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- Policy and Practices

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POLICE RACE RELATIONS IN ENGLAND AND IN FRANCE POLICY AND PRACTICES

This paper considers key features of police, race and ethnic relations in England and in France during the last two decades. This perspective allows to analyze the articulation of race relations, policing and their differential outcomes and leads into a field neglected by criminologists. In France, indeed, race relations, ethnic discriminations and racism are not studied as such by social scientists. They are not a field of criminology. Britain, by contrast, acknowledges the existence of races, of identifiable skin markers, of biological differences and of racism. First, the paper will look at two key moments that have defined police race relations and brought public attention to the issue and included recognition in the state responses, the 1981 Brixton riots and the racist murder of Stephen Lawrence. It will look at outcomes and policies, prompting the police to proceed to reforms, including submitting policemen to training sessions on race relations. Secondly, by contrast, it will examine how in France the institution is insulated from third party pressures, supported by the state, even when convicted on the charge of "torture" by the European commission on Human Rights. Incidents are played down, action is not taken in favor of victims of police abuse and police academies remain reluctant to discuss such topics and to involve community residents in training sessions. However similarities exist: police race relations remain tense in urban derelict neighborhoods where a majority of minority populations live, all the more after 9/11. Stop and searches are contested. Both delinquent policemen and juveniles appear linked by the same fate, the indifference of the haves and of their political representatives, except during outbreaks of violence.

INTRODUCTION

Despite different historical and ideological constructions and although the identities of the established and of the outsiders (Elias and Scotson, 1965) vary as well as the latter' strategies and tools to address problems of 'otherness' and of discrimination, the claims, the identities and the strategies made by those who feel the victims of institutional practices - although their papers prove that they belong as citizens to the mainstream society- and the police surveillance and control methods used in sensitive areas where those perceived as reasonable suspects live are remarkably similar throughout developed countries. Too often, a dichotomy of Us and Them articulates police and minority relations in their respective cultures within a context of unequal power relations. The dilemmas police forces face concern fairness yet efficiency. When efficient, they are accused of *ethnic profiling* or harassment by those stopped and searched; when fair, they are reproached by their hierarchies to let crime statistics drop and by conservative opinions to be 'soft'. "What are the police doing?"

In the Western world, however, two contrasted "models" regarding justice and fairness for minorities prevail¹. These differences are important because different ways of perceiving and defining a situation result in differences in policies and organizational practices (Witte, 1996, 2). In France, race relations, ethnic discriminations and racism have been neglected by most of social scientists until recently,² following the essence

of the Republican model of a "One and Indivisible" ideal, as summed up in the first report of the Higher Council of Integration (HCI), established in 1990 : "The French conception of integration should obey a logic of equality and *not a logic of minorities*. The principles of identity and equality which go back to the Revolution and the Declaration of Rights of Men and Citizens, impregnate our conception, founded on the equality of individuals before the law, whatever their origin, race, religion ... *to the exclusion of an institutional recognition of minorities*." (HCI, 1991: 19; emphasis in original). Consequently, the term 'ethnic minorities' is avoided³ and the authorities are reluctant to distinguish certain groups being victimized by specific transgressions motivated by racism.

By contrast, British and American researches on race relations acknowledge the existence of races, of identifiable skin markers, of biological, religious, cultural and national differences and of racism to the extent that one speaks of an "industry".⁴ British and American social policies have built anti-discriminatory apparatuses based on the rule of law.⁵ My point, based on the comparison of the British and the French policies and using police abuse towards "minorities" as a case, is to show that when institutions such as the police proceed to reforms, the change is snatched by pressures exerted by minority groups and legitimized antidiscriminatory organizations which, under favorable circumstances, find political allies in the system. Instead, if the institution is insulated from third party pressures with no back up from the political parties and if there is no political recognition of the problem, the status quo will persist. The case of Britain which will now be developed offers a clear illustration of how and why racialization – the ascription of race as an essential feature of an event - matters. In the first case, Brixton, the police perceived the outbreak as racial while in the second case, the Lawrence murder, the police failure to consider the crime as racially motivated created "calamitous relationships" with minorities (Holdaway, 2002, 51). Both incidents led to tense relationships and were followed (or not – it will be explained) by reforms.

