Policing in France: Some Tips for a Would-be President?

'The return of Nicolas Sarkozy will reinvigorate French politics, and marks the start of what promises to be an exciting countdown to the next presidential election in 2017' asserts the opening lines of a BBC article (Schofield 2014). Nicolas Sarkozy, always able to polarise opinion, re-entering the fray could be just what the doctor ordered to rehabilitate fatigued French politics; not least for the present incumbent.

Any would-be president needing better ratings could improve the state's relationship with large sections of its citizenry by addressing the institution of policing; especially in the banlieues. Not being a negative view of French police, this article provides a brief contextual consideration of policing in France. It is informed by extant literature including a study conducted during eight years of European cooperation, multi-national exercises and an empirical phase that included direct and participant observations and elite interviews (Jordan 2012). This article recognises the exceptional professionalism of the national gendarmerie and police institutions whilst highlighting the limitations imposed on their agency by the French republican ideal.

Historical/Political/Institutional/Operational Contexts

Policing in France predates the revolution. Its development follows the organisation of society and the development of the State (Stead 1983; GN source 4 [1]). The origins of modern French policing go back to the *ancien* regime, the pre-revolutionary French monarchy, and its relatively decentralised organisation. The crown was absolutist in theory but, in practice, relied on the support of provincial nobles, who controlled the policing function (GN source 4); the origins of modern policing are to be found in the Middle Ages. Then, the Connetable (Constable) was one of the five high offices of the crown (Heraldica 2010) and until Cardinal Richelieu's Edict of January 1627 policing was carried out by the Connetablie, thereafter by the Maréchaussee, essentially the same as its predecessor. The Gendarmerie is the heir to those Royal Constabularies and, until 1944, was the only national policing body in France (Emsley 1983; Gendarmerie 2009).

Initially charged with protecting the population from groups of unemployed ex-soldiers which survived through plunder (Emsley 1983; GN source 4), the gendarmerie gradually took on a more general policing role. By 1720 it was nationally structured and in 1791 was officially named the Gendarmerie Nationale (GN). Nowadays the GN is responsible for policing 95% of French territory and 50% of the population (GN source 4). The gendarmerie is a pre-revolutionary institution that has survived and developed over centuries, giving a sense of how the French State reaches from behind and beyond the Republic.

The French have a traditional (historical) distrust of the 'local policing' concept; a consequence, in part, of historical abuses of power by self-interested local regulators and militias who served their masters before the needs of the public (Emsley 1983:29; GN source 4). As such, the only recourse of the people was to the Sovereign in Paris, who was able to take a less parochial view. This is conceptually important to the national approach as, even today, most major demonstrations of public dissatisfaction take place in Paris (GN source 4). The services of all the national police units are available for deployment throughout France and, in the case of the GN, this includes the Départements d'Outre Mer and the Territoires d'Outre Mer (DOM TOMs).

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In 1950 the Gendarmerie was made distinct from the army, becoming a separate force, but still charged with policing duties throughout the Republic. In 2002 their operational duties were brought under the direction of the Ministry of the Interior, and now, except for military missions, the Gendarmerie is fully the responsibility of this office. The PN and GN are becoming incrementally closer in terms of interoperability, with the sharing of human and material resources, as well as training facilities. All policing services are provided under the authority of the Préfets.

The French 'civil' police system also has ancient roots; an arm of policing that has seen much development. Post revolution the civil police became the responsibility of elected mayors and throughout these developments the police role has remained political (Emsley 1983), focussing upon maintenance of order, intelligence gathering and repression of anti-state activity (Emsley 1983; Stead 1983).

Under Napoleon Bonaparte, the State was reformed and the Prefecture de Police established (Emsley 1983; Stead 1983; GN source 2009). The Prefet de Police was now in charge of all aspects of policing in Paris, still with an emphasis on public order and protecting the security of the state. Outside Paris, rural areas and smaller towns remained the responsibility of the GN (GN source 4), whilst city police forces acted under the authority of the Prefets, direct representatives of the State. City police forces continued to change and develop through the four Republics and today are regionally organised, with each Departement having a chief of police in charge of a number of police districts, each commanded by a Commisaire Divisionaire (Chief Superintendent).

The PN originated from Marshall Petain's Vichy government in 1941, which established the national police with responsibilities for towns having populations over 10,000 (Stead 1983; Interieur 2010). After the liberation of France, the Ministry of the Interior took over direction of the national police (Sûreté Nationale 1944 – 1966), a key development in the centralisation of the French police system (Stead 1983). In 1947 after a series of industrial strikes, a sub-directorate of Republican Security Companies (CRS) was formed as a general reserve of the National Police. The Prefecture de Police in Paris remained unchanged and is the chief of police for the Petite Couronne (the city of Paris and the departments of Hauts de Seine, Seine Saint Denis and Val de Marne).

