Public Security as “Everyone’s Concern”? Beginnings and Developments of a Useful Misunderstanding

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There is no such thing as a “French model” of policing. Instead, there is a history of police centralization, which largely determines how urban security policies have been implemented in France during the last twenty years. This article shows how the French Interior Ministry, with or against other ministries, has put a claim on meeting the increasing demand for the protection of people and their property. While public authorities have easily succeeded in bringing the development of the market for protection under control, they face a tougher challenge from mayors who wish to take the production of urban security into their own hands. This is where the major political stakes are: avoiding the threat of police “municipalization”, which the state views, rightly or wrongly, as historical regression. While symbolic reassurance is given to civil society, the political concessions needed to achieve a sharing of state powers with the mayors are minimal. The analyst does not have to take sides for or against the best possible form of policing, much less to decide whether or not France is going against the flow of the dominant theories on the governance of security. One should merely observe that the margins of autonomy of the “rowers” (private firms and local authorities) remain structurally weak compared to those of “Captain State”.

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During the 1990s, the system for creating public security in France underwent a series of important mutations (Ocqueteau, 1999). One of these mutations resulted from the increasing recognition that protecting individuals and their property...
necessitated a large-scale governmental effort. At the centre of this effort, the role of the police as a public service became a major preoccupation, even if orthodox legal scholars do not habitually see the police force as an "authentic" public service. This conception is no doubt justified, as the French state has long monopolized the mechanisms of public order and the "violence légitime" (legitimate violence) throughout the country, with a strongly centralized police system, in effect keeping local mayors out of the picture.

This is so true that since the Second World War, little thought has gone into prioritizing the actions of this "force instituted for the well-being of all and not for the particular interests of those to whom it [has been] accorded" (Article 12 of the Déclaration Universelle des Droits de l'Homme et du Citoyen), except during specific crises, such as that of 1968, when police objectives came into question. The events of May 1968 gave rise to the theory that an apparatus in the service of the ruling class was sent to repress a social uprising. As for the rhetoric concerning "the protection of individuals and their property", this component lost its importance as it became just one among a multitude of other missions contained in a wider definition of security. Traditional "politico-legal" thought considered this notion as one element of an overall response to the problem of public order, or as it might be called, "order in public". On a level that's more sociologically functional, the reasoning is generally different from the reasoning commonly held by lawyers: if there is indeed a protection of public order, this protection is the sum of the effects of actions inherent in three spheres of policing: national security and intelligence operations, the judicial police, and the administrative police (i.e., urban security or public security) (Monjardet, 1996). Indeed, this last area was for a long period the least valued of police activities—that is, up to the moment when society turned toward it for a public accounting of its efficacy, at which point the specificity of this matter was elevated to a primary level in society's preoccupations.

At a time when large sectors of the public were demanding protection from a growing list of dangers, strokes of fate, natural and technological risks and violence between individuals, the specialists became aware that the established, central state monopoly was showing definite signs of fracturing. This situation concerns more particularly the third sphere of police activity: public security. Indeed, this component of police action was promoted to the status of a public service, like any other public service, respecting the logic of a service "supply" in accord with public "demand"—the right to security. This demand is, of course, never fully satisfied.

The effects of this general condition became felt with even greater virulence over the past 20 years as local administrative powers began to formalize and take over their constituencies' demands, to their advantage. Mayors hoped this initiative would help them regain an element of their long lost power. For some mayors, taking over the public demand for security became a form of blackmail against central government, either to obtain from regional prefects more local police or to seize more power for their municipal police (this tactic is well illustrated by the very symbolic creation in 1995 of local anti-mendicity laws). In the 1990s, everything
happened as though the state was increasingly failing in its overall response to civil society's demands, so that mayors increasingly appeared in the security sector as challengers, experts capable of better satisfying various local demands.

The current disqualification of civil liberties issues is progressively losing ground to the growing rhetoric of supply and demand for public safety. When re-translated in terms of “a demand for protection” from populations making themselves heard at the local and national levels, this mechanism takes its place in a more general context of “globalization”, and its effects are refracted in a very singular way on the French state. In one sense, the *lex mercatoria* seized the issue of security, conceived as a “toll on services” in terms of protection (Ocqueteau, 1997) for all layers of the state and society, in a climate of declining social confidence between individuals and a rise of social intolerance. At the same time, orders from state reformers to rationalize the process for improving efficiency in the “public service” sector (Bezès, 2002) created a colonization effect between agencies (police and *gendarmes*) leading to the creation of a single “public service for the protection of individuals and their property” (Dieu, 1999: 52).

