Crime and the Global City: Migration, Borders, and the Pre-Criminal

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In recent years social scientists have been interested in the growth and transformation of global cities. These metropolises, which function as key command centers in global production networks, manifest many of the social, economic, and political tensions and inequities of neoliberal globalization. Their international appeal as sites of financial freedom and free trade frequently obscures the global city underbelly: practices of labor exploitation, racial discrimination, and migrant deferral. This chapter explores some of these global tensions, showing how they have shaped the strategies and technologies behind urban crime prevention, security, and policing. In particular, the chapter shows how certain populations perceived as risky become treated as pre-criminals: individuals in need of management and control before any criminal behavior has occurred. It is demonstrated further how the production of the pre-criminal can lead to dispossession, delay, and detention as well as to increasing gentrification and violence.

Keywords: global city, pre-crime, migration, policing, security, borders

I. Introduction

When Kathryn Steinle was shot by an irregular migrant in San Francisco in July 2015, it provoked a national debate about immigration policy and criminality. One of the key questions to arise was the city’s role in the crime. The accused immigrant had been deported several times, had a criminal record, and was requested by ICE (Immigration and Customs Enforcement) to be held on a “detainer” to keep him in a San Francisco jail until federal authorities could arrive to take him. (He was incarcerated there for his illegal reentry into the country.) Owing to its “Due Process for All” ordinance of 2013, San Francisco is one of a number of metropolitan centers in the United States that offers some protection to people who are in the country illegally. As a “sanctuary city,” San
Francisco does not always comply with federal officials. If the immigrant has no violent felonies on record, for example, the city can refuse to honor immigration detainer requests from ICE. In this particular case, the arrestee had no violent crimes on record, and was released. As a result of this case, the House of Representatives passed the Enforce the Law for Sanctuary Cities Act, a bid to withhold funds from cities that don’t cooperate with federal immigration officials. The legislation was later blocked by the Senate.

This national case provides a good example of the growing tensions between global cities and other scales of jurisdiction. These tensions are sometimes with federal laws and policies (as the example just given demonstrates) and sometimes with the informal practices of rural regions and small towns, as in the case of fox hunting in England, and the recent shooting of a Black teenager in Ferguson, Missouri. Tensions are also frequent with various supranational actors and entities, including the European Union (EU), International Monetary Fund (IMF), United Nations (UN) and World Bank (Brenner 1999; Isin 2013; Telò 2013), international human rights laws and conventions such as the United Nations Universal Declaration of Human Rights (UDHR) of 1948, and also with transnational organizations such as global real estate, global security firms, and bond-rating agencies (Smith 2002; Mitchell and Beckett 2008). In addition to questions of local autonomy, decisions by these latter global agencies concerning urban credit worthiness and risk can have enormous impacts on the financial and physical health of a city and are frequently a source of great strife and contestation (Hackworth 2002; 2007).

Global cities experience these tensions the most, as they are centrally imbricated in larger systems of trade, finance, and the mass movements of people (both legal and irregular), yet they are often relatively powerless vis-à-vis the constitution of laws and policies that directly affect these processes and populations (Knox 1995; Taylor 1997; Sassen 2001; Rennie-Short 2013). With rapid urbanization and neoliberal forms of globalization over the last four decades, these tensions have only increased. Neoliberal policies of austerity and privatization, orchestrated at national and supranational scales worldwide, put a tremendous strain on cities, which are forced to deal with the ramifications of these policies on the ground (Brenner and Theodore 2002). Among the urban effects are an increasing polarization of wealth, uneven development, gentrification, and spatial segregation, such that many scholars now describe contemporary global cities as composed of separate and unequal parts, hence “dual cities” or “divided cities” (Hamnett 2003; Scholar 2006).

In addition to struggles between urban and national scales of authority and control, there are increasing tensions *between* cities as well. David Harvey (1989) has noted that one of the many repercussions of neoliberal globalization for cities has been a shift from
managerialism to entrepreneurialism. Cities are increasingly governed by the logic of competition, in which they must become more and more entrepreneurial in order to garner the capital and resources they need in the context of declining federal support. As a result, they enter into increasingly ferocious struggles with one another over progressively scarce resources. Each urban metropolis seeks to attract capital and global attention—from business, mass tourism, real estate, and sports events, molding its image and making concessions and adaptations to fit what is perceived as desired by global actors and institutions. These may come in the form of tax breaks or the promotion of an urban atmosphere and environment conducive to attracting the “creative class,” such as endorsed by the scholar Richard Florida (2004); they may come in the form of a gentrified downtown and attractive waterfront—an urban revitalization strategy employed by a number of cities, from Baltimore, Maryland, to Glasgow, Scotland; or they may come in the form of new museums, catchy slogans, or sports arenas with the latest designs in luxury boxes.

One thing that all competing global cities and megacities share in the neoliberal era is the imperative to remain networked—to be an indispensable connecting node in a larger configuration of commerce, finance, and information: a base for transnational headquarters and a hub for global economic and political institutions. Examples abound of urban centers that met with disaster when they became economically and politically disconnected as a result of shifts in the form and logic of capital accumulation (e.g., from industrial manufacturing to finance-based economies). For a global city to remain economically viable, it must remain relevant to the wider global economy.

The imperative to connect leads to tensions within cities and between cities. The spaces of connection are not necessarily contiguous, and it is possible to see pockets of global connection juxtaposed with completely isolated neighborhoods in most global cities and megacities worldwide (Sassen 2001). This discontinuity represents both a threat and an opportunity for the global elite. So-called dual cities are composed of enclaves of wealth and privilege, and neighborhoods that are poor, isolated, or abandoned. The latter spaces can constitute a risk to nodal flows and to feelings of physical security and urban identity for the more privileged. But in certain circumstances they also constitute an opportunity for this same group vis-à-vis the creation of a rent gap, accumulation by dispossession, and cycles of reinvestment and gentrification (Smith 1996, 2008; Harvey 2006).