Prefecture of Police

Within the 'petite couronne' jurisdiction the Prefecture has responsibility for the security and safety of all citizens. The Prefet de Police has the same responsibilities that the Director General de la Police National (DGPN) does outside of Paris, and draws this authority directly from the Minister of the Interior. The DGPN has no authority over the Prefet de Police. 'The Prefect of Police commands what is in effect a kind of microcosm of the Police Nationale' (Stead 1983:8). The Préfecture is a unique organisation with no equivalent British institution and quite different from the current Mayor of London's office. Paris has a population of approximately 12 million and each year hosts approximately 5200 major events, as well as many thousands of incidents requiring policing. The PrefecturePréfecture houses the public order and information command room, staffed by representatives of the PN, GN and other public services.

The French policing system amounts to an overt arm of state control, unlike Britain where officers attest to serve the Queen. There is a fine but significant conceptual difference between the state and The Crown. British policing originates in the communities themselves, whereas French policing is applied by the State, it having always had a distinctly political role (Emsley 1983). Gendarmes were 'required to report on strangers and events concerning public peace' (Emsley 1983:45), an example of the state controlling its citizens. There is no comparable legal philosophy or set of codified rules in Britain.

Policing in France is centrally managed, nationally structured and made up of two main institutions, although many municipalities have their own local policing arrangements as well. Both the GN and the PN have their own full time public order policing specialists, the Gendarmerie Mobile (GM) and the CRS, highly trained, full time units that perform a number of security and public safety functions, as well as maintenance of order. The PN and GN have their own distinct traditions, but ultimately perform similar and complementary roles within the French mainland, because both institutions are now controlled by the Ministry of the Interior. Despite significant convergent changes, in areas such as equipment and tactics, the PN and GN remain distinctly separate bodies. There is some difference of

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approach and a high degree of rivalry between the codes and corps, but both institutions have a very strong culture of service to the state, central to their professional identities. It is clear then, that Paris has great importance as the heart of the Republic in the minds of the French people. It is the seat of government and where people come together for events and to protest. It is where the policing of such events is practised regularly and most often. Policing big events or disorders is more difficult elsewhere (PN source). 'Politically Paris is more important than elsewhere so events are policed more thoroughly' (PN source 3). It is also the reason that Napoléon created the Préfecture to care for it.The wider philosophical evolution of French society is significant and some discussion of the French Republic is necessary.

Republique

'The French Republic is *one and indivisible*… made up of equal citizens, not separate communities' (France-republicaine 2010). The culture of French republicanism has developed from pre-Revolutionary times through five republics, two empires and one restoration of the monarchy. The French Revolution of 1789, essentially the origin of the rights of man, together with the French Constitution and French republican ideals, further consolidated a centralist and national approach to policing. These ideals, based upon the American bill of rights and natural rights doctrine, declared that no matter what the circumstances, wherever or whenever, the Rights of Man remain universal and valid (Chavis 2009). So a liberal democracy was born, founded upon the thinking of philosophers such as John Locke, Thomas Paine and, in particular, the French philosopher of the Revolution, Jean Jacques Rousseau (Morsink 1984; Baczko 1988; Shestack 1998). These democratic rights were underpinned by the rule of law, with the GN operating as the national police force, vested with the responsibility of ensuring such protection (Stead 1983; GN source 4). Regular military forces also remained available as an arm of government.

Post revolution France became a secular state, although the separation of Church and State in public life or Laïcité, was not formalised until 1905 by the Third Republic (France.fr 2014). This removal of cultural and religious identity from public life has strong and noble aims regarding protecting social and political rights. However, those protections have become contentious due to the increasing diversity and cultural requirements of the very citizens they are designed to protect. The republican model is slow in adapting to changing circumstances and has not allowed meaningful devolution of policing methodologies to adapt to societal changes. The secularism versus particularism debate in France and the concept of being French before anything else is significant to policing.

Policing, as society, reflects its imperial legacy, which has created a powerful cocktail of discontent (Aldrich 2007; Zauberman & Levy 2007). The policing of consequent societal tension is highly problematic. In abstract terms there are no distinctions between types of French citizen (Zauberman & Levy 2003; Michel & Honneger 2007) but the contraposition is that there is no recognition of the specific rights or needs of minority groups. Abstract citizenship appears to have become a means of deliberately ignoring the needs of local communities (Roché 2005/6; Aldrich 2007; Zauberman & Levy 2007; Michel & Honneger 2007) and the police tend to be isolated from local contexts, certainly in sensitive areas.

The French Empire was second in size and influence only to the British (Betts 2004) and republican ideals, as well as self-interest, drove the French civilising mission in its colonies. France saw itself as a benefactor bringing enlightenment to the natives, 'affording access to a culture and language… uniquely suited to conveying the universal values associated with the Revolution' (Cumming in Cole and Raymond 2006:157). Colonisation and the 'Frenchification' of populations have impacted upon France's contemporary demography, with many colonial descendants immigrating to France in search of education, employment and wealth. They expected fair access to the republican ideals of *Liberté, Égalité, Fraternité*, a conception of citizenship where the only lawful distinction is between French citizens and aliens (Zauberman and Levy 2003); you are either French or you are not. This 'postcolonial difference' (Michel and Honneger 2007) is significant because the views of 'post colonially conscious' colonial descendants are opposed to, and conflict with, the thinking of 'post colonially unconscious' politicians and their traditional conception of the state as being neutral (Michel and Honneger 2007:2).