This article will examine three specific points concerning the nature of the transformations and their implications on internal security politics. Regarding society's demand for increased security, how have individual and collective victims taken on a symbolic importance in the political and media debate, forcing local and national authorities to react, creating new synergies triggering wide changes in collective prevention and repression strategies? At a central level, has, whatever the political group in power, the progressive process of converting elites to a punitive ideology meant that, through unofficial dealings, security has stopped being shared between commercial and local public players? With recent local security laws, the purpose is additionally to send a strong symbolic signal to local populations feeling threatened by instituting more severe sentences for “troublemakers”, who until recently were more likely to be referred to social services. Finally, as regards the consequences of this mechanism of partnerships, how has the state actively accommodated itself to the emergence of the municipal police and private security agencies? It is argued that the state is in fact subtly trying to take over what is out of its control. This is happening in several simultaneous ways: it is controlling, to the greatest profit of the public police, the human and technological effectiveness of private security agencies in vulnerable areas; it is trying to manage, to the utmost, the redeployment of police staff and *gendarmes* throughout France to better meet the “needs of proximity”; and finally, and above all, it is tightly controlling the partnership between the state police and the municipal police, if possible to the profit of the former, with certain reservations.

**Pressure and Demands for Security “from the People”**

The demand for security from citizens, especially those living in difficult areas, in reality largely corresponds to a construction of the media and politics. New references for taking public action must always be justified so as to re-legitimize the
powers of security provision, in sync with new expectations from the people. Any public action, whether at the local or national level, and notably during elections, has to show that it has broken with prior practices that have supposedly failed. To do so, the failure of previous policies must more or less be felt in order for it to be pointed out.

In this regard, the “model of social prevention” set up in 1982 and known under the name of its inspirer, G. Bonnemaison, supposedly disappeared, carrying in its wake, when “decentralization” was first taking place, about 60 of Bonnemaison’s colleagues from every side of politics. In effect, the “prevention and insertion” component of this policy that rapidly eclipsed the policy of solidarity, and was for a long time the top priority compared to that of “repression”, is now a thing of the past. Through the CGPD (Conseils communaux de prévention de la délinquance or Municipal councils for the prevention of delinquency) and CDPD (Conseils départementaux de prévention de la délinquance or Departmental councils for the prevention of delinquency) systems, which followed the policy advocated in the mayors’ report on security, and after the first changes were added to this policy when the “politique de la ville” and its main instrument (the Délégation Interministérielle à la Ville (DIV) or Interministerial delegation for cities) were instituted, we can rather quickly observe the first signs of failure in the early 1990s, when urban uprisings occurred in certain suburbs around major cities grappling with unheard of phenomena of segregation and relegation. One of those who inspired this policy (Estèbe, 1999, 2002) today maintains that the failure of the “politique de la ville” was practically programmed when the Left, in power, failed to seize the opportunity that it had to make the beur (young Algerians) activists of the 1980s the spearhead of a movement from the public housing areas. When at the end of the 1990s, an association such as “Stop la violence” agreed to recognize that the rebellious or angry young people of the suburbs were mostly predators living off “business” and various types of trafficking giving rise to delinquency (Lagrange, 2001), the integrity of this community initiative as a popular form of security co-creation was quickly discarded and led to the break-up of the movement.

A part of the middle-class intellectual Left made amends, recognizing the ravaging effects of insecurity and daily oppression on people suffering the most from these effects (Peyrat, 2003; Debarbieux, 2002), but, to reach this difficult aggiornamento in the world of ideas, two major transformations had to take place. On the one hand, many of those from immigrant populations—the rising “bourgeoisie” (Leveau & Withol de Wenden, 2002)—had achieved the process of assimilation by no longer showing solidarity with a neo-proletariat faction turned off by the despair of not itself being able to join such a process.1 On the other hand, among “social workers” (“travailleurs sur autrui”; Dubet, 2002), justifications explaining, if not justifying, the delinquent or uncivilized actions of the “disaffiliated” largely eroded, or at least did not so easily win over, the social factions that by tradition made up the “humanist Left”. Consequently, the necessity of neutralizing the delinquent “hard core” was more easily accepted (on this concept, see Roché, 2001; Debarbieux, 2000) by a judicial policy of firmness that turned over the youth crime ordinance of 1945,
directed at those who are supposed to make life impossible for their fellow citizens in "sensitive neighbourhoods".

