Governing Through Crime

How the War on Crime
Transformed American Democracy
and Created a Culture of Fear

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Safe Schools

Reforming Education Through Crime

Ageneration ago, racial inequality served as the pivot around which a vast reworking of governance of public schools took place.[1] As David Kirp observed of this period:

> Support for schooling increased dramatically at every level of government. . . . The ideas of racial equality and educational reform were closely intertwined. The demand for racial justice formed part of the call for modernization, and the availability of new resources made attentiveness to race specific issues politically more palatable. (1982, 297)

Today, crime in and around schools is playing a similar role as the problem that must be confronted and documented by a reinforcing spiral of political will and the production of new knowledge about school crime. Ironically, the genealogy of crime as a political problem in schools may have had its most salient recent origins in the desegregation era and the often violent conflicts that arose around efforts to dismantle racially bifurcated public school systems. Although the stamp of desegregation remains on many public school systems today, by the late 1970s, it had largely run its course, defeated by private action and judicial retreat. In the same period, crime became an increasing influence on school governance.

In the succeeding decades, the criminalization of schools (Giroux 2003) has been accelerated by several other factors arguably external to them. First, there are fresh historical memories of the high tides of youthful violence during the 1960s and again in the 1980s. Second, the association of youth culture with drugs and drug trafficking, a linkage that began

in the 1960s, and during the 1980s was framed as a major source of threat to the safety and educational mission of schools. Third, a growing right-wing movement against public schools—at least those that also involve unions and elected school board supervision—has found it extremely useful to frame the public schools as being rife with crime.

The media have picked up on all these themes. Few issues are as likely to keep parents awake for the 11 P.M. local news broadcast as the latest breaking story on crime in schools.[2] For many middle-class Americans whose children will virtually never encounter guns or even knife fights at school, the real and imagined pictures of violence-plagued public schools in inner-city communities have created a neural pathway to the concept of public school. The result has been policies in suburban schools that parallel, in sometimes softer forms, the fortress tactics employed at front-line inner-city schools. As of the 1996–97 school year, 96 percent of public schools required a visitor to sign in before entering a school building, and 80 percent had "closed-campus" policies barring most students from leaving during school hours (Riley & Reno 1998, 14). More than three-quarters of all public schools in a national sample study completed in 2000 included "prevention curriculum, instruction, or training" and had "architectural features of the school" that were devoted to prevention of crime and "problem behavior" (DeVoe et al. 2004, 3).

But even the harder edge of fortress tactics themselves—including mandatory drug testing, metal detectors, and searches—are hardly confined to a handful of the most crime ridden schools in America. More than half of all schools in the same 2000 sample had security and surveillance systems in place at the school (DeVoe et al. 2004, 3). In the 1996–97 survey, 22 percent of the schools had a police officer or other law enforcement representative stationed on the premises at some time during the school day (6 percent for at least 30 hours in a typical week), 19 percent conducted drug sweeps, 4 percent conducted random metal detector checks, and 1 percent routinely screened students with a metal detector (Riley & Reno 1998).

Consider the signs that now surround the entrances to public schools in cities all over the United States, including Ponce De Leon Middle School, located in high-income Coral Gables, Florida: "DRUG FREE SCHOOL ZONE, minimum 3 years in prison," and "YOUTH CRIME WATCH, to report: 757-0514 or Your Local Police Department." The school is not considered among the worst or among the best in the system. It has a highly diverse student population including whites, Hispanics, and blacks. In front

of the school, parents wait to pick up their children driving everything from a Mercedes SUV to a Ford Escort.

Schools have long been considered the most important gateway to citizenship in the modern state. Symbolically, few places are more laden with sovereign significance than the entryway to a public school, which for millions of citizens is their first, most enabling, and most enduring experience of governance in action. In the real and iconic experience in which a parent conducts a child to the entrance of a school and then bids him or her farewell are the beginnings of the transformations that conduct a subject from the pure monarchy of the family to the status of a free and responsible adult. In France, a nation rarely shy about enforcing nationalism with law, schools are mandated to inscribe the words "liberté, éqalité, fraternité" over their entrance. Today, in the United States, it is crime that dominates the symbolic passageway to school and citizenship. And behind this surface, the pathways of knowledge and power within the school are increasingly being shaped by crime as the model problem,[3] and tools of criminal justice as the dominant technologies. Through the introduction of police, probation officers, prosecutors, and a host of private security professionals into the schools, new forms of expertise now openly compete with pedagogic knowledge and authority for shaping routines and rituals of schools.

My primary interest in this chapter is the way crime has become an axis around which to recast much of the form and substance of schools, and the effects of this enormous channeling of attention to schools through the lens of crime. One result is a reframing of students as a population of potential victims and perpetrators. At its core, the implicit fallacy dominating many school policy debates today consists of a gross conflation of virtually all the vulnerabilities of children and youth into variations on the theme of crime. This may work to raise the salience of education on the public agenda, but at the cost to students of an education embedded with themes of "accountability," "zero tolerance," and "norm shaping."

Another result is a legal "leveling" of the space between education and juvenile delinquency. In an earlier era, progressives dreamed of expanding the juvenile delinquency model into an overall expert regulation of youth. We seem to be approaching this horizon in a wholly different way. Today, the merging of school and penal system has resulted in speeding the collapse of the progressive project of education and tilting the administration of schools toward a highly authoritarian and mechanistic model.