While the greatest risk for cities in the contemporary era is the possibility of isolation from the global economy, spaces of disconnection within global cities can be moments of both risk and opportunity for financial investors. Thus to understand its role in the global city, crime must be seen not as an isolatable act but as part and parcel of these larger social and spatial relations and scalar tensions. During the 1970s such an approach was developed by what is known as the new, radical, or Marxist school of criminology.
This school rejected dominant paradigms in the discipline, including official or legal definitions of criminality. In rejecting these it sought to reframe crime—its origins, classifications, and punishment systems—as the outcome of capitalism’s uneven conditions and spatial effects, in particular, the relations between dominant and subordinate classes. In this view, how crime is categorized, contained, and controlled works to the advantage of elites and to the disadvantage of the economically and socially marginalized.

The radical school of criminology has been criticized for taking a simplistic and deterministic view of class dominance, for being empirically unverifiable, and for focusing too heavily on economic factors in criminality while ignoring others (see Sparks [1980] for one of the most influential critiques). Nevertheless, this approach remains useful in theorizing crime in the context of the global city, as it connects local practices to a wider set of material and socio-spatial conflicts and movements. For example, it can help link ideologies about criminality and the policing of urban crime to the wider processes that constitute the global economy and its uneven development on the ground (Graham 2004; 2011; Davis 2006; 2007; Wacquant 2007).

In urban sites, such as the twentieth-century global city, capitalism depends on “creative destruction”—the annihilation of existing relations of production and space to make room for new capital ventures, higher levels of productivity, and an extension of the spatial limits of capital (Harvey 2001). Insofar as it is defined as an attack on property or on other (neo)liberal notions of right, crime provides the rationale for investments in new methods and technologies of defense, establishing larger geographies of security and surveillance that help maintain the functioning of a growing economy. It is for this reason that Marx (1986, p. 321) goes so far as to suggest that crime, as creative destruction, helps lay the conditions for the emergence of the world market.

This is why crime must always exist in capitalist societies. Although it poses a threat to existing relations (and thus must be policed), in the act of posing such a threat it extends the limits and boundaries of capitalism itself (and thus must not be policed out of existence). Increasingly, in the global city especially, this tension is projected onto the figure of the migrant, as well as those internal populations positioned as different or “foreign” to the perceived norms of a given society. As Aas (2013) and others have argued, today we are witnessing a blurring of the line between the foreigner and the criminal (see also Bigo 2005). This is because, from the vantage of Marxist criminology, the criminal is already foreign. Under capitalism, crime entails an attack on property and is thus framed as trespass—the breach of another’s space. To study migration and crime, then, is to partake in what Pickering, Bosworth, and Aas (2014) have called a
“criminology of mobility,” which situates the subject among practices of inclusion and exclusion, of border control (see also Amoore, Marmura, and Salter 2008).

In this chapter we examine the relations between contemporary urbanization and crime, particularly the manner in which certain populations such as migrants and others coded as foreign or “other” to dominant groups, are positioned as criminals—often before any “criminal act” has occurred. These figures of “potential deviance” or “precrime” distort and obscure clear-cut legal categories, definitions, and rights, creating new targets of governance and new spaces of management, policing, and control (Mitchell 2009; Lippert 2014). We also investigate how the practices of identifying or defining certain populations as deviant create new opportunities for urban dispossession, gentrification, and other forms of creative destruction in the global city.

In the following section we locate these defining and ordering practices geographically by probing the ongoing tensions between different scales of jurisdiction as cities, nations, and global actors vie for the management of these spaces and populations. Predominant among these struggles are the control of transnational flows—the mobility or immobility of both people and goods as the global city morphs into the logistical city in the twenty-first century. Who exactly is defined and criminalized as an irregular migrant and why? Why and how are certain entities such as commodities constantly enabled and enhanced vis-à-vis the free and unhindered movement across borders, while other bodies such as human workers are biometrically managed, surveyed, and detained on the same journeys?

II. The Global City, the Migrant, and Crime

The paradox of the criminalized-but-necessary migrant is found throughout the world. There are, for example, over 11 million undocumented workers in the United States, comprising 5.1 percent of the nation’s labor force (Passel and Cohn 2015). Irregular immigrants are often positioned in menial, dangerous, and poorly paid forms of employment in global cities; jobs that are often considered undesirable by those able to compete in an open labor market. Rendered illegal and precarious, these workers provide a source of cheap labor in industries such as agriculture (where undocumented migrants make up approximately a quarter of the workforce), construction (where 14 percent of the workforce is undocumented), and domestic work (where at least 35 percent of workers are noncitizens) (Burnham and Theodore 2012; Passel and Cohn 2015).

When detained for their irregular entry and/or illegal labor, undocumented immigrants also provide a major source of profit for private prisons in the United States. Of the
400,000 immigrants detained annually by ICE (Simanski 2014) nearly half are held in private facilities (Longazel 2013). Since 2005, the two largest for-profit prison companies in the world—Corrections Corporation of America (CCA) and GEO Group, Inc.—have more than doubled their revenues from immigrant detention. Indeed, scholars argue that it was the upturn in immigrant detainment after 9/11 that rescued the private-prison industry from economic jeopardy (Díaz 2012; Longazel 2013). Without the criminalization and consequent devaluation of migrant labor, not only the private prison but the global city itself—its networks and hinterland—would cease to function or at least not function as profitably as it does currently.

