A Splendid Isolation:
The French Policy of Policing

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Whereas in France police forces deemed guilty of brutality have called for a demonstration against "anti-cop hatred," in Germany, Sweden, and Switzerland, the interaction between the police and protesters is marked by restraint and dialogue. The French police are resisting the new models of policing built around the concept of de-escalation. Olivier Fillieule and Fabien Jobard explain the reasons for this doctrinal retrenchment.

"Of all manifestations of power,
restraint impresses men the most"
Thucydides

A few days after a demonstration called by various police unions was held in Paris to protest against "anti-cop hatred," we felt that some comparative distance might clarify the understanding of what in France is referred to as "maintenance of order" *[maintien de l'ordre]*, that is to say, the management of—protest, sports or festive—crowds by police and *gendarmerie*[1] forces.[2]

German-Style De-escalation

What is the situation elsewhere regarding protest violence and hostility to the police? Let us examine May Day weekend in Germany. Since the mid-1980s, May Day has been declared by various anarchist, autonomist and anti-fascist groups the occasion to engage in violent confrontation with the police (projectiles, Molotov cocktails, mortar fire, different types of rockets banned in Germany but purchased in Poland or the Czech Republic).[3] This year, a large-

[1] In France different police organisations are involved in the maintenance of order. They are of two kinds: a military police force (*Gendarmerie Nationale*, created in 1921) and a civilian police force (*Police Nationale*). Both are under the authority of the Ministry of Interior: as far as protest policing is concerned, there is no relevant difference between both forces. More on this issue: Malcolm Anderson, *In Thrall to Political Change: Police and Gendarmerie in France*, Oxford, Oxford University Press, 2011.

[2] This text expands on an opinion column published in *Le Monde* on 7-8 May 2016

[3] The following archive images will convince the reader of the seriousness of the clashes: http://www.umbruch-bildarchiv.de/bildarchiv/ereignis/010501berlin.html. Youtube is brimming with videos of confrontations with the German police, in particular those of "Revolutionary May Day," "Chaos Tagen" in Hanover, and squat movements from the late 1970s to the early 2000s.

scale operation was deployed in the usual places of confrontation, yet the imposing police convoy and a clever policy of "de-escalation" (see below) kept hostilities at a very low level. At the same time, however, the congress of the far-right party *Alternative für Deutschland* (AFD) was being held in Stuttgart. In this city, "800 to 900 violent leftist autonomists" (to use the expression of the local police), protected by a procession of 4,000 demonstrators, lashed out at police while another 1,500 used violence to try and prevent the AFD members from reaching the congress venue. A total of 500 protesters were arrested, and 3 policemen were put on sick leave. Meanwhile, in Zwickau, Saxony, the center of Pegida protests, the SPD Minister of Justice Heiko Maas was forced to give his speech under police protection, as far-right troops had come from all over the region to stop the meeting. In Schwerin, in the north of the ex-GDR, a demonstration of the far-right NPD party (the Constitutional Court of Karlsruhe is currently examining whether it should be banned) resulted in clashes with leftist militants, and the police's mission was to separate the two mutually hostile processions. A similar situation took place in Bochum, in the Ruhr. In Plauen, on the Czech border, far-right activists marching while trampling flags of the European Union threw projectiles and explosives at police, who sprayed the procession with water cannon.

As we can see, the German police are busy. They confront violence on the left and violence on the right, the violence of which they are the target and that of the belligerents whom they separate; they protect Ministers and crowds; they use force and they make arrests. But the crucial feature that distinguishes them from the French police is this: the use of force remains in the hands of the law; the use of force remains within the bounds of the law. No protestor can be handcuffed and struck by a police officer. No protestor can be thrown and beaten to the ground. No protestor can be insulted. Tear gas cannot be thrown indiscriminately into a mixed crowd that has entered the subway on the pretext that autonomists or hooligans have slipped into it. No bystander can be clubbed in the back. There can be no loss of control. There can be no gassing at the entrance or inside of the subway. Ultimately, there must be no controversy.