Insecure citizens had emitted many signals of their social malaise by fleeing to other neighbourhoods, keeping silent and shutting the door, and even, when it came to the most well off, by completely cutting themselves off from the outside world and protesting with votes, as attested by the spectacular example in the first round of the March 2002 presidential elections. However, the governing elite understood these manifestations of malaise too late. In any case, the elite apparently did not know how to assess the seriousness of the situation.

Nonetheless, one can note the relative failure of the central power’s injunctions during the 1990s to put into place a system of local democratic control meant to reconstruct deteriorating social cohesion (e.g., Law of 27 February 2002; Verpeaux, 2002). Yet these systems designed to co-create security—first called CCPD, then CLS in 1997 (Contrats locaux de sécurité or Local security contracts) and CLSPD in 2002 (Contrats locaux de sécurité et de prévention de la délinquance or Local contracts for security and crime prevention)—never had the desired effect of lastingly reassuring people. Donzelot et al. (2003: 291–301) did a wonderful job of explaining the reasons in their analysis of the diagnostics of the CLS in the Seine Saint-Denis Department: the main reason is not so much that elected officials would confiscate the words of their constituents, since it would be difficult for them to have their mandate symbolically taken away by protesters; but rather that, even if the inhabitants appeared very often as useful forces of concrete suggestions for improving daily life, no one really knew how to assign them a place in implementing the solutions. Situations in the suburban neighbourhoods long held afloat by the political strategies of positive discrimination towards socially handicapped populations had degraded to a extent that it is difficult to hope for any emancipation of the kind once provoked by municipal civic movements to promote the quality of urban life, and by the temporary neighbourhood committees of the 1990s (CRAPS-CURAPP, 1999).

These words and deeds were all the more inaudible in that the elected officials and intellectuals continuously in the media seemed to know better than the people themselves how to formulate the nature of their fears, anxieties, and the state of their personal or collective victimization. The feeling of insecurity objectively measured by victimization surveys or by declared-crime statistics kept by the police were never linked to the people’s feeling of subjective insecurity generated by daily, repetitive incivilities; and, on this basis, the quest for security (the decrease in a feeling of subjective insecurity) remained a lasting question without a decisive answer in the local and national politico-administrative sphere. This seems all the more pathetic because many inventive experts4 developed hundreds of local micro-experiments on social crime prevention combined with situational crime prevention, as much to protect potential victims from "risky conduct" as to protect them from uncivil people—both aspects being inextricably linked and concerning the same populations. Let us cite only one of these actions from among many, that of the exemplary "passeurs" who, in the neighbourhoods, continuously make use of a great deal of imagination to defuse conflicts between users and public service agents, including
nearby police, through “mutual qualification groups” (Rozenberg & Carrel, 2003). There is not enough space here to also discuss the success of the experience of the “night correspondents” network that spread from one area to another, based on a municipal initiative that started in Rennes (Demorlin, 2002); the local enrolment of thousands of “mediators”; or the “emplois jeunes”, whose first ranks include ALMS (Agents locaux de médiation sociale or local agents for social mediation) (De Maillard & Faget, 2002). The DIV is today seeking to perpetuate these jobs based on the setting up of real guidelines for social mediation jobs.

Responses “from the Elite”: New Supplies of Security

Since the September 11th terrorist attacks, France has lived largely in a kind of “state of exception” in the sense that government after government profits internally from a type of sacred union promoted by the context of a very delicate international environment, as in past periods when the nation seemed in danger. Yet, to focus too much on the text of the recent Law on internal security prepared by N. Sarkozy, the Minister of the Interior, which is clearly oriented towards law and order, is to perhaps forget that it is exactly in line with the Law of 15 November 2001 on everyday security, proposed by Sarkozy’s predecessor. Here we must recognize a rise in power of successive Ministers of the Interior that are progressively eclipsing other ministers, and more notably the Justice Minister, vested with the highest authority in terms of creating security. The Justice Ministry is increasingly enlisted in the fight for security, rather than seeking to remain in its role of defending civil liberties against the strong pressures of the police.

