

Maintaining public order without the participation of the population – Policing of crowds by the police of public opinion (France, late nineteenth century)

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Jules Bonnot had already been dead for a fortnight after being assaulted by the police officers and Republican guards and gendarmes of the Seine company, when two of his accomplices were spotted *in the eastern suburbs of Paris*, on 14 May 1912. Apart from the device created in a hurry to besiege the attackers, between the shots and the explosions, there was also an individual who intervened joining the reunited forces of the order to support the operation inside the house. A commentator in *Le Petit Journal* mocked it afterwards:

A Parisian brought a dog who had been trained in a kennel of the Nogent prefecture, and he asked permission to let his animal come inside the villa. We have acquiesced to his request and the dog has been thrown by his master into the house. The animal ran to the end of the property and attacked agents barricading the exit. Guards were attacked by the dog who had not understood the command of his master. The poor animal got kicked and the experience has not been pushed further.¹

In these circumstances where mass-media gave huge exposure to the incident, popular participation in maintaining order failed and even became a joke. However, this episode and the story are directly significant in several ways for the topic developed in the present volume. Firstly, the conclusion ('the experience has not been pushed further') highlights how the decades preceding the First World War are indeed, a moment when the participation of the population in the maintenance of order is no longer appropriate; the bourgeois guard, civic guard and other national guards² are memories that no Republican, sitting on the right or left in the Chamber of Deputies, wants to revitalize. A second aspect is relevant: the haunt of Octave Garnier and Rene Valet – the members of the 'Band Bonnot' mentioned above – are loaded incarnations of all components of the national³ policing landscape of that time. More specifically, within the hybrid body built for the maintenance of order, the gendarmerie played a vital role in terms of numbers. A third element of the iconic episode is the pressure of the press and more broadly of public

¹ 'On n'a pas eu recours aux chiens policiers' (*Le Petit Journal*, 16 May 1912, p. 2).

² Learn more about this from the aforementioned source article.

³ Learn more about this from the aforementioned source article.

opinion on what constitutes public security.⁴ Because, if the population no longer directly participates in the maintenance of order, this does not mean that they plays no role at all *in an extended sense* of the term. The role of the public is not only limited to the policing of crowds in the streets (or in the countryside), but is also about preserving socio-political order in which citizens participate and exercise their democratic rights, along with their representatives. If the maintenance of order results in chaotic policing of crowds, nonetheless it cannot be reduced to the accidents which happen, even if they are tragic. As well as representing a challenge, this public policing is also, and perhaps above all a result of a more stable, daily, peaceful relationship with the population.

At the turn of the twentieth century, the maintenance of order in the strictest sense therefore tends to become the monopoly of gendarmes in France. If in the rising democratic and parliamentary Third Republic, there can be no question of associating the population with maintaining order, at least not directly, the participation of the population seems to follow the police role in a political way. Thus, the elected leaders and municipal councils now answer to the population's complaints, people ask for more surveillance, more repression, more forces for law enforcement and simultaneously, more individual rights and collective freedoms. These claims may have an impact on the recruited police officers, but also on the nature of the police force and the means employed. In a way, the population is shaping the function assigned to gendarmes and the police in the democratic regime that is finally settling at the time.

I. GENDARMERIE, ONE OF THE CONDITIONS OF THE STRUCTURE OF REPUBLICAN DEMOCRACY

1. Gendarmes first and foremost

The confidential circular of Pierre Waldeck-Rousseau, Minister of the Interior, addressed to the prefects on 27 February 1884 is a cardinal text on the maintenance of order in France in contemporary and recent history. The gendarmerie was born in 1791 and soon established itself as a privileged player. On the other hand, its actions must constantly be moderated as much as possible. The prefects' assigned objective should 'help them to achieve the double result of ensuring both freedom of individuals and public security.' The government aims to promote the right to gather while preserving one of the 'natural and imperceptible rights' set out in the Declaration of the Rights of Man and the Citizen, namely security. As such, the prefects have to ensure resolution of conflicts by 'words of conciliation' as 'the gendarmerie is the only public force that [they can] use to ensure the order and protect the peace; this is their principal mission, the troops have a different one.'⁵ Regarding uniforms, the objective is to limit as much as possible the use of the tro-

⁴ For more information, we refer you to Laurent López, 'La bande à Bonnot: l'assaut final à Nogent (14-15 mai 1912)', *Criminocorpus* [Online], Histoire de la police, articles available online from the 1 January 2009, consulted 11 July 2018. URL: <http://journals.openedition.org/criminocorpus/269>.

