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To analyse the French police from a sociological point of view is a difficult task, for few state institutions have been so mythologised and so rarely studied. Certainly there are innumerable recollections of policemen, or of ex-criminals converted to righteousness; countless essays, pamphlets, apologies, and journalistic reports are to be found. But French sociological production in this area remains surprisingly poor, in comparison with that of many European and North American countries.

This lack is all the more striking as the size of French police forces has grown rapidly over the last decades, and as the density of these forces appears to be one of the highest in Europe [1].

In his recent analysis of this bizarre situation, the sociologist Dominique Monjardet (1985) has put forward several explanations: self-censorship in the research community, faced with a field which is reputed to be impenetrable; ideological prejudice (if one considers—wrongly—that all sociologists are 'left-wing'); a lack in the apparent interest of the object. In the end, none of these hypotheses seem to him to be convincing; instead, he feels that French sociology is less sure of its legitimacy than the sociologies of other developed countries, and that this inhibits it; and he also feels that French sociological culture is less attuned to the problems of social cohesion than are others, due to the fact...
that the French social formation is historically long-standing, and therefore less concerned with the study of the institutions of social control.

To all these explanations one may add that in all the countries where there is active sociological research in the field of policing, it developed mainly in the wake of the sociology of deviance.

However, the fact is that in France, penal research has, over the last decades, been dominated by jurists [2]. It was only at the price of a paradigmatic shift in the early 1970s that a real sociology of penal questions could appear, legitimating the investigation of objects which until then had remained unexplored. The influence of this renewal has, however, been unevenly felt in different parts of the penal process.

Quite naturally, and in view of the initial poverty of the material and human means available, the first themes to be tackled were those in which it was easiest to establish data bases, either because the data could be obtained from the public (social representations), or because they were held by an administration (the Ministry of Justice) which had become open to research as a result of the development of unease linked with the very rapid growth in the number of cases dealt with.

The police, on the other hand, like the prison, is an object which, to use Brodeur’s expression (1984, p. 9) “deliberately resists attempts to know it”, resistance which is all the more effective as these are administrations which are centralised. Brodeur rightly points out that in Anglo-Saxon countries where police forces are decentralised, a research worker always ends up by finding a local police force which is more open or less suspicious than the others. The consequence of this in France is that while many studies of the social representations of penal matters and the functioning of judicial institutions have been carried out, analysis of the institutions before and after them in the judicial process has been neglected. The sociology of police institutions and the sociology of corrections—and in particular of imprisonment—lay fallow until the early 1980s (Ocqueteau, 1986).

In view of the small number of empirical studies in this field, we do not feel that it is appropriate here to sketch a sociological analysis of the police as state apparatus in its relations with political power, nor to present a global approach either in terms of an organisation or a profession [3]. Such an attempt would run the risk either of simply paraphrasing the actor’s own discourse, of limiting itself to purely political events, or of imposing an overgeneralised theoretical model on a reality which is both complex and still little understood.

It seemed preferable to us to base our analysis on a better-known aspect of police activity which makes possible an analysis of the impact of this institution on the penal process, and to formulate certain hypotheses concerning its place within the activities of social control. After having illustrated what seems to us to be the main trend in the management of delinquencies, we will analyse the policy followed by the Left in power since 1981 in the field of police activity.
The Main Trend in the Police Management of Delinquencies: Towards a Division of Labour

(1) Police forces in France: a few figures

Before looking at the real place occupied by the French police in the regulation of illegal behaviours, it is appropriate here to provide details on its structure, size and tasks.

The first point to make is that there are in France—a country with a highly centralised police system controlled by the state—two main police forces in the strict sense of the term: the Police Nationale, and the Gendarmerie Nationale. The first of these is a state police force placed under the authority of the Minister of the Interior. Its status is civil, and it is established mainly in urban areas. The Gendarmerie, on the other hand, is a military corps, chiefly responsible for policing rural areas (Jammes, 1982) in the service of the civil authorities. Both of these forces have corps specialised in the maintenance of public order ("Compagnies Républicaines de Sécurité" (CRS) for the National Police, and "Gendarmerie Mobile" for the National Gendarmerie). Globally, the strength of these two forces is approximately 200,000 men. In 1983, the figures were 89,306 gendarmes (Haenel & Pichon, 1983, p. 67) and 110,153 police officers (Revue de la Police nationale 1984, no. 120, p. 31). On top of these, we need to add municipal police forces, placed under the authority of the Mayor: in some cases simply one rural policeman, in others, several dozen well-equipped officers. The total strength of these forces was estimated at 14,000 in 1964 (Plenel, 1986) [4].

Approximately 10% of the gendarmes are 'auxiliary gendarmes', i.e. young men drafted for compulsory national service (12–16 months), who assist regular gendarmes (except in public-order operations). This scheme, started in 1971, has recently been extended to the police nationale (600 servicemen in 1986). A pending bill (March 1987) provides for the recruitment of 10,000 auxiliary police (10% of the force).