TAKING INSTITUTIONAL RACISM INTO ACCOUNT: THE UK CONTEXT

In the UK, the 1980s witnessed an increase of incidents of a 'racial nature'. "The frequency of such (racist) attacks, often of a particularly insidious nature, and the depth of feeling and concern which they generate in the ethnic minority communities, are a matter of fact and not of opinion" (quote from Home Office report, 1981, 35, n°82). The Home Office report of 1981 called *Racial Attacks* also stated that there had been a tendency on the part of the police to underestimate the significance of these attacks (1981, 32, n°76). Statements like these contributed to a widespread perception that the 1981 report was the first official recognition of racist violence by the British state (Witte, 1996, 25). But while the report constitutes indeed an important stage in the British history of state responses to racist violence, it was not the first time the problem was recognized (Gordon, 1993, 171). On several occasions, the police arrested racial minorities resorting to self-help or even calling for protection. In 1979, the Institute of Race relations submitted the report *Police Against the People* arguing that police misconduct towards black citizens had become "an everyday occurrence, a matter of routine". It identified seven elements of police misconduct: stop-and-search without reason; unnecessary violence during arrest; particular harassment of juveniles; danger of arrest when suspects asserted their rights; risks to witnesses and bystanders; repeat arrest of individuals and entering black homes at will (Haro, 1992, 80). There was therefore an acknowledgment among official circles at the time that police behavior could be problematic and even harm minorities.

In this very tense atmosphere, the Brixton police in the Greater London committed a 'serious mistake' when it launched "Swamp 81" (Scarman, 1981 § 4.76). The catalyst was slim: a crowd rescued a black taxi driver erroneously perceived to carry drugs in his sock (where he put his banknotes) from the police then stood up to police reinforcements. The police overreacted. Violent clashes took place. The next day Brixton exploded.

Among the various explanations given to the five-day riots, the report mentioned five characteristics common to areas where riots occur: 'racial' disadvantage and discrimination; unemployment- especially among young Blacks -, urban deprivation, political exclusion, decline of civil consent and hostility towards the police (Body-Gendrot, 1993, ch.5). The report conclusion came as no surprise however: "the riots were essentially an outburst of anger and resentment by young black people against the police (Solomos, 1998, 1). The creation of a negative relationship between police and ethnic minorities in Brixton came from police stereotypes of blacks as criminals or drug offenders and from fundamental ideas in the culture of policing about the absolute control of a geographical territory.

The report recommended that the police should tackle racial prejudice and harassment; improve their methods of policing inner-city multi-racial areas; and develop new methods of managing urban disorder. The police counter-attacked and used their monopoly of discursive construction, delegitimizing Black youth and pointing at an "enemy within". Hardly any reforms took place, as the police were backed down by both political parties.

Ideally, which types of reforms should have been passed to bring back more police by consent ? The answer would take several years to come.

While Lord Scarman had rejected the idea that there was an "institutional racism" in the police (Scarman, 1981, 64), he conceded that racial prejudice was manifest occasionally in the behavior of a few officers on the streets but that it was not the outcome of practices, culture or a more institutional phenomenon. It recommended screening out racist recruits and training adequately new officers. After the Stephen Lawrence case broke out eighteen years later, however, reforms could no longer be delayed and faith in institutions had to be restored. Let us stop briefly on this case which has become a milestone in the battle against racism in Britain.

THE STEPHEN LAWRENCE CASE

The murder of a 18-year-old British citizen of Jamaican origin in Eltham south-east of London in April 1993 became a catalyst for a huge public debate on police racism (Body-Gendrot, 2001). But first, the context. In Eltham center, mid-day or midnight, no black faces are seen on the street. The center is a well-know hangout for racist youth, this is where the British National Party rallies, numerous low-rise all-white council estates just spread yards away from the bus stop where Stephen Lawrence was stabbed to death by five youth, well-know for their racist postures (shown on videos owned by the police). Stephen Lawrence was killed only because he was black. Despite witnesses' accounts who reported the murderers' names within hours to the police, one week after the murder, nothing has occurred, no arrest and no information was given to the family. The Lawrence family concluded then that it was the racist attitudes of policemen that allowed delays in emergency treatment and that encouraged more delays in investigating the suspects, while the police pursued questions about Stephen Lawrence himself.