⁵ Archives nationales (Paris, France) (hereafter AN), 19940500, art. 3, minister of the Interior confidential circular to the prefects on policing and the role of the gendarmerie, released on 27 February 1884.

ops who are less experienced in policing crowds, including troops mainly composed of conscripts likely to panic in front of demonstrators and react by firing or, on the contrary, those suspected of sympathizing with them.⁶

As the gendarmes learn from the Republican Guard where ‘the first page to be written by the new recruits’ and ‘copied in the notebooks’, reasonable use of public force against instinctive violence is defined according to the decision of 3 August 1881 specifying their service. The text requires that guards ‘should use force only after exhausting all peaceful means of persuasion [emphasis added] and use their weapons only in case of necessity, in self-defense when their lives are threatened’.⁷ As we can see, if the public cannot be involved in the maintenance of order, interior minister Waldeck-Rousseau’s circular intends to encourage the participation of the population in the new republican order which has gradually been put in place since 4 September 1870.⁸ ‘Thanks to the progress of the opinion that is increasingly shaped by the mores of liberty’ to quote again the man who worked also to legalize the unions in 1884, the democratic expression of the roots of the Republic system in the people, as its forces of order are essential to the exercise of the former in the service of the latter. This specification works only if the policing is based on well-mastered practices, regulated and responsible constraint that will as far as possible allow the elimination of brutal, unrestrained and dehumanizing violence.⁹

In 1884 formalization and acceleration had worked for the pre-eminence of the gendarmerie in the matter of policing. Here, a fine chronology is necessary. The confidential circular of Minister Waldeck-Rousseau dates from the end of February. However, soon after on 5 April, the great law of the municipal organization of 1884 is published, a law which is one of the pillars of the structure of the territorial Third Republic. Two weeks earlier, on 21 March, the same minister is behind the law on the creation of professional unions. Is it a coincidence that these two events happen almost simultaneously? Most likely not because the February confidential circular also underlines the government’s commitment to the people’s ‘right to coalition’. This was a precursor of the text on ‘security and freedom’ that came back in the late 1970s in France and remains until today. It must be noted that the confidential circular on the maintenance of order and the predominance given to the gendarmerie promotes the expression of democratic freedoms. In that regard, the construction of the regime and the structuring of its public force fit well with the legacy of the *Déclaration des droits de l’homme et du citoyen* of August 1789 in which ‘raising taxes’ and ‘maintenance of the public force’ go hand in hand with the *Déclaration des droits de l’homme et du citoyen* of August 1789. Similarly, the references to ‘raising taxes’ and ‘maintenance of the public force’ go together perfectly.

⁶ Bruneteaux, *Maintenir l’ordre*.

⁷ Service historique de la Défense, fonds gendarmerie (hereafter SHD), GD 1 H 88.

⁸ Berlière, ‘Du maintien de l’ordre’, pp. 6-29.

⁹ See: *Déviance & Société*, 32, 1 (March 2008), special issue: La violence d’état. Les fragiles naissances du maintien de l’ordre en France (1800-1939).

2. Dualistic and hybrid monopoly on policing

The 1880s appear as a period of consolidation of the hybrid policing that first emerged in 1791, on the order of police commissioners during the first year of contemporary French public force. In fact, at the beginning of its founding year, the National Gendarmerie succeeded the Royal Maréchaussée; in September of the same year, police commissioners were reborn ‘in all cities of the kingdom where they would be judged necessary’ (Decree of 21-29 September 1791 on the establishment of police commissioners). The revolutionaries, who intend to overthrow the Ancien Régime, nevertheless need a force allowing them to establish and maintain a new political order, and as Paolo Napoli points out they need to question the nature of the concept of public ‘force.’¹⁰ The law of 10 July-3 August 1791 legally and durably establishes hybrid and dualistic policing as the link between these two components of the police force by, setting the terms for the requisition of armed force by the civil authorities.

From then on, the maintenance of order in France is characterized by the interdependence and complementarity of the institutions that have to ensure it: the police – in the first place the commissioners – and the military – in particular the gendarmes. However, in the Third Republic the former was largely devoid of agents because the authorities responsible for paying the municipal staff lack resources or refuse to devote resources to the Commissioner as this was the incarnation of central power. The gendarmes thus are the armed wing indispensable to security agents and they must help them when needed. Conversely, the gendarmes are strictly subject to the civil authorities, who alone can proceed to the summons authorizing the use of weapons except in cases of self-defense or protection of persons and buildings attached to the institutions. The Waldeck-Rousseau circular of 1884, already mentioned, is therefore one of the illustrations of the ‘révolution qui entre au port’ (‘revolution that comes into port’), to use François Furet’s classic formula; in this case because the institutions appeared during the Revolution are firmly attached to the regime and they guarantee the correct functioning of the regime. In this division of roles in the service of the executive power, there is no place for the population. On the contrary, laws are imposed to counter the people, even when their actions apparently seem legitimate and conform with the established order.

In Burgundy, for example, circumstances illustrate both this exclusion of direct participation of the population in police work and also the lack of close collaboration between police and gendarmes. For example, a municipal commissioner witnesses the escape of frightened individuals. After reassuring them, he asks about the cause of their fear and they claim to have been attacked by a showman, a ‘Hercules or wrestler armed with a sword that he wanted to use to hit one of the them’. The officer undertakes to search the city for the alleged author of the disturbances and then faces the population who ‘in the presence of these provocations and threats [...] was indignant and was already looking for ways to demolish his barracks [...]. Immediately, and in the absence of a police officer in the office, we [the Commissioner] required the Gendarmerie’s sergeant-general to put

¹⁰ Napoli, *Naissance de la police*, p. 195.

at our disposal a few men to arrest this dangerous wrestler. Assisted by four gendarmes, we [...] found the individual in question [...]. Once again invited to follow us, he finally ended up getting up and walking with the officers after being grabbed by the arm.¹¹ In the growing Third Republic, there is no more question of public participation in the maintenance of order, as was perfectly demonstrated with the previous example. Or rather, is this contribution reserved for only part of law enforcement, which bears, in this case, the policeman's uniform or is flanked by the tricolor scarf of the police commissioner. Here, the action of the public force consists of protecting the showman from popular anger. Elsewhere, the representatives of national sovereignty, which is more or less popular, can first participate in public disorder by thwarting gendarmes and police actions, including substituting a local law with the international law.