Serious crime is a substantial problem in a relatively small but hardly random portion of American schools and a small but understandably frightening problem in many others. In the first part of this chapter, we will take a look through the lens of recent ethnographies at some of those schools where the threat of violent crime—of males shooting other males or sexually assaulting females—is real enough to influence almost everybody's actions. Crime in such schools is truly a mode of governance at the individual level in the sense that it is a strategy for conduct on the conduct of others. Punishment and policing have come to at least compete with, if not replace, teaching as the dominant modes of socialization. But the very real violence of a few schools concentrated in zones of hardened poverty and social disadvantage has provided a "truth" of school crime that circulates across whole school systems.[4]

Governing Crime in Schools

Crimes, including crimes of violence, are a real part of the American school experience at the turn of the twenty-first century, and not only in the poorest communities. Since the mid-1990s, crime in schools has become the subject of almost frantic data collection. Numbers, like the 3 million school crimes per year cited by President Bush, bounce from Web page to magazine article to speech. In response to federal mandates, states have begun their own process of data collection. According to recent federal statistics, 56 percent of public high schools in the nation reported at least one criminal incident to police in the 1996–1997 academic year, and 21 percent reported at least one serious violent crime in that period. In more than 10 percent of all public high schools, there was at least one physical attack or fight involving a weapon, and in 8 percent there was at least one rape or sexual assault (Sheley 2000, 37).

Schools with serious incidents of violence have increasingly become high-security environments. Anthropologist John Devine describes a decade of ethnography at one such high school in New York in his book, *Maximum Security* (1996). Devine's ethnographic "cover" was running a tutorial program in which graduate students at New York University did both research and tutoring in academically needy public schools. Consistent with our genealogy, the older teachers interviewed by Devine could not remember any regular security guards in the school before 1968 or

1969, when some schools began to post a guard near the main entrance in response to volatile demonstrations over teacher strikes and decentralization.[5]

By the late 1980s, the security response had become a dominant presence for both staff and design, "as space is rearranged to accommodate metal detectors and the auxiliary technologies they spawn" (Devine 1996, 76). New York employed 3,200 uniformed school safety officers at the time of Devine's observations, constituting the ninth-largest police department in the United States until it was integrated into the New York City Police Department by Mayor Giuliani. When various assistant principals and "deans" are factored in, the security apparatus that Devine observed amounted to 110 people in one school that had a teaching staff of 150 (78). Entrance to school required passing by a guard-supervised computer that read the student's ID and kept a time log of entrances and exits (80).

Devine consciously resisted being drawn into the debate about objective crime trends, the various metrics of violence in schools and how much it differs from years past, metrics that are themselves the products of governing through crime. He situated his account against both liberal critics of school policy, who saw school crime as a complete charade to justify oppressive administration of a failed educational program, and the conservative view that school violence demonstrated either the ultimately corrupting process of liberal secular education or that public schools were too chaotic to be saved. More relevant to the experience of students and staff was the very real possibility of guns being introduced into conflicts at school. Of the 41 schools with the greatest violence problems in the system, several of which fell into his tutorial program, Devine reports a total of 129 "gun incidents" in a year (23).[6] With an average of three gun incidents a year happening in each of these schools, it would be reasonable for every student, teacher, and staff person in the school to consider gun violence a real possibility to be taken into account in the management of everyday life.

One result of the prevalence of violence and the importance of responding to it is that teachers have increasingly been withdrawn from the field of norm enforcement in favor of the professional security staff.[7] The corridors, the site of most significant social behavior in high school, are wholly the space of security personnel. The classrooms remain the sanctum of the teachers, but the security personnel are even called into classrooms when behavior becomes disruptive. Indeed, Devine (1996, 27) finds that security guards have become critical sources of normative guidance

for students. Despite the vastness of the technosecurity apparatus—surveillance, metal detectors, drug tests, and locker searches—the remarkable fact is how much that apparatus overlooks, and how often it fails to function. This is not a system bent on discovering every violation, but rather one that ignores violations that do not reach a sufficiently dangerous level. "Meticulous observation of detail has given way to a willful determination *not* to see misbehavior and even outright crime."[8]

A central node in today's inner city schools—competing with the classroom and the playground as spaces of education and self-fashioning—are the spaces given over to in-school detentions that informants in Ann Ferguson's (2000) study of Chicago schools called "the punishing room."

> In the Punishing Room, school identities and reputations are constituted, negotiated, challenged, confirmed for African American youth in a process of categorization, reward and punishment, humiliation, and banishment. Children passing through the system are marked and categorized as they encounter state laws, school rules, tests and exams, psychological remedies, screening committees, penalties and punishments, rewards and praise. Identities that are worthy, hardworking, devious, or dangerous are proffered, assumed, or rejected. (40–41)

These in-school detentions are considered necessary to maintain an educational atmosphere in the classroom and a better alternative than suspension, but they are producing something similar to what criminologists once called "prisonization" (Clemmer 1940), a powerful normative pull of peer culture that undermines the institution's goals.

At the level of whole school systems, many of these inner-city schools themselves have become larger instantiations of punishing rooms, identified by students and parents as places of disorder and risk. New York's highly hierarchical and largely merit-based system of high schools means that, for students living in the poorest sections, the only way to avoid the neighborhood high school is through competitive admission to one of the city's well-known magnet programs (Devine 1996). Crime plays a crucial motivating role in this dynamic. Students are exhorted to compete for the elite special-admission high schools and even the broad middle tier of educationally oriented magnet schools not simply for what admission would do for their college admissions prospects and future earnings, but quite

specifically to avoid the chaos and violence of the large neighborhood high schools that are the catchall for those left behind.