It took no less than five years for the family to have justice enforced for their son, after three police inquiries, an unsuccessful private prosecution and a year-long review by the Police Complaints Authority. A trial at Old Bailey in 1995 was dismissed after a year, the youth set free with the right to remain silent for ever after. In 1997, a turnabout occurred, though, when in an extraordinary decision, the jury gathered by the coroner to establish the cause of Stephen's death qualified the act as a murder "from a racist attack, entirely unprovoked, by five white young men". As it happened, a reporter from the *Daily Mail* had covered the hearings. As a consequence of his emotional coverage, public opinion mobilized in favor of the Lawrence family.

A complaint about the manner the London police had conducted its investigation was supported by the Commission on Racial Equality⁶ and by 19 Parliament members. In the meanwhile, as the Labor Party had won the elections, in July 1997, Jack Straw, the Head of the Home office, requested a former High Court Judge, William MacPherson to set a commission and find out the facts.

Truth emerged in February 1999 after sixty days of hearings and eleven thousand pages of a report instantaneously put on the web. The report stated that the murder was racist. It then demonstrated that the police dysfunctions expressed "a form of institutional racism" defined as "the collective failure of an organization to provide an appropriate and professional service to people because of their color, culture or ethnic origin. It can be seen or detected in processes, attitudes and behavior which amount to discrimination through unwitting prejudice, ignorance, thoughtlessness and racist stereotyping which disadvantage minority ethnic people " (MacPherson, 1999, 29). The commissioner of the Metropolitan Police at the hearings acknowledged that "individual officers can be, and are, overtly racist " but he failed to accept that "institutional racism" was a concept of direct relevance to his organization (Ibid, 24). However, for the Metropolitan Police Service Black Police association representatives: "we should not underestimate the occupational culture within the police service as being a primary source of institutional racism is the way that we differentially treat black people" (ibid, 25). Due to their culture, police officers were color-blind, denying the relevance of the racial status of Stephen Lawrence, the racial motives of the five youth and then, the need for a specific approach to the investigation.

THE STOP-AND-SEARCH ISSUE

The Macpherson report ended on 70 recommendations, more than half addressed to the police. The Home secretary drew up a national plan for police race relations. It included a commitment. The police had to demonstrate how they were taking steps to eliminate discrimination from their practices; race relations should be at the center of their work, changing the culture of the police as well as its practices. As the police were required to regain minorities' trust and to tackle the problem of institutional racism,⁷ the issue between police efficiency and fairness set an important dilemma. The 1839 law allows indeed the police to stop-and-search any person "reasonably suspected " of committing an offence. In his 1981 report, Lord Scarman had already denounced this law as a cause for racial tensions in Brixton after brutal police swamps had occurred in minority neighborhoods. Yet in 1984, a new law allowed all the police forces to stop-and-search individuals to find stolen or prohibited goods if their suspicion was grounded.⁸ Home office figures in 1998 suggest that blacks are five times as likely to be stopped by the police as whites (Home Office, 1998). This disproportionate use of stop and search powers have fueled a sense of discrimination among ethnic minorities.

To alleviate the controversy, a law passed in 1993 stipulated that all stops should mention the ethnicity of the searched person who would receive a copy of the file on

the spot. But the dilemma comes from the support given in the polls by Londoners to police practices: they want their police to keep stopping youth for their antisocial behaviors, for drugs or weapons, etc. (Body-Gendrot, 2001, 97). This is one of the contradictory mission that the rank and file police experience.⁹

The continuing tensions between police and black youth come from the fact that , on the one hand, stops-and-searches take place in the public space under the eyes of the closely-knit community. The police are perceived by minorities and their supporters as criminalizing all minority youth living in the same neighborhood. On the other hand, policemen resent the accusation of institutional racism hurled at them the moment they move in a difficult area. They have the feeling of being abandoned by their hierarchy, despised by the populations under control and ignored by the mainstream population, feelings also felt by the French rank and file policemen. No wonder that as racial minorities are 6% of the British population, only 2% of them are constables.