II. PUBLIC FORCE AGAINST COMMUNITY ORDER

1. Who will watch over the guards?

During the Third Republic, even more than before, the police represents not only one of the institutional manifestations of the nation but it is also both a symbol and, equally an instrument of the democratic regime. As such, police practices become fully political, and not just preventive or repressive actions. In an article entitled the 'Good Citizen of Tarare', published on 16 May 1897, a newspaper from Rhone accuses, the gendarmerie of harming the government and lowering approval of the Republic due to the severity of the traffic police. More directly, people must intervene against the guardians when their actions become inappropriate. One of the gendarme's patrols in the cabarets of a town in Saone-et-Loire not only causes a scandal because of the gendarmes' behavior, but the officers also refuse to regulate their alcohol consumption when asked to do so by the owner of the place. The proprietress recriminates and is handcuffed and prepared to be taken to the prison. When the inhabitants intervene to defend the unfairly arrested woman, the gendarmes threaten them with their swords and their revolvers. The intervention of infantrymen and garrison officers saves the defenders from the further fight.¹²

2. Officiousness is harmful to public order

There are other examples where the military threatens the established order and violates public trust. In the next case, it is not a question of law transgression or any case of violence as we saw in the previous section, but of an excess of zeal – or at least events experienced as such – making the implementation of the law unbearable. In the early 1890s, a Burgundian sub-prefect, informed by the central commissioner of Châlons-sur-Saône, notes that relations between the population and the gendarmerie have become tense, noting a significant increase in complaints. He reports 'an increase which does not

¹¹ Archives départementales (thereafter AD) de la Côte-d'Or, U XI D7, Minutes of Beaune Police Commissioner on the arrest of a fairground fighter, 13 November 1887.

¹² AD Saône-et-Loire, 5 R 3, Letter from the Directorate of General Security to the prefect of Saône-et-Loire about an article published in *le Progrès de Saône-et-Loire* concerning events in the city of Saint-Laurent involving gendarmes of the brigade of Saint-Germain-du-Plain, 2 August 1878.

seem justified by any reason, in his opinion. The officiousness would be stimulated by the sergeant-in-chief who shows a list every month of all the gendarmes and the respective number of protocols which have been drawn up. The sub-prefect concludes that ‘it is at the instigation of the leaders that the gendarmes are also hard on the population’ of Le Creusot. The latter was however usually viewed as having a good temperament. To restore an order which was disturbed by his guards, the officers ask for the removal of gendarmes who ‘would be welcomed with satisfaction not only by the Republican party in Le Creusot, but also by the majority of the inhabitants themselves.’¹³ Here again we see that political considerations at least partly condition the estimation of police activities and the influence is rather mutual. The public impression of the military is still perceived through their service for the Second Empire, yet on the other hand their loyalty to the Republican regime seems suspicious for some supporters of the second. A few years earlier, a sub-prefect in Gironde had felt ‘still obliged to return to the gendarmes’ to report complaints about two Republican candidates during elections. The sub-prefect had received complaints from hunters accusing the gendarmerie of pursuing them excessively on the grounds of the ‘the countryside that is visited all day long, and disturbed according to their inhabitants. Certainly, vexation arises as the last election is approaching. Another fact that should be noted is the general concern for the roads being traveled along by suspicious groups of individuals, and that the gendarmerie does not ensure safety on these roads.’¹⁴ The sub-prefect suggests intervention from the police moderation to promote the political stabilization of a republican order in the department, barely ten years after the promulgation of the constitutional laws. We observe here a local process of implanting the national structure, not by a one-off control from the population but rather by standardized practices of those who are specifically in charge.

III. WHEN PEOPLE’S REPRESENTATION PROVOKES DISORDER

1. Law influenced by local pressures

The law involuntarily and indirectly releases the expression of popular disorder through the municipal authorities. Consequently, three types of difficulties arise showing the tension between the submission of the gendarmes to national state order and the temptation of the officials to allow municipal standards to prevail, sometimes treating the population as political clients. The first frequent type of incidents is when gendarmes come up against a mayor who blames them for their officiousness relative to closing drinking places to conform with the legal hours. Opposition to gendarmes or to the police com-

¹³ AD Saône-et-Loire, 5 R 3, Report from the sub-prefect of Autun to the prefect, on the situation of the gendarmerie in the city of Creusot, 15 October 1891. On 7 April 1891, a letter from the mayor of Cluny to the prefect concerning ‘the new Marshal of the gendarmerie F [sse] far too dutiful he draws up minutes accusing good people for insignificant violations’. He goes on to say that ‘in making such trials, the gendarmerie only attracts the contempt of honest people, and their vexations have a deplorable effect on the political point of view’.