In the Persian Gulf region, this highly profitable relationship between migrants forever positioned on the threshold of criminality is formalized in law through the *kafala* system. In this system of sponsorship, the legal status of unskilled migrant workers is tied to their sponsoring employer. Companies are held responsible for monitoring and policing their employees and are thus given the power to grant or deny legal standing. This system has had devastating effects on labor in the region. In contemporary Qatar, for example, under the *kafala* system migrant laborers from Nepal, India, Pakistan, and Sri Lanka are building the infrastructure for the 2022 FIFA World Cup. In return for their labor in constructing this future “global city,” they have endured sordid living conditions, withheld wages, and a dangerous work environment. In 2012 and 2013 alone, 964 workers were killed on the job (Gibson and Pattisson 2014).

These exploitative conditions are made possible by the structure of a legal system that positions migrant workers on the threshold of criminality. It links them to the status of pre-criminals, or what the theorist Agamben calls “bare life.” Workers are rendered into bare life upon arrival, when their passports are often confiscated and they are denied the status of political beings. If they flee abuse, they may be detained, deported, or incarcerated. To leave the country voluntarily, they must obtain an exit visa from their sponsor. As a result, many migrants have become effectively trapped, working as “subhumans” to create the economic conditions in which, according to *Forbes* magazine, Doha, Qatar’s capital, is projected to become one of the world’s “best cities for business” in 2025 (Connor 2014).

The relationship between miserable labor conditions and economic prowess is not accidental. The legal conditions enabling major labor exploitation is what gives a global city like Doha or Dubai a competitive advantage over its rivals; it is what enables these cities to build the world’s tallest skyscraper or to accumulate the greatest capital reserves. It is because of this link, moreover, that local strategies of crime control (in this case concerning migrant workers) draw on, and reflect, the security of the global economy as a whole. This is the security, not just of the global city, but also of the
networked spaces in which these cities meet, and the sites where goods are exchanged. In the following section we look at some of these key sites.

A. The Logistical City, Commodity Circulation, and Risky Bodies

These networked sites include transport and logistics hubs, among other commodity exchange points. Dubai Logistics City (DLC), for example, is one of Dubai’s 27 economic free zones (Fernandes and Rodrigues 2009). It is adjacent to the Port of Jebel Ali, the ninth busiest container port in the world in terms of cargo traffic and the busiest port outside of East Asia (Salisbury 2015). In contrast to how migrant workers are detained, impeded, and prevented from leaving the country, DLC delivers a “business-friendly, free zone platform, offering state-of-the-art infrastructure and services” for the fluid and efficient circulation of commodities (Shekhar 2010). This capacity for speed—the speed of economic flows—is part of what makes Dubai such an attractive city for financial investment.

While heralded by UAE officials as the world’s first fully integrated multimodal logistics platform (Cowen 2014), DLC is the latest development in a logistics revolution that began in the 1960s and 1970s, occurring alongside the same economic shifts that led to the rise of global cities initially (Spärke 2013; Dicken 2015). Along with the transnational financial instruments that have emerged in the context of globalization (see Martin 2002; Sinclair 2005; Hackworth 2007; Mitchell and Beckett 2008), advances in logistics provided a new set of apparatuses for calculating and reorganizing economic space. Cowen (2014) has recently shown how these logistical apparatuses were made possible by, and helped naturalize, new practices of security and policing that blur the lines between the military and the market (see also Martin 2007). Novel business strategies like total cost analysis were combined, for example, with military innovations—most notably the standardized shipping container—to optimize the circulation of commodities.

The intertwining of economic and military strategies of circulation and control helped combat the long economic downturn that began in the 1970s. This was achieved by reducing labor time through the mechanization of port work, slashing circulation costs, and providing the material foundations for just-in-time systems of production. This post-Fordist backlash was one of the many changing conditions of global production and circulation that enabled, and indeed required, the rise of so-called global cities, which began to operate as command and control centers for these increasingly fast-paced and complex functions (Harris 1994; Sassen 2001). At the same time, the management of trade corridors between urban centers—and the resulting standardization of movement, space, and infrastructure, soon recast the global city as a logistical city as well. Linked
together through these networked corridors of commodity and capital flows, such cities share a common body of policing tactics and strategies for immigration and crime control; these include forming impediments or obstructions to the free flow of risky, pre-crime bodies, while paradoxically facilitating the movement of goods.

Crime is rewritten, thus, in the language of economic risk, and the criminal is resituated within geographies of production and circulation; these geographies erode, but simultaneously reconfigure, the boundaries of national territoriality. In working across these boundaries, logistical networks, and the speed of circulation they afford, produce a higher level of vulnerability, multiplying the points and linkages at which disruption may occur and at which national security may become compromised (Cowen 2014). Due to the threat of disruption to economic processes there emerges, alongside the logistics revolution, a system of supply-chain security—an assemblage of institutions, regulations, and technologies for monitoring and ensuring the seamless circulation of commodities and the subjects who handle or impede them. These include antiterrorist port security programs like the Container Security Initiative (CSI), biometric borders and surveillance systems such as the United States’ Transportation Worker Identification Credential, enterprise resource planning systems, and risk analytics like World Bank’s Logistics Performance Index (see Amoore and De Goede 2005; Amoore 2006).