From 1971 until 1983 there were only women volunteers in the gendarmerie (300 in 1981), performing mainly staff and clerical work. In 1983 it was decided that 5% of newly recruited gendarmes would be women (and 7.5% in 1988). There are presently about 200 women gendarmes (no officers) who perform the same duties as their male colleagues (except public-order operations) (Jammes, 1982, p. 50; Haenel & Pichon, 1983, pp. 71–73). In the police nationale, women were until 1979 restricted to plain-clothes police functions (and from the 1930s till the 1970s to juvenile delinquency units). There are presently (January 1987; Ministry of the Interior, pers. comm.) 3494 women, among whom 138 are superintendents (commissaires), 1243 detectives, 24 uniformed police officers (a function closed to women until 1983), and 1998 constables (compared with 44 superintendents and 802 detectives in 1981 and 50 constables in 1979, see Jammes, 1982, p. 70).
These 200,000 officers do not spend their whole time exclusively on penal matters. As for the gendarmerie, apart from a few units specialised in criminal investigation (Jammes, 1982, p. 14; Lafont & Meyer, 1980, pp. 89–127), there is no real functional division between penal and non-penal missions: all gendarmes (except for the mobile corps) may, according to the circumstances, instigate and participate in penal investigations. On the other hand, within the national police force, there are divisions which are more or less specialised in the prevention and the repression of crime and delinquency.

Firstly, we must put to one side the administrative and technical personnel (about 13,500 persons). Secondly, a distinction must be made, amongst the 96,500 other police officers, between those who are uniformed (88,500, of which 14,000 CRS assigned to public-order activities and 74,500 policemen) and plain-clothed police officers (approx. 21,500). The former are polyvalent, and if in certain cases they are called on to assist in the detection of crime and the arrest of criminals, these activities are not part of their main function. The only officers to be exclusively specialised in criminal investigation are approximately 18,500 plain-clothed police officers, the other plain-clothed officers, about 3000 in number, being involved in intelligence-gathering and counter-espionage.

Is it possible to estimate the global balance between criminal missions* (prevention and repression) by police forces and non-criminal ones? A certain number of French studies have tried to do this (Etude-Pilote, undated; Granger, 1972; Linotte, 1975). The results obtained by these studies are difficult to re-use in a sociological perspective, because the categories which were used to classify activity were closer to the official definition of police activity than to the actual work carried out by the different police departments. Nevertheless, one study attempted to overcome this difficulty (Robert & Godefroy, 1977). Its conclusion was that in the single judicial division studied, the national police spent globally 51.2%, and the gendarmerie 49.6% of their time in crime work (i.e. preventive and repressive activities). However, it must be noted that general logistical support amounted to almost 45% of the total time and that without the latter, no crime work could be carried out. We can see then that the precise evaluation of the specifically crime-related activities of police forces is a delicate matter. (For a detailed examination of this type of research, see Robert & Godefroy, 1978). More recently, Haenel & Pichon (1983, p. 92) have published other figures for the gendarmerie, on the basis of which the percentage of crime work for the whole of the country can be evaluated at 49.5%, which is very close to the figure obtained by Robert and Godefroy, but methodological differences prohibit any close comparison between the various figures.

Ultimately, if these figures demonstrate the relative importance of the time

*The French term is penal, and the connotation may be slightly changed by the substitution throughout of the more usual English term criminal, of 'crime work' for 'penal activity' etc. [Ed.]
spent in crime work, they tell us little about the actual content. This is what we intend to do now.

(2) The police in the criminal field: empirical findings

Despite the size of the police forces, and the fact that legally they are entitled to intervene in all cases, the area that they actually occupy is much smaller. It seems firstly that both police forces are restricted to an area which includes only some illegal behaviours. The total number of offences or illegal behaviours in French law is not known exactly. Most of them are to be found in regulatory or legislative texts whose main aim is not repressive, but intended to organise the functioning of certain administrations, or to regulate certain areas of economic and social life. They sanction the failure to respect these rules. A multitude of administrative agents, who do not belong to the police force, charged with the detection of failures to observe these regulations, and with frauds relating to them, are endowed by law with judicial police powers. A recent and exhaustive study (Lascoumes et al., 1986, pp. 6 and 287–293) has shown that 170 categories of public-service employees, agents assigned to the defence of state monopolies or state property, and even of some general interests, for example public health or the environment, come within this category, but the total number is still unknown. Certain categories in fact have more wide-sweeping powers than the police themselves have: customs officers and tax inspectors, for instance. The action of these agents is massively oriented towards the negotiated settlement of those illegal behaviours which are detected, and which consequently do not give rise to penal repression except when an attempt to achieve an administrative settlement is a failure (Barberger, 1985; Lascoumes et al., 1986; Lascoumes, 1986).

The existence of these administrative agents restricts de facto the action of police forces to two fields: criminal law and road traffic offences, which are by far the largest category of cases with which they deal (14,000,000 road traffic offences against only 3,000,000 offences in other areas in 1981).

Secondly, even within this field allotted more by fact than by law, the police seem to be interested only in a proportion of cases. This becomes clear when one compares the number of crimes reported to the police with the clear-up rate. The figures are those for 1984: the last year for which figures are available (see Table 1).

The most obvious conclusions one can draw from this table are that recorded offences consist mainly of theft of and from motor vehicles, cheques on overdrawn accounts, and ordinary theft and burglary, while crimes of violence against the person are very infrequent, and the whole group of offences of all categories, against the person, sexual offences, the family, public order and various state regulations only amounts to 7% of the total.