¹⁴ AD Gironde, 5 R 11, Letter from the sub-prefect of La Réole to the Gironde prefect, 12 October 1885.

missioner is usually even stronger when the delinquent is a person familiar – friend or relative – to the city official concerned. The mayor of Saint-Claude thus ensures surveillance of the cafes by his agents and asks the police not to patrol during the closing hours of drinking establishments. The *arrondissement* commander points out that the mayor cannot limit his supervision by noticing some violations and ‘turning a blind eye to others.’¹⁵ This example illustrates the frequent type of conflicts between city officials and *gendarmerie*, particularly regarding regulation of drinking places. The collision of local practices and global norms are increasingly influenced by anti-alcoholic leagues and hygienist principles, a development which seems almost inevitable in the places where masculine sociability and virile expression are exacerbated by alcohol.

2. Force of the law or partisan opinions?

The second type of disorder is more political, relating to situations when a mayor is unwilling to provide accommodation for *gendarmes* mobilized in places of social unrest. These quarrels multiply during the early years of the twentieth century in socialist communities, including the Paris suburbs which constitute the *ceinture rouge* (red belt). A member of the Seine region – the mayor of Ivry-sur-Seine, the socialist Jules Coutant, a friend of Jules Guesde – for example, intervenes in the matter of policing reinforcement against striking workers who want to violently block the entrance to his factory. Questioning the request of the deputy, the prefect Lépine justifies the maintenance of the device applied by the Minister of the Interior on the basis of the reports of the police commissioner and the *gendarmerie* officer who command the *arrondissement*.¹⁶ The elected official does not seem to be satisfied, and the episode reveals converging constraints imposed on those people responsible for maintaining order and the political stakes that motivate those officials. In the particular configuration of the police prefecture, the chief and his authority protect this establishment against the pressure of elected officials. However, things function differently way in provinces where the General security officials and the *gendarmerie* soldiers appear more directly exposed.

3. Public finances against public order

A third category of conflicts is the refusal, or at least opposition, to pay for the police commissioner. Since the 1790s, every city with more than 5,000 inhabitants had had to pay for one of these offers, and some municipal councils were opposed to the burden of this charge on their budget. At the height of summer in 1892, the director of the General Security, Soinoury, sends a reminder to the prefects inviting them once again to pay a municipal police commissioner (law of 28 Pluviôse year VIII, article 12). This obligation applies to municipalities exceeding the threshold of five thousand inhabitants. According to the law, municipal councils close to this threshold must vote to provide one

¹⁵ SHD (Archives of the *gendarmerie*), 39 E 49, Letter from the Borough Commander to the Mayor of Saint-Claude, 8 December 1912.

¹⁶ Archives of the *préfecture de police* (hereafter APP), DA 447.

thousand francs in order to create a fourth category police station.¹⁷ This administrative injunction is an answer to several crimes including, for example, one a few weeks earlier in Burgundy committed by the municipal council of Nuits-Saint-Georges. In fact, he abolished the position of commissioner ‘thinking that the service of the internal police of the City would be sufficiently covered by the gendarmerie brigade and the officers sworn especially for this purpose.’ The prefect intervened next to request the restoration of this post on the grounds that ‘the number of vagrants and beggars passing through Nuits that has increased considerably recently; whereas, furthermore, certain public establishments should be monitored more closely in order to ensure public safety and peace, and that to be truly effective, the police must consist of the officers with great recognition and authority.’¹⁸ The rich viticultural community obviously refuses to devote part of its budget to a new police representative. While it is difficult to separate the political reasons from the economic motives, we can however note that there has been no questioning of the presence of the national gendarmerie at the expense of the state which paid for their men, and the department which paid for the barracks.

The behavior of municipal representatives is therefore diverse and ambiguous. The city councils call for more staff to enforce the law for the sake of people’s safety.¹⁹ The citizens protest when they start to lose control under the police; on the other hand, the mayors try to maintain control over gendarmerie. This provokes conflicts with the hierarchy of the latter. A general inspector notes with bitterness that ‘a mayor demands that gendarmes must testify against their enemies and never against their friends.’²⁰ According to him, this exploitation would weaken the gendarmerie’s militarism and put it on the path to unfortunate ‘policiarisation.’ In other words it could turn into an increasingly policed institution, forgetting at the same time the purpose of its mission, meaning gendarmes would lose their identity. This contemptuous insinuation against the police officers does not tell us anything about these officers expressing similar grievances about similar contexts.

IV. POLICING UNDER THE INFLUENCE OF PUBLIC OPINION

1. Public moods and petitions to claim more security

The typology given so far is incomplete and even one-sided. In fact, there are also situations where the elected representatives are under pressure from their voters to reinforce the police resources already available. Compared to recent news,²¹ we can see that for

¹⁷ ‘Obligations of the municipalities with 5000 inhabitants’ (Journal de la Gendarmerie, 1684 [21 July 1892], pp. 331-332).