Crime, and especially gun violence, has touched an astoundingly wide variety of American high schools. In the 1996–97 school year, for example, 10 percent of public schools nationwide reported at least one serious violent crime (Riley & Reno 1998, 11). A recent study found that "nearly all U.S. public schools are using a variety of delinquency prevention programs and disciplinary practices" (NIJ 2004, ii). When a problem for 10 percent becomes a paradigm for all, it is the mark of the hold of crime over our contemporary political imagination. Most violent crime is concentrated in sociologically identifiable communities, especially urban minority neighborhoods with high rates of unemployment and poverty. Thus out of every 1,000 teachers, nearly 40 in urban schools in 1996–97 were (nonfatal) crime victims, in contrast with 20 in suburban schools and 22 in rural schools. The framing of the danger as a national problem facing schools everywhere is an essentially political act that has consequences for schools environmentally, physically, pedagogically, and in terms of governance.

As in the earlier era of reforming schools for racial equality, the federal government has played a crucial role in making crime a national problem for schools, and crime prevention a national agenda for school reform, using incentives and sanctions to spread it across state and local systems. David Kirp (1982) described the implementation of desegregation as creating a standard operational meaning of equality:

> Policy aspires to uniformity. Policy is proposed for the country as if equality had an unvarying meaning from place to place, and in terms of fixed goals, as if there existed an ideal end state. Such remedies as extensive busing, vouchers, special "magnet" schools, or metropolitan-wide districts are proffered with little attention to context; each is advanced as if it were a panacea for all the ills of racism. (xx)

In both desegregation and the war on crime, court cases and legislation have played a significant role in constructing a national problem and national solutions to making schools work. For racial equality, the signal year was 1965, when the Elementary and Secondary Education Act invested billions of federal dollars in poor schools provided they complied with

desegregation orders.[9] For safe schools, the pivotal legislation was the Safe Schools Act of 1994.

Nationalizing the Problem: The Safe Schools Act of 1994

Though the battles over schools and racial inequality in the 1960s helped forge an initial link between schools and violence, by the end of the 1970s this had largely faded, along with the conflict over desegregation plans that had sparked it. By the time schools came back on the national agenda with the 1983 Carnegie Foundation Report *A Nation at Risk*, it was not racial inequality or crime but educational failure that was the dominant concern, especially declining test scores of American students at all levels. Even as late as 1990, when the first President Bush convened a national conference of all 50 governors to frame a national education agenda (with then-Governor of Arkansas, Bill Clinton playing a leading role), concerns about crime formed only one of six goals to be achieved by the year 2000:

1. All children in America will start school ready to learn.
2. The high school graduation rate will increase to at least 90 percent.
3. American students will leave grades four, eight, and twelve having demonstrated competence in challenging subject matter, including English, mathematics, science, history, and geography; and every school in America will ensure that all students learn to use their minds well, so they may be prepared for responsible citizenship, further learning, and productive employment in our modern economy.
4. U.S. students will be first in the world in science and mathematics achievement.
5. Every adult American will be literate and will possess the knowledge and skills necessary to compete in a global economy and exercise the rights and responsibilities of citizenship.
6. Every school in America will be free of drugs and violence and will offer a disciplined environment conducive to learning (Gronlund 1993).

This last short statement sets up a complex equation among three elements—drugs, violence, and lack of discipline—which helps explain why more than any of the other goals, number 6 has become central to the reshaping of schools. This formula has been productive for several reasons.

First, by emphasizing violence, goal 6 was the only one that gestured in the direction of the largely poor and minority school populations in neighborhoods where armed violence among youths was a real risk to spill over into schools. Meanwhile, racial justice—once the dominant model of educational modernization—had disappeared altogether in the 1990 statement. Second, by linking drugs to violence, it brings a far broader swath of American schools into the problem. Violence truly plagues only a small number of schools concentrated in areas of hardened poverty. But drugs are as likely to be sold among, and used by, students in suburban high schools as inner-city ones. Third, by linking both to lack of discipline among students, the equation makes crime control a vehicle for improving the educational function of schools. Schools dominated by a culture friendly to drugs and marked by violence were presumed to be a causal explanation of the declining educational achievement of American students. Still, as late as 1990, the violence-drugs-discipline triangle constituted only one of six points highlighted by the chief executives. In this context, it's not hard to understand how the escalation of the youth homicide rate beginning in the late 1980s became a major political issue in the 1990s. Though most of the attention focused on whether the juvenile justice system could respond adequately to such lethal violence, the age of the perpetrators and victims put schools in the picture. At the political level, the mid-1990s saw the locking into place of a broad consensus that school violence was a primary problem for American education and that the problem could be addressed only by more security and technology. There has been little confusion about what this means in terms of where the ideas and methods will come from in reshaping American schools. Police had been around schools for a generation as a service function. Now they were to become a moralizing force. John Devine (1996) quotes the then-current report "rethinking" school safety in New York as advocating a wholesale adoption of the approach of enlightened police departments:

> We recommend that in many respects, large and small, the Division [of school safety of the Board of Education] should look for guidance to the practices of other law enforcement and public safety organizations, and then tailor those practices and policies to the unique environment of the school. (204)

The creation of a national model of crime governance for schools moved rapidly after Congress enacted the Safe Schools Act in 1994 as part of a larger bill on crime that followed the collapse of the Clinton health

reform plan and culminated in the 1994 elections.[10] Following the pattern set down in the landmark 1968 Omnibus Crime Control and Safe Streets Act—notice the parallel of qualifying streets and schools as safe by legislation, the actual logic of which is to define both as dangerous—Congress appropriated significant new funds, conditioning eligibility for this funding on the adoption by states and local school districts of techniques of knowledge and power calculated to focus more governance attention and resources on crime in schools, while assuring a more rapid and punitive response toward it.