Since 9/11 not surprisingly, the relationships of minority and the police reflecting society are once more tense. Muslims suffer backlash and their spokesmen report being harassed by the police abusing their stop and search powers. The debate has resumed once more on the central question of accountability, transparency and the responsibilities of public services to those in whose names they act. Notions of citizenship and belonging need to be clarified in these difficult times.

IGNORING INSTITUTIONAL RACISM: THE FRENCH CASE

The French stand is notably different. Firstly, a question mark is set concerning the fuzzy, elusive definition of the notion race.¹⁰ President Pompidou has well summarized the French conception: "Sometimes, the simple fact of mentioning the word summons up the idea, and reality, unfortunately, often follows the idea (Le Monde, 1 september, 1973).The colossal and recurring discussion between nature and nurture has resulted in a denial, a negation.¹¹

Secondly, had French researchers wanted to proceed to international comparisons, they had few tools or statistics to document racist attacks, ethnic discriminations, ethnic profiling. How many French of post-colonial origin are stopped and searches ? How many are imprisoned ? Have these questions any value? That 12% of the prison population in Britain is black allows antidiscrimination organizations to build their case, a situation impossible in France.¹²

Thirdly, had they still pursued stubbornly their quest, these researchers would have bumped into the iron curtain of the French bureaucracy.

Citizens' grievances appear illegitimate in the eyes of heavily centralized institutions, all the more so in practice if these citizens are of foreign origin. Accountability, transparency and responsibility towards citizens do not belong to the administrative vocabulary. That some policemen are racists and act accordingly is not acknowledged as such, as was the case with the Metropolitan London police commissioner. A culture of denial characterizes indeed French administration, including the police. Moreover, the public system shields policemen from the legal sanctions which would apply to an ordinary citizen and justice is reluctant to condemn them. An episode documented in details by French researcher Fabien Jobard will illustrate these points (2002, 3).

A recent case opposed the European Court of Human Rights (ECHHR) and France on the use of torture¹³ by the French police. France was convicted twice in 1999 (Selmouni case) and in 2002 (Mouisel case).

TWO LOGICS: THE EUROPEAN CONCEPTION VS. THE FRENCH ONE

What is the context? Collective popular memory of policemen repressing brutally workers' movements in the 19th-early 20th century has currently been replaced by that of the police forces clashing with youth of Muslim origin in problematic urban peripheries. Some housing estates have become hostile sites of anti-police culture where the police hesitate to go for fear of igniting the neighborhood.¹⁴ It is both a question of generation and of territory ownership. Numerous murders of Algerians in France occurred during the Algerian war. It is estimated that 200 of them died during the repression of a demonstration in 1961 in Paris; but while the fathers' generation remained silent and humiliated, their children speak out as if in search of a political identity. Their heritage is constructed on accusatory silences and an imagination of violence and revenge linked to colonialism. It wants to establish a break. Since the 1980s, they have found a consensual issue in police abuse and a way to relate to their fathers' treatment. The death of Malik Oussekiene chased by the police during students' demonstrations in 1986 and numerous episodes of 'urban violence' after a youth in Sartrouville was shot by guards and Aïssa Ihich died in custody in Mantes la Jolie as well as deaths of policemen caused by youth have also contributed to root into popular imagination the persisting antagonisms of policemen and immigrants' children (Body-Gendrot, 1993).