On the other hand, theft against the individual in its various forms is a category which is less often cleared up than the others, while the opposite is true for
<table>
<thead>
<tr>
<th>Type of offence</th>
<th>Number of offences recorded</th>
<th>Number of offences cleared-up</th>
<th>Clear-up rate Percentage</th>
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<tr>
<td></td>
<td>Percentage</td>
<td>N</td>
<td>Percentage</td>
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<tr>
<td>Offences against the person</td>
<td>1.5</td>
<td>54,988</td>
<td>2.5</td>
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<td>Sexual offences</td>
<td>0.5</td>
<td>17,624</td>
<td>0.9</td>
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<tr>
<td>Offences against child, family and public health legislation</td>
<td>1.9</td>
<td>69,628</td>
<td>4.4</td>
</tr>
<tr>
<td>Public order offences and offences against administrative regulations</td>
<td>3.1</td>
<td>114,357</td>
<td>7.3</td>
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<tr>
<td>Deception and fraud relating to property</td>
<td>11.1</td>
<td>408,641</td>
<td>22.2</td>
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<tr>
<td>Offences relating to the misuse of cheques</td>
<td>10.5</td>
<td>385,906</td>
<td>25.1</td>
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<td>Theft with violence</td>
<td>1.6</td>
<td>60,249</td>
<td>1.0</td>
</tr>
<tr>
<td>Burglary</td>
<td>12.1</td>
<td>444,003</td>
<td>4.4</td>
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<tr>
<td>Thefts in and from motor vehicles</td>
<td>31.5</td>
<td>1,161,196</td>
<td>7.1</td>
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<tr>
<td>Shoplifting</td>
<td>2.6</td>
<td>95,994</td>
<td>5.1</td>
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<tr>
<td>Other theft and receiving</td>
<td>14.1</td>
<td>520,490</td>
<td>8.0</td>
</tr>
<tr>
<td>Other offences against property</td>
<td>5.8</td>
<td>214,894</td>
<td>2.2</td>
</tr>
<tr>
<td>Miscellaneous†</td>
<td>3.7</td>
<td>135,533</td>
<td>9.7</td>
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<tr>
<td>Total</td>
<td>100</td>
<td>3,681,453</td>
<td>100</td>
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*These figures exclude motoring offences and accidental wounding.
†This residual category has no precise significance.
This table is based on Ministère de l’Intérieur (1985, pp. 69–71).
violence against the person, sexual offences, offences against public order or state regulations, and the offences of deception, overdrawn banking accounts, and shoplifting. (There is no clear variation in this distribution in the short term: see Robert, 1984, p. 264) for the figures for 1981, and Lévy, 1985, p. 74 for those for 1982).

These observed differences in the clear-up rates can be explained by comparing the way in which the police ‘discover’ offences on the one hand (in the sense used by Bottomley & Coleman 1976, p. 41), meaning the way in which a putative offence is brought to the attention of the police, and on the other, of the circumstances which surround their clearing-up. There appear to be a certain number of combinations of offence and type of discovery, which are more ‘efficient’, as far as the clear-up rate is concerned, than others. If such and such an offence is ‘discovered’ in such and such a way, there is a good chance (or on the other hand, a bad chance) that the offence will be cleared up. Recent research (Lévy, 1984, pp. 173–192; Barberger, 1981, pp. 485–487) gives an outline of these combinations. Four cases appear.

The first is made up of events which the police never discover reactively. The discovery of these events depends entirely on police initiative. The offences involved here are offences of which the police themselves are victims (violence, or insulting behaviour against a public officer), or the infringement of state regulations, in other words, what are known as ‘crimes without victims’ (for example, offences relating to firearms, or to immigration control), or offences such as procuring and receiving where the victim cannot inform.

The second case is that of offences which are always brought to the notice of the police by the victims themselves. The police almost never detect these offences proactively, but seem to clear them up only when this is the case. Here, detection and elucidation of the offence are closely linked because the arrest of the presumed offender precedes the recording of the offence or follows it very closely. This is the classic example of the delinquent caught red-handed, and these offences (car theft, theft from cars, and pickpocketing) are never cleared up if this is not the case.

For the first type of offence, the ‘efficient’ mode of discovery is the usual one, whereas for the second type, it is unusual, but beyond this distinction, these offences all have one point in common. Apart from receiving, they all share the characteristic that they are offences relating to the policing of the street and to public places, which underlines the limits which proactive policing encounters. This characteristic is all the more striking when one examines the other offences which the police discover only proactively (Barberger, 1981, pp. 485–487), for instance offences relating to licensed premises, drunkenness and disorderly behaviour, vagrancy, offences relating to the gaming laws, obstruction and requirements as to residence of offenders (such as the requirement under §2 of the Powers of Criminal Courts Act 1973).

The two other types include offences which are always the object of reactive policing, but they can be distinguished by the relative frequency of complaints
to the police in which the name of the offender is given: on the one hand, certain offences are known about only through complaints against known offenders (shoplifting, theft by employees, deception), and here, almost all cases can be cleared up by the police (giving rise to the informal dropping of charges in some shoplifting cases, for instance). In this case, the clearing up of the offence depends on the usual mode of discovery.

In other cases, the authors are rarely brought to the attention of the police directly. The legal device of complaint against persons unknown is the most frequent form of discovery. In this case (armed robbery, criminal damage and vandalism, crimes against the person, theft, theft with violence, burglary and sexual offences) the majority of the cases which are cleared up are to be found amongst the small number of cases in which the author is identified in the complaint. Thus the majority of these cases, in which the author remains unknown, are not cleared up. The clear-up rate is therefore related to an unusual type of discovery in which the author is identified.

