as trust in public institutions (see section 5.5). The pedagogical sessions of MJDs serve precisely this function, to educate the younger generations how to respect the laws and customs of France. What the state strives to and desires with these new judicial geographies is to protect and re-create the “republican order” in places where that “order” is continually contested and challenged.

In short, the increasing presence of the courts in the spaces of everyday life corresponds with the state’s necessity to secure legitimacy through its physical presence. Put in other words, judicial presence is a strategy designed to maintain legitimation through territorialization. Therefore, the dissertation contributes to studies in state territoriality, and in particular police territoriality, by calling attention to the territorial strategies of the judiciary, an institution seldom conceived as capable of exercising territoriality. Proximity and presence constitute two of the most important spatial strategies adopted by the judiciary in order to combat crime and violence in the spaces of everyday life. Moreover, while I identified these two strategies designed to further the territorialization of the “republican law,” I noted that these two spatial features constitute the essential ingredients for the reproduction and maintenance of authority relations. Authority, a form of power based on the recognition of individuals and institutions vested with such power, is more effective when in close proximity of those it seeks recognition from. Ultimately, the goal is to re-create the conditions that would enable the reproduction of the “republican order.” Such order prevents individuals from forming communities affiliated along ethnic, religious and/or gender lines. Further, a truly “republican order” would not allow a gym that excludes men from entering, nor would it allow the formation of “bands” in public space. It would, furthermore, prevent Islam from appearing in public space and it would eliminate any
form of traditions, customs, and behaviors derived from the “ex-colonies” from dominating and organizing collective life in France. The “republican order,” in short, asks one thing to the millions of minority groups residing in France: trust “republican institutions” and respect the “republican law,” for these alone would allow them to overcome their socio-economic disadvantages and assure them constant social mobility.

This “myth” is hard to sell in places that have been systematically excluded from the city-oeuvre, from the economic, social, cultural, and political order of contemporary France. Those who comply with the laws and customs of the republic, public officials maintain, will see their life conditions improve. Yet residents of social housing estates no longer trust republican institutions or politicians for that matter since for more than three decades they have been promised a better and more humane life and have instead been rewarded with structural unemployment, constant insecurity, and institutional discrimination. Under the “public sphere” model those who form part of the legal community can, in essence, utilize political and judicial institutions to express their concerns and exercise political public power. Yet, as we have seen throughout the dissertation, the judiciary’s presence in the spaces of everyday life corresponds less with increasing access to the “public sphere” and more with re-assertion of state authority and “educating” the population about the virtues of the French Republic. As I told the reporter of *Metro*, under pretext of equality, France does not recognize the numerous ethnic and religious communities currently living under French soil.

Political scientist René Rémond (1998:8) noted that “the attitude of the French toward authority, during their history, [is defined] by a double contradictory heritage: a cult of the State and an inclination toward contestation.” According to Rémond, state authority operates nowadays in and through the legal system – through the laws and legislative pieces that
constitute the legal order of France. “Certainly,” indicates Rémond, (1998:17), contemporary French society accepts the rule, and therefore state authority, only “if it was freely discussed, introduced under conditions that underpin its legitimacy and whether its application is in accordance with the intentions that led to its establishment.” This does not necessarily mean that all sectors of French society readily accept the “republican law” and state authority. On the contrary, today “whole sectors in our urban agglomerations constitute ‘lawless urban areas’ [zones-de-non-droit]: that is the rejection of authority. At the same time that we have noted the appeasement of purely political and ideological confrontations, there have been other forms of violence, to the point where we have had to coin a word to qualify these kinds of infractions: they infringe on civility.” (Rémond, 1998:17) As incivilities increasingly penetrate the school, Rémond (1998:18) notes, the institution that should be “the ideal space for learning how to live collectively in society, for learning to accept the rule that guarantees civil peace and harmony among individuals, this has become a space of violence: society introduces all its conflicts and tensions therein.” In short, Rémond (1998:18) asks, given the increasing number of incivilities and conflicts taking place inside the classroom, “how can we make it a place of civic education that teaches respect to authority [i.e. the republican law]?” This is perhaps the most important conundrum which the French state faces in so-called “lawless” urban areas. As we saw, the French state possesses the means to quell episodes of “urban violence,” moments which allow the state to fully display its repressive apparatus. The problem, moreover, resides in the French state’s inability to produce subjects that respect its laws and authority.