¹⁸ AD Côte-d’Or, 20 M 387, Part of the record of proceedings of the municipal council of Nuits-Saint-Georges, 1 June 1892.

¹⁹ APP, DA 448, Deliberation of the municipal council of Levallois-Perret, 17 May 1882.

²⁰ SHD, 701, 4th legion of gendarmerie in Le Mans, General inspection, 1902.

²¹ In the spring of 2018, elected officials, particularly from the suburbs of Paris, complained again about the insufficient police resources in their area. According to politico-police contexts, similar grievances have

more than a century the dialectical central state and municipal powers in France have expressed concerns related to security. To put it simply: too many police would prevent or oppress municipal liberties; not enough of them, would let the communes fall under the control of criminals. The last part of this chapter presents a case which is complementary to the previously described cases. We see the elected officials demanding additional means in the form of police to deal with an increasing and omnipresent threat, such as vagrants, marauders, beggars. The mood of insecurity grows proportionally to the economic crises which are making unemployed people go out into the streets, for example at the end of the nineteenth century, when fears of anarchists mixed with fear of vagabonds. Public opinion becomes an important influence on police organization. At the end of the nineteenth century, the prosecutor in Chinon asked the director of the General Security 'to send a police officer to examine a recent murder committed in Chinon. The Police Commissioner and the Gendarmerie have made every possible effort to find the person who is responsible for the crime.' Approving this request, the Minister of the Interior asks the commissioner to send one of his best men 'because of the general thrill provoked by this crime' although he is aware that it is probably 'too late'²² for that. We see in this case that if the minister considers a procedure futile, he will not agree to answer the needs of the police investigation except in an urgent local context. In short, policing succeeds above all if a certain position is made clear before the police act on the representations of worried or angry citizens.

One sign which adds to the image of suburbs ridden with crime is the petitions calling for the creation of police stations or additional gendarmerie buildings on the outskirts of cities are published by 'faits divers' published in daily newspapers. In December 1898, the General Secretary for the police wrote to the colonel commander of the 14th gendarmerie legion in Lyon to ask him to create a gendarmerie brigade in the suburb of Saint-Fons, following deliberation by the municipal council. The council follows a petition prepared by local communities complaining about the insecurity in their city caused by the lack of the police. The petition is published by the local press who then raises the question of unrest in the suburbs of Lyon, reminding us also of the murder committed in Saint-Fons, less than two years ago.²³

In the same year²⁴ the municipality of Asnières does not demand the establishment of a group of gendarmes, as the municipal council in Saint-Fons had done a few months earlier, but rather calls for the creation of a new police station following a petition of neighboring municipalities:

resurfaced since at least the end of the nineteenth century.

²² AD Indre-et-Loire, 4 M 3, Letter from the Minister of the Interior to the Director of General Security, 17 January 1900.

²³ AD Rhône, R 657, Saint-Fons suburbs inhabitants' petition on the outskirts of Lyon, demanding the creation of a municipal police, March 1896.

²⁴ The case of the serial killer Joseph Vacher is still present in peoples' minds and most probably multiplies this type of request at the time.

*Many depredations are committed every day in this district abandoned by the police. Complaints addressed to the Gendarmerie remained avowedly unanswered, gendarmes are powerless; they cannot watch effectively over a too large area assigned to them. The more we search, the more we find similar opinions expressed inside the Gendarmerie, a police station is required at the site indicated.*²⁵

The creation of such a position and the increase in the number of employees was demanded in 1883 in the ‘Gazette de Neuilly and Courbevoie’. In another Sequanian commune, the commissioner realizes his powerlessness and concedes ‘willingly that the creation of a gendarmerie brigade in this commune [...] would be of real use and would give a legitimate satisfaction to the wish of the municipality and the population [...]. I can only support, in my case, the request of the Municipality of Alfortville.’²⁶

2. When the police pleads for more gendarmes, and vice versa

If, in Asnières and Alfortville, the commissioners support the arguments of the respective municipal councils asking for the arrival of gendarmes in their district, the gendarmes themselves want to multiply the number of policemen in the communes they patrol. During a period of downsizing brigades, the surveillance exercised by the military is diminished and only the Ministry of the Interior can remedy the situation by deploying new forces. Complaints from municipal councils complaining about the insufficient security for inhabitants result in demands for the creation of new police forces or the reinforcement of those already existing in the communes. They multiplied on demand, not only in urban territories. Thus, at the end of the 1900s, the prefect of Haute-Garonne noted that ‘a certain panic has seized our rural population followed by an increasing number of thefts and crimes committed in the region, unfortunately the policemen are infrequent, and so unable to catch the perpetrators.’ His ultimate argument for seeking to have increased police resources at his disposal is that public opinion would be pleased to see that strong measures are being taken to protect countryside areas against the criminals that have appeared due to the harvest deficit and related misery.²⁷

3. News supporting peace and improving police efficiency

The press plays an important role in this context of diverse moods that are creating a particularly delicate situation in the parliamentary republic. Whether at the national, Parisian or provincial level, news is omnipresent in daily newspapers or weekly illustrated magazines. And the press is claiming to be the echo of the citizens, accusing policing methods of being ineffective, outdated, lazy by their nature, unsuitable in terms of equip-

²⁵ APP, DA 446, Record proceedings from the municipal council in Asnières, 18 November 1898.