As suggested above, this restrained use of force is the outcome of fifteen years of so-called "de-escalation" policy (*Deeskalation*).[4] In Germany, "de-escalation" results from, among other things, the "Brokdorf" decision by the Constitutional Court (1985) that gave police forces the "obligation to communicate and cooperate" with protesters. The notion is in itself derived from social work, where it designates all the tactics and techniques of conflict reduction in the confrontation with hostile persons. From social work, it was imported by the police and became a guideline for a wide range of German police institutions, beyond mere protest configurations, as is shown by the sociology of everyday relations in difficult neighborhoods.[5]

A New European Model of Policing

Yet far from being unique to Germany, this policy has, if not sustained, at least participated in a new model of policing in Europe—a model that is now found in the system of Dialog Police Officers and the Special Police Tactics in Sweden, the Event Police in Denmark, the Peace Units

[4] On (leftist) activists' appreciation of the changes in German policing, see the roundtable organized for the 100th issue of the journal *Bürgerrechte & Polizei*, 2011, pp. 48-62 (https://www.cilip.de/2011/11/07/eine-kleine-demogeschichte-protest-und-polizei-in-den-letzten-vierzig-jahren/).

[5] On the promotion of this notion in the 2000s by the Berlin police and the municipality, see Jérémie Gauthier, *Les origines contrôlées. La police à l'épreuve de la question minoritaire à Paris et à Berlin*. Versailles/Freiburg: UVSQ/U. Freiburg, doctoral dissertation, 2012, p. 231ff.

in the Netherlands, the Liaison Officers in the UK, as well as the so-called 3-Ds model (dialogue, defuse, defend) in French-speaking Switzerland.[6]

This new model is based on four key principles:

1 / An alternative conception of crowd dynamics to that promoted by Gustave Le Bon,[7] which is still central to the French philosophy of policing;
2 / The facilitation and escort of street protests;
3 / The development of communication at every stage of a policing operation;
4 / The differentiation and targeting of interventions to restore order.

Let us briefly detail the logic of this model.

The new crowd psychology, which is inspired by social psychologists, foremost among whom are Stephen Reicher and Otto Adang,[8] is based on a simple idea derived from an experimental and participatory observation approach. Any real or psychological presence that is hostile to the group lessens the individuality of its members, who then tend to form a uniform block that seeks to reduce or avert the perceived danger. Group members express their membership by displaying the most distinctive traits and norms of their group when faced with members of the other group. When this presence fades, their relations take place in a more interpersonal context where they can assert characteristics that differentiate them from members of their own group(s): the homogeneity and unity of the group break down.

The call to protest immediately introduces a change in the definition of one's identity: it reinforces specific aspects of social identity, which are linked with the groups that are protesting and the claims that are being defended. The unfolding of the protest then depends on the intergroup relations in which participants are caught up. When signs, flags or slogans are organized around a homogeneous perspective with a clear adversary, the cohesion of the group and the identification of its members are reinforced, prompting specific actions towards the spaces occupied by that adversary. It is in such situations that we observe the development of riots and clashes, especially against the police whose presence increases the cohesion of the protest. Conversely, as soon as homogeneity begins to break down through the appearance of emblems that signal different points of view, protesters are led to redefine their identity by joining this or that militant group. In extreme cases, when a protest takes the form of an aggregate of heterogeneous entities, collective action dissolves as the movement of participants is reduced to interpersonal relations within small dislocated units.

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[6] Olivier Fillieule, Pascal Viot, Gilles Descloux, *Étude comparée sur les doctrines en matière d'engagement lors de grands rassemblements* (2015); *Encadrement policier des manifestations publiques et prévention de la violence: éléments de comparaison européenne* (2014); and *Étude comparée sur les doctrines en matière d'engagement lors des manifestations sportives – violence dans les stades* (2014)—(non-published) reports submitted as part of the Switzerland-Romania Cooperation Program, Lausanne: Université de Lausanne, IEPHI-CRAPUL.

[7] Gustave Le Bon, *The Crowd: A Study of the Popular Mind*, *Psychologie des foules*, New York: Macmillan, 1896.

[8] See, in particular, Reicher, S., C. Stott, J. Drury, O. Adang, P. Cronin, and A. Livingstone, "Knowledge-Based Public Order Policing: Principles and Practice Policing", *Policing*, 2007, 1 (4), pp. 403–415. For a discussion of these new developments in crowd psychology, see Waddington, David and Mike King, "The Disorderly Crowd: From Classical Psychological Reductionism to Socio-Contextual Theory - The Impact on Public Order Policing Strategies," *The Howard Journal of Criminal Justice*, 2005, 44 (5), pp. 490-503.