This may not be a problem unique to France, but more generally it is a problem intrinsic to the modern state. Political philosopher Robert Paul Wolff neatly summarized this contradiction, between the desire to centralize authority and the necessity of individuals to freely
associate and become autonomous subjects, in his essay In defense of Anarchism (1998). Wolff claimed that

The defining mark of the state is authority, the right to rule. The primary obligation of man is autonomy, the refusal to be ruled. It would seem, then, that there can be no resolution of the conflict between autonomy of the individual and the putative authority of the state. Insofar as a man fulfills his obligation to make himself the author of his decisions, he will resist the state’s claim to have authority over him. That is to say, he will deny that he has a duty to obey the laws of the state simply because they are the laws. In that sense, it would seem that anarchism is the only political doctrine consistent with the virtue of autonomy. (Wolff, 1998:18; emphasis in original)

The tension between the French state’s attempts to re-assert its authority and the continual rejection of these claims of authority by the populations of the banlieue, and in particular the younger generations, illustrates the existing clash between the anachronism of republicanism and the contemporary reality of urban France. It is no longer possible to construct an abstract French citizen for the diversity of France’s urban population requires an open recognition of different and competing traditions, customs, and norms that not necessarily correspond with those sponsored by the French Republic. In other words, efforts to construct a “community of citizens,” subjects whose only identity revolves around republican institutions, seem to be at odds with the historical urban geographies that have systematically displaced entire populations to the outskirts of cities on the basis of their class, ethnic, and racial origins. The concentration of minority groups in enclosed neighborhoods, excluded from larger urban and national dynamics, has in fact intensified the formation of specific “communities” whose collective identity prevents them from readily accepting the republican values promoted by the French judicial system.

Why would France, a country which has historically rejected the formation of ethnic, racial, and/or religious communities, exclude and concentrate entire groups of people based on their ethnic, class, and racial origin in specific neighborhoods and in the process foster the
formation of communal bonds that run counter to the republican tradition? At first sight it seems counterproductive and ineffective to first promote the formation of these identity based communities and then passionately reject them through the deployment of penal institutions entrusted with the daunting task of re-educating these “communities” about the values of individualism and republicanism. However, a closer look at this strategy proves that promoting identity-based communities and then criminalizing these same communities under the pretext that they pose a threat to the republic serve precisely the interests of the state. In *The Fall of Public Man*, Richard Sennett noted the inability of urban communities to change larger socio-economic processes, focusing instead in struggles intended to preserve the integrity of their identities and “feelings.” As he put it, “the attempt to form community deflects attention from” the larger social, political, and economic “structures” which together work to keep the existing social order intact (Sennett, 1974:309). Moreover, “the more people are plunged into these passions of community, the more the basic institutions of social order are untouched.” (Sennett, 1974:309)

Numerous scholars have pointed out how states induce “crises” – political, economic, social – in order to create “moments” and spaces of state intervention (Agamben, 2005; Mountz, 2010; Samers, 1999). “Riots” serve precisely that purpose for the French state. During episodes of urban unrest many youths have an opportunity to express their frustrations toward their living conditions. Likewise, as I have shown throughout the dissertation, state officials use these “moments of crisis” to criminalize and de-politicize the populations of the banlieue. By continually placing youths from the banlieue at the outskirts of the French legal system, the French state finds in these discursive strategies a perfect justification to spectacularly illustrate its force. With the judiciary at its disposal, the French state, as well as local mayors, has
increasingly relied on the Houses of Justice and law and in particular the GLTDs as “legitimation” tools intended to show their constituents that they are doing something in the name of security. Despite the fact that local officials continually regret the lack of pragmatic results – reduction of crime rates and feelings of insecurity – of these judicial interventions, the Houses of Justice and law and GLTDs have effectively anchored penal institutions in the spaces of everyday life. Having established partnerships and collaborative lines with numerous local actors, and in the case of MJDs, having a permanent structure at the local level from where the judiciary can operate, the French judicial system is now highly capable to serve the “legitimation” needs of the political class. The new government of François Hollande launched the first “priority security zones” (zones de sécurité prioritaires, ZSP) on September 11, 2012. The new Socialist government is following the footsteps of Nicholas Sarkozy whose security agenda has been well documented throughout the dissertation. It comes as no surprise that the Left must continue this security agenda if they wish to remain in power. More importantly, the new ZSP are areas where “delinquency and incivilities are structurally rooted,” according to Interior Minister Manuel Valls (Premier Ministre, 2012). There are already 49 ZSP identified by the government. Within these new spatial constructs, the government intends to organize their security strategies around the GLTDs in order to implement a “global” and comprehensive approach of prevention and repression.