A regional monograph dealing with the number of different types of thefts which are reported to the police most strikingly confirmed this phenomenon (Barberge & Gaymard, 1986, p. 33). This study shows that out of all the thefts recorded over a four-month period in 1982, the author was not identified in 92.7% of the cases, against only 3.3% in which he (or she) was. However, 99.5% (!) of the cases in the first category were not proceeded with by the prosecutor, without investigation of any sort, while in the second, only 14.1% were dealt with in this way, all the others either being investigated by police and/or being the subject of a judicial follow-up of one sort or another.

It is clear, therefore, that there is a growing gap between the events which are notified to the police, and those which are actually dealt with by them. What importance can be attached to this observation? It seems to us that it throws new light on two types of phenomena: on the one hand, it enables us to reformulate the discussion surrounding fear of crime, and secondly, it incites us to attempt to discover the meaning of this limitation on the police force's penal sphere of activity.

The Police in a Limited Penal Field: Theoretical Considerations

(1) The finding that there is a trend towards a divorce between offences known to the police and offences actually dealt with by them seems to us to be fundamental, in the extent to which it brings new light to an issue which has dominated the political debate about delinquency in France over the last 10 years or so. The debate centres on the controversy concerning the existence and origin of the fear of crime which, according to some, is shared by a large majority of the French population.

This theme was launched in the mid 1970s (Lehingue, 1983, pp. 91–99) by the new President of the Republic, V. Giscard d'Estaing, and his Minister of the Interior, M. Pompidou, and marked a turning-point in governmental
discourse, which had been obsessed by extreme Left-wing subversion since 1968. The focus of attention then shifted to delinquency, to which terrorism was added later.

Despite its omnipresence in public discourse, French research on this theme has been fairly limited. Two general lines of analysis can be distinguished: firstly, that which concentrates on the launching of the theme and its finality, and secondly, that which deals with its impact on the general public (some studies in fact deal with both aspects of the problem (Coing & Meunier, 1980). Those writers interested in the theme's emergence have seen it above all a manoeuvre orchestrated by the Right in power to weld the population to it by waving the scarecrow of delinquency (Lehingue, 1980), or even an attempt by the ruling class to reinforce state control over civil society (Gleizal, 1980, 1981). Faced with authorities which link an alleged increase in criminal activity to a feeling of insecurity—according to them, itself on the increase—these authors, amongst others, insist on the artificial character of this feeling.

Other studies have looked into the way in which official discourse on insecurity, amply relayed by the media, has been received by the public, and they have stressed the relative sensitivity of certain social groups to the theme. According to Coing & Meunier (1980), social groups threatened by economic change (small farmers and shopkeepers, and pensioners) are the most receptive to this discourse. Verneuil (1981) argues along the same lines. These authors however underline the displacement which, in their opinion, the obsession of these social groups with delinquency represents: their real fear, underlying the fear of crime, is that of downward social mobility linked to the economic crisis. This ties up with Hall's idea of moral panic (Hall et al., 1981).

In both of these approaches to the idea of insecurity, then, we find the idea that fear of crime is a consequence of what Gleizal terms the 'décenêtre' ('décernement': Gleizal, 1980, p. 10) of attention: deliberate misinformation by those who govern; or false consciousness on the part of the population [3]. Lagrange's research (1984), which demonstrates the absence of a link between a personal experience of victimisation and a feeling of insecurity, confirms this thesis.

It is nevertheless interesting to note that none of these studies has raised the hypothesis that there may be a relationship between a feeling of insecurity and the way in which the state actually assumes its role in the repression of criminality. This is where the divorce mentioned above comes in, and it leads us to suggest that certain social groups see the state's shortcoming in this field as desertion of its duty. It is in this way that we can, for instance, analyse the increase in often fatal acts of self-defence: the 'honest citizens' who take up arms do so more against the state than against the burglars (Dulong, 1981, 1983), a state which, for centuries, had claimed as its own the exclusive right to protect property and the individual, and which is not able to assume that right at precisely the moment that opposition to it has ceased (Robert, 1985; Robert & Lévy, 1986). The 'crystallisation' of the feeling of insecurity about delinquency
is therefore neither the result of a manipulation, nor of an illusion, but is the tangibile translation of a preoccupation about what is seen as the disengagement of the state from the protection of property. At this point, it would be appropriate to provide details of the social groups in question which, in view of the present state of research, is a difficult business. What Dulong calls the "petite propriété marchande" (the small property-owning commercial class) seems to be particularly sensitive to this fear of crime (Dulong, 1981, 1983), but other research also highlights the middle industrial and commercial bourgeoisie as well as some categories of middle-class employees (Robert & Zaubermeier, 1985). This question, however, needs more detailed research.

(2) This analysis of the feeling of insecurity brings us clearly back to the fact that the offences from which individuals suffer—namely, offences against property as we have seen—tend no longer to be dealt with effectively by the police. Generally incapable of providing the police with the information necessary for it to arrest the offenders, individuals have consequently been reduced to seek individual means of protection. This tendency is very clear in studies on 'the cost of crime'. Indeed, the sums invested in insurance cover against theft have increased between 1976 and 1982 by a factor of 3.5, investment in burglar alarms and individual protection five fold, and sales of safes and reinforced doors by a factor of 2.2 (Godefroy & Laffargue, 1979, 1982, 1984). In this context, the reporting of the offence becomes simply an administrative formality either because insurance companies insist that this should be done before any payment is made by them (Barberger & Gaymard, 1986, p. 33), or to absolve the individual from any responsibility relative to the stolen property or documents (identity papers, cheque books, credit cards (Serverin & Bruxelles, 1981). This is not to say, as we have just seen, that the plaintiffs resign themselves to this state of affairs.