This move to nationalize the security response has had impressive results. According to one survey, more than 90 percent of schools have zero-tolerance policies in place for weapons possession. More than 80 percent have recently revised their disciplinary codes to make them more punitive. Nearly 75 percent have been declared "drug-free" zones, 66 percent, "gun-free" zones. More than half have introduced locker searches (Sheley 2000, 39). A national market in expertise and program ideas has come into existence in the last two decades. It provides school administrators with a ready-made set of strategies for raising funds, establishing interventions successful in at least their own carefully defined terms, and creating a flow of information from schools to government and then government to the public about school crime and the response to it.

A closer look at parts of the Safe Schools Act and the federal and state policies that have followed it identifies several main mechanisms through which crime is made a central problem of school governance.

Making Crime Visible

The Safe Schools Act operates far beyond the simple application of money to a local problem; rather, it requires changes in the way knowledge flows and decisions are made within schools. Although many of these provisions reflect the very best social science–informed policy thinking about crime and youth populations, they also represent the triumph of crime over other agendas for reimagining schools. The creation of new pathways for knowledge to circulate within the school, and new rationalities of decision-making, are likely to keep schools locked into the dynamic of crime and security for a long time to come.

To qualify for federal money under the Safe Schools Act, schools must first demonstrate that they have a "serious problem with school crime,

violence, and student discipline" (Eckland 1999, 312). This requires schools to develop their own data collection systems for crime, and to assess what kinds of incidents to count, an exercise that school administrators have every incentive to make as expansive as possible.

The law calls into existence a whole series of information streams about crime in schools that assures that whatever else happens, knowledge about crime is going to be brought to the attention of school officials, teachers, and parents. This helps assure that one thing almost everyone interested in schools will know about particular schools, along with the ubiquitous test scores, is information, potentially a lot of information, about the crime scene there. Parents looking for ways to assure themselves they are doing their duty to their children will have this information available. Higher public education officials looking for metrics to evaluate principals will have this information available. While seemingly innocuous, the establishment of such information flows assures a priority for crime in contexts where people are looking for ways to differentiate between competing alternatives (employees, schools, housing complexes, etc.).

Building a Crime Constituency in the Community

The Safe Schools Act also makes clear that schools must build community support for a security program. For example, selection criteria governing funding explicitly favors repeat awards for schools that can turn out the highest levels of participation by parents and community residents for funded projects and activities focused on school crime and safety. At the other end of the process, schools that receive funding must mount a significant campaign to make the public aware of both the crime problem and the progress being made to solve it. Both these features may be laudatory efforts to assure that federal funds flow to programs that receive at least tacit public approval through participation. The result is to build—within the heart of local school districts, one of the oldest institutions of American democracy—enduring structures of intervention, knowledge production, and consent formation, all designed in response to crime.

Hardening School Discipline

A prime target of the 1994 law was the existing disciplinary apparatus within schools. An earlier generation had insisted that, schools, without

normalizing deviance, protect young people from criminalization and exclusion. In the early 1990s most schools remained highly protective of students, avoiding sanctions like suspension or expulsion that would genuinely disadvantage their educational prospects, generally distinguishing school discipline from that meted out by the police and court system. At this time, however, such policies became the target of a critique that has since been the cutting edge of governing through crime reform in many institutions. Informal and highly discretionary disciplinary systems are perceived as having denigrated victims, failed to correct offenders, and betrayed the public interest in stamping out crime before it becomes dangerous to the general community.

This critique is built into the qualifying provisions of the Safe Schools Act. To qualify for federal funds under the Act, the school district must already have written policies detailing a) its internal procedures, b) clear conditions under which exclusion will be imposed, and c) close cooperation with police and juvenile justice agencies. The requirement that schools formalize their disciplinary policies is a crucial step in intensifying the flow of information from schools about the disciplinary violations now being constituted as quasi-crimes. At the harder end, violations that would constitute acts of juvenile delinquency under the prevailing legal code must be reported. At the softer end, the accumulation of statistics on incidents will become the raw material for the evaluation studies that the Act mandates as the follow-up to any successful application for funding.

Nationalizing School Crime Expertise

The school must also have put together a crime-fighting strategy. In practice, this means turning to one of a growing number of technologies and forms of expertise that have been nationally "accredited." The school must present a plan for drawing on a range of these resources, and a specific set of goals that the school hopes to achieve with them. These goals become critical in the audit side of the federal grant process. Future funding is contingent on measurable progress in implementing a plan (not necessarily in achieving true declines in crime). Schools that receive federal money must put in place comprehensive school safety plans that address long-term reductions in violence and discipline problems. Encouraged, but not required, is the formation of elaborate emergency plans to respond to school

crises, such as the shooting incidents that sparked the law. The law also channels the expenditure of funds into certain preapproved activities that include a host of branded programs whose mission in fact is to reinforce the link between crime and schools by defining routine school activities such as going to school or being at school as occurring in "safe zones" or in "drug- and weapon-free school zones." For example, section 5965 of the Act provides a list of appropriate uses for funds.