In order to advance social justice in the banlieue the French state must renounce to its current mode of “doing politics.” The model adopted up until now has been essentially top-down. The Houses of Justice and law and the GLTDs have been judicial initiatives designed by top-level officials to serve the purposes and objectives of those same officials. Despite the fact that rhetorically the French government promotes greater citizen participation – recall Lionel
Jospin’s famous catch phrase, “security is the affair of everyone” – the reality is that citizens remain marginal in the decision-making process. Furthermore, even when citizens are invited to participate they have tended to show a great deal of disinterest in these political processes (Interviews, 2008). Nevertheless, it is imperative for the future of the banlieue to open new democratic venues where the population can express their frustrations and propose solutions to their own problems. It is imperative, furthermore, that these democratic venues can serve as a springboard to change the material conditions that historically have worked against the progress of the populations of the banlieue. Although the dissertation’s main topic was the politics of justice and the territorialization of penal institutions, I have maintained that we cannot separate questions of social justice from other pressing questions such as economic, social, and cultural progress.

Finally, for these judicial initiatives to succeed they must be de-coupled from the politics of legitimation that fuel them. The GLTDs and MJDs have been used to fulfill the deficits of legitimacy that the French state suffers in the banlieue. These judicial geographies are motivated by the continual struggle of the central state to re-assert its authority and protect the core values of equality, liberty, and fraternity. In other words, a radical criminal justice reform would “de-politicize” MJDs and GLTDs and rather place these judicial initiatives at the service of local residents. At the present, the territorialization of the judiciary serves the purpose of legitimating the French state whenever it feels threaten. A true reform would make these local judicial initiatives mechanisms and spaces where local residents can claim their rights, advance their concerns, and ultimately change the social order. Only by achieving the latter will the population of the banlieue find true solutions to their problems.
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Loi n. 98-1163 du 18 décembre 1998 *relative à l'accès au droit et à la résolution amiable des conflits*

Loi n. 99-586 du 12 juillet 1999 *relative au renforcement et à la simplification de la coopération intercommunale*

Loi n. 2000-1208 du 13 décembre 2000 *relative à la solidarité et au renouvellement urbains (SRU)*

Loi n. 2001-1062 du 15 novembre 2001 *relative à la sécurité quotidienne (LSQ)*
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Loi organique n. 2003-153 du 26 février 2003 relative aux juges de proximité

Loi n. 2003-239 du 18 mars 2003 pour la sécurité intérieure (LSI)

Code de la construction et de l’habitation, Article L126-3 created by Loi n. 2003-239 du 18 mars 2003 pour la sécurité intérieure (LSI)

Loi constitutionnelle n. 2003-276 du 28 mars 2003 relative à l’organisation décentralisée de la République

Loi n. 2003-710 du 1er août 2003 d’orientation et de programmation pour la ville et la rénovation urbaine

Loi organique n. 2003-705 du 1er août 2003 relative au référendum local

Loi n. 2004-204 du 9 mars 2004 portant adaptation de la justice aux évolutions de la criminalité (Perben II)

Loi n. 2004-809 du 13 août 2004 relative aux libertés et responsabilités locales

Assemblée Nationale, 8 November, 2005, Déclaration du gouvernement sur la situation crée par les violences urbaines et débat sur cette déclaration. 53rd séance de la session ordinaire 2005-06