²⁶ APP, DA 446, Report of the police commissioner in Charenton answering the letter returned by the prefect of the police on behalf of mayor of Alfortville, 11 July 1890.

²⁷ AN, 19940493, art. 27, 415, Police Haute-Garonne department files, General secretariat of the prefecture of Haute-Garonne, Monthly report on the ‘rural police agents contest on the repression of crimes and offenses’, November 1910.

ment, etc. Depending on the context, the police tactics are either considered outrageous – as for example during the siege of Jules Bonnot’s two accomplices in May 1912 in Nogent-sur-Marne – or notoriously undervalued – as for example during the strikes of 1910. More broadly, the press usually designate an individual or group accusing them of public vindictiveness, journalists often direct security concerns using people’s real or imagined emotions as elements to guide and organize policing.²⁸

Indeed, at the end of the nineteenth century, various waves of fear come together in French society under the influence of the press, the political environment, publicists, novelists and even memorial police. Since the 1870s there had been two important elements present, a fear of German espionage and recidivism. In addition, there is fear of the anarchist attacks of the early 1890s, relayed at the turn of the nineteenth and twentieth centuries, and the fear of rural tramps and ‘apaches’ in cities against a backdrop of xenophobia. There is intense questioning of public force. Police issues are political issues, and vice versa. The work of the police draws attention to questions about how the feeling of insecurity contributes to the political construction of citizenship and its social representation.

The police are blamed for certain areas being considered less secure than others. Certain social groups are perceived as criminogenic. The press still plays an opinion-forming role. The question remains whether journalists are not actually creating the threat that they are supposedly denouncing? In any case, journalists claim to act in public interest demanding better security as a basic people’s right: ‘Every day brings us new facts that prove the necessity and the urgency for reforms, we demand security in the suburbs.’²⁹ Journalists blame the insufficient police forces for these misdeeds, others seek the problem in their quality, as many police agents are old and the same goes for the gendarmes, and they also lack the necessary means.³⁰

V. IN SEARCH OF LOST ORDER

1. Crimes everywhere and police nowhere...

Police manpower is perceived as insufficient, as the social demand for safety is a basic need of ‘honest people’ and it is very often disturbed by the threat which they perceive as proliferating and ever more dangerous. In sum, the growth of crimes would undermine the civilization underpinning the industrial success carried by a positivist philosophy, including the field of public security, as if a golden age of peace had been lost already, or was right in the process of being lost. A southern municipal council mentions the murder of one of the inhabitants in his commune and the arrest of two people who followed

²⁸ López, “Voici les faits qui nous ont paru suffisants”, pp. 233-249.

²⁹ Anonymous, ‘L’insécurité en banlieue’, *La Nouvelle Presse* (22 March 1905).

³⁰ ‘It has become usual for inhabitants of suburbs of Paris to point out and experience the lack of security. In the absence of major crimes, it’s brawls, nocturnal attacks, burglaries of houses, deprivations of all kinds, especially theft of crops that become frequent’ (Gibart, ‘Le manque de sécurité’, pp. 2573-2575).

him, which would have provoked ‘terror among the population.’ Indeed, an alarming report argues in favor of restoring the local brigade of five soldiers:

People dare not go out at night to carry their food to neighboring cities. Many, if not everyone complain about the number of gendarmes that has been reduced, while the criminals are increasing in number and in crimes. What can three or four gendarmes do if they are always occupied with anything but watching over the criminals! Yes, the three gendarmes cannot cope with everything and public safety suffers considerably from these circumstances.³¹

2. When it is no longer a question of maintaining order but of restoring it

There are also situations where the legal order seems utterly flouted, leaving people and the public authorities distraught, in search of restoring order. In a long report, a commissioner of the mobile brigade in Bordeaux relates the difficulties posed by nomads. With four inspectors (about half of the staff), the policeman goes to a fair where, in his own words, ‘gypsies were reported’. Before dealing with this particular case, his attention is drawn to couple of beggars in a Basque commune. The city clerk tells him that they belong to several dangerous families who have been ‘terrorizing the whole region’ for many years. Police have attempted to control their identity cards, but they refuse to show any *documents*, and the incident is also accompanied by obscene gestures. Moreover, these rebels are being joined by their accomplices who attacked the police and start to hit the officers. Facing this group attack, the commissioner asks for help from the gendarmes whose brigade is four kilometers from the incident, especially since the band has attacked them again with sticks and knives. After an hour of struggle, two inspectors and two gendarmes manage to join the police forces which were trying to reestablish order. The criminals escape, after having hurt one of the officers in the arm. The commissioner learns that this group have prospered greatly for many years, because there are too few ‘Gendarmes and they are powerless.’³²

3. Consent of the population, a prerequisite for maintaining order

In this regard, the long sociopolitical tendency to exclude the population from policing by giving public force agents ‘the *monopoly* of the *legitimate* constraint’ was underlined. However, human actions, local realities, conjunctions of circumstances are willingly leaving this global analytical framework. What is policing beyond balancing the power between a crowd and those in charge of maintaining the order? Is it the result of this balance, or it is not rather the output of a conjunctural and empirical co-production? Can policing be exercised in all circumstances? Does the force always remain within the law? One viewpoint is put forward by the Canadian sociologist Jean-Paul Brodeur who op-

³¹ AD Alpes-Maritimes, 5 R 6, Letter from the municipal council of Cagnes-sur-Mer to the sub-prefect of Grasse, September 1st, 1900.