> A local educational agency shall use grants funds for one or more of the following activities. . . .
> (11) Supporting "safe zones of passage" . . . through such measures as "Drug and Weapon Free School Zones"
> (12) Counseling programs for victims and witnesses of school violence
> (13) Acquiring and installing metal detectors and hiring security personnel.[11]

State responses have varied widely. Many states have enacted their own versions of the Safe School Act to create any authority in the school districts that is necessary to be eligible for federal funds.[12] Like the federal version, these state-level Safe School Acts commit the state to the proposition that school violence is the most important problem facing American education and that a security response is the only one possible. The laws typically require school districts to commence the forms of data collection and administrative reform necessary to meet the federal requirements. Some have adopted statewide zero-tolerance policies; others allow districts to do so or to define the incidents serious enough to trigger expulsion. Using fear of crime as an overarching rationale, all of them tighten the net of control around students' movement in and out of schools.

The changes mandated by the Safe Schools Act involve the creation of fundamentally new pathways of knowledge and power within the school community. These pathways are likely to change the educational experience and the status of students, teachers, and administrators in ways that will endure even when the specific conditions that called them into being have disappeared.

Placing a powerful premium on defining an act as one involving school crime or safety alters almost everyone's incentives. School administrators who hope to attract substantial federal and state money will find the

crime banner the most productive one available. To be sure, for many schools this incentive will be counterbalanced by their becoming further associated with crime. Administrators are mandated to collect statistics on criminal incidents, and these statistics will ultimately be used to hold them accountable. To survive, administrators must map the sources of these numbers at the capillary level within the spaces they control, using their existing power to shape teaching and learning to better fit desirable states of data. Teachers and others with front-line responsibility for managing students will find themselves facing many of these new mandates and with less ability to reshape the work of others. They will also find that one of the few "buttons" that they can push that will both generate administrative attention and garner resources is the one labeled "crime." Parents or students who want something done will also find it most advantageous to define their children or themselves as victims and others as perpetrators of crimes or discipline violations. It is little wonder that a recent national survey of public schools reported that public school faculty assessment of a principal's leadership ability is "associated with a high level of prevention activity" (read as crime-focused curriculum, security measures, crime data collection efforts, and so on) (NIJ 2004, 5).

One important dimension of this is the eradication of barriers between the juvenile justice and school systems. During the last decade, as youth crime in general has come in for more legislative attention, states have enacted laws giving criminal justice officials greater access to school-based information and administrative systems. Until the Safe Schools Act, however, schools had few incentives to cooperate. Now cooperation will be part and parcel of reconfiguring schools around crime. Juvenile probation officers and police will find themselves valued partners in forming strategic alliances that are viewed favorably by federal funding guidelines.[13] The diminished expectations of privacy accorded to students in primary and secondary education by the U.S. Supreme Court means that these law enforcement personnel will have every incentive to make the school their preferred hunting ground for suspects.[14]

Penal Pedagogy

Against the background of the Safe Schools Act and the broader political pressures that the Act crystallizes, schools have responded by adopting a range of innovations that borrow directly from criminal justice. We have

already touched on the presence of professional security agents, advanced security detection equipment (like metal detectors and X-ray machines), and the routine practice of searching, seizing, and interrogating students. These techniques remain concentrated in schools in high-crime areas, but elements of them have spread to schools serving demographic sectors with much less real exposure to violence.

Increasing efforts to police students are perhaps the most natural response to increased pressure to govern crime in schools. More striking and more suggestive of the passage from governing crime to governing through crime are the adoption of practices suggestive of the penal aspects of criminal justice. Three of the most common are uniforms, zero tolerance, and in-school detention.

Uniforms

One technique heavily promoted by the federal government since the 1990s is the adoption of school uniforms. Four percent of all public schools had a uniform policy in the late 1990s (Riley & Reno 1998). Although touted as building school community and saving parents from demands for high-priced designer clothes, uniforms have been implemented overwhelmingly as a response to crime. A Department of Education manual on uniforms, for example, offers the following as potential benefits:

- decreasing violence and theft—even life-threatening situations— among students over designer clothing or expensive sneakers
- helping prevent gang members from wearing gang colors and insignia at school
- instilling students with discipline
- helping parents and students resist peer pressure
- helping students concentrate on their school work
- helping school officials recognize intruders who come to the school.[15]

Unlike policing, which, no matter how intense, still draws a line between security and the ordinary activities of subjects which may suffer some inefficiencies because of security, uniforms invest the subject, here students and parents, with a distinct identity as a governed subject. They are intended not just to act on those subjects (uniforms, for example, make it easier to separate students from nonstudents), but also to encourage subjects to govern themselves and others along certain preferred pathways.

Zero Tolerance

No part of the current crime and safety regime for schools has garnered more attention and more controversy than the requirement that for certain behaviors—most commonly bringing a weapon to school, but also drug-, violence-, or discipline-related misbehaviors—the school response must be certain and specific, qualities often summarized as zero tolerance. The Safe Schools Act explicitly promotes the use of zero tolerance by local school districts in their disciplinary procedures, with at least two implications. First, teachers and administrators will never again be able to overlook acts that are criminal or even capable of being described in those terms. Second, school officials must respond to these visible behaviors punitively. The paradigm example of this is expulsion as punishment for bringing a weapon to school.