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Clément, P., 17 November, 2006, Prévention de la Délinquance en Seine-Saint-Denis. Discours de clôture de la séance de Pascal Clément, ministre de la Justice, garde des Sceaux

Maison de Justice et du Droit, Saint Denis

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Loi n. 2007-1198 du 10 août 2007 renforçant la lutte contre la récidive des majeurs et des mineurs (Dati law)

Loi n. 2010-201 du 2 mars 2010 renforçant la lutte contre les violences de groupes et la protection des personnes chargées d’une mission de service public (‘Anti-band law’)

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Le Monde, 25 May, 2004, Bobigny, justice asphyxiée

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Le Monde, 8 November, 2007, La Cour des comptes pointe les dysfonctionnements de la politique de la ville

Le Monde, 12 November, 2007, HLM: la rénovation urbaine pourrait accroître la pénurie

Le Monde, 8 February, 2008, Nicolas Sarkozy fait des banlieues un ‘enjeu de civilisation’
Le Monde, 9 February, 2008, Faute de moyens financiers, M. Sarkozy mise sur la responsabilité individuelle dans les banlieues

Le Monde, 25 April, 2008, L’opération anti-dealers de la police à Sevran affiche un maigre bilan

Le Monde, 12 July, 2009, A Montreuil, un homme perd un œil après un tir de Flash-Ball par la police

Le Monde, 29 March, 2010, Cent dix personnes interpellés pour un tir de fusée dans une manifestation


Le Monde, 27 April, 2011, Clichy-sous-Bois: non-lieu pour les deux policiers, les familles iront en cassation

Le Parisien, 17 March, 1995, Cinq Mini-Black Boys hors d’état de nuire

L’Express, 3 November, 2005, Ces nuits qui ont fait trembler Clichy.


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Libération, 17 July, 2007, Le projet de loi sur la récidive examiné à l'Assemblée

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I. Teaching Experience

2012  Instructor of Geography, Fairleigh Dickinson University, Department of Social Sciences and History

2008-2011  Adjunct Instructor, Syracuse University, Geography Department

2003-2005  Teaching Assistant, Syracuse University, Geography Department

II. Education

A. Formal Education

2012  PhD. Geography  Syracuse University, Geography Department  Syracuse, NY  
Dissertation title: “The territorialization of the ‘republican law: Judicial presence in Seine-Saint-Denis, France”

2005  M.A. Geography  Syracuse University  Geography Department  Syracuse, NY  

2003  B.A. Modern Languages and Geography  French and Italian  Universidad de Puerto Rico, Rio Piedras  San Juan, PR

B. Relevant Educational Experiences

2007  Summer School training, The territorial dimension of social policy, University of Urbino, Italy, September 9-16, organized by Professor Yuri Kazepov
2001 Université du Maine, Le Mans, France
Foreign Exchange Program, Spring

III. Past Professional Experience

2011-2012 Research Assistant
Building the Capacity of Urban Food Projects in Syracuse, New York
Syracuse University and SUNY ESF

2009 Research Assistant
Dr. Don Mitchell
Geography Department, Syracuse University

2007-2008 Research and fieldwork towards Ph.D. degree
Location: Paris and Seine-Saint-Denis, France

2006-07 Research Assistant
Latino migration, race, and urban transformation in the US South.
Dr. Jamie Winders
Geography Department, Syracuse University

2004 Research and fieldwork towards M.A. degree
Location: Paris, France

2004 Research Assistant
Stateless by geographical design: the shifting relationships between migrants, refugees and states
Dr. Alison Mountz
Geography Department, Syracuse University

IV. Publications

A. Encyclopedia Entries/Articles


B. Other Publications

V. Professional Activities

A. Membership in professional organizations and committees

Member of Association of American Geographers (2003-Present)

Graduate Student Representative, Geography Department, Syracuse University (2006)

Member of the Gender and Globalization Search Committee, Geography Department, Syracuse University (2005-2006)

Member of the Future Professoriate Program (FPP), Syracuse University (2004-2011)

Member of Asociación de Estudiantes de Lenguas Modernas, Universidad de Puerto Rico (2002-2003)