Perhaps unsurprisingly, Dubai is at the forefront of these developments. In 2004, its port authority was the first such entity in the Middle East to join the CSI (Jacobs and Hall 2007). Dubai’s Jebel Ali Port has also received top awards from the Higher Committee for UAE Civil Seaports & Airports Security for adherence to security requirements, including providing specialist training to security teams and implementing the International Ship and Port Facility Security Code designed to detect security threats (Gulf News 2011; World Maritime News 2012). Security apparatuses like these produce, while managing, the “pre-criminal”—those whose actions might constitute a risk to logistical flows, and who must be preemptively managed (Amoore and de Goede 2008; Amoore 2013; Vaughan-Williams 2015). Any suspected or implied criminal activity—such as irregular migration—is reformulated as a threat to the global economy and thereby rendered an issue of national security. It is for this reason that supply-chain security muddies the boundaries between migration, war, crime, and terror, along with the technologies used to address them (Andreas and Price 2001; Berdal and Serrano 2002; Bigo 2005; Andreas and Nadelmann 2006; Martin 2007; Vaughan-Williams 2009; 2015; Aas 2013; Cowen 2014).

The same process of securing the internal workforce supplies the state with programs and strategies for containing external threats like immigration. This helps explain the buildup of border-patrol policing and technology and also the manner in which transnational migration and the profile of “the foreigner” is made problematic in the
global city. In contrast to the unhindered flow of goods, migrants must pass through checkpoints and provide proof of their legal status. Often crossing the same borders as commodities, migrants pose a potential threat to this economic fluidity, and are thus rendered suspect of sabotage and other forms of criminal behavior. A recent example of this is the 2015 “immigration crisis” in the EU, which has disrupted supply chains throughout Europe. According to the International Air Cargo Association, the influx of refugees has increased wait times at border crossings, reduced bookings by customers, and lowered volumes for motor carriers. The financial impact of this has led to upturns in the criminalization of migrants, with logistics companies calling for additional immigration controls between states (Burnson 2015).

The criminalization of migrants around logistics practices is also often tinged with allegations of terrorism. This has been the case, especially since 9/11, for illegal stowaways on commercial transport, who are frequently couched in the language of national security. The overlapping nature of internal and external practices of security—against the domestic worker and the foreign migrant—redefines criminality not just in terms of terrorism but also in juxtaposition to life itself (Dillon 2004; Duffield 2007). Crime is increasingly seen in terms of the obstruction of the free flow of goods across space and over borders, the continuation of which is perceived as paramount to the survival of the individual and of humanity. This perception is due to the fact that in executing supply-chain security, governments paradoxically deterritorialize national citizenship rights by placing their criminal targets in supranational spaces of exception, where such rights do not apply (Agamben 1998). This creates the conditions for new territorialities and forms of belonging, including a global citizenship (or bios) in opposition to the criminal-terrorist (or zoe). As a result, crimes against logistics turn out to be crimes against humanity, whose home is the global city. In the following section we examine some of the repercussions of these new territorialities and forms of belonging in the securitization of borders and migrants outside nation-state borders.

B. The Global City Offshore

State space is not dissolved in the global city but rather recalibrated and redrawn along the corridors of the global supply chain. Questions of crime and immigration are, as a result, increasingly removed from the traditional inside/outside logic of national territoriality. Instead, policing is pushed offshore, while military tactics are pulled inward (Kraska 2001; Pickering and Weber 2013; Wood 2014).

The transnational migrant, who is positioned at the nexus of these coercive forces, has come to define many of the strategies with which crime is framed and registered in and around the global city. Recent immigration policies offer evidence for how, in the last two
decades, borders of sovereignty have been pushed outward and relocated in the fractured spaces of exception and detention. Alison Mountz (2011) has provided a theoretically rich account of this. She shows how “front-end” border-enforcement practices in Australia, Canada, and the United States have functioned to deter asylum seekers from reaching sovereign territory. Interned on offshore spaces such as Christmas Island (Australia) or Guam (US)—migrants are placed in “temporal, spatial, and legal limbo between nation-states,” unable to claim asylum and to receive the protections stipulated under the 1951 UN Convention Relating to the Status of Refugees and the 1967 Protocol (Mountz 2011, p. 119).

These islands are often home to military bases with facilities that can be converted for detention. The result is that migrants are subjected to state violence. They are “haunted” by the colonial histories of the landscape as well as by its present uses in coercion. Such violence establishes a continuous line between, and therefore naturalizes, the state’s imperial past and its imperial present. In this way, by mobilizing and extending borders outward to a “carceral archipelago” (Gregory 2004), and thus by disembodied themselves territorially, states secure, reinforce, and reproduce the firmness of their own boundaries—boundaries that are physical but also historical.

Offshore security acts furthermore as a proving ground for techniques and strategies for policing its territorial counterpart: the global city (Martin and Mitchelson 2009). Scholars have noted, for instance, how detention practices in island facilities like Guantánamo Bay mirror and co-constitute those normalized in prisons within the United States. (Davis 2005; Carlton 2006; Carlton and McCulloch 2008; Gordon 2009). Such cross-pollination also occurs in the containment of crime itself. Since 2003, the US military has been using long-range acoustic devices (LRADS) for maritime security, particularly in repelling Somali pirates, as well as in other offshore defense operations. These “sound cannons” emit tones at decibels—as high as 162 dBA—that are above the average pain threshold for humans (130 dBA), often causing irreversible hearing loss. Since 2009 LRADs are now used domestically by police forces in the United States to disperse illegal protestors at events such as the G20 summit in Pittsburgh (Bradshaw 2013).