³² AN, 19940493, article 43, 1856, File of the 7th brigade of Bordeaux, Report from the mobile police commissioner Chalmel to the divisional commissioner, chief of the 7th brigade in Bordeaux, 17 April 1910.

posed a vision of police activity as a deployment of legitimate coercion, a vision supported by the Weberians like Egon Bittner or Dominique Monjardet more than by Max Weber himself, who never uses the word police in his works. Brodeur argues that for security forces to maintain order, a minimum degree of pacification of social relations is necessary, as the action of the public force implies a pre-existing regulation of violence. In other words, the maintenance of order cannot be accomplished without the population; without people's prior consent it becomes destruction or even civil war.

The study of an incident which involves both gendarmes and policemen occurred in Saône-et-Loire, at the end of the nineteenth century, it allows us to analyze the above questions. In March 1899, the public prosecutor reports to the Attorney General of the Civil Court of Autun 'a complaint in the form of petition, dressed against the police commissioner of [the city] and the agents'.³³ They are accused of perpetrated violence on the participants in a charivari³⁴ 'against a widow [...], who wanted to get married'. The magistrate says that 'proportions of this event exceeded the expectations. The commissioner and their [sic] agents who went to the scene were overwhelmed and had to call upon the gendarmerie. The crowd was very excited, they booed gendarmes and agents. Many reports were drawn up and sent either to the police or to the criminal court as a result of the outrageous conduct that the gendarmerie experienced. The police *took* the unusual step of seeking *leniency upon the outrages committed* against the agents and used the minimum coercion required by the circumstances. This is fully confirmed by the gendarmes, and all the good faith witnesses interviewed during the investigation by Special Commissioner Vierrou. Evidence given by witnesses was unanimous'.³⁵ In their report, Autun brigade gendarmes certify that they did not see the police commissioner or his agents exert any violence during the charivari incident. They write:

*When we arrived, the Commissioner of the Police was surrounded by the crowd, he was calm and behaving advisedly despite the excitement of hundreds of people. Nobody complained to the gendarmerie about being brutalized by the municipal police and we heard no rumor accusing the police of having done anything other than their duty [...]. Just like the police, we were the object of insults from distant groups of people, we heard words like: 'Go to hell cops! Go to hell gendarmerie!' [...]. In our opinion, if we had not intervened in this case, on the requisition of the Police Commissioner, it could have turned bad for to the police.*³⁶

³³ AD Côte-d'Or, 2 U 232, Letter from the public prosecutor to the Attorney General of the Civil Court of Autun, 10 March 1899.

³⁴ 'Charivari is the most effective way to force the deviant to give up his project [...]. If the transgression is considered minor, the charivari lasts only a few moments; if it is considered more important, it may extend over a week; if it is interpreted as a serious breach, it may not know limits and impose the arrival of gendarmes to put an end to the actions of the village' (Chauvaud, *De Pierre Rivière à Landru*, pp. 50-51).

³⁵ AD de la Côte-d'Or, 2 U 232, Letter from the Public Prosecutor to the Attorney General of the Civil Court of Autun, March 10, 1899.

³⁶ AD de la Côte-d'Or, 2 U 232, Report from the marshal of the Autun's brigades commander to Public Prosecutor, 27 February 1899.

The Police Commissioner, meanwhile, says he applied ‘[s] all means possible to maintain order and prevent any demonstration against personal freedom.’ In the cabaret, where the commissioner and his agents went to keep warm, the police attend the rally of ‘800 to 1000 people’: ‘We summoned everyone to disperse, but nobody has taken into account our requests.’ On the contrary, the police quibbles:

Finally, seeing us powerless to overcome the resistance of all these demonstrators [we emphasize], I sent the police officer Berthault to notify the Commander of the gendarmerie so they could send me all his gendarmes available. About half an hour afterward three gendarmes [...] arrived and helped us to disperse the crowd. It was then that several individuals shouted: ‘Take away the cops! Take off the gendarmerie!’ Then they run away, but two of these disruptors were arrested for insulting the gendarmerie. The gendarmes left the place and took the prisoners and we remained alone to proceed the maintaining of the order. It was not until about half-past eleven that we were able to leave the premises, having returned to the normal state.³⁷

This episode justifies the long transcript; first, because it reveals the forced relationship between police and gendarmes in their policing efforts which has already been explained. Secondly, if the force has certainly remained with the law, it was at first violated: the policemen must give up exerting their authority, which represents a failure that the public prosecutor conceals while congratulating the discernment and the calm of a commissioner for having used the ‘minimum of coercion.’ Could the behavior of the three policeman be different as they were probably unarmed, in front of a crowd of several hundred angry people?

