Policing, Participation and People: some historical perspectives

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The focus of this book and of the conference from which it emerged relate to popular participation in social control and local policing. The project aims to reverse the traditional historiographical approach to policing from the eighteenth century onwards in Western Europe. This traditional perspective underlines the increasing monopolisation of public order by central governments who took the initiative to professionalise the actors of social control, and gradually adopted the functions of public order for the benefit of public, local or centralised authorities. In contrast, an interpretation which focuses on a bottom-up approach, as in the concept of "popular participation", highlights more complex relationships between authorities who guarantee security, and residents seeking public order. However, proponents of "popular participation" must avoid two pitfalls. First, they must avoid creating a radical opposition between elites and people uniformly subject to public order in the service of the elites. Second, they should avoid proposing an irenic vision making the local community the sole legitimate authors of public order working in the service of all. Both interpretations – either the conflictual reading of law enforcement officials like police officers or frontline judges as "watchdogs of capitalism" or servants of particular interests, as well as a consensual reading of the community – consider the people and power to be monolithic and eternal entities. The socio-historical approach defines public order as a space for debate, always unstable, split between the demands of divergent interest groups. Developing a socio-historical approach is therefore a question of rediscovering the dynamics behind the construction of public order as related to the balance between the demands of the population and the ideology of the authorities. We have also sought to uncover how control was shared between the groups constituting each community as power was delegated, captured or reinterpreted by the public authorities for their own benefit.

From the eighteenth century until the present day, the population has remained a major actor in public order. The use of the generic term 'population' here should not obscure in each field of observation the diversity of the components of each local population, nor the variety and heterogeneity of the groups to which it belongs. In this book, these range from a Milanese village in the eighteenth century, to a French provincial city in the nineteenth century or indeed the Catalan metropolis at the beginning of the twentieth century. On the other hand, concepts such as co-construction between actors, or "coopetition" between competitors, can reflect the mechanism of public order formation.[1] Ho-

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[1]   Brandenburger and Nalebuff, Co-opetition.

wever, they do not define what this public order would be. It seems to us that the notion of a common order, based on concrete objectives and going beyond either class lines between the elites, wealthy and the working classes, or the ideological differences between supporters of revolution and security, makes it possible to better understand how public order is constructed on a daily basis, building on a precarious balance of tensions between individual behaviour and group interests.

As Emmanuel Berger and Antoine Renglet point out in their introduction, the relationship between forms of popular participation and public institutions in policing can be described as follows in various ways.

The involvement of local representatives in choosing the actors for common order is a first element of popular participation. Before the eighteenth century, a multiplicity of power relations and actors was the rule in each territorial configuration, whether village, urban space, or territorial principality. The studies gathered here call into question the simplified vision of the regular transition from an old regime of orders and hierarchies based on personal status moving to modern states based on a uniform public order. For both the judiciary (in particular the small offices) which guarantees efficient social functioning (hygiene, commerce, night police, local justice), and also for the local actors of policing, popular participation interferes with the recruitment, retention or renewal of official actors. Driven by population growth, during the period 1750-1850 there was a movement amongst central authorities in Europe driven by their desire to better control local orders. This led to tensions between the maintenance of traditional forms of local police. Recent work on the cities of the Ancien Régime (Naples, Madrid, Milan, Milan, Toulouse, Paris, Brussels) paints a more subtle landscape than the traditional view of an opposition between community control and new police and judicial institutions organised by the State. At this time, some new magistrates, such as the *Alcades de barrios* in Madrid, are challenging old practices, while others, such as the Neapolitan *Capitani di Strada*, are evolving with the establishment of new structures designated from above. On the one hand, workers and craftsmen rooted in their neighbourhoods impose their authority by their ability to represent their peers through these small magistrates. On the other hand, central governments, whether by choice or because they are forced to, start to invest in the development of transmission belts with the working classes, especially in cities dominated by traditional elites (Marin, Antonielli). These approaches to negotiating public order sometimes run counter to the willingness of reformers to break complex relationships between populations and local elites, in favour of a rationalized vision of the State's public policy prerogatives.

Revolutionary movements, whether endogenous or exported, such as the French Revolution and the Napoleonic Empire, accentuate these tensions between a "centralizing" order and local populations. The sets of scales are becoming more important. Despite the willingness of the central authorities to create a uniform "public" order, the study of each local situation highlights the relative influence of each population in managing the local order....