The situation of corporate victims is quite different. Only belatedly did we wake up to the importance that in-house security had developed in France, thanks to a small number of studies which had looked into the process of supply to the criminal justice system (Faugeron, Fichelet & Robert, 1977; Zaubermeier, 1982b). But the most striking phenomenon is the development of companies selling security services (Vaujaur, 1980). These organisations, whether they are 'in-house' or contract security services, are present notably in the industrial and commercial sectors where they intervene according to a rationality which is less concerned with detection and the repression of illegal behaviours than with losses (Stennig & Shearing, 1980; Shearing & Stennig 1982). They thus have room for manoeuvre when their personnel catch someone red-handed, and they turn to the police only when a transaction—the usual solution to these incidents—appears to be inappropriate either because the prejudice caused is too great, because they want to make an example, or because the individual refuses the transaction. The police then only intervene on request, to see themselves handed a case which is already tied up, and which they only have to register in the appropriate way, which
explains why the percentage of cases of shoplifting which are cleared up is so very high (see Table 1)

To sum up, whether one argues from the point of view of individual or of organised victims, it can be seen that they have in common the fact that they organise themselves to protect the space defined by their property rights, where the police only occasionally penetrate. However, it is important to distinguish here between strictly private space, police access to which is severely regulated by the code of penal procedure (a point made by Stinchcombe, 1963) and private space open to the public into which the police can in principle penetrate, but only do so if the owner asks them to, or if it appears that he or she is incapable of maintaining order there: for example, when disorder overflows into public space, or becomes too conspicuous, or when private regulation itself becomes a source of conflict, or of public dispute. Thus, within this same category of private space open to the public, one must note the varying capacity of the owners or operators to organise their own protection: small businesses may not have the financial capacity to do so, while at the same time, this effort is more and more frequently required of them by the insurance companies. This powerlessness faced with the danger of victimisation probably contributes to the fear, in certain social categories, of being abandoned by the state, which generates the feelings of insecurity, and even violent forms of self-defence.

If private space, whether open to the public or not, is relatively neglected by the police, the opposite is true of public space where the police are massively present. The concern with the maintenance of peace in the streets, and in particular in the Paris streets, is already clear under the Ancien Régime (i.e. the period of absolute monarchy up to 1791, see Williams, 1979; Farge, 1979) even if at the time the authorities did not have the means at their disposal to empty a street of those who live there and to transform it into simply a thoroughfare. The 19th century achieved this ambition.

Likewise, the control of the roads was from early on a major concern of the monarchy, which created the Maréchaussée (mounted constabulary), the first police force organised on a national basis (Cameron, 1981), and which later had its powers extended to include the policing of the countryside. The gendarmerie is its direct inheritor. The sheer number of road traffic cases, which today outnumber all other types of police activity, is in a way the most striking extension of this early ambition. But it is not the only one, because the police use their proactive authority mainly for the maintenance of order in public places, and it is here that its efficiency, measured by the clear-up rate, is the best: recent research (Lévy, 1987) has examined the fate of a cohort of individuals arrested by the police in Paris, and has shown that although proactive policing produces only a very small proportion of the total offences known to the police, it nevertheless produces nearly half of the people charged by them (44.4%). (Bottomley & Coleman, 1981, p. 51, Tables 3, 4, and Steffen, 1976, pp. 158, Table 16, come to much the same conclusion).
This is a rapid sketch of the main features of the role of the police and their activity in France. How have these questions been tackled by government policy in the last few years?

The Ambition of the Left: Professionalise the Police

On 26 June, 1985 the Minister of the Interior, Pierre Joxe, laid before parliament in the name of the government a “Bill concerning the modernisation of the national police force”. (One must remember that the Gendarmerie falls under the jurisdiction of the Minister for Defence.) The bill, which was introduced four years after the Left had taken power [6], can be seen as the most ambitious and the most coherent attempt to remedy the difficulties that the police have to face in their battle against delinquency, and whose seriousness we have demonstrated above.

It is the most ambitious because it is a five-year modernisation plan (1986–1990) which provides for a considerable increase in the budgets covering operating costs, equipment, and buildings from 1974M Francs (approximately $299M) in 1985 to 2860M Francs in 1986, 3050M Francs in 1987, and 3100M from then until 1990.

It is the most coherent because it aims to improve police performance, while trying to achieve a global response to the whole range of technical and human problems which the institution has to face from this point of view.

(1) A double breach with the past

The key word of the Bill presented by Joxe—which became law on 7 August 1985—is efficiency: the voluminous report accompanying the Bill and expressing its philosophy and its aims states that “the best response to insecurity is efficiency”. This statement reveals a double break with the thinking of the Socialist Party before it came to power, and during its first months in office.

