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Republican Identity: Bertillonage as Government Technique

MARTINE KALUSZYNSKI

BY THE END of the nineteenth century in France, industrial growth and urbanization had radically transformed the way of life and destabilized the existence of a significant proportion of the population. The response of the Third Republic was to extol the virtues of order, stability, and work, and it did all in its power to enforce respect for these values. This was the context in which police anthropometry emerged. Invented by Alphonse Bertillon (1853–1914), anthropometry was not simply a new weapon in the armory of repression, but a revolutionary technique: it placed identity and identification at the heart of government policy, introducing a spirit and set of principles that still exist today. By tracing the evolution, consequences, and implications of this system, we shall see how it enabled first the maintenance of order and repression, and then the establishment of a technique and a politics of republican government based on the concept of identity. It was in the context of criminal policy, confronted by the struggle against crime and by galloping rates of recidivism, that this politics of identity was to emerge.

The Problem of Recidivism

In the complex and turbulent circumstances of the late nineteenth century, French society was plagued by a mounting crisis of recidivism, despite persistent efforts to curb it.¹ A series of legislative initiatives were adopted in the attempt to attack the problem, notably the laws of May 27, 1885 (on transportation and restrictions on the rights of settlement)² and of March 26, 1891 (on suspended sentences). These and other laws were based on the principle of dividing offenders into two categories, first offenders and recidivists. First offenders were to be rehabilitated through

¹ Schnapper 1991.

² Kaluszynski 1999.

generous policies that would encourage personal reformation and social reintegration. By contrast, recidivists faced the threat of severe punishment, and the incorrigible were to be segregated from the rest of society.³ In order to implement these laws, the authorities needed to investigate techniques for the reliable identification of those arrested for criminal violations. By this time it was no longer possible to brand or crop the ears of an offender in order to be able to recognize him subsequently. Branding by hot iron had been abolished by law in 1832, and with it all possibility of such a comprehensively effective system. Thus identification of the individual as such became the key to an effective system of crime control.

It was from this perspective that the police administration experimented with a number of different methods for the identification of recidivists, although on the whole they turned out to be rudimentary and ineffectual. Already in 1819, Huvet, a clerk in the prison bureau, had suggested that the police establish a rogues' gallery of portraits obtained by the mechanism of the "physionotrace," a contraption that allowed the body's shadow to be projected onto paper in silhouette when the subject was placed between the mechanism and a light source. Huvet's proposal was not adopted, but the idea of recording physical particulars by means of an image came into its own with the invention of photography.⁴ Photography was in use in sections of the police prefecture in Paris as early as 1872. The photographic department had been established unofficially for the purposes of political research, and together with the printing department comprised the criminal investigation department of the police prefecture. From this time on, all suspects were photographed, but very unsystematically—from various angles and with varying degrees of expertise—and the prints accumulated in disorderly piles. They were catalogued by name alone, which meant that they were useless for identifying any malefactor who simply changed his name. Thus the problem was how to match the sixty thousand photographs assembled by the criminal investigation service with any of the hundred individuals arrested in the city every day. The techniques developed by the police were far from rigorous and very inadequate. A suspect could easily disguise his identity by claiming that he had been born abroad or in the IVth arrondissement in Paris, whose town hall had been burned down during the Commune. He could also choose a common name, which would add to the difficulty of investigating him in alphabetical files, and blithely claim to be an orphan without any living relatives or else insist that he did not know where his family lived. There were no mechanisms for exposing these lies.

³ Kaluszynski 1988.

⁴ *Liaisons*, 243 (September–October 1943).

Confronted both by ineffective means of identification and by the growing problem of recidivism, anthropometry emerged in the 1880s as a solution that was founded on the systematic scientific verification of identity. Alphonse Bertillon, a police clerk whose job was to record criminal descriptions on index cards, was the originator of this much more rigorous system of criminal anthropometry.⁵ Bertillon was not exactly an ordinary police clerk, and his method was the product of a series of far from accidental influences. Even if it was professional chance that provided him with the context and opportunity to stand out, his own family origins were largely responsible for his angle of approach. He was the “difficult child” of a family that had multiple connections with the worlds of science, medicine, and anthropology.⁶ The young Bertillon had difficulty in committing himself to a career: he had not distinguished himself in his mathematical studies; he took up and abandoned several jobs, joined the army, and spent some time in medical school, where he studied and measured the skeleton with enthusiasm, but left after passing the first exam. His father had to use all his influence to find him a post in the police prefecture, which he took up on March 15, 1879.⁷ By the end of that winter, he had set himself to discover an objective and infallible means of identifying recidivists. His family background, his own unfinished training as a physician, and his admiration for Italian criminal anthropologists, who used osteometric observations to support their theories, had a cumulative influence on his own research.