In this model, it is possible to understand how certain *a priori* peaceful marches can turn into violent collective action, while supposedly aggressive protests run smoothly. Here, the police's indiscriminate use of force during a protest event is likely to have a negative impact on the dynamics of the crowd, which gains in cohesion against a perfect opponent: the police. Thus, according to the authors we are referring to, it is necessary to avoid all indiscriminate use of force to prevent any form of crowd radicalization—that is, to ensure that those who protest with no malicious intent will not show solidarity with those whose intention it was to pick a fight. For this purpose, one must find a way to convey to the many (and not just to the official organizers) the perception that police action is legitimate. This is accomplished through: a strategy aimed at favoring the peaceful behavior of the crowd (information, guidance, permanent liaison); a tactical profile that encourages dialogue and communication with protestors before, during and after the event; the avoidance of any indiscriminate repressive action and the implementation of an incremental and targeted use of force strategy.

"French-Style" Policing: The Rearguard

These relatively deep changes in use of force doctrines and policing strategies have certainly not escaped French police forces specialized in policing. This is attested, for example, by the report of the National Assembly Investigative Committee, which was formed after the events in Sivens.[9] Some of these changes are mentioned in the report, but without this leading to a transformation of use of force doctrines, thereby testifying to the disturbingly insular nature of French policing forces. Some French techniques are common to other European police forces, such as the escort of processions along the sides, the splitting of processions, etc. In the 1990s, the gendarmerie developed the ULI (Light Intervention Units) that allow for targeted arrests; for the same purpose, the CRS *[special mobile French police force]* created the SPI (Protection and Intervention Sections) and the SAM (Support and Maneuver Sections).[10] Yet these techniques developed without their necessary double: communication.

Take the example of targeted arrests in protests. Since the late 1990s, in Germany, in French-speaking Switzerland, but also in Brussels, the recourse to pairs of police officers to "remove" a reputedly violent individual from a crowd has been conceived as part of a de-escalation strategy: The aim is to prevent the most radical elements from causing harm, while also performing a swift and clean arrest that does not result in the crowd showing solidarity with the arrested individuals. In France, by contrast, the technique is used for the purpose of raising the number of arrests and prosecutions (the public prosecutor now has mobile offices at his disposal near protest sites). The increased judicialization of policing is part of the modern dynamic of judicial repression taken as an indicator of political efficacy—i.e., the much-maligned "politics of numbers." The opportunities for hand-to-hand combat that result may increase acts of police misconduct, this being always likely to produce the effect that one seeks precisely to avoid elsewhere in Europe: the reversal of the crowd and its show of solidarity with the most radical elements. Moreover, these interventions contribute to blurring the boundaries between urban policing (catching

[9] National Assembly, *Rapport au nom de la commission d'enquête chargée d'établir un état des lieux et de faire des propositions en matière de missions et de modalités du maintien de l'ordre républicain,* n° 2794, 2015 (the report was presented by Noël Mamère, president of the committee, who nonetheless refused to endorse it).

[10] On these developments, see Fabien Jobard, "Le spectacle de la police des foules: les opérations policières durant la protestation contre le CPE à Paris," *European Journal of Turkish Studies*, 15 | 2012, put online on 9 June 2013. Regarding these "pairs," see already Olivier Fillieule, *Stratégies de la rue*, Paris, Presses de la FNSP, 1997, pp. 267-270.

criminals in the act) and the policing of crowds, the first being called upon to assist the second with its own means—especially flash-ball, with which protest policing forces are precisely not equipped, as using these guns breaks with the search for equipment that avoids and keeps protesters at bay. The demonstrations of Spring 2016 against a new reform of work law in France have once again provided tragic illustrations of this, for instance in Rennes where a 20-year old student loss one eye and suffered five further face fractures due to a flash-ball shot. For all that, the lobbying of certain sections of the National Police is evidenced by the fact that civilian authorities cannot bring themselves to prohibit the use of these weapons in policing operations.[11]