This break appears clearly when one compares Pierre Joxe’s text with that prepared by the Socialist Member of Parliament, J. M. Belorgey in 1981–1982. The latter had been asked by the previous Minister of the Interior, Gaston Deferre, to set out a series of concrete propositions for the reform of the national police on the lines of François Mitterrand’s election programme. This report was presented in January 1982 (Belorgey, 1982) after wide-ranging discussions, in particular with the police trade unions, and made a certain number of suggestions concerning the organisation of the police force, and the professional status of its personnel. But a reorientation of police activity away from the maintenance of public order and political information gathering, and towards economic criminality was also proposed. It also had a great deal to say about control of the police force:

reform of the internal inspectorate of the police;
reinforcement of the control exerted by the judicial authorities;
regulation of a certain number of police methods: telephone tapping, the use
of computerised files, identity checks;
the institution of a professional code of ethics, allowing in particular an officer
to refuse "illegal orders or those likely to seriously harm the public interest";
the setting up of a "commission of information on the activities of the police
force" made up of "independent personalities" and charged with "guaranteening in the eyes of public opinion the legal operation of all branches of the
police force according to Republican tradition" thanks to its sweeping
powers of access to the internal sources of information of the force;
the setting up of local liaison committees dealing with problems of security,
and made up of members of local councils and representatives of consumer
groups.

The bulk of this audacious report, which offered a global approach to ques-
tions of police practice, has nevertheless been discarded, in particular as far as
the external control of the police force is concerned (Gleizal, 1984, 1986), even
if some of its secondary dispositions of a technical and statutory nature have
been followed (Le Monde, 15 June 1982).

Notwithstanding the explicit rejection of the theses of what it called the
"theorists of the police state", the report was nevertheless imbued with a cer-
tain mistrust of the police institution, which was shown by its concern to guar-
antee the "transparency" of the operation and the control of the force. To that
extent, it remained faithful to the discourse which the various study groups
within the Socialist and Communist parties had developed during the events
P. Joxe's text implicitly distanced itself from this general tone; indeed, he
limited himself simply to the problem of police efficiency, and on this point
assimilated the managerial and technocratic orientation of Prime Minister
Fabius' government (July 1984 to March 1986) whose motto was 'modernisation'.
The reinforcement of police action against economic and financial criminal-
ity was no longer a priority, and information gathering once more became
a priority in the context of the fight against terrorism. The notion that the
public would have a right to oversee police activity disappeared: the problem
of the relations between the police and the public once more became a simple
matter of giving the public advice about crime prevention, and making police
departments more accessible to the public.

Consequently, there was little chance that the code of ethics laid down by
the Joxe Act would have any real efficacy: despite being without precedent in
the history of the French police force, it appears to have been above all a sym-
boitic concession to the ideals of the Left [7].

Another striking break with the past was the integration into governmental
discourse of the theme of insecurity. The theme does not appear at all in the
Belorgey report for which clearly insecurity did not constitute a social phenomenon worthy of notice. This was the line taken by the Left before 1981, according to which fear of crime was an artificial construction of political design. In the Joxe Report, on the other hand, insecurity immediately appears as the central problem facing the police. Several factors may account for this inflexion.

Firstly, the growing involvement of local politicians in the policy of crime prevention which took form around 1982–1983, with in particular the creation in 1982 of a Mayors' Commission on Security, presided over by the Socialist parliamentarian Gilbert Bonnemaison, which brought together 36 Mayors of large towns, and of all political persuasions. The brief given to this commission by the government was “to proceed with an overall reflection and to make concrete recommendations which would be likely to stop the development of a fear of crime” (Commission des Maires, 1983, p. 9). The government’s decision to create this commission was the consequence of their fear of being out-flanked by the Right, in view of the liberal judicial policy being pursued by Robert Badinter (the Garde des Sceaux—Minister of Justice) and aimed at creating a consensus around a penal policy based on prevention. The government of that time was all the more sensitive to the daily concerns of local politicians (for whom urban security was a central problem) because the Prime Minister and the Minister of the Interior were both Mayors of large provincial towns (Pierre Maurois is Mayor of Lille, and Gaston Deferre was Mayor of Marseille until his death in 1986) [8]. The report published by this commission (known as the Bonnemaison Report) came to the conclusion that there was a need to define crime prevention policy at different levels (town council, county, and regional) within a framework of dialogue between local councillors and the representatives of the different organisations concerned with the problem, an idea which was to be found in the Belorgey report. In particular, its recommendations concerning the police force all aimed at obtaining a better degree of integration of police action into the local community (Commission des Maires, 1983, recommendations 37 to 47).

This report, which resulted in the setting up of a National Council for the Prevention of Delinquency (Conseil National de Prévention de la Délinquance: CNPD) responsible for the stimulation and the coordination of the action of several hundred local councils, thereby contributed to an official recognition of the phenomenon of insecurity in order to plead for a united front against it outside the traditional political battle-lines.

The political events of 1982 and 1983, and above all the increase in the number of terrorist attacks, were also powerful factors which helped to produce a change in attitudes to the question of insecurity. The public conflict which exploded in April 1982 between the Minister of Justice, Robert Badinter, and the Minister of the Interior, Gaston Deferre, over police identity controls was one of the first demonstrations of this.

During the 1980–1981 period, the Left had, in the name of individual liber-
ties, fought tooth and nail the power given to the police by the law known as the Liberty and Security Act—passed in February 1981—which gave them power to check the identity of any individual in a public place, even in the absence of any illegal behaviour. The Left had promised to repeal the act if it came to power. However, the Minister of the Interior went back on this promise—as a gesture to senior police management—and as a result of arbitration first by the Prime Minister, and then by the President, to a large extent got what he wanted. This symbolic concession to the values of law and order resulted in the Act of 10 June 1983, and was never again to be seriously called into question, even after the Socialists had returned to the opposition benches in 1986.