The latest law on interior security (No. 2003–239 of 18 March 2003) is, in effect, part of a continuing process, as it perpetuates what the preceding text had claimed was “exceptional”. Not only does it bring about technical adjustments to many powers formerly handed over to the private security sector (e.g., powers to conduct searches in airports), but on a moral basis it also adapts its commercial practices (e.g., the banning of sub-contracting to unapproved private companies) as well as the minimal training of its agents. It takes advantage of the situation to widen the powers of the “crowd controllers” in sports arenas to better fight hooliganism, by settling a classic old civil liberties debate along the way concerning searches of vehicle trunks. Security being proclaimed the number one freedom, the text does not hesitate to aggregate many categories of “risky populations”.

This terminology is interesting because it can always be read in two ways. In a positive light, it can mean categories of the poor suffering from being victims of marginalization and who thus risk becoming more characteristically delinquent. In a negative way, it more surely means punishing the poor for too much “laxism” by quelling behaviour that they would not have been able to prevent themselves; as such, this is a classic configuration of penalizing “the labour classes, the dangerous classes”. The point here is not to get into the thick of this difficult subject. One will observe, however, that it is in the name of zero tolerance against small-scale delinquency and incivilities that one hopes to attack international organized
delinquency (Monjardet, 2003): whatever the various justifications may be, the dominant trend is to widen the arsenal of policing powers to attack not only the terrorists but also the mafia, human traffickers and money launderers linked to the drug economy, whose activities may have consequences even in public housing neighbourhoods. And if one indicted those who exploit and trade people, notably those beggars "from the East", one also means to protect these "beggars" as victims of certain conditions, even if they are found to be "aggressive beggars" punishable as such.

However, one must also attack the problem of "incivilities" by indicting in the same manner those demanding funds under duress, those aggressively begging in public places, those hindering the comings and goings of people in the hallways of buildings, those helping squatters to organize, and above all the "migrants" unlikely to supply justification for the origins of the trailers in which they live. As far as "active" or "passive" sexual soliciting in public is concerned, there is total confusion, unless the passive soliciting is a never-before-seen kind of "moral enterprise" dictated by the necessity of providing an answer to complaints from a new group of citizens known as the "riverains", or neighbours.

Whereas it will be necessary to evaluate the effects of these policies in due course, it is unquestionable that the current winners seem to be the public police: in effect, new means are given to investigators to help them fight offences linked to terrorism (such as the trafficking of drugs, and related thefts and possession of stolen goods) and to help them fight against cyber-criminality and sexual delinquency, because their access to the "wanted" files have been considerably facilitated, as has been their access to suspects who are forced to provide DNA samples.

However, beyond this symbolic arsenal that succeeds in rendering the functional distinction between "administrative police" and "judicial police" totally opaque, the lesson that must be drawn is quite different. The state police come out apparently as the major victors in the matter since they are now blessed with all the legal means at their disposal to justify the validity of their discretionary choices concerning the fight against various disturbances: noble, uncontested battles such as tracking future terrorist activity to its source (the suburbs supposedly harbour young potentially activist Islamists) and battles that are far more questionable. Above all, the authority of police bureaucrats has been placed on a pedestal in a way never seen before. Moreover, the obligation to inform the accused of their right to remain silent (introduced by the Law of 15 June 2000) has recently been removed. In all their peacekeeping missions or efforts to restore public order, the new law protects them beyond everything we have experienced up until now, and extends this protection to their families, through the toughening of sentences for those who rebel against their authority. We know that when identification checks are carried out by neighbourhood police, or when the anti-criminality brigade conducts crackdown operations in public housing projects to help stop disturbances, the offence of outrage and rebellion against authority is used as a legal weapon to restore an "authority" that a lack of professionalism could not sustain through negotiation. Thus it is preferable to protect the police and their families from possible reprisals when no one knows