Implementing Police Reform in Sarkozy’s France

Kevin Gerard Karpiak

Institute of Governmental Studies University of California, Berkeley

May 2006

This paper can be downloaded without charge at:
Center for Institutions and Governance Working Papers Series:
http://igov.berkeley.edu/workingpapers/index.html
Implementing Police Reform in Sarkozy’s France

[Introduction]

Sarkozy was appointed quite explicitly to be a “reformer”. The reform was originally mandated as part of President Jacques Chirac’s response to the issue of “insecurity” after the second round of the 2001 presidential run-offs with Jean-Marie Le Pen, but whether Sarkozy’s changes are part of a generalized “rightward movement” of the French political landscape, as some have argued, is less than clear. To begin with, the “career reforms”, as they’ve come to be known amongst police administrators, have been conceived as a way of leveling the playing field in terms of career advancement for individual police officers. [that in itself is an attack against a certain wing of the French Right] Where once career advancement through the ranks relied heavily on a two or three-tiered tracking system, established at the beginning—or even before—an individual’s career and rife with opaque processes of Bourdieuvian distinction, the reforms have attempted to flatten this hierarchy in favor of all-encompassing assessment measures such as standardized and task-specific qualification tests and an emphasis on the development of individual’s dossiers, which themselves consist largely of statistical indicators of the officer’s performance. The theory behind these reforms is that by bringing the daily activity of police officers to light through a comprehensive, regular, and (at least semi-) public evaluation process, the police as a corporate body will be efficient and effective, thus succeeding in their public mandate. Thus a dual blow is struck in the fight for justice: First, by bringing into the open the dark and hidden practices of career tracking that reproduce aristocratic class privilege within the police
itself; and, secondly, by making public space crime-free and available to French citizens with the minimum possible cost of police intervention.

One often overlooked consequence, however, has been that policemen experience a tremendous pressure to justify their use of time with variously measured “results”—such as arrests and interpolations.

I can’t really detail all of these techniques here, nor the types of measures that evaluate “results”—look out for the dissertation—but, schematically they are:

First, an expansion of accounting procedures, especially in terms of digital data.

Now, bookkeeping and accounting logics have been a part of the Police Nationale for a long time, as one would expect for a large government bureaucracy. But under Sarkozy their role and evaluative weight became much more central. There has also been a profusion of new logistic and accounting-related digital technologies. These are supposed to have several effects, including:

- motivating police officers into action through basing individual goals (such as better, more safe duties or better pay) and career advancement (such as rising in the officer ranks, or moving up in priority on an array of benefit lists, such as for posts in the much-coveted provinces) on the statistical indicators.

- But also they are supposed to make sure that individual police action (or inaction) is reflected action because they know they must justify/explain those action, in detail, at a later time

- Finally, by making police activity more transparent and standardized over the national territory, it’s open up for public consumption and evaluation, strengthening the decision-making power of French voters. The first public statistics on police man-hour usage were available—through lefigaro.com and others—just weeks before the riots themselves.

The quintessential example of this technology is la main courante numerique.

Before Sarkozy there was a double set of handwritten logistical journals, kept by supervising officers, called la main courante which tracked the daily activities of
individual police officers. Beginning in 2001, this has been replaced by *la main courante numerique*—a digital version of the log book—which requires individual officers to themselves enter data concerning their whereabouts and activities in 15 minute intervals over the course of their shift. Supervisors can then consult the program and view the real-time information.

These technical and organizational changes represent a drastic shift in the day-to-day practice of policing, yet the details of the reforms have not piqued public interest to a large degree. However, Sarkozy and his police have been the topic of much public discussion—Sarkozy himself being almost omnipresent—through another set of tools and techniques instituted to, in theory, minimize violence and especially mortality incidents. Among these, the most iconic have been the Flashball and the TASER.

These tools, like the accounting techniques that accompanied them, were originally proponanted as instruments which would make the French police a more just institution by limiting the amount of violence they perpetrate. Both the Flashball and TASER were seen as less-deadly alternatives to the actual use of firearms. In that sense, their use shows that the police themselves are conscient, and in some sense wary, of the violence of policing.

But paradoxically, the result is often that what police do do is a very distilled violence. When they are actually moved to action, the result is an almost minimalist reduction to absolute violence. Also, a trust in the legitimacy of their tools, buttressed by all the work that has gone in to assuring they are so, leads to what can be seen as excessive use: Human rights groups have reported on how TASERS and similar devices
can be used as torture and how they lead to an actual increase in overall incidents. But these are not challenges to police logic, which would say that the tools were merely misused by corrupt individuals or that better controls and checks on police behavior need to be put in place.

Beyond this debate, what I want to push us to think about is the violence of justice; of precisely legitimate state action. I’d like to suggest that we can move towards this end with the guidance of two conceptual frameworks. The first is Max Weber’s definition of the State—legitimate violence over a territory. One can (and my dissertation does) interrogate what exactly is meant by each of those three key terms—violence, legitimacy, territory—but the point I want to make here is that Weber allows us to see every state action as, by definition, a violent act. This makes more comprehensible, for example, the reductionist insistence that “pure” police action is—and should be—violence.

But there is an uneasiness with this violence among contemporary French police, or at least a sense that it’s excessive or unconstrained use is illegitimate. This leads us to the second orientating framework I’d like to offer. Michel Foucault has suggested that the very definition of liberalism is to constantly question whether there is too much government. In this case, because we are drawing on Weber and talking about governmental action in the form of the police, we can insert the word “violence”. So the question of a liberal police is always “is there too much violence on our part and how can we limit it to legitimate usage?” But notice that there is never a question of no violence—not if one wants to act in the world—and that by definition any state action is
condensed into more and more purely violent (even if *legitimately* violent) action. The ethical task, therefore, is to find techniques to assure the legitimacy—justness—of that inescapable violence.