A second sign of this change can be seen in the creation in August 1982—afer a series of anti-Semitic terrorist attacks—of a State Secretariat for Public Security (in other words, a Ministry of Police) of which the title alone shows to what extent the idea of security had become a central preoccupation of the government of the unified Left.

The great ideological debates about the role of the police, as indeed about many other policy areas, having been settled before he became Minister of the Interior in the Laurent Fabius government, Pierre Joxe was able to follow a pragmatic policy which stressed competence and efficiency in the name of Republican traditions (Pielnel, 1986a, b).

[2] The act modernising the national police force

Within the perspective of the Joxe Act, the improvement of police performance in its fight against crime was to be achieved by greater professionalisation of police personnel, which meant both a revalorisation (the report spoke of “enrichment”) of the trade of police officer and also a redefinition of the police tasks. Instead of the classic solution of increased numbers (about 9000 jobs had been created between 1981 and 1983, cf. Bapir, 1985, p. 5) Joxe introduced the idea of an improvement in police performance.

The revalorisation is to be achieved—according to the author of the act—by an improvement in professional pre- or in-service training and by massive increases in material means.

As far as training is concerned, Joxe continued the reform introduced by his predecessor Deforce. The latter had created a Department of Training in 1982, and had considerably increased the training budget of the police force. The department had launched a vast enquiry throughout the police force, in order to gauge their professional needs and expectations, one of the consequences of which had been a reorganisation and extension of the initial training period for police constables from five to seven months and the development of in-service training (in 1984, one policeman in six followed a retraining course) (Bonnemainson, 1985, p. 8). The officially announced aim of this
effort was to improve control of 'police techniques', to stimulate better understanding of social realities, and to develop capacity for personal initiative (Modernisation de la Police Nationale, 1985, p. 24).

However, training is not everything: it is not enough to train, as it were, good workers, for they also need good tools. The act provided for an ambitious and wide-ranging programme along lines which aimed to improve the arms carried by policemen, their vehicles, transmissions, buildings, and computer systems, and also a massive growth in police forensics-science laboratories and accident investigation units whose under-development relative to other European police forces was notorious.

The second thrust of the Joxe programme consisted of a redefinition of the tasks of the police force, and was the consequence of a double observation: firstly, the fact that a considerable part of police activity was devoted to administering itself (a fact already highlighted by time-budget studies), and secondly, that certain tasks defined long ago by the police trade unions as "unwarranted"* were on the increase and would be more adequately fulfilled by other organisations, or constituted a misappropriation of police strength to activities outside their official functions [10].

A certain number of measures therefore tended to divert various duties—such as the delivery of administrative documents, the carrying out of enquiries prior to the employment of civil servants, the provision of statistical returns for government departments, or the regulation of road traffic—to other administrations or to local authorities, following the recommendation of the Mayors' Commission (1983, proposition no. 37). Ultimately, these measures can be seen as refocusing available police resources on a limited number of 'essential tasks' which are "the surveillance of the public highway, the recording of offences, the assistance of persons in danger and, in certain cases, the stopping and establishment of the identity of suspects" (Modernisation de la Police nationale, 1985, p. 38).

This then was the official doctrine concerning policing on the eve of the political change which came about as a result of the general election of 16 March 1986. In such a context, what future can the doctrine have?

The parliamentary debate over the budget for the police force for 1987 shows that P Joxe's policy was less precarious than one might have imagined. Despite the fact that such a "loi de programmation"—which lays down the broad lines of government policy and is later made more specific in detailed legislation or administrative orders—is not binding in French constitutional law, the new parliamentary majority can hardly put forward an entirely different policy, and is in fact applying the Joxe Act. Indeed, during the debate on the Joxe Bill, the right-wing parties were thoroughly embarrassed by its contents, which they basically approved of but could not defend publicly for political reasons.

*"Extraneous duties" in the U.K. [Ed.].
But if a certain continuity can be observed on this level, it must be said that official discourse has taken on a much more repressive tone. The moment it returned to power, the Right rapidly prepared, amongst other things, a series of legal texts reinforcing police powers. The context in which this occurred, it is true, was dominated by the problem of terrorism (Bigo & Hermant, 1986): the limited restrictions imposed by the Left on the authority to carry out identity checks at all times and in all places were once again suppressed, and the decision was taken to produce unfalsifiable identity cards. Increased controls over populations of foreign origin were planned (changes in the nationality laws, the introduction of entry visas, restrictions on the right of asylum, massive administrative deportations); police and judicial powers in cases of terrorism were extended (police custody was lengthened from the usual two to four days, and rights of entry and search were widened).

This orientation can moreover be seen in criminal policy where priority is given to the penalty of imprisonment, with a massive construction programme of prisons and a more repressive policy on drug addiction.

The public discourse and the acts of the new government can thus clearly be seen to translate their options in favour of security, which breaks with the more ambiguous strategy of the Left which had tried to reconcile prevention and repression, and to decriminalise—as we have shown—the question of public security.