It is no accident that a weapon developed abroad has been used onshore to quash those who would challenge G20. The latter is the latest in a series of attempts after World War II—including the creation of the IMF, the World Bank, and what is now called the World Trade Organization—to internationally organize, optimize, and govern the forces of globalization (see, e.g., Postel-Vinay 2013, pp. 8–10). Functioning along these lines, front-end security not only shores up the state but also the unhindered movement of circulating capital. By slowing down migrants and protestors on islands of detention or through noise, the other archipelago—that of the supply chain—is securitized and normalized. These archipelagos mark the ghostly underbelly of the global city; they form the
connective tissue that connects it to other urban nodes within the matrix of global
capitalism. In the following section we investigate these forms of securitization further,
asking, why is this happening in the contemporary moment? And why has it focused on,
among others, the racialized bodies of migrants and domestic minorities?

III. Urbanization, Race, and Security

Answers to the questions “why now” can be found by examining the production of surplus
populations in global cities and their hinterlands worldwide (see, e.g., Cooper 2008;
Mitchell 2009; McIntyre and Nast 2011; Merrill 2011; Tyner 2013). “Relative surplus
population” is a term that refers to those workers that have been made (temporarily)
superfluous and cast into the ranks of the unemployed. Such a population—in delimited
and managed numbers—benefits capital accumulation because it provides an easily
exploitable “reserve army of labor,” while simultaneously driving down the average cost
of wages (Marx 1992, pp. 781–794). Castells (1977) has noted further how this social
relationship is always also a spatial relationship, as these surplus populations most often
exist in segregated or ghettoized sectors of the city and the nation. Existing at the
margins of the city and the economy, however, surplus populations can also pose—or are
framed as posing—a security threat for capitalism and the state. They absorb financial
risk, while simultaneously manifesting physical risk through their embodied difference
and spatial separation. These “embodied” differences are most readily identified in those
populations seen as phenotypically and/or culturally different or “deviant” from the
dominant groups in society.

A. Security, Space, and the Racialization of Urban Deviance

According to Spitzer (1975), deviance itself is generated under capitalism as a method of
social control, rendering certain bodies amenable to governance when they, as members
of a “dangerous” surplus population, begin to threaten the relations of production. This
governance becomes especially important during times of economic stagnation. As a way
of naming this risk, crime provides a balancing function for capital, yet it is not imposed
on all bodies equally. Instead, the allocation and criminalization of surplus populations
most often occurs along racial and class lines.3

This tension—the desire for surplus labor and the need to keep surplus labor in check
through its criminalization—is negotiated in and around the global city through the
production of liminal spaces, such as the archipelago of refugee camps and detention
centers noted earlier. Other liminal spaces of governance include inner city public schools in the United States and in many metropolises globally (Giroux 2010; 2012), jails and prisons (Gilmore 2007; Alexander 2010), the spaces of homelessness and mental health (Slate, Buffington-Vollum, and Johnson 2013) and judicial systems (Beckett 1997; Barak, Leighton, and Flavin 2010). In these spaces the production of surplus populations can be monitored and managed, accelerated or stalled, depending on socioeconomic and spatial context.

Within the global city the production of racialized deviance is systematized and internalized through institutions and practices such as these. A number of studies in the United States have shown, for example, how perceptions of a racial threat, manifested in places with a high percentage of African Americans, leads to a more punitive system of criminal justice and harsher policies in that geographical or institutional arena. In education, Welch and Payne (2010) used a national sample of 294 public schools to show that schools with a higher percentage of black students were more likely to use extremely punitive forms of discipline and to implement policies of zero tolerance. This follows a long history in education of producing, identifying, and managing racialized “at-risk” students, and then both disciplining and profiting from these identity markers (see O’Connor, Hill, and Robinson 2009).

Zero tolerance practices in schools were adopted from earlier policies related to drug enforcement. It was originally advanced in public education to punish students bringing weapons—particularly firearms—to school. However, it quickly grew to incorporate any perceived “bad” behavior, including minor forms of social misbehavior such as smoking, fighting, threats, bullying, and recreational drug use. To counteract this misbehavior, or the possibility of this behavior, schools in areas with a high composition of nonwhite students often employed a strong police presence in addition to stricter regulations and sanctions. The increased police presence, along with the often extremely harsh punishments and decreasing opportunity for administrators to adjust the punishments or provide context for the infractions, led to increasing numbers of student suspensions and expulsions in the 1990s and 2000s (Giroux 2001; Verdugo 2002; Casella 2003; Carroll 2008). Statistics show that black students are suspended and expelled more frequently than white students by a wide margin (Nichols 2004; Gregory and Weinstein 2008), despite the fact that they do not violate school policies at a greater rate than other students (Welch 2012).

Research indicates further that suspended and expelled children are predominantly from impoverished schools and school districts with high percentages of minority students, and once they are removed from the school system, they became more likely to wind up in the prison system (Alexander 2010). In this pipeline process it is possible to witness the
formation of “pre-criminal” children through time. These children are constituted as low
performers by virtue of their residence in particular kinds of impoverished school spaces,
and these school spaces are then reproduced as failing locations in a mutually
constitutive process. Moreover, this early positioning leads to further marginalization and
disenfranchisement, as they cycle in and out of juvenile justice and the wider judicial
system through youth and adulthood. Their constitution as incipient members of surplus
populations existing forever on the margins of society is thus initiated in the very earliest
years and sedimented geographically by their location in particular (neighborhood
school) spaces.