In France the effects of Republic and Empire amount to a broad set of cultural and service values closely linked to the role of the State. They form some of the core ideas that underpin French 'political culture'. Republican ideals and

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state protection are important concepts, central to how the state polices its citizens. The policing of minority groups is always a sensitive issue, often complicated by misconceptions or policies perceived as having little relevance to the groups in question. This affects the policing of the banlieues.

Policing the Banlieues

Globalisation of world markets has resulted in a vast reduction in manufacturing jobs in post industrial France, leaving many of the unskilled immigrant workforce without gainful employment. Subsequent years of suburban decay and growing socio-political problems have made their mark. Ethnic segregation underscored by poverty, unemployment and insecurity has left residents feeling politically and socially excluded and powerless (Willen 2007; Lagrange 2009). The spatial and social segregation of the banlieue populations has been achieved unintentionally by government policy and is exacerbated by poor lines of communication with city centres and potential sources of employment. Banlieue architecture makes them ideal gang 'turf' and media exploitation of political, religious, economic and social frustrations has increased tensions. Social and educational support is scant and people are victims of employment discrimination. Government policies have not worked; the *politique de la ville* imposed from above means that residents have little or no influence over their own lives (Epstein 2009).

Recent hard line immigration policies and the political currency of being tough on crime have resulted in hardening of police attitudes and the youth of the banlieues are seen by the police as social outcasts. Community policing is an alien concept and the police are seen as agents of state repression. Former president Sarkozy's performance culture for public employees ensured a police concentration on enforcement rather than problem solving. The marginalised populations of the banlieues have little faith in the justice system and the police have little influence on the policies they must enforce (Willen 2007; Moran 2008); they all wrestle with the duality of the republican ideal (Jobard 2009).

Educational failure, unemployment and parental weakness have aided the development of the youth gang culture (Ford 2005; Lichfield 2006; Willen 2007; Mucchielli 2011). Gang membership provides young males with social standing and self esteem in the absence of any other respectability (Mucchielli 2011). Many resort to criminality and drug trafficking in parallel economies (Bronner 2010) and gang culture, inter gang violence and criminality are rife in the banlieues (Ford 2005). Islamic extremism exists but is not a major factor. Islamic culture seems more of a moderating influence than a problem (Bronner 2010).

The police are despised by the banlieue youth and become the common enemy when attending incidents. All involved are bound up in a spiral of hatred, racism and violence (Riddell 2007, GN source 7; PN sources 1 + 3). A history of negative experiences between police and residents has seen a worsening of community relations and government policy has stepped away from community policing preferring a more 'muscular' approach to urban violence (Roché 2005; Willen 2007; Mouhanna 2009). Lack of effective communication processes means the police are starved of useful community intelligence. Policing operations are directed by the Préfet and the police are viewed as agents of state repression (Riddell 2007), unaccountable to the public (Roché 2007; Schneider 2008).

Nicolas Sarkozy, first as Minister of the Interior and then as President, became the central object of hatred, due to his unashamed labelling of *banlieue* youth as 'racailles' (scum). The most noticeable aspect of his administration's youth justice initiative was its punitiveness (Sciolino 2007). Not surprisingly many young people of Arab or African origin felt like foreigners in their own country (Mott Austin 2007). The absence of community policing in its usual conception means that police contact with local youths is largely through stop and search or arrest interventions. A significant escalation in levels of violence aimed at patrolling police officers has led to increased investment in better defensive and offensive police equipment and methods of electronic communication rather than in community relations (GN + PN sources). This fits with tougher state policies aimed at urban violence but also means that police officers have even less reason to communicate informally with members of the public.

Black and Arab youths are far more likely to be stopped by the police than white youths on the basis of appearance rather than behaviour (Ford 2005; HRW 2012). Clearly the relationship between the police and suburban youth is one of mutual fear and hatred. A move towards a 'zero tolerance' style of policing, due to public concerns about crime and urban violence has affected attitudes of officers on the ground. Community policing as a concept was briefly

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attempted, seen to 'fail', and ditched in favour of a more politically advantageous, punitive but less socially aware, structure and agency. The critical theme here is the effect of centralised control of the police and the lack of structural links with the communities of the banlieues. There is no meaningful ideology of consensual policing. Policing of the banlieues is reactive, remote and distant from those policed.

The forces of law and order are well structured and situated to react to outbreaks of disorder but preventative measures amount to little more than the threat of significant and sometimes lengthy, police occupation of the banlieues. It seems evident that if the police are to be successful in improving public confidence and lowering crime rates, they need to be allowed to develop working relationships with the people they police. Somewhat paradoxically, this seems to be more the case in rural, rather than urban areas, where gendarmes appear to be in harmony with the residents of smaller towns and villages and can be seen buying their baguettes and drinking coffee with the locals. Such a relationship with the communities of the banlieues seems impossible without a sea change in state policy, which would allow those communities a political voice, and the police to formulate their own strategies, based upon community intelligence and needs.

Notes

[1] GN and PN sources are subject to usual rules regarding anonimity

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