Conclusion

Questions of policing policy are so closely linked to current events, and are bound so fundamentally to the functioning of the political institutions of Western societies, that it is often difficult when dealing with them to step back from the ephemera of everyday events. If the problem of terrorism can be used to justify—in the eyes of political leaders at least—an extension of police powers and a lasting reinforcement of the control exercised by the police over certain sections of the population without there being a real public outcry, it is nevertheless a fact that these measures will have little or no influence on police performance in the field of offences against property, which we have seen is one of the major sources of the feeling of insecurity. The central question continues therefore to be whether or not the present massive input of resources, and the efforts made to professionalise the police force, are likely to increase police productivity in criminal affairs. This question is all the more crucial as the nature of the institution—highly complex as it is with diverse tasks and a highly differentiated employment structure where hierarchisation and centralisation vie with departmental isolationism and the operational independence of the officer on the beat, and where the trade unions are powerful but divided between their activity as corporatist lobbies and their divergent conceptions of the profession of police officer—results in a profusion of oppositions to large-scale re-
form. These oppositions were very apparent in the period between 1981 and 1986. On the one hand, ideological and political conflicts developed between the right and extreme right-wing unions, which were small but growing, and the largest union, the Fédération Autonome des Syndicats de Police (FASP), which was closer to the Socialist Party. On the other hand, more corporatist conflicts developed, for example when the Association of Police Superintendents (Syndicat des commissaires et hauts fonctionnaires) accused FASP, whose main support comes from rank and file police officers, of attempting to sap the hierarchical distribution of power by its proposals for reform.

This brings us back to the difficulty facing every government of maintaining a clear political line while at the same time avoiding these various traps. In such circumstances, it is much easier for it to flatter the different groups within the police force according to circumstance, than to modify the fundamental principles which underpin deployment decisions within the institution.

From this point of view, the recent development of private security forces (Ocqueteau, 1987), and the propensity of certain municipal police forces to exceed the powers conferred on them by law and to encroach on the prerogatives of the state police perhaps herald a recomposition of the topography of the French police as these new groups claim as their own the right to fight insecurity.

Notes

1 The numerical size of the gendarmerie has increased by 43% since 1970 (Haenel & Pichon, 1983, p. 66). The Police Nationale has increased threefold since 1932, and by 20% since 1970. As far as police density—that is, to say the number of police officers per 100,000 inhabitants—is concerned, France has one of the highest in Europe according to an official report (Commission des suites, 1982, p. 163). The Comité Européen pour les relations criminelles (1985), tables 4.11, 5.13, 6.5, and fig. 7.5 give other figures, comparing England and Wales, France and West Germany, but it must be noted here that the methods used to calculate the figures are not the same.

2 The field traditionally covered by criminological research is still dominated by professors of Criminal Law, and it is they, in association with top civil servants and magistrates (who are professionally trained in France, and are themselves senior civil servants) who have written the majority of university handbooks of Criminality and Penology. On the other hand, specialists of Administrative Law, following the tradition of the famous Professor M. Maurioux (1856–1929), have monopolised scholarly discourse about the police force as a public service. Picard (1984) has continued this tradition.

3 Research on the police as an apparatus of the State (Gleizal, 1974, 1980, 1981) seems to have fallen into relative neglect (Gleizal, 1986). On the other hand, an approach in terms of the sociology of professions seems to be on the increase (Demoulin, 1983; Monjardet et al., 1986; Monjardet, 1985).

4 The history of the French police force is marked by a movement towards the state control of local police forces (Cappolani, 1981). But over the last few years, a renewal
of municipal police forces has been observed in towns where the national police force is already present. These municipal police forces, with powers which are in theory very limited, are often created by Mayors who justify their decision to create their own force by the inefficiency of the national force. The activity of these municipal police forces creates frequent conflicts with the national police (Duprez et al., 1986, pp. 212–220).

5 We limit ourselves here to French research: for an overview of research on insecurity, see Zauber & Robert (1985).

6 For an analysis of the policy of the Left concerning the police, see Gleizel (1985, pp. 174–196) and for a detailed chronology of all events relating to policing, see Salvi (1985, pp. 79–119).

7 The principle of a Code of ethics was laid down by the Modernisation Act (7 August 1986, §4). This code, enacted by decree no. 86–592 (18 March 1986) and based on resolution 690 of the Council of Europe, entitles every police officer to refuse to obey an order which is "clearly illegal and likely to harm seriously the public interest" (this formulation was criticized by Marcus, 1986).

8 On this point, see Birnbaum (1985) who shows that between 1981 and 1985, the influence of politicians from the ranks of the senior civil service, traditionally dominant under the Fifth Republic, has diminished to the advantage of a more diversified group of politicians from a lower social background, and more strongly politically based in the provinces.

9 This survey, the first of its kind in the national police force, produced 70,000 replies to a detailed questionnaire, of which a sample of 9000 replies were analysed. Some of the results have been published (Ministère de l'Intérieur, 1983), but we still do not know whether the data will be studied systematically. It has already resulted in a partial study of Police Superintendents (Commissaires) in terms of their social group composition (Hauser & Tievant, 1985). For the first time, the Minister of the Interior has provided a structure for the financing of research on the police, which has enabled a large number of research projects of varying degrees of importance to be launched, many of which have not yet been completed. It is too early to judge what impact this research may have on the institution, but what is certain is that this breakthrough in policy has been called into question by the new government since March 1986.

10 An internal report of the Ministry of the Interior dating back to 1978 estimated that about 6000 police officers fulfilled tasks unrelated to their real function, such as secretarial work, drivers, butlers, cooks, and so forth. See Sarazin (1978).

References


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