Disorder is another laboratory for the study of concepts of order. Managing disorder is the concern of any local authority, and the support of sections of the population is essential in the face of external or internal threats. Studies on national guards establish the principle of self-control in times of crisis, either locally or by central government. The different scenarios presented focus on traditional policing structures within which national "guards" are established. Such structures do come into existence spontaneously, and they display a clear connection with the structures of urban policing under the Ancien Régime. The bourgeois guards of the former regime are the obvious symbol to locals of the community's ability to take charge of the return to disturbed order, particularly with regard to threats outside the community. For medieval cities enclosed within walls, urban militias, composed of the active part of the male population, are called up in the event of a threat outside the city limits (war, epidemic...). Nevertheless, the problem with these urban communities is that some of their members group together as rebels against urban authority.[2] The disappearance of urban ramparts and the use of military forces in the event of unrest reflect the gradual integration of local communities into larger political territories (principalities, kingdoms). This "relocation" of public order is particularly evident during revolutionary periods, marked by the strong politicization of traditional structures for the restoration of order. The "national" or "bourgeois" designation attached to active guards during revolutionary unrest highlights the ideology of the common good (national, patriotic, republican), or the supporting group (bourgeoisie, craftsmen, workers...) promoted by the institution. Public order is no longer just a problem for the local authorities, but becomes a problem of co-construction on the local and supra-local levels. Despite their apparent radical diversity, the two "Parisian" examples of the Revolutionary reports committee (Castellà i Pujols) and of the development of the high police of Napoleonic surveillance (Le Quang), demonstrate how much this "deterritorialization" of public order is possible only through the participation of local groups, or thanks to individuals interested in reporting local disorders to the central government. In the first case, revolutionary "policing" is thought of as a local community extended to the nation; civic denunciation is intended to be exercised in an act of transparency and separation of powers. In the second case, the threat and disorder are reduced to the individual level by the central power, in a confusion between police and justice, supported by discreet local interests. Civic denunciation becomes a secret and anonymous denunciation.[3] The French model of *Garde Nationale* is the ultimate expression of bourgeois participation in the local order. Nevertheless, as the example of the Cisalpine Republic shows, this model is changing into conquered territory (Dendena). Recruiting mainly volunteers from the urban working classes who are seduced by revolutionary change, the national guards are used to fight against robbery and smuggling on the margins of the Republic. Their military failure and their popular constitution as urban artisans will lead to their dissolution in favour of more endogenous forms. The same applies to deba-

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[2]   Chiffoleau, Gauvard and Zorzi, Pratiques sociales et politiques judiciaires.
[3]   Gellately and Fitzpatrick, Accusatory Practices.

tes on local justice during revolutionary conquests, as shown by the example of the Duchy of Warsaw which was subject to French and Russian influence. Should local judges come from the population, through elections, or represent traditional urban or rural elites (Galedek)? Tensions between central power, intermediate elites and local populations can be found in the "modernization" of order and justice.

In the nineteenth century, in the French territories, the "national" guards were most often made up of liberal bourgeoisie whose interests were primarily the maintenance of their domination in the urban space and the protection of property. Depending on the local political configuration and whether it is during a time of crisis, these units bring together different strata of citizens, supporters of the Revolution, a moderate monarchy or a "sharing" republicanism as mentioned in the examples of Rennes and Lyon (Drober, Pareyre). In the southern European states, during the 1848 movements, local participation in the "national guards" aimed at ensuring security and tax collection produced a dual movement of politicization of local citizens, and political appropriation by local communities (Delpu). This function of expressing rivalries and local politicization partly explains the composition of the political parties that emerged in Europe in the second half of the nineteenth century and which built local democracy.

The abolition of national guards at the end of the nineteenth or beginning of the twentieth century in France did not prevent the evolution of a myth of popular participation in policing. Following the 1870 German-French war, however, in a totally different context, namely that of the modern war between national armies, the myth of the national or civic guard as being poorly armed, poorly uniformed, and undisciplined resurfaced in the mythology of "franc-tireurs". Does this official vacuum of popular participation in local order leave room for other forms of mobilization to defend collective interests? In the interbellum period, paramilitary groups, soviets of soldiers, *corps-francs* or workers militias, were to flourish, as an expression of popular power, in the context of the polarization of anti-democratic forces.

Another form of popular participation in the control of disorder highlighted in this book was the recruitment of self-proclaimed supplementary groups, most often based on forms of community associations, such as the *Voraces* lyonnais during the *Canuts* revolt, the Sicilian *Squadri* in rural areas or the *Somatent* in an industrialized metropolis like Barcelona (Pareyre, Scaramuzza, Grafl). On the one hand, these two examples, among others, highlight the relationship between the different forms of control over production tools (Lyon trades, Sicilian rural properties, or Barcelona factories) and the interests of their owners. The training and police activity of these militias was often necessary in times of unrest, but did not easily coexist with the public forces. They existed in areas undergoing profound transformation, the rural world emerging from local feudalism, through the Garibaldian invasion, or the Mediterranean port cradle of extreme class struggles. Such militias are based on traditional or invented structures which were used to meet new needs. Moreover, these examples raise a question that is not very much addressed in this book, that of the cost of collective security and the interest of certain groups of the population in exerting control in a way beneficial to their interests, lea-

ding them to manage or even create their own protection services (privatized security). This work can be linked to the current research on the emergence of private security in contemporary societies.[4] It is again a question of breaking the image of private competition with official law enforcement agencies, and of formalizing the relationship between public security and the needs of population groups (security of production tools, movement of goods, etc.) Not only does the formalization (uniform, disciplinary ethos, training) of private security agents require an adjustment of relations with official law enforcement agencies. It also introduces complex negotiations between special interests and the public interest, and redefinitions of private, community and public spaces; in short resulting in the monopoly of the public use of legitimate force.