The racist nature of urban outbreaks was not acknowledged though and did not constitute an element in the responses of state authorities. The only concrete response seemed to direct combat against racism to organizations outside the state apparatus and to allow them to take legal action as civil parties in cases where a racist dimension was perceived to be present. This was the purpose of the law passed in 1990 and reinforced in 2002. Yet, condemnations for racial discrimination are very usual in France: one in 1992, 1993, 1994, 1997, 1998, three in 1999 and seven in 2000 (Lanquetin, 2000, 79-81).

After seven visits to France, the CPT pointed at "a non neglectible risk of being mistreated" in police stations, a mistreatment amounting to "punching and slaps, hitting on the head with a phone book; psychological pressure, insults, deprivation of food and medication" (Jobard, 2002). The European conviction of a police perceived as brutal and cynical came as no surprise. The surprise came from elsewhere. It is the government which mobilized, requiring proofs, marking a distinction between a well-grounded accusation from a slanderous charge. The government asserted that guarantees surrounding the use of force by the police in France and the code of ethics of the National Police were sufficient to reduce the risk of mistreatment. They emphasized the low number of violence allegations monitored by disciplinary and control commissions within the police (between 250 and 350 each year). In other words, the government played down the charge: police transgressions were rare and allegations were no proofs.

Jobard points out that what made the CPT tally forceful was their visit in 2000 to the unit in charge of providing first aid to people arrested by the police. Of almost 3000 people brought into this judicial emergency unit, 137 had traumas and 39 hematomas, bruises, scratches, fractures, etc., some being too scared to explain what happened to them. What is important is the timing. In the few cases when a case for police mistreatment is brought to court, a long time after the incident, the police narrative almost always wins over that of the victims, because, in the meanwhile, the police had time to make up a story. Between the words of policemen and the words of victims, the relation is asymmetrical and it is unusual for judges to side with vulnerable categories against policemen. In 1995, only 21 out of 253 complaints led to the conviction of police officers and in 1996, 12 out of 166 (Jobard, 2002). Judges have most difficulties

leading an inquiry when it concerns police, obtaining complete files, reducing the delays and the case is frequently closed for lack of evidence, even more so on appeal. Policemen status grants them impunity and some of them are cynical about it. It may happen, though, that some judges get tired of having the same policemen bringing more and more cases of rebellion, choosing to dismiss the cases on the spot. The same point will now be tackled, this time emphasizing the role played by ethnicity in police mistreatment.

A NEW AWARENESS OF ETHNIC ORIGINS IN THE PUBLIC SPACE

It might be useful at this stage to specify what is behind the term ethnic. This term is rarely used in France because of its connotation to the Jews' fate before and during World War Two.¹⁵ However, for the last ten years, French researchers have referred more and more to a phenomenon of ethnicization of social relations in French society leading to the emergence of new ethnic claims with a shift from the "right to be different" to the "right of having different rights" (Ivaldi, Bréchon, 2000). The conceptual obscurity of this concept however cannot be denied. In France racism refers more to cultural characteristics than to physical ones, but the syncretic core of racist ideology is the same: "it posit a different and irreducible nature of human groups" (Guillaumin, 1991, 13).

The role of ethnic origin is real but modest in the emergence of collective violence (Choquet, 2000, 93). Its dynamics is rooted in social interaction, in boundaries of identification and differentiation among collective and individual actors. The constant process of transaction between police and minority groups explains why ethnicity is no more fixed than the situations in which it is produced and reproduced. Moreover, and this is our point here, ethnicity doesn't exist alone and the importance of socio-economic disparities and inequalities in the production of social and political cleavages must be kept in mind. Ethnicity cannot be studied in isolation and the study of the role it plays in the clashes youth have with the police must include the new challenges set by the crisis of traditional representative democracy. As remarked by P. Robert, "the government center is suffering a breakdown ... it is unable to get the suburbs to enter the political scene, probably because it doesn't really try to -, and above all, it has nothing to offer those fringes that would be worth their while (Robert, 2005).

FAUDIL'S STORY

Field interviews I carried with immigrant youth perceived as trouble makers in the Parisian region illustrate some of their grievances relative to an unequal treatment by the institution. The following words need to be taken cautiously, yet they are essential as well as the police words since they make sense to all of them.

