

# New powers proposed for French police

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On October 23 the French government submitted a proposed reform of French criminal law that strengthens the powers of the police and introduces harsh punishments for beggars, prostitutes and other socially deprived groups. The package of laws worked out by French Interior Minister Nicolas Sarkozy is currently being discussed in the Senate and is due to be discussed and decided upon by the National Assembly in the second half of January.

The planned law permits a considerable extension of the ability of the regional prefectures and police to undertake the supervision of citizens (house searches, tapping of telephones, genetic fingerprinting, the stopping and searching of cars). The French parliament had already agreed to increase the budget of the Interior Ministry by 4.1 percent (to a total of nearly 10 billion euros) as well as recruiting an additional 13,500 policemen.

In addition, entirely new categories of crime are to be introduced such as aggressive begging, occupation of entry halls to apartment blocks, camping in public places (by Romany gypsies) and procurement of customers by street prostitutes. The law envisages drastic punishments for such offences extending to six months imprisonment and fines of up to 7,500 euros.

In August of this year the new French government introduced its first reform of criminal law that lowered the age for the imprisonment of young offenders to 13, introduced courts designed to conduct cases in rapid succession and encourage the use of informers. The state also increased the budget for the military, police and gendarmerie at that time. The latest package of measures is therefore the third major measure to be introduced by the right-wing government since its electoral victory last June. The first part of the criminal law reform urged by Sarkozy was whipped through parliament in July shortly after the government took office.

Nicolas Sarkozy heads the newly created super-ministry of inner security established by President Jacques Chirac. The fact that the new draft package of laws came from his ministry instead of the Justice Ministry represents a clear shift of powers from the judiciary to the police. In its original form the draft went much further. Planned were large fines for the parents of children who skipped school and an extension of preventive detention.

Sarkozy's package has been fiercely criticised by human rights and campaign organisations. They described the measures as "wrongful detention". The organisation for the homeless DAL (*Droit au logement*), the human rights league DLH, Doctors of the World (MdM—*Médecins du Monde*) and organisations representing Romany gypsies and prostitutes called a number of demonstrations. On November 6, as the senate was discussing the draft laws, 300 prostitutes demonstrated in front of the senate. One

of the demonstrators called out, "I voted for Chirac and now end up with a Le Pen law."

The Human Rights League addressed an open letter to Sarkozy, stating that his laws transformed any sort of begging or prostitution into a criminal act. They criticised the expansion of police powers in everyday life where the police can stop and search on the streets without giving any grounds for doing so. The latter concluded with a question for the minister: "Is it your intention to transform all inhabitants of the land into suspects?"

Even official state organisations, such as the commission for data protection CNIL (*Commission nationale de l'informatique et des libertés*) and the CNCNDH (*Commission Nationale Consultative des Droits de l'Homme*—a body that monitors human rights violations—declared their protest. The CNCNDH was newly appointed on the third of October by Prime Minister Jean-Pierre Raffarin. It is headed by Joël Thoraval, a former prefect and head of cabinet for Charles Pasqua, a former French interior minister who was notorious for his tightening of French immigration law.

Even Thoraval criticized the measures proposed by Sarkozy, claiming that the struggle against crime was being confused with the fight against terrorism, although his objections were more of a moral than juridical nature. In particular, he said, it was impermissible to punish prostitutes so severely because "the victims of poverty and isolation should be much more the object of special attention and protection."

Deputies from the "Majority Left" (*Gauche plurielle*)—Socialist Party (PS), Communist Party (PCF) and the Greens—also criticised in measured terms the repressive course being followed by the government. Their objections lacked credibility, however, since the previous government coalition of these parties, under the leadership of Lionel Jospin, which was voted out of office last June, had undertaken its own measures for the strengthening of the state apparatus.

The "Law Governing Everyday Security" (LSQ), passed by the French parliament after the terror attacks of September 11, 2001, swept aside fundamental democratic rights and gave police new powers legalising telephone tapping and house searches, as well as allowing the testimony of anonymous witnesses in court cases. With such measures, the social democrats themselves began the process of undermining democratic rights that they now criticise.