The connection between risky populations and dangerous urban spaces is not a new
phenomenon, but it is one that has gained legitimacy through philosophies and practices
of policing and ideologies of law and order beginning primarily in the early 1990s. These
are manifested in concepts such as broken windows policing and zero tolerance for urban
disorder, concepts that grew in power and popularity under Mayor Rudy Giuliani and
Police Commissioner William Bratton in New York City during these years (Harcourt
2001). Subsequently, these ideas and related policies became global phenomena, picked
up and popularized in cities from Barcelona to Oslo, Dublin, Vienna, Stockholm, Bremen,
and Sao Paulo. Numerous scholars have investigated how this rhetorical mix of minutely
orchestrated law and order, revenge and punishment traveled so widely, examining its
promotion and dissemination in lectures, think tanks, conferences, and by players such as
Giuliani and Bratton themselves (Smith 2001; Newburn 2002; Belina and Helms 2003;
Jones and Newburn 2007; Mitchell 2011). As Wacquant (1999, 2003), and others have
noted, the exponential growth and dispersal of these ideas was unquestionably linked
with the wider dissemination and uptake of neoliberal ideology and policies globally
during this period.

Law and order discourses such as broken windows and zero tolerance operate on both
populations and spaces simultaneously as they link specific, geographically located
populations to disorderly and crime-ridden spaces that are depicted as needing strong
authoritarian intervention by state forces. There is an important economic dimension to
these processes as the language of geographic disorder can be used, and frequently is, to
justify the dispossession of people from those supposedly insecure spaces and associated
resources. Worldwide, the invocation of chaos and insecurity enables the blurring of
crime/policing with war/military functions, facilitating the use of harsh, military-type
responses as well as forms of imperial dispossession of land, housing, and goods at both
neighborhood and national scales (Harvey 2003; Gregory 2004; Klein 2008; Graham
2011).

Technologies such as Compstat (the computer-aided use of statistics in mapping crime),
facilitate the association of risky populations with insecure spaces by identifying crime
“hotspots,” which are then targeted for further surveillance and law and order forms of authoritarian, so-called predictive policing (Beck and McCue 2009). Although these “hotspots” are invariably located in zones of impoverishment, and frequently comprised of minority populations, they are given legitimacy as neutral, “crime-fighting” tools—free of any police bias or institutional prejudice—owing to the use of supposedly “impersonalized” quantitative data and mathematical algorithms. Nevertheless, these types of computer-based tools help lock in and exacerbate the relationship between racial formation and spatial formation, as “high-crime” areas with high percentages of minority residents become mutually associated, attracting harsher forms of policing for this population, including greater “stop and frisk” incidents and trespass admonishments, and harsher judicial sentences vis-à-vis posting bond, incarceration rates, and length of sentences (Beckett and Herbert 2009; Alexander 2010).

Numerous studies have shown the highly racialized nature of “stop and frisk” incidents, where members of minority groups are detained at far higher rates than white individuals. Indeed, this data was integral to the case made by current New York City Mayor Bill de Blasio for ending this particular policing tactic. What is less well-known is the widespread use of trespass admonishments, which similarly targeted impoverished, homeless, and minority groups in cities throughout the United States during the same period (Beckett and Herbert 2009; Mitchell 2009). Trespassing zoning is a form of social control that operates through banishment; it includes park exclusion laws, drug exclusion zones, and generalized restrictions on behavior from lying down in public spaces to sitting on a sidewalk.

Trespass laws are critical to investigate because they function in a similar manner to many of the forms of social control discussed earlier; that is, they delimit behavior both socially and spatially on the basis of status and location—and on acts that are rendered criminal before a crime has even taken place. How does this work? Flanagan (2003, pp. 328–329) writes, “By identifying individuals, either by name or criminal pedigree, cities employ ‘people-based zoning,’ making the presence of such individuals in designated zones punishable as criminal trespass….. To be apprehended, the excluded individual need not engage in criminal activity, nor even be suspected of it. Rather, it is the individual’s mere presence in a particular area that offends.” Because of their very identity or status as people who have previously offended against public space laws and regulations, these individuals can be “trespassed” from those spaces—and others—for extended periods of time. Moreover, during the 2000s, numerous cities in the United States adopted these types of laws, including Seattle, Portland, Cincinnati, Tampa, Richmond, and Knoxville (Flanagan 2003; Goldstein 2003).

Many of the early trespass rules and regulations, such as the SODA (Stay Out of Drug Areas) orders, were established to keep people out of areas with a high level of illegal
drug trafficking, possession, and use. These types of laws were part of a much larger apparatus of crime control and security in the United States, known as the “war on drugs.” As the military language indicates, this domestic “war” produced a lot of casualties, mainly among the impoverished. Among the many outcomes was a steep increase in incarceration rates, from approximately one person out of every thousand in the 1970s, to about one out of every 107 people in the adult population by the 2000s. Numerous recent studies have documented the highly racialized nature of this incarceration, with black men, in particular, making up the largest number of inmates per percentage of the population. As Alice Goffman (2014, p. xi) notes, “Black people make up 13 percent of the US population, but account for 37 percent of the prison population. Among Black young men, one in nine are in prison, compared with less than 2 percent of white young men” (see also Garland 2001; Pettit and Western 2004; Western 2006; Gilmore 2007; Pager 2007; Wacquant 2009; Alexander 2010).

Broken windows policing, zero tolerance, Compstat, stop and frisk, trespass zoning, and mass incarceration all arose as punitive and authoritarian forms of policing and security as neoliberal policies and forms of governance expanded globally; this was a period when the manufacturing base of many cities was transforming and/or disappearing, urban leaders were losing national or federal financial support, and many city actors were beginning the shift from managerial to more entrepreneurial and competitive philosophies and forms of governance and administration. While these practices are often noted and researched in the context of the United States, it is worth mentioning that many of them have either been piloted elsewhere initially or have traveled outward through both rhetoric and policy, such that this nexus of crime, punishment, and security is today a global urban phenomenon (although, of course, with distinctive features depending on the specific context). (See for example, the work of Caldeira 2001; Roy 2002; Wacquant 2003; 2007; Davis 2007; Cacho 2012).