But the greatest contrast with the practices developed and pursued today among France's neighbors lies in communication about action, which concerns what is being communicated but also how one communicates and to whom. It is no doubt in Germany that the system of *Anti-Konflikt Teams* (TActical Communication, TaCom System) is the most advanced.[12] These are used both during major political demonstrations and during football games. It was after the large violent protests of the late 1990s in Berlin and in Hessen that the modalities of communication were reinforced, via the deployment of police teams geared towards dialogue. The aim is, in particular, to ensure that the movements of police forces are properly interpreted by protestors, that peaceful protestors share the perspective of the police regarding what needs to be done and, lastly, that participants are confident that the actions recommended—or forbidden—by the police are legitimately so. In light of this, key material elements include the use of vehicles with loudspeakers (the TLU, or Tactical Loudspeaker Units, employed for the first time during a far-right demonstration in Hessen and used successfully ever since) but also the installation of large-sized LED screens to keep the crowd informed, in particular during critical phases of crowd dispersal. By contrast, the way in which protestors are informed of a dispersal order in France has long been incomprehensible and inadequate. This was already clearly emphasized in the reports of the parliamentary commissions of inquiry formed after the events of November-December 1986, where huge students' protests lead to numerous police abuse of force cases culminating in the death of an Arab passer-by, who was beat to death by a police squad.[13] That in the last thirty years civilian authorities have never been concerned with seriously reforming this aspect of the right to protest is a mystery that has had very harmful consequences.

One is left to wonder about the reasons why French-style policing has been sidelined in the European circulation of ideas and doctrines of policing. There is first the certainty, largely reinforced by police officers and gendarmes, that "French-style" policing is excellent and appreciated worldwide.[14] This was perhaps true in the past, but it is no longer the case. If we are

[11] See, in particular, pages 127 and 128, established by the Rapporteur of the National Assembly Investigative Committee that we mentioned earlier. This refusal explains the fact that the President of the Commission did not endorse the report.

[12] The first conference on TaCom was held in the Land of Hesse in 2009. The third conference was held in Lower Saxony in 2012, and it provided the opportunity to share experiences of TaCom with representatives of Polish, Czech, British, and Hungarian police forces.

[13] On these specific events and their consequences for protest policing in France, see Fillieule, O., Jobard, F., The maintenance of order in France. Towards a model of protest policing", in Donatella della Porta, Herbert Reiter, (eds.), *The Policing of Mass Demonstrations in Contemporary Democracies.* Minneapolis: University of Minnesota Press, 1998.

[14] As is attested by teachings delivered in training centers for gendarmes and for CRS, by talks given at conferences on crowd policing—for instance, at the international congresses of Francopol (Réseau international francophone de

to provide an indicator of this, suffice it to show the extent to which police forces in many countries are now turning to other models, but also to other equipment than the ones France has to offer, with the economic consequences that one can easily imagine. Second, this lack of self-criticism is reinforced by a common discourse about the specificities of the French context, with the idea that rioters are more determined than ever before and that we have entered an unprecedented cycle of violence (the formulation is not literal, but it has been expressed in various forms and on countless occasions since the youths and students protests of Spring 1994[15]). Whether in Poitiers, Strasbourg or Rennes, in the anti-CPE demonstrations or the various student marches,[16] the French police—and even the Paris police that have retained their intelligence apparatus from a nationwide dismantling of local intelligence services, decided in 2008—seem only ever to discover the presence of armed and violent protesters on the site of the protest itself. Instead of being worried about such an admission of negligence, civilian authorities content themselves with endorsing the statements of the main police unions, according to which the rising violence of the adversary exonerates the policing apparatus. For the doctrinal retrenchment of the French police is compounded by the isolation in which civilian authorities leave them: By allowing themselves to be convinced by police arguments about the "extreme violence" of opponents,[17] the Ministers of the Interior refrain, through this single posture, from conducting any substantive examination of police action.[18]

Finally, it must be emphasized that the new models of policing organized around the concept of de-escalation will not develop and produce their full effects unless recruitment and procedures for the initial and continued training of police officers are improved beforehand. In France, the professional ethos of policing forces, from the high members of the hierarchy to the rank and file, will have to undergo a certain number of changes if de-escalation strategies are to take their full effect, this being the only guarantee that the trust of the population in the police will be gradually restored. To be specific, we would have to list here all aspects of the public image of the police that help to shape vocations—an image that is quite degraded compared to what is observed in other European countries[19]—but also everything that, in the recruitment mechanisms and later in the initial and continued training of police officers, refrains the latter from conceiving their work as a public service mission aimed at the entire population.[20]

Formation policière) whose latest edition was held in Montreux in 2015—as well as by union documentation that circulates internally.