Member of Asociación de Estudiantes de Geografía, Universidad de Puerto Rico (2001-2003)

B. Honors and Awards

<table>
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<tr>
<th>Year</th>
<th>Award Description</th>
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<tr>
<td>2012</td>
<td>Post-Doctoral Fellowship, <em>Research in Paris</em>, City of Paris, France, €21,000.00, Declined</td>
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<tr>
<td>2011</td>
<td>David E. Sopher Memorial Scholarship, Geography Department, Syracuse University, $1,800.00</td>
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<tr>
<td>2008</td>
<td>Urban Geography Graduate Student Doctoral Fellowship, Sponsor: Urban Geography Specialty Group, $500.00</td>
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<tr>
<td>2006</td>
<td>Maxwell Dean’s Summer Research Award, Syracuse University, $2,300.00</td>
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<tr>
<td>2005</td>
<td>University Fellowship, Syracuse University</td>
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<tr>
<td>2004</td>
<td>FLAS Fellowship: Language Training (French) <em>Alliance Française</em> Paris, France (June-July)</td>
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<tr>
<td>2003</td>
<td>Segundo Carmona Award, Department of Modern Languages, Universidad de Puerto Rico, Río Piedras Most Outstanding Undergraduate Student</td>
</tr>
</tbody>
</table>
VI. Courses Taught

A. Fairleigh Dickinson
GEOG 1102: Geography and World Issues
POLS 2203: International Relations
ECON 1111: Introduction to Economics
POLS 3000/GEOG3000: Geographies of the European Union

B. Syracuse University
World Regional Geography
The European Union
Political Geography

VII. Presentations

A. Guest Lectures

2007  Professor Catherine Rhein’s course “Géographie Humaine,” Institut de Géographie, Paris, France, November 9

2007  Professor Halima Belhandouz’s course “Ecole et ville,” Université de Paris X, Nanterre, France, October 30

B. Conferences and Colloquiums

2013  Association of American Geographers, Los Angeles, CA
Presentation: Between civil law and common law: Legal cultures and judicial geographies

2012  Panelist, Hot Topics, “After the elections: What’s in store for America?” Tuesday, December 4, 2012 Becton College, Fairleigh Dickinson University

2012  Panelist, Sovereignty for Puerto Rico? A discussion with Angel Collado-Schwarz
Maxwell School of Citizenship and Public Affairs, Syracuse University

2012  Association of American Geographers, New York, NY
Session Organizer and Chair: Court Geographies
Presentation: Street corner judges? The Local Groups for the Treatment of Delinquency (GLTD)

2010  Association of American Geographers, Washington, D.C.
Presentation: *Disciplining migrants through the ‘Republican law’: local security strategies in France*

2010
Colloquium series of Department of Geography, January 29
Syracuse University,
Presentation: *The territorialization of the ‘Republican law’: The judiciary in the Parisian banlieue*

2009
Association of American Geographers, Las Vegas, Nevada
Presentation: *The territorialization of the law: violence and the judicial system in the Parisian banlieue*

2008
Colloquium series of *Géographie-Cité*, April 18
Université de Paris IV, France
Presentation: *Géographie politique de la violence, politiques sécuritaires et violences urbaines.*

2007
Association of American Geographers, San Francisco, California
Presentation: *Law-and-order, the state, and collective violence in France.*

2006
Middle States Association of American Geographers, New Brunswick, New Jersey, Rutgers University
Presentation: *Spacing conflict: Paris and the geography of violence.*

2006
Association of American Geographers, Chicago, Illinois
Session organizer: *Contested spaces, Political spaces: Scale, Migration, and Justice.*
Presentation: *Public space and the necessities of life: Public Sphere and violence in France.*

2005
Association of American Geographers, Denver, Colorado

2005
Caribbean Working Group, Maxwell School of Citizenship and Public Affairs, Syracuse University
*Panel Discussion: Puerto Rico*

2005
4th International Critical Geography Conference
Mexico City, Mexico.
Session Chair: *Taking Urban Public Space*
Presentation: *The appropriation of public space: the case of Les Halles, Paris, France*