Faudil Benlilim, a city employee and community worker at La Courneuve (a Parisian banlieue) was driving his car on October 1999 when he and his friend Mimoun at 8.45 p.m. slightly bumped into a trambus. They stopped to look at their car while the bus was going on, when all of a sudden a police car, hooting, with 3 policemen from the squad team (CRS) came by, handled the youth roughly and searched them. Unfortunately, the ignition car key broke and the policemen thought the youth were burglars. Their behavior changed immediately. They hit the youth with their baton, there was blood spilling and much hurt and protest ensued. "I explained that I was working at City Hall and that they had no right to act like this". The policemen insulted the youth racially: "Shit race, North African assholes", and took them to the police station. After

4 hours, the young men were eventually taken to the hospital, then detained again for twenty hours. Faudil was covered with black and blues and got a six- day work release from the hospital. During his detention, the Algerian war was mentioned and resentment was expressed by the policemen. Faudil filed a complaint with the local prosecutor and exceptionally, he was supported by City Hall, a communist locality. It seems however that this file was subsequently lost as well as the pictures taken in the hospital. On the other hand, the three CRS claimed that they had been stoned by 30 people and they also filed a complaint for rebellion. As a consequence, Faudil was requested to come to court, while the CRS never bothered to do so. Eventually, the case was dismissed.

What appears important in Faudil's words is his discovery that he could be harassed because of his ethnicity by policemen who think that they are above the law. "What shocked me is the lack of respect. I was ashamed by them. We are nothing. I respect the law, why don't they? It is as if I were not like them, they "killed" me with the fact that I am dark-skinned. I was like a war prisoner before he is shot. They harmed my parents's dignity. In France, we are born a victim and we remain a victim until death. Humiliation is on my mind and nobody can take it away until justice is done."

He then added that there was a wish for revenge on the part of some of the policemen for whom all the inner city youth are alike. They have a tooth for tooth attitude and if they are hurt by the youth, then they must hurt some youth in return. Another police chief told one of the youth "You need to understand that we are not in Africa here, we have rules", then "We must reconquer the territory". As in Britain, the perception in poor communities is that the police amalgamate all non white youth in the same category of "reasonable suspects". That the policemen in Faudil's story behaved as a colonial army engaged in the reconquest of the national territory, that harassment of youth takes place as a matter of routine and is not denounced by any policeman marks the difference with Britain.

TESTIMONIES FROM THE TOLL-FREE NUMBER ON ETHNIC VICTIMIZATION

As said earlier, it is difficult to establish that ethnic profiling does take place in France, due to the lack of statistical data by ethnicity. A few sources however offer a clue.¹⁶

In a recent work, I did with two researchers, we analyzed 113 anonymous slips on grievances against the police recorded between May 2000 and May 2002 through the toll-free number 114 (Body-Gendrot, de Wenden, 2003, ch.1). This number is managed by an anti-discrimination commission created by the Left (GELD) and it has been created to listen to the victims' circumstances in cases of ethnic harassment. The grievances are recorded on slips which are transferred to decentralized state services (CODAC), required to act on the cases. These calls are very instructive.¹⁷ They confirm that differential treatments occur during police control by hostile officers in the subway or on buses or in poor immigrant neighborhoods. The insults, threats, physical harm are racially motivated, they refer to the Algerian war, to the stigmatization of Arabic origin and of the Muslim religion, and policemen are reported to deliberate provoke their victims.

As we examined the follow up given to such complaints in the CODAC which had received the most important number of cases to be treated, it appeared that no action had been taken and that half the time, there was no explanation. As for the disciplinary body of the police, in the exceptional cases in which they had been seized, the file always contained an accusation of 'rebellion' by the concerned policemen. It also

happened that civil servants who had called the toll free number were sanctioned by their hierarchy for having spoken to a third party. A Director of one of the disciplinary bodies that we interviewed acknowledged that illegitimate police force always hides behind an accusation of outrage, rebellion or acts of violence against the police. Victims and witnesses are not adequately protected in France when carrying their civic duty of reporting illegal acts to authorities.