Bertillon’s system was based on the measurement of certain dimensions of the body—including head, arms, and legs—and in this respect echoed the kind of observations he had made during his medical studies. His method proceeded in two stages, description (*signalement*) and classification. To establish the descriptive data, Bertillon started from the observations that the human bone structure was more or less absolutely fixed by the age of twenty, and that the skeleton varied tremendously in its dimensions between one person and another. On the basis of these observations, it was possible to establish descriptive data that derived from specific bone measurements. Anthropometry was premised on a proven principle: all human measurements, of whatever kind, obeyed a natural

⁵ Bertillon 1941. Mention should also be made of the excellent catalogue of the exhibition at the Centre national de la photographie, *Identité. De Disdéri au Photomaton* (Paris, 1985).

⁶ His grandfather, Achille Guillard, an enthusiast for statistics, coined the term *demography*; his father, the physician Louis Adolphe Bertillon, was a co-founder of the École d’anthropologie; and his elder brother, Jacques Bertillon, also a physician, was the well-known author of several publications on statistics and director of statistics for the city of Paris.

⁷ Archives Préfecture de police, BA 960, Dossier Bertillon.

law of statistical distribution. The choice of features to be measured had to be based on their non-correlation as well as on their fixity and clarity. This represented a noteworthy bid to move away from a model confined to generalizations: here it was the detail, the particular, that mattered.⁸

Bertillon presented a memorandum on his system to the prefect of police, Louis Andrieu, on October 15, 1879, but Andrieu thought Bertillon was crazy and rejected it out of hand. However, Andrieu's successor, Camescasse, showed more interest in Bertillon's ideas and allowed him to conduct some trials of his methods for the first time. On December 15, 1882, Bertillon began to measure all arrested persons brought into headquarters: the results were much better than expected, but certain problems were revealed, notably the inapplicability of the system to women and children, since their measurements did not conform to the statistical norms. As well, errors in taking the measurements were always possible. The system was in fact only a means of negative identification that enabled probable but not absolute identifications—the most flagrant case of identical measurements would be in the case of truly identical twins.

Thus Bertillon's system was far from achieving the desired degree of infallibility. However, having made anthropometry the basis of his system of identification, he needed some means of giving it absolute authority in the eyes of magistrates and validating it as a formal means of judicial proof. The identification of recidivists had to be made unquestionable, and for this the support of complementary procedures was indispensable. Anthropometry was a method of elimination that could prove *non-identity*, but a series of additional descriptive techniques was devised in order to allow the establishment of positive identity: the *portrait parlé*, or verbal portrait, which allowed the identification of escaped delinquents; the tabulation of distinctive marks, which alone could ensure forensic certainty; and the addition of photographs, which personalized the anthropometric measurements. Forensic photography then developed in two further directions as a method of criminal investigation: descriptive photography (*photographie signalétique*) for people, and sectional photography for crime scenes.⁹ These techniques were gradually developed

⁸ See Carlo Ginzburg's highly original discussion of the significance attached to clues and traces at the end of the nineteenth century, which was part of the emergence of a new scientific paradigm of individual identity: Ginzburg 1980a.

⁹ Descriptive photography was incorporated in the anthropometric conception of description from the start. Seen as an objective and impartial document—not a "portrait" in the artistic or usual sense of the term—the photograph was intended to be a perfectly consistent medium of representation whose precise and accurate record of physical traits would serve for all subsequent comparisons. Hence the descriptive photograph was taken in rigorously prescribed conditions, including size (one-seventh reduction) and position (full-face,

by Bertillon in order to meet his goal of ensuring effective implementation of the criminal law, but their systematic elaboration proceeded with some difficulty, and it was not until 1893 that the Criminal Identification Department (*Service d'identité judiciaire*) was established.

It was evidently the arrest of the anarchist Ravachol and his identification by Bertillon in 1892 that gave definitive sanction to the anthropometric system, which thenceforth revealed itself as not just interesting but essential. By then, this system of identification had already taken a decade to establish itself. In 1882 there had been nothing more than an identity bureau attached to the security service. On the initiative of Louis Herbet, director of criminal administration in the Interior Ministry, the system of anthropometrical identification was extended throughout France by circulars issued on August 28 and November 13, 1885. From 1887, all penal establishments were under orders to apply the Bertillon method to their inmates, and to file a duplicate of each set of measurements with the prefecture, where it would be classified. Prison warders were provided with a newly written set of instructions.¹⁰ Sometime before 1888, the prefect of police in conjunction with Herbet began to plan the creation of a special office dedicated to anthropometric services, and on February 1, 1888, the office of criminal identification was established under the eaves of the Palais de Justice in Paris. Administrative problems and delays had thus not spared Bertillon, but he had been able to lean on the support of crucial friends, including as well as Camescasse and Herbet the police prefect Lépine.¹¹ From now on the Criminal Identification Department finally had a budget and an apparatus commensurate with its tasks. It embraced the services of anthropometry, photography, and detective expertise, and thus constituted a functional unity for the first time.