This was confirmed recently by an interview with Jospin's former Interior Minister Jean-Pierre Chevènement with *Europe-1*, in which he stated: "I believe that a strong hand is necessary.... Naturally, no one in the government of Jospin, in which I occupied the post of interior minister, asked me to change the criminal law. This is completely new—normally it is the justice minister who

does this. I must admit, however, that Monsieur Vaillant (Socialist Party interior minister after Chevènement) had decided on measures that went in this direction. I went through all that, and I can recall very well the outrage unleashed by the term *sauvageon* (little savages), used to describe criminals who had no education and could not be held in check.” (Chevènement used this expression to justify the imprisonment of children.)

The standpoint of many PS, PCF and Green politicians is only minimally at odds with that of the right-wing Gaullists. This has allowed Sarkozy to retort that those who criticise his measures in the National Assembly support similar measures in their own constituencies, where they function as mayors or heads of local administrations.

Sarkozy could refer to the head of the Socialist parliamentary fraction, Jean-Marc Ayrault, who has criticised the measures aimed at beggars and prostitutes, although he introduced similar measures in Nantes, where he occupies the post of mayor. Or he could point to two representatives of the PCF from Choisy-le-Roi, the mayor, Daniel Davaisse, and the deputy Christian Favier, who participated in an action to clear a camp occupied by Romany gypsies.

The Gaullists owe their large majority in parliament to left-wing parties that campaigned vigorously for Chirac in the last presidential election, and thereby strengthened the Gaullists as a whole. Their justification at the time was that rival presidential candidate, extreme right-winger Jean-Marie Le Pen, who unexpectedly got through to the second round of voting, could only be stopped by supporting Chirac, whom they characterized as the defender of the Republic. Now Chirac and his Gaullist parliamentary majority are introducing laws similar to those favoured by Le Pen.

As was the case in the presidential elections, the Ligue Communiste Révolutionnaire (LCR) is functioning as the left wing of the “Majority Left”. On October 22 the LCR signed a joint statement with the PS, PCF and Greens denouncing the proposed laws of the Interior Ministry as a “war against the poor”. Many human rights and anti-racist organisations, the CGT trade union and the anti-globalisation movement Attac have also signed the statement.

The political perspective of the joint statement consists—as was the case during the presidential elections—in counterposing the attacks on democratic rights with an abstract defence of the Republic. It states: “In presenting this project, the government touches on the essence of the Republic itself. We will then no longer be equal before the law.”

Such a “defence of the Republic” is the lowest common denominator that enables the LCR to collaborate with right-wing social democrats and Stalinists against the Gaullists and, when necessary, together with the Gaullists against Le Pen. In the process they defend a bourgeois state and reject any basis for an independent political perspective for the working class.

Even so, considerable tensions emerged in the course of working out the joint statement, because a few PS deputies feared it could be used by the right wing to discredit them as “naïve” on the issue of growing social violence. As a concession to such sentiments, the statement included the following passage: “In order to oppose

insecurity, it is natural to resort to repression when necessary.” Another passage that accused the police of squandering their last vestiges of popular trust was struck from the text because PS deputies regarded the comment as too harsh.

The aim of Sarkozy’s draft law is not just the arming of the state against working people. It also serves to mobilise despairing layers of society for a right-wing programme and garner support for the government with populist demagoguery.

With his claims that security is the “prime civil right,” promises that the state will protect victims, and his attack on “immorality,” Sarkozy has sought to establish himself as a sort of “super policeman” who “really gets things done,” as opposed to the complacent “caviar lefts”. In this manner the government is seeking to win the support of economically threatened small businessmen and self-employed people, as well as disgruntled state officials. In addition, the assertion by Prime Minister Raffarin that his government seeks to protect the little man— “*la France des oubliés*”—is directed at winning over impoverished layers, at least temporarily.

Scapegoats have been created in a demagogic and provocative fashion in order to justify the strengthening of existing laws. One example is the recent events in Strasburg, where, according to the police, three youths were discovered at night in the course of breaking into a warehouse. A heavily armed police squad took two of them captive. The third youth was fished out of a tributary of the Rhine, where he had drowned under circumstances that remained to be clarified. The youth was known to be a good swimmer.

Shortly after the body was discovered, the situation escalated. Cars were set alight in the suburb of HautePierre. Firemen who came to put out the blazes were pelted with stones.

Later, uniformed police and firemen, headed by the right-wing city administration, carried out their own protest march through the suburb. Sarkozy personally travelled to Strasburg, met with car owners whose vehicles had been damaged and awarded each of them 1,000 euros.



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