Contrary to the commissioner’s report, which gives the impression of calm being quickly restored, the report of the chief of the sergeant-general states that the gendarmes had to remain on the spot for about three more hours, because of the ‘the crowd excitement.’ ‘Furthermore, the excitement lasted several days’ and the soldiers ‘had to return to Saint-Blaise during the evenings of 17, 18, 19, 20, 21 and 22 February to prevent the disorder revival.’³⁸ While the presence of unarmed police officers seems to have no effect on the crowd, the help of gendarmes turns out to be decisive. It is therefore the presence of armed soldiers who are likely to use all the violence permitted by the regulations that seems to allow the return of peace. But the threat of the use of force is not the use itself and the troubles remain for nearly a week; policing becomes possible again when the agitation ceases on its own, precisely because legal coercion has not been used.³⁹ The example of powerlessness of the police and compromised maintaining of the order is not rare. It perfectly sums up the weak points of the municipal police and the national gendarmerie,

³⁷ AD de la Côte-d’Or, 2 U 232, Report from the Autun police commissioner to the Public Prosecutor, 25 February 1899.

³⁸ AD de la Côte-d’Or, 2 U 232, Letter from the Public Prosecutor to the Attorney General of the Civil Court of Autun, 27 February 1899.

³⁹ Aurélien Lignereux tries to answer the question of how in certain situations, ‘authority derives from a free will, which excludes the use of coercion’ in his article ‘La force morale de la gendarmerie.’

allowing them to assume their relative role of force in maintaining order: if their partnership is dictated by the law it is, more surely, simply necessary.

VI. CONCLUSION

Max Weber defined the state as a 'political enterprise of an institutional character' that 'claims, the application of the regulations, the monopoly on legitimate physical violence.'⁴⁰ Retained today as a classic definition, we have seen here precisely that the maintenance of order as it is exerted at the end of the nineteenth century in France tends to get rid of more and more of its violence, trying to become more controlled, constrained, leading to a formalized preoccupation in true doctrine during the summer of 1930.⁴¹ Note that in 1961, even though that year marks one of the bloodiest periods in the war in Algeria in terms of the forces of the order, a similar concern was expressed at the highest level of military authorities⁴², evoking the long-standing trend of declining intensity and number of police violence. And if murderous episodes do exist, they make us forget that most of the time the maintenance of order happens without force, using Victor Hugo's term by 'denervated' means (orig. *dénervé*). The appreciation of Julien Freund appears much more enlightening to understand what is at stake: 'There is no state without force, but a really strong state is the one which succeeds in concealing this force in peaceful forms like mores and institutions that do not have to intimidate or threaten their members. The constraint becomes almost insensitive, because legality coincides with legitimacy, power being a guarantee of security [...]. In this sense, strength is an insurance against violence'.⁴³

The monopoly on policing being reserved for specialists not yet specialized persisted until the appearance of a mobile gendarmerie in 1921 and in fact excluded the role of the population in the matter.⁴⁴ Consequently, people found another means of participation through the press or the elected representatives, or by proxy in some way. In modern France, the idea of the National Guard has not only re-emerged, driven by the ter-

⁴⁰ Weber, *Le savant et le politique*.

⁴¹ 'It is advisable to appease the excited masses of people by the use of more peaceful means than by fire. One can imagine, for example, the extended use of tear-gas products, sound means, to be heard by people and to give them clear instructions to calm down; possibly, for the night, luminous means able to blind the population, without really hurting her' (SHD, GR 1 R 96-1, file 5, Note of the division 'Organization' of the state – joint commander to the military chief of staff on a 'draft decree to increase the heavy weapons staffing of police personnel', signed by Air Corps General Martin, Chief of State – Major of the Armies, 14 July 1961).

⁴² 'Just as it is right to quiet and harmonize the *excited masses*, it is better to use more peaceful means than fire. One can imagine, for example, the development of tear-gas means products, the use of suitable sound means so the people can hear clearly the instructions to calm down, possibly, at night, luminous means able to blind the population, without really hurting it' (SHD, GR 1 R 96-1, file 5, Division note 'Organization' of the Joint Staff for the Military Chief of Staff on a 'Projet de décret tendant à augmenter la dotation en armement lourd des personnels des forces de police', signed by Air Force General Martin, Chief Staff Staff, 14 July 1961).

⁴³ Freund, *Qu'est-ce que la politique*, pp. 131-132.

⁴⁴ Houte, 'Policiers de bonne volonté', pp. 159-170.

rorist context, but has been achieved in pursuance of the ideas of François Vidocq from almost two hundred years ago, who praised the bourgeois guard: ‘What would be a better guarantee than the continual presence of a bourgeois guard watching and acting incessantly under the auspices of legality and honor? Do we replace an institution so noble, so generous by a shaky police?’⁴⁵ Re-appropriation of the police by the population, or the opposite?

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⁴⁵ *Mémoires de Vidocq*, p. 441.

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