POLICEMEN'S WORDS

The numerous interviews we carried with policemen reveal a large display of opinions, attitudes and judgements (Body-Gendrot, de Wenden, 2003). Even in a similar cohort of rank and file policemen, some of them discard all immigrant residents as trouble makers, drug users, fundamentalists, while some who reluctantly admit having racist biases will never engage into discriminatory behaviors (It was impossible to find a policeman who had been sanctioned or to find colleagues of such a policeman who would speak out) but many of them admitted that, submitted to the continuous provocations on the part of certain delinquents, now and then, they "blow a fuse" and overreact. On the whole, many of them say that in the deprived neighborhoods, they feel despised by populations spitting on them, stoning their cars, insulting them in a complete indifference from mainstream society. Then, they often experience fear, either to be hurt or to hurt and ignite the neighborhood. They all complain of a lack of training, of contradictory missions and of a lack of support from their hierarchy.

CONCLUSION

It is our perception that in Britain, attempts at improving race relations pursued by top officials at Scotland Yard in view of eradicating racism within the institution are possible because of the recognition of race. In France, reforms to eradicate institutional racism in the definition of Judge MacPherson if they were snatched by external pressures would be rejected. Not only the French government does not entice the police institution, via funding, to change their collective culture (or very cautiously) but they deny the legitimacy of victims' complaints, requiring proofs which are almost impossible to uphold, as seen in the European case. Trainers in police academies display common sense explanations to this approach: (Wihtold de Wenden and Body-Gendrot, 2003):

The French system is so immersed in an equalitarian and universalist ideology that it cannot perceive the problem of discrimination. Political parties, trends, movements and people are blamed but no one admits that the way French institutions function produces discrimination.

In France, the issue of discrimination has not emerged at the political level because no one was eager for this to happen, and for too long it has been thought that having an equalitarian and Republican system was enough.

What is never said on this issue probably has a link with the colonial past of France, which explains how difficult it is to recognize discrimination and to act on it. A form of *fatum* then justifies the non recognition of the problem and therefore inaction.

However both countries display similarities: the rank and file policemen acting unfairly towards minority youth are also the victims of a 'dirty work' of control, surveillance and arrests assigned to them and that no one else wants to do. It is usually

carried on by young and inexperienced policemen assimilating them more or less to their low status "clients". It could be assumed that the only way these rank and file policemen have to mark their distinction, is to resort to a "confined violence", a violence made possible by its covert character, by the grey areas where it takes place, by the impossibility for reasonable suspects to complain and by the absence of third parties and of antidiscriminatory organizations which could stop them. Discriminatory behaviors are also allowed by the feeling of impunity which is ingrained in their culture and by cover up.¹⁸ In other words, both the delinquent policeman and the delinquent youth are the left overs of an indifferent society and of its institutions choosing to ignore what is going on at the margins (Ocqueteau, 2002, 210). The problem with the French institutional denial of racial discrimination is that it removes a general responsibility from French society, regarding it as either originating in marginal groups, or pathological individuals or in external events. The responsibility of society as a whole is ignored.