Nevertheless, it remains true that the trend towards public control of community order is a major phenomenon in Western Europe between the eighteenth and twenty-first centuries. The growing influence of the official forces of law and order, both in doctrine and in the field, leads to ever more complex requests addressed to them. A call for policing is another form of popular participation, whether it is focused on protecting the owners in rural areas or areas less controlled by the national state (with the evoked threat of robbery), or protecting the property of industrialists (threat of predation), small traders, and working-class districts (threat of lumpenproletariat). The increasing demands of the population on the police marked the evolution of urban police in the nineteenth and twentieth centuries, particularly in metropolitan areas or capital cities. Some groups criticize police laxity while others complain about their interventionism (Vaz). The popular press reinforces this binary image of either a lax or repressive police force, depending on the demands of local or national elites, and also on the "scandals" that allow criticism of the ruling power. Petitions and press are demonstrating these pressures from below to demand protection for the different groups. In reverse, it seems important for the relevant authorities to control these new requests and integrate them into traditional forms of order. The French case study highlights the fact that parliamentary democracy is wary of popular intervention, but it also incites the police, in particular the gendarmerie and urban police, to exert ever less violent coercion towards popular demonstrations (Lopez). The legitimacy of the police as representatives of the population depends on this mitigation of violence.

The experience of war adds an additional level of complexity for policing. The legitimacy acquired by official law enforcement agencies in most nineteenth century states becomes undermined by the new phenomenon of long-term military occupation. Thus the long wars of the twentieth century will see denunciations play a considerable role in conflicts of public order. Citizens are confronted with competition between the security forces of the occupying and occupied state. Both the first and second world wars lead to a conflict of legitimacy, which, in reverse, legitimizes practices of double games between public authorities (denunciation), the development of semi-official police forces, or armed opposition against the occupier and its national collaborators. Reporting to the authorities is a much more explosive exercise in occupied societies. While fear of enemy

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4   De Koster and Leloup, 'Policer le port d'Anvers'; Leloup, 'A Historical Perspective'.

spies manifests itself behind the front line (Ronan), it is much more devastating in occupied countries where the categories of enemy and friend are blurred.[5] Military operations promote the return of practices that predate the State's control over public order, such as rural banditry or revenge killings, and also undermines the State's monopoly and citizens' trust in it.[6] To relegate itself, the state must rethink the relationship between citizen participation and public authority in policing.

A final place where people's demands on the authorities converge is in the "horrible" rumours and crimes that generate popular emotions during threats perceived as unusual. In 1750, the case of child abduction had stirred up the Parisian crowds.[7] The emergence of the "popular" press provides a permanent framework for the expression of anguish linked to predators targeting vulnerable individuals (children, isolated women, the elderly, etc.). Not only do journalists become investigators in the name of popular legitimacy, but official investigators also do not hesitate to use the press as a channel of communication with the public. In major European cities the emergence of American-style "kidnappings" reflects on the one hand the fear of the moral disintegration of living communities (neighbourhoods, parishes), and on the other hand, the atomization of social control and the individualization of popular demands. Child abduction is a profound revelation of the transformations of perceived threats in an individualized society, which is detached from the traditional collective protection of the community. The answer, skillfully staged or escaping the authorities, is the wave of individuals participating in the hunt for perverse criminals. However, this phenomenon introduces a disparity between cases which became media sensations, and those that remain in the shadows. The Malméjac case is based on the investigators' willingness to call witnesses while refusing to allow citizens to interfere with the investigation itself (Montel). This last case, in response to the growing concerns of cosmopolitan societies about attacks on their most vulnerable members, children, highlights a blind spot in the research presented here, namely the participation of women in public order. Much of the uproar caused by child abduction cases in Europe since the 1990's is characterized by the mobilization of women of all social levels and ages who are reactivating local networks of solidarity to form popular anti-abduction protest marches and groups. As a result of these movements, there has been a global transformation of the police system, where the supposed priorities of the population are integrated into police action plans.

The work begun by this book offers new perspectives on over two centuries of the relationship between police, justice and the population. It confirms the paradox of the demand for security. Insofar as conflict regulation emerges from the local context to the benefit of state and national authorities as part of their claim to a monopoly on the use of physical coercion, police and courts must rebuild the legitimacy of their action. Such legitimacy is based on the participation of populations who are gradually deprived of any

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[5]   Campion and Rousseaux, Policing New Risks.

[6]   Thiry, Le tribut des temps troubles; Leloup, Rousseaux, and Vrints, 'Banditry in occupied and liberated Belgium'.

[7]   Farge and Revel, The Vanishing Children.

direct intervention in public order and justice. In fact, whether they tacitly approve, collaborate in an auxiliary manner or in times of crisis or occupation, or replace disorganized or powerless law enforcement agencies, the various components of the population have never stopped negotiating a shared public order with the authorities.

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