

France: proposed security laws raise danger of police state

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The new French government of Prime Minister Jean-Pierre Raffarin is preparing a major reorganization of police forces and of the legal system, measures that represent a serious move in the direction of a police state. Interior Minister Nicolas Sarkozy unveiled his proposals on the police forces on July 16; the next day Justice Minister Dominique Perben presented his justice reforms at the National Assembly. As a whole, these measures increase the police's resources, their repressive capabilities, and the legal means they can use to detain those they arrest.

The total police budget (including the urban *police* proper and the *gendarmerie*, the military police often in charge of more rural zones) will be 5.6 billion euros, including a 25 percent increase in spending on equipment. Sarkozy will create 13,500 new jobs, 7,000 in the *gendarmerie* and 6,500 in the *police*—6,800 for “proximity policing” i.e., street patrols, 1,600 for investigation, 1,200 for road patrols, 700 to work against illegal immigration, 300 for fighting terrorism, etc. In addition, 1.2 billion euros will be invested in “real estate”—that is to say, prisons.

To generate additional revenue, the law allows police to seize and appropriate “delinquents’ property”—without clearly defining the term.

Sarkozy's proposal also massively reorganizes the police administration. The Interior Ministry will now control both the *police* and the *gendarmerie*. The “super-ministry” of security recommended by the Raffarin government is taking shape: a national internal security council, run by the president, will head a network of regional and municipal councils, supplemented by 28 Regional Intervention Groupings (GIR)—centers regrouping *police* and *gendarmerie* for “focused” operations. This expansion of police forces does not, however, satisfy the government, which is also preparing to form a “civil reserve” of retired policemen who could

serve as a supplementary force in case of “crises or exceptional events.”

If the government is setting up a system capable of repressing large-scale social movements, for the time being it is primarily directed at the most oppressed sections of the working class. The main objective is repressing and regaining control of poor suburban areas. Laurent Mucchielli, a criminologist at the National Center for Scientific Research (CNRS), described the social tensions involved: “[T]he youth of problem neighborhoods and the police [have] relations which have always been tense, which probably got worse at the end of the 1980s, and have finally installed in certain neighborhoods of a sort of permanent guerilla warfare which, at the first serious incident, can turn into a riot.”

The reforms in the administration of the CRS, the notoriously brutal riot police, will make it easier to deploy them in any part of the country. Bolstered by the anticipated success of his reforms, Sarkozy declared that “not a single square centimeter of the Republic can be considered a no-go area”—a comment whose importance will doubtless not escape illegal immigrants, who are currently attempting to find sanctuary in churches.

The GIR are simply designed to terrorize poor working-class areas, and they did not hesitate to show it. The same day that Sarkozy presented his reforms to the Assembly, the GIR ran their first crackdown intervention. At dawn, 240 *policiers*, *gendarmes*, fiscal agents, etc., penetrated a poor area of Nanterre, a working class Paris suburb, seizing 200g of cocaine and arresting three people “subject to penal convictions.”

Feeling the need to explain the overkill of the crackdown intervention, the GIR cited “the need to create a new balance of forces in a neighborhood which is one of the worst in the city.” In other words, the GIR wanted to intimidate poor inhabitants and get them used to police methods that recall the French army's campaigns in the

poor Arab quarters of Algiers during the Algerian war for independence. The GIR mission also inspected HLMs (state-subsidized housing) to halt “illegal occupations of empty HLM housing,” i.e., to throw poor people on the street.

Justice Minister Dominique Perben’s proposals are the judicial counterpart to the repressive system set up by Sarkozy. Echoing the theme of decentralization introduced by Raffarin, and then Sarkozy, he wants to set up a system of “proximity judges,” who would not have the full legal training of a magistrate, but who would be nominated by local prosecutors and would hand down rulings in “minor lawsuits.”

He proposes creating “closed education centers” for young delinquents over 13, with possible transfer to prison if considered necessary, and also therefore to reform the February 2, 1945 law against the incarceration of minors.

Finally, Perben’s proposals would modify the law on the presumption of innocence, in order to increase the maximum legal length of time police can detain a suspect before trying him. According to Perben, this would allow police to do away with “untimely releases of dangerous detainees.”

The two reform packages have elicited much noise from many segments of the established left, currently in opposition—several Socialist and Communist party officials and Greens shouted themselves hoarse in attacking this “turning back of the clock,” even though several other Socialists supported the new reforms. This cynical opposition simply counts on the population forgetting everything about the left’s past: for example, that the Socialist Lionel Jospin also proposed revising the February 2, 1945 law during the presidential campaign, when the left was trying to be tougher on crime than the right; or, that Perben’s “closed education centers” simply tack on more repressive force to the juvenile “reinforced education centers” created by Jospin when he was prime minister.

Opposition from magistrates’ unions, allied with human rights’ organizations, seems to have delayed the passage into law of certain parts of Perben’s proposals until early September. Magistrates criticized the unclear status of the proximity judges’ training and behavior. They were concerned that these new officials, despite their inferior status, could impose fines of up to 45,000 euros, revoke drivers’ licenses and bar a guilty party from working.

Magistrates also asked the obvious question concerning proximity judges’ relations with prosecutors. What would

be the independence of recruits “chosen amongst local notables, named by the prosecutor, and subject to a discipline committee where the very same prosecutor has a seat?” asked Ulrich Schalchli of the magistrates’ union. Indeed, the setup seems to guarantee that the proximity judges will function as assembly lines producing rulings favoring prosecutors and police.

Magistrates’ opposition was limited, however, to objections to the system’s most obviously repressive measures; they did not seek a fight against the totality of the planned reforms. The State Council will now study the question of proximity judges’ training and arrive at a decision by early September. On the question of proximity judges’ powers, Perben claimed he had decided to eliminate their “penal decision-making power.” However, this promise is suspicious, since according to texts received by the press, proximity judges will still be able to “take decisions on penal matters” in suits such as nocturnal disturbances, non-aggravated assault, etc., which are currently decided by police courts. In any case, the magistrates’ unions’ opposition has at most put off application of most of Perben’s reforms by a few weeks.

The French people have been bombarded with questionable criminality statistics published by police. According to the *Los Angeles Times*, the police indicated that “Crime was up 7.6 percent in 2001, continuing a trend marked by what police union officials say was a fourfold increase in physical and verbal assaults on officers in the last five years.” Elsewhere, the article mentioned that starting in 1997 the French police had begun to patrol streets in poor areas far more aggressively, a continuing tendency which Sarkozy’s reforms will only intensify.

The *Times* article also noted that “Nonetheless, France remains less violent than the United States. In 2000, this nation of 60 million recorded 1,051 homicides compared with 1,000 in Los Angeles County. Rising crime in France results partly, according to experts, from increased reporting by victims and from a surge in street rip-offs of cellular phones—a frightening but usually not fatal experience.”



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