Because these policies by their nature are prone to affect the traditionally insulated misbehaviors of middle-class youth, they have produced the only significant resistance met by the whole constellation of crime issues around schools. Whole Web pages are now devoted to criticizing the zero-tolerance aspect of the new regime in terms of its fundamental unfairness and unjust outcomes. Zero tolerance is deemed unfair because it results in a substantial deprivation of rights—that of the student to continue attending the school of his or her choice—even when the substantive goal of the rules—to eliminate real threats of violence—are clearly not served, as when students bring relatively nonthreatening weapons to school with no intent to do violence and little objective chance that violence would ensue. Critics also charge that the outcomes are racially marked. Minorities, especially African American male students, are disproportionately expelled as a result of these policies.[16]

The right to go to school in a safe environment has been transformed from a set of expectations for administrators to a zero-sum game between aggressors who are criminals or criminals in the making, and their victims—a shifting group consisting of everyone not stigmatized already as criminal. Administrators can only improve the lives of victims by subjecting the criminals among them to either the higher risks of expulsion into the streets or special schools full of expelled students that are the super-max prisons of the education system. As a school administrator acknowledged in an interview with William Finnegan, this takes a lot of the anxiety out of the exercise of power:

> "We've quit the 'poor kids' syndrome," he told me. "We now tell them what we expect from them, and we remove those kids who

give us trouble. It's an anxiety shift, from administrators to kids." (1999, 223)

In-School Detention

The new emphasis on disciplinary rules and their enforcement has in-evitably created pressure for new sanctions. Between merely chastising and suspending or expelling students, an increasingly important recourse is sending misbehaving students to special custodial rooms within the school or on its grounds where they are held in varying degrees of rigor with other such malefactors and apart from the general population of the schools. Ann Ferguson describes a continuum of different penal spaces at the Chicago el-ementary school she observed. The first, which she calls the "punishing room," was apparently for first offenders and minor infractions:

> The Punishing Room is made up of a small rectangular an-techamber with a door opening into a tiny office. The outer room is furnished with a low table flanked by child-sized chairs. The opposite wall is lined with shelves filled with the brightly colored uniforms and regalia of the children who act as the traf-fic guards before and after school. . . . The Punishing Room is the first tier of the disciplinary apparatus of the school. Like the courtroom, it is the place where stories are told, truth is deter-mined, and judgment is passed. The children who get off lightly in the sentencing process are detained in the outer room, writing lines or copying school rules as their penalty. Sometimes they lose their recreation time as well and have to sit on the bench at recess. (2000, 34)

Children who committed more violations deemed more serious were sent to a room far more isolated from the traffic of the school, a room that the children in Ferguson's study called "the jailhouse." It was hidden away in an outside wall of the school building. Hot and cramped, it looked out on the recreational yard where students at recess would play. Unlike the punishing room, which permitted a fair amount of student conversation, the jailhouse regime enforced silence and the appearance of work on as-signments that are part of the punishment (37).

In-school detention spaces are not, however, limited to schools in traditionally high-crime areas like the one studied by Ferguson. Under

current disciplinary regimes, they have become common at schools serving communities across the class spectrum and even in private and religious schools. As disciplinary codes identify more misbehavior as requiring recognition and official response but not warranting suspension or expulsion—which are largely counterproductive because they allow the student to escape oversight—in-house detention is becoming a sanction of choice for various offenses. A friend's son was recently sent to the detention room at a large high school drawing on some of the wealthier sections of Miami, in addition to less privileged areas. His offense involved disobedience of and disrespect for a teacher. Detention, in short, now occupies the space once filled by a trip to the principal's office.

Defining Deviance Up

Another feature of the new regime, overdetermined by many of its other features, is increased attention to behaviors by students that were previously not seen as problems requiring school responses, including schoolyard fights and bullying behavior. An example of one such program is touted in the pages of the federal government's annual report on school safety: McNair Elementary School, a 90-percent white suburban elementary school near St. Louis, Missouri:

> The mission statement of the Fight Free School Program is "To teach the youth of today, the future leaders of our nation, appropriate interpersonal behavior skills. The focus is to provide an improved school environment which will enhance the learning process and allow our children the optimum advantage to excel in their academic careers." (Riley and Reno 1998, 33)

Another exemplar in the report is McCormick Middle School, a rural middle school with an 80-percent African American population, profiled for its antibullying program. The program consisted of an "intense" training of staff, "and administrative policies to support changed student behaviors." The school also instituted "character education, conflict education and mediation programs" in its curriculum and promoted the formation of the students into "Students Against Bullying" (Riley and Reno 1998, 47).

Penal Swarming

Each of the penal features discussed above have melded their own logic and continuity with school traditions, hence constituting the new "normal." In the reform environment shaped by the Safe Schools Act and the other executive / legislative / and judicial changes associated with governing through crime, schools can find themselves host to many of these technologies at once, each promoting some more or less distinctive variant of a common concern to manage the risk of crime. Consider a model school uniform program featured in the Department of Education's on-line "Manual on School Uniforms."