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ENDNOTES

- 1 The term 'model' is an oversimplification. It is a social construction the only justification of which is to allow comparisons through the enlargement of certain features deserving attention (Body-Gendrot, 1995, 244).
- 2 However, C. Guillaumin, V. de Rudder, C. Poiret and F. Vourc'h, P.A. Taguieff, M. Wieviorka and myself are the exceptions.
- 3 The term "ethnic " is moreover connoted to Jews forced to mark themselves with a yellow star during World War Two, a distinction that led many of them to be exterminated. The law of 1972 punishing racism in France has mostly been enforced to counter antisemitism.
- 4 "Racism has been used in so many ways that it has become a catch-all, sometimes referring to individual racists, sometimes to wholly reified institutions, and sometimes to whole societies, as if none of these phenomena have any relationship to human action, other than one of straightforward determinism " (Holdaway, 2003, 50).
- 5 The autonomy of racism as an ideology has fostered many controversies that will not be evoked here but among others, the necessity not to forget class, gender, age distinctions and 'the exploited of the excluded' within race (Ware, 1992; Body-Gendrot, 1998).
- 6 The Commission of Racial Equality created in 1976 by the Race Relations Act has proposed the concept of indirect discrimination focussing on apparently neutral situations putting minority members in a disadvantageous position. Twenty years ago, it cooperated with the Policy Studies Institute and investigated policemen's daily work. It showed that constables were more reluctant than officers to attend sessions on race issues.
- 7 The Policy Studies Institute numbered almost 300 000 racist incidents in England and Wales in 1993-1994 (insults and abuse) (Modood, 1997).
- 8 A black motorist stopped 34 times by the police has gone to court, claiming racial harassment. But Trevor Hall, an adviser to the Home secretary on race relations, in his mid-fifties says he also has been stopped more than 30 times by the police. More than one million stop and searches were carried out in 1997-1998, 11% of the people stopped were black. Blacks account for 2% of the British population over ten years of age; According to the British Crime Survey, 25% of black men said they were stopped by the police and questioned the year before (The Economist, 30 January 1999).
- 9 Such contradiction prompted the Mayor of New York, Rudolph Giuliani, in defense of his police to explain that if policing had to adjust to demography, 52% of women, 50% of senior citizens should be stopped and searched !

- 10 In 1992, French social scientists gathered with the idea to suppress the term race in the vocabulary of social sciences; they even thought of the French constitution, claiming that should not be mentioned, it had no substance (Mots, 1992; Kajman, 1992). Races are abstract, dangerous constructions, they said. While racism is real, races are not.
- 11 I mention this episode to show that notions like race cannot just be translated as if they were alike from one language to another ; they cover different histories and structures according to each country, they belong to diverse semantic spaces and social traditions.
- 12 A study indicates that 43% of those under justice supervision have both their parents born abroad (Choquet, 1998). 70% of inmates under 25 would be of immigrant origin, to be compared with 4% in higher education (Ben Jalloun 2003). How this figure is established is not revealed and should be taken cautiously. That justice would convict immigrants' children more often (due to poverty, racism, multiple acts of delinquency), is not surprising. Data on self-reported delinquency show, however, that globally, 50% of offenses are caused by French of French origin, 20% of mixed origin, 32% of foreign origin (both their parents are born abroad). One fourth of them are of North African origin. For serious offenses, the profile is more or less the same, except that those whose parents are born abroad form 46% of the cohort (Roché, 2000).
- 13 Article 3 of the European Convention for the Protection of Human Rights passed in 1950, 'No one may be subjected to torture or to inhuman or degrading punishment or treatment ". To ensure the enforcement of this article, the ECHR has created a European committee for the prevention of torture...etc., an independent organization allowed to visit prisons, police stations, psychiatric institutions, etc at any time and without warning anywhere there is a doubt of mistreatment.
- 14 Popular memory is transmitted by women and women of North African origin imported negative perceptions of the police that they had formed in their country origin.
- 15 French Jews were required to mark their difference with a yellow star and this distinction allowed their persecution leading to massive deaths in their community.
- 16 In a survey of self-reported delinquency, 22% of those of North African origin say that they have at least three friends who were arrested by the police for theft (7% of the French of French origin say the same), 15% had their brother or sister arrested . Youth of North African origin resent the abuse of force and a lack of respect on the part of the police, more forcefully than others. They also claim that French nationality and the papers going with it do not protect them from ethnic profiling. See Roché, 2001, 217.
- 17 One word of caution is necessary here: calls to complain about police abuse are not numerous (8% out of 800), few youth call (21% and 1,2% of those under 18) but their parents do. 56% of the callers say they received an unequal treatment due to their real or assumed origins and 10% due to their biological race (Africans are usually better treated by the police in Paris than Maghrebi).
- 18 In 2001, 2646 sanctions were pronounced, mostly for thefts, losses or indiscipline. They act as a warning. The causes never mention the racial or xenophobic character of the transgression.

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