As noted earlier, this was the time when neighborhoods and regions viewed as chaotic, dangerous, blighted, or insecure provided both financial opportunities and perceived physical and/or financial risks (Weber 2002). If these areas posed impediments to tourist activity, capital investment, or the formation of an attractive milieu that might draw members of the creative classes, they were seen as risks to the broader entrepreneurial strategies of capital accumulation, as well as the related financial instruments and institutions measuring and assessing these strategies, such as bond-rating agencies (Hackworth 2002). But at the same time these risks could become opportunities—the opportunities of urban renovation and gentrification, but only if a neighborhood’s risky populations were evacuated, controlled, banished, incarcerated, or otherwise removed or rendered surplus. In this section we indicated a few of the tools and technologies of social control through which these practices were carried out. In the following section we
briefly note some of the experiences and some of the forms of resistance that have been adopted worldwide in the face of these neoliberal incursions.

B. Precarity and Resistance

Goffman’s recent book *On the Run: Fugitive Life in an American City* is a sociologist’s ethnographic account of the experience of growing up black in a poor, highly segregated American city. As the title indicates, one of the main themes is that of perpetual criminalization, of the experience of being a fugitive—always on the run from the police, various forms of harassment, detention and incarceration, and the judicial system as a whole. Goffman’s main informants are young black men in their teens and early 20s, and all of them experienced conflict or trauma from one or more of these institutions and systems at early points in their lives, causing them to remain forever outside and/or oppositional to normative forms of citizenship, politics, or governance. The precarity of their lives is evident in the number of times they are subject to violence on the streets, and the number of times they are detained, questioned, arrested, and incarcerated by the police, as well as their complete lack of opportunity to get a good education or find work or employment in the general labor market. Goffman’s account manifests the great vulnerability of these men but also their strong friendships, tactics of resistance (e.g., “the art of running” from the police), and their rejection of outsiders’ perceptions and definitions of their community.

Recent efforts to combat or contain some of the worst forms of harm for vulnerable populations such as these have included challenges to the constitutionality of drug laws and trespass admonishments, especially the racial disparity in arrests and sentencing. In Seattle, for example, the Racial Disparity Project (RDP) started as a grant-funded project to reduce racial bias in the criminal justice system, especially the racially disproportionate system of drug enforcement. It then evolved into an effective system of litigation, community organizing, public education, and legal advocacy for the rights of black defendants and communities of color more generally. In a series of litigations from 2001–2008, the RDP successfully used a selective enforcement motion to dismiss drug delivery charges against black defendants, and since then has worked with law enforcement on a pre-booking program known as LEAD (Law Enforcement Assisted Diversion.) This program, which offers the possibility of direct and immediate access to community services rather than jail for individuals caught in low-level drug and prostitution offenses, is now being piloted in two downtown neighborhoods in Seattle.  

Other strategies and tactics that have arisen to combat the neoliberalization of the city, corporate influence, and punitive forms of austerity and crime control that have emerged in its wake, include the Occupy movements, beginning in September 2011. Initially
starting with the Occupy Wall Street protest movement in Zuccotti Park, in the financial
district of New York City, these social movements grew and spread globally to other cities
in North America, as well as to cities in Africa, Latin America, Asia, and Europe. Protesters joined forces under the banner of the 99 percent, primarily opposing the
growing global social and economic inequalities of recent decades. These Occupy events,
sit-ins, teach-ins, and other manifestations of civil disobedience were planned and carried
out at the urban scale, often in local parks and squares, and were coordinated through
urban networks facilitated by new social media. They were very much “city” protests—
named after cities or parts of cities, and they targeted the corporatism, greed, and
corruption perceived as emanating from unchecked global market dominance and capital
accumulation.

In a similar fashion, so-called sanctuary cities, including San Francisco, with which we
began this essay, have emerged as city-centered forms of protest, once again in reaction
to larger systems. In the case of sanctuary cities, the opposition is largely to national or
federal systems of immigration and control that are perceived as either uncaring or
illegitimate. These urban protest networks include a formal sanctuary city movement in
the UK (Darling 2010; Squire and Bagelman 2012); numerous informal and formal church
networks in Germany, Italy, France, and other countries of Western Europe (Just 2013;
Millner 2013); and a wide and diverse group of cities utilizing different tactics and
strategies of opposition in the United States for over three decades (see, e.g., Coutin
1995; Leitner and Strunk 2014).

IV. Conclusion

In the global city, with its apparatuses of social control and its position within a supply
chain network, the boundaries between internal and external security are intertwined
and mutually constitutive. Since the production of surplus life is often a racialized
process, such blurring multiplies the technologies and sites through which nonwhite,
foreign, and/or “pre-crime” bodies are marginalized and exploited. This is why, despite its
porous boundaries, the global city remains a divided city, with divisions ongoing between
citizens and foreigners and between the elite and the dispossessed.

These divisions can never be fully resolved, with all crime eradicated and all migrants
assimilated, because they produce the rationale for ongoing systems of governance. This
is the contradiction of the criminalized in the global city: to stabilize surplus populations
they must be produced as problems in need of solutions, yet these solutions can never be
absolute. Instead, migrants, and others racialized as foreign or different, are increasingly
relegated to transitional zones, offshore spaces, and legal quagmires where future risks are deferred and life is held in limbo.