> Model School Uniform Policies, Norfolk, Virginia
>
> Type: Mandatory uniform policy at Ruffner Middle School
>
> Opt-out: None. Students who come to school without a uniform are subject to In-school detention
>
> . . .
>
> Support for disadvantaged students: The school provides uniforms for students who cannot afford them
>
> Results: Using U.S. Department of Education software to track discipline data, Ruffner has noted improvements in students' behavior. Leaving class without permission is down 47 percent, throwing objects is down 68 percent and fighting has decreased by 38 percent. Staff attribute these changes in part to the uniform code.[17]

Ruffner, located in Norfolk, Virginia, provides a capsule summary of how many of the technologies and knowledge production strategies already discussed have become intertwined. A school uniform program is enforced by a zero-tolerance policy, with violations punished with in-school detention. The field of visible deviance created by the intensification of discipline is already put to use in evaluating the success of particular reforms. Although the normative ends of this program are called in question by the fact that crucial causal connection relies on the judgment of staff with a clear stake in the success of the strategies, the ability of the new procedures, bolstered by Department of Education software, to make

crimelike behavior one of the most readily available handles on schools is evident. These numbers assure that disciplinary violations will play a crucial role in measuring success and failure in schools even if the current moral panics are someday forgotten.

Punishing Educational Failure

In order for an accountability system to work, there has to be *consequences*, and I believe one of the most important *consequences* will be, after a period of time, giving the schools time to adjust and districts time to try different things, if they're failing, that parents ought to be given different options. If children are trapped in schools that *will* not teach and *will* not change, there has to be a different *consequence*.

—George W. Bush, speech on education, January 23, 2001

The No Child Left Behind Act[18] represents another kind of extension of the crime model in education, but one that makes a leap in the generality of crime as a model for governing schools. The Bush proposals and the ultimate measures adopted by Congress trace their origins to theories of education reform espoused in the late 1980s and early 1990s that shared a model of a) linking financial investment in public schools with b) frequent testing to measure success and c) accountability for failure. Grounding itself more in theories of public choice than pedagogy and embracing market mechanisms, this reform strategy sought self-consciously to break out of the pattern in which innovations from the federal government would become simply a stream of resources that remained in place once created because of the heavy constituency in favor of spending on education. Testing and accountability would mean that schools and their stakeholders would have to achieve success and keep trying new approaches or lose the revenue stream.

Critics of the law have pointed to the failure of the administration to fully fund the investment side of the program, and the expensive and unfunded mandates that it places on states. But testing is, after all, relatively inexpensive and brings the imprimatur of scientific rationality. In this section, I suggest that behind this displacement of substantive assistance by testing is something more than budgetary considerations. The framing of

the Bush proposals at their launch in the early days of the administration suggests the influence of the crime model. To put this displacement in its most simplistic terms, we might say that the original reform structure of investment/testing/consequences has been shifted in its Bush restatement from an emphasis on the investment-testing leg to the testing-consequences leg.

President Bush, who as governor of Texas made punishment—imposing the death penalty, building prisons, and toughening juvenile justice—his major mode of governing, restates the case for education reform in terms that suggest the way the crime/punishment model of governing can subtly restructure policy directed toward ostensibly different social problems. In his first major policy speech as president, George W. Bush highlighted his education reform plans. Education had been a centerpiece of the Bush campaign, one that had generally won high marks as strategically savvy for a governor best known for carrying out more executions than any other political leader in the Western world. Crime, central to his father's successful campaign for president in 1988, was rarely mentioned by George W. Bush during the 2000 election. Yet in his speech on education in early 2001, Bush inflected his concern with poor reading achievement among American school children with a distinctly different challenge: "We must face up to the plague of school violence, with an average of three million crimes committed against students and teachers inside public schools every year. That's unacceptable in our country. We need real reform" (Rothstein 2001). In short, school reform may signal not the end of crime as an obsession for government, but the progress of governing through crime.

The shocking figure evoked by Bush is, if not a gross exaggeration, a statistical artifact of an expansionist methodology and a mandate to "know" school crime whose origins and meaning are as interesting as its subject. The 3 million figure cited by Bush and others comes from the application of the traditional crime governance strategy of victim surveys to the school environment. Often criticized for being overinclusive of minor violations in the general population version, such crime surveys in schools are even more prone to collect the visible if trivial. Property crime, the dominant form of school crime, includes a vast number of stolen notebooks, and a good deal of assault behavior includes the batteries of schoolyard bullying. Fewer than 10 percent of the incidents reported in the survey that Bush drew on represented serious crimes. Subjects were explicitly

encouraged by the survey instructions to report an incident "even if you are not certain it was a crime" (Rothstein 2001). At least in the aggregate, most experts agree that schools are among the safest places for school-age children to be. They are much more likely to be raped, murdered, assaulted, or endure a serious property crime at home or on the street.

The *New York Times* education columnist Edward Rothstein, who called Bush's figures a "gross exaggeration," claimed to be puzzled "that President Bush used the occasion of introducing his education program, focused mainly on testing and accountability, to revive the specter of school violence" (2001). But the central thesis of this chapter is that there is nothing puzzling in this at all. Crime's relevance to the discussion of school reform is dependent not on its actual prevalence but on its success as a rationale for recasting governance.