[15] See on these protests Fillieule & Jobard, *op. cit*., 1998.

[16] On theses protests, see Jobard, *op. cit*., 2012.

[17] In this respect, let us recall that throughout the 1970s, autonomists went to protests in private vehicles, and even mini-vans, from which they took out pickaxe handles, Molotov cocktails and other explosives.

[18] Nor can we dismiss the hypothesis that the authorities manipulate radical elements by giving police officers the order to let the situation deteriorate, as is suggested by the following testimony of a police unionist in *L'Humanité*, 4 May 2016 (http://www.humanite.fr/tout-est-mis-en-place-pour-que-ca-degenere-606373). Let us recall that, compared with common law countries, which are characterized by the principle of "police autonomy," in France civilian authorities retain full control over the action of police forces during protests, from the beginning to the end of operations. Only direct observation data collected in the control rooms in the course of action (via the analysis of radio fines) could definitively support the hypothesis of political manipulation.

[19] René Lévy, "La police française à la lumière de la théorie de la justice procédurale," *Déviance & Société*, 40 (2), 2016, pp. 139-164. See also the dossier on the British police in *Books and Ideas*: http://www.laviedesidees.fr/Pourquoi-les-Britanniques-ont.html.

[20] See Dominique Monjardet, *Ce que fait la police. Sociologie de la force publique.* Paris, La Découverte, 1996. On recruitment and vocational biases, see Duprez, D. & Pinet, M., "La tradition, un frein à l'intégration. Le cas de la police française," *Cahiers de la sécurité intérieure*, 2001, 45, pp. 111–138, and Frédéric Gautier's highly detailed

The fact that police unions refused to be heard by the 2015 parliamentary committee on policing, which one high-ranking police officers union considered to be "one more injustice, and even an insult to the commitment and professionalism of the police," testifies to the troubling impermeability of the police institution. In such a context, we can only watch as some police unions (often the same ones) call for demonstrations against "anti-cop hatred" and "the irresponsible determination to make people believe that the police are wild brutes who blindly strike at youth,"[21] and this, just a few months after the police forces were cheered by the crowd following the terrorist attacks in Paris. By contrast, a wide range of international forums offer European and extra-European police forces the possibility to bring doctrines of policing in line with the imperative of protest pacification. These include the United Nations Interregional Crime and Justice Research Institute, which coordinates the National Research Programs on Security During Major Events initiated in 2004 in response to the Genoa[22] and Gothenburg[23] events, and especially the European Godiac project (Good Practice for Dialogue and Communication as Strategic Principles for Policing Political Manifestations in Europe), which brings together social scientists and police officers from 12 countries, in particular around the new crowd psychology that we laid out above. France still occupies a minor place in all this; for instance, it did not participate in the Godiac program. And yet, these forums enable police forces to exchange views on protest practices that are also spreading and becoming more harmonized, as shown by contemporary protests,[24] from *Occupy* to the *Indignados* through *Nuit Debout*, whose *modus operandi* is mainly based on the occupation of public squares.

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dissertation, *Aux portes de la police. Vocations et droits d'entrée. Contribution à une sociologie des processus de reproduction des institutions*. Lille, Université de Lille 2, 2015.

[21] Press release of the Alliance police union (which is now the main union among police officers), 4 May 2016.

[22] Cousin, Bruno, "Les violences policières de Gênes 2001 entre mise à l'épreuve du récit et mise en forme publique," *Déviance et société*, 2006, 30(1), pp. 67–89.

[23] Abby Peterson, "La Suède et le Danemark face aux mobilisations altermondialistes," in Olivier Fillieule and Donatella della Porta (eds), *Police et manifestants*, Paris, Presses de Sciences-po, 2006, pp. 307-329.

[24] See the recent works gathered in Hélène Combes, David Garibay and Camille Goirand (eds), *Les lieux de la colère. Occuper l'espace pour contester*, Paris/Aix-en-Provence, Karthala/Presses de Sciences-Po Aix, 2015.