K. Jaishankar and Natti Ronel (2013, p. xvi) recently argued that “in a global era where criminality becomes global, there is a need for global criminology as well.” But what exactly is criminology in this context? For Jaishankar and Ronel, it is part of an “effort to study, explore, and reduce global crime” (emphasis added). As a result, the chapters in their textbook offer policy advice for combating the international crimes of maritime piracy and Islamic terrorism, among others. Such advice remains trapped at the legal level, consisting of suggestions for the reform of international law. What makes this approach to criminology self-defeating is that it accepts “crime” and “law” at face value, failing to interrogate their spatial locations, historical and economic contingencies, and conditions of emergence.

Understanding the function of criminality in the global city requires an analysis of social and spatial relations. This is also true for international law. Marxist legal theorist Evgeny Pashukanis (1987) once argued that the legal form itself is an expression of the violent relations of commodity exchange. Under Pashukanis’s commodity-form theory of law, the legal relationship is essentially that of the contract: the formal recognition of equal subjects (i.e., owners) in the economic sphere of circulation. The paradox is that this contract—the exchange of equivalents—requires a coercive force. A commodity can only be traded, after all, if it is first possessed as mine. To prevent it from becoming yours, violence is implied between participants of any contract (Miéville 2006).

For Pashukanis, this relationship is brokered by the modern state. The latter provides an abstract and impersonal third force that mediates and stabilizes the volatile relations between equivalent subjects (Miéville 2006). In comparison to domestic law, this would make international law a simpler form of the legal relationship, and thus of commodity exchange, removed from the supervision of the sovereign. Some aspects of international law do, of course, possess a third-party force. Trade agreements and intellectual-property law, for example, are maintained through the WTO and its various settlement mechanisms. Yet, for human rights law especially, international juridical bodies like the International Criminal Court (ICC) and International Court of Justice (ICJ) remain limited in power and scope (Sparke 2013). In certain spaces of exception—in prison camps, on islands where refugees are detained, for example—the usual rules of international (and national) law do not apply (Aas 2013).

What this means for the archipelagos of crime and migration discussed previously, where sovereign rights are absent or unclear, is that violence in those spaces takes on more direct, immediate forms. Alongside a global city increasingly defined by its role in a global economy, law (and therefore crime) becomes relegated to a sphere of exchange
that extends beyond the borders of the nation-state. This is what enables the legal limbo of offshore refugee camps: there is no sovereign third party to enforce rights established in the UDHR, the 1951 Refugee Convention, and elsewhere. As a result, the socioeconomic tensions that exist within the global city take on amplified and unmediated forms at its ghostly periphery.

It would be a mistake, then, to hold out hope for a more effective set of international laws to remedy this situation. Given the commodity-form theory of law, legal revisionism can only ever defer a deeper contradiction within the legal form itself, which reflects the tensions of commodity exchange. No matter how extensive or well-enforced human rights may be, as long as the current mode of production remains in place, the migrant and the foreigner will continue to be criminalized. Bodies crossing borders or trapped in hotspots of criminal activity will still be handled as security risks. And the global city, or whatever its offspring, will still be built on the backs of whom it seeks to cast out.

This does not forestall the activity of resistance, however. On the contrary, the emergence of the global city has reoriented the strategy, composition, and scale of struggles such that the latter appear, increasingly, as struggles over space. This is true of events from the Arab Spring, to the occupation of public squares during the “Indignados Movement” in Spain and similar anti-austerity efforts in Greece, to recent struggles against eviction and gentrification in the San Francisco Bay Area (see Reed, Maharawal, Sheppard-Matsuo 2015). While such actions occur in particular places and moments—in global cities like Cairo, Athens, and San Francisco—they share a common element: resistance to the forces of a global economy that permits certain bodies to occupy spaces and cross borders while denying entry for others.

So, although struggles against the criminalization of immigrants remain local, when stitched together they constitute a new, transversal geography of resistance—one that is scattered and fragmented but that extends across the borders of place and nation. Resistance, then, becomes the antithesis of international law: while the latter seeks to constrict difference within the antagonisms of criminal and legitimate, plaintiff and defendant, today’s revolutionary strategies trace the associations between struggles, without reducing them to a single narrative.

We have attempted here to sketch out some of these connections within the global city but also between global cities, in the struggles they share in common. In plotting these connections and avoiding normative accounts of crime and migration it is important to provide semilocal maps of the infrastructure and technologies of capital, and of the corridors and boundaries of the world market. For it is through these types of mechanisms that the figures of criminal and migrant are produced in the global city. Only
by understanding how such mechanisms work—and when and where they fail to work—are the regimes of criminalization and immigration ultimately challenged and rewritten.

References


Notes:

(1) Summaries of this school can be found in Greenberg (2010, pp. 1–13); Williams (2012, pp. 467–468); Hagan (2012, pp. 196–197). Also, see Michael Lynch’s Critical Criminology (2011, pp. 9–10) for an annotated bibliography of the major works of Marxist criminology. A more extensive list is included in Einstadter and Henry (2006, p. 238).

(2) Giorgio Agamben (1998) defines bare life, or zoe, as a kind of base or animal existence positioned on the threshold (both outside and inside) of human society and politics, legally exposed to violence and death through the executive decisions of a sovereign authority.

(3) For an interesting argument about the criminalization of surplus populations along gender lines, see Federici 2004.

(4) Broken windows policing is a theory of policing based on the belief that petty crime and disorder in the urban landscape should be dealt with immediately and severely in order to avoid further problems. The rhetoric and practices of “zero tolerance” in urban settings is frequently linked with broken windows policing owing to Mayor Giuliani’s authoritarian approach to governing and emphasis on law and order. It signifies harsh policing and a highly punitive state response to any kind of perceived misbehavior on the streets.