The original reform proposals, with their emphasis on measuring performance and providing more choices for education consumers, reflect neoliberal (i.e., market-oriented) logics that have dominated policy development in recent years. On this theory, by creating choices for education's subjects, hence making them more like consumers, and allowing their choices to mark the success of individual schools, with their own internal agents and subjects, educational improvement can be obtained without heavy-handed regulations from the center. Educational consumer choice creates incentives for the managers of individual schools, much as monetary rewards and costs stimulate market behavior. The Bush plan, in contrast, emphasizes testing and the promise of serious consequences for school failure. Here the model of prices is displaced by one of sanctions (Cooter 1984). Rather than transform educational subjects like students and their parents into consumers, the Bush vision portrays them as "victims." Rather than transform school agents such as principals and teachers into entrepreneurs, the Bush proposal subtly suggests that at least those in persistently failing schools must be seen and treated as criminals, willful violators of vulnerable subjects, who should be punished and incapacitated.

Consider the president's statement introducing his education proposals back in 2001. In his speech, Bush offered educational failure and crime at school as parallel problems. Although the speech never provides an analysis of what joins them together, it does showcase two powerful governmental metaphors, which it juxtaposes and links: "the scandal of illiteracy" and

"the plague of school violence." By pulling these two out and associating them with the terms "scandal" and "plague," Bush equates illiteracy and school violence but casts them in rather distinctive metaphors. Illiteracy as a "scandal" in the sense of a morally stigmatizing disclosure about a person is a governmental metaphor with deep roots in progressive politics (St. Clair 2004).

Along with Bush's persistent emphasis on improving the reading skills of minority children, his use of this metaphor signals to moderates and even liberals that he shares their outrage at the failure of public education to deliver on the promise of equal opportunity. This metaphor paints the illiterate subject as the bearer of a stigma but also as a victim of the immoral behavior of others or society at large. The metaphor of crime as plague has a long lineage, and its entailments are generally well understood. Criminals, carriers of the crime plague, must be isolated from general populations. Strict procedures must be put in place to define such criminals and make it easier for the system to eliminate them.

In offering his program as both a way of ending the scandal and controlling the plague, Bush emphasized four elements that he described as "commitments": testing, local responsibility, assistance and additional funding for failing schools, followed by "ultimate" consequences for those that do not improve.

Each element is shaded by the crime metaphor. Testing is a classic disciplinary technology that combines normalizing judgment, expert surveillance, and the looming possibility of punishment (Foucault 1977, 184). Long a penal element in the space of education, testing in the Bush plan becomes a central ritual organizing school life superimposed on whatever structure of examination is part of the classroom-based instruction. As the quotation that begins this section suggests, testing here is not linked to a mandate to know the interior truth of the individual. Indeed, it is as an aggregate, measuring the performance of the school as a whole, that testing is deployed.[19] Moreover, the emphasis here is not on a circuit of knowledge and power that runs through testing to diagnosis to treatment but instead a penal circuit of judgment followed after a fair interval by "consequences."

Local responsibility and federal assistance is, of course, the very model of crime policy crafted by the Safe Streets Act of 1968 (see chapter 3). Finally, "ultimate consequences" suggests punishment and was the most frequently emphasized theme of Bush's personal statements on the law.

Conclusion

I began by contrasting the influence of crime on schools today to the influence of the civil rights project and the objective of overcoming a history of racial discrimination through education. In both cases, a subject not directly related to education has become an external framework for reforming schools. In both cases, the federal government has tied its considerable resources and command over public attention to the issue. In both cases, state and local school authorities have changed the way they plan and operate schools to fit the new urgency.

But the analogy is ultimately inapt in ways that suggest why crime is such a powerful metaphor for governing schools.

Educational disadvantage had once been a tool of racial discrimination and oppression and the construction of intraracial solidarity. For a time in the 1960s and 1970s, the federal government sought to reverse the effects of those past actions, and actively use schools as a tool for promoting racial equality and interracial solidarities. But relatively few Americans saw racial justice as integral to the experience of schooling. In contrast, the threat of criminal victimization of their children is at the heart of the schooling experience for many parents.[20] Compulsory education ultimately means surrender of parental control over the safety of their children for the length of the school day. While that fact is in many ways independent of the educational objectives of schooling, it is by no means secondary to it.

Parental resistance ultimately broke the back of federal support for using schools to actively promote racial equality. Yet more than a quarter century later, most metropolitan school districts are still heavily marked by institutions and approaches designed to promote racial equality. Even if parental support for governing schools through crime were to fade, it might take decades to witness the disappearance of internal patterns of governance embedded in technologies of knowing and acting on students, parents, teachers, and administrators.

Ironically, much of the resistance to racial equality in schools was based on a perception that desegregation was forcing parents to send their children to more dangerous schools. Despite some resistance to the excesses of zero tolerance, one should not expect widespread resentment towards the criminalization of schools, because it links the governance of schools to the problem of parental insecurity about their children at school.

The 3 million school crimes that President Bush invoked belong to a parade of numbers that will be continually replenished by existing statutory mandates. But unlike the statistical battles that desegregation cases turned into over the years, the numbers produced by crime governance feed directly back into the sources of parental fears about the fate of their children at school.

Nineteenth-century public school buildings often resembled prisons and asylums because all three drew on a common technology of power for improving the "performance" of their inmates (Foucault 1977). If schools today are again coming to seem more and more like prisons, it is not because of a renewed faith in the capacity of disciplinary methods. Indeed, prisons and schools increasingly deny their capacity to do much more than sort and warehouse people. What they share instead is the institutional imperative that crime is simultaneously the most important problem they have to deal with and a reality whose "existence"—as defined by the federally imposed edict of ever-expanding data collection—is precisely what allows these institutions to maintain and expand themselves in perpetuity.