Bertillon's work now developed in two principal directions: description and identification on the one hand, and forensic photography and the use of clues on the other. In rapid succession he directed his research into detectable clues to the crime sites themselves, and in this sense the use of clues, forensic photography, and anthropometry together contributed to the crystallization of what came to be called "criminal science" (*criminologique*), that is, the sum of procedures for the material investigation of a crime in order to determine the different factors contributing to it.

profile), and with improved equipment; see Bertillon 1890. Sectional or geometric photography was useful for reconstructing the state of a crime scene exactly as it was at the moment of the first investigation of a crime or theft. The survey and the photograph are the prime means of fixing the memory of a place, and the sectional photograph combined these two operations into one: all the perspectival data was recorded and measured by geometrical coordinates; see Bertillon 1913.

¹⁰ Bertillon 1893.

¹¹ For Lépine's role, see Berlière 1996.

struggle against recidivism, anthropometry now found a new life as a means of securing the social, political, and ideological order in France.

From Security to Ideology: The “Nomad” Law of 1912¹³

As a simple and methodical system, anthropometry was to win a central place in the organization of the French Republic’s mixed system of “security and repression.” The efficacy of this system was to be secured with the support of severe and often unjustified measures of surveillance and control, the victims of which would be “gypsies” and “nomads.” These groups were guilty of an excessive mobility and liberty, not only in geographical terms but spiritually and socially as well. Theirs is a history of eternal rejection. In the nineteenth century, public opinion, the press, and the authorities were united against these marginals, and demanded repressive measures against them. A campaign was launched, public opinion roared its disapproval, and the government attempted to respond. Confinement rather than exclusion emerged as the dominant political response in France, and the nineteenth century was at the axis of this new trend.¹⁴

A policy of detention had always existed in France, but up to this time it had not been the dominant approach. There were many reasons for the turnaround in policy, for the alternative of exclusion had many disadvantages. Transportation was not a “good investment” in economic terms, because the judicial pursuit of people cost human and material resources. There were mass arrests of gypsies in the nineteenth century with the aim of deportation or condemnation to forced labor; but ultimately the attack on gypsies “took the form of detention, understood as a means of authoritarian and generally violent integration of the gypsies in the surrounding society. . . . Instead of the geographical disappearance envisaged by a transportation that was synonymous with distance, disappearance would become social, through the detention and internal rupturing of a group that would then be made to conform to the rest of the population.”¹⁵

The non-gypsy population in France found gypsies more and more difficult to accept. This was evidence of a dynamic that fed on itself and that had several origins. The most absurd rumors circulated concerning the gypsies’ alleged barbarities. They were not only regarded as thieves, liars,

¹³ See Delclitte 1995: 23–31.

¹⁴ “In most [European] states, policies of exclusion were declining in force in the course of the nineteenth century, and were replaced by attempts at confinement which emerged at the beginning of the twentieth century and lasted until about 1950”: Liégeois 1994: 142.

¹⁵ *Ibid.*, loc. cit.

and poachers, but were now accused of abducting children. "Public opinion" began to express its anxiety on the subject of these "undocumented" strangers. France's defeat in the Franco-Prussian war hardened this suspicion of strangers after 1871. France was in a nationalist mood, and gypsies were not welcome in a society where there were still few aliens in residence. An offensive launched by politicians was taken up by the press, which now began its own campaign against the "undocumented." The press circulated what little information was available on them, and opened its columns to the politicians for their own grandstanding. Politicians used this opportunity to plant racist ideas and to create a stereotype of the gypsy: "Throughout these articles, the 'romanies' were described as 'rodents', as 'impertinent parasites', as a people characterized by 'bestiality' and ferocity."¹⁶

At the same time, the reputation of traveling showmen (*forains*) and aliens underwent a certain rehabilitation, suggesting that the ostracism suffered by the gypsies was not simply a response to their vagrant way of life.¹⁷ This rehabilitation was visible by the beginning of the twentieth century: "The time is past—fortunately—when itinerants, stigmatized by public prejudice, were forcibly isolated from social life."¹⁸ The showmen themselves contributed to this campaign by founding their own organizations and publications. But although the kind of vagrancy common in earlier centuries was decreasing at this time, the public sense of insecurity was reinforced by the presence of more and more numerous groups of gypsies. "Romanies" from Hungary and Eastern Europe were arriving during the Second Empire, and a new wave of immigration followed the abolition of slavery in Moldavia and Wallachia in 1856 (also Balkan gypsies, who were mainly not circus people but performing bear masters). After the defeat at Sedan in 1870, when Alsace-Lorraine became German, gypsies were among those who left these provinces in order to remain French citizens. Thus the climate was favorable for the introduction of new legislation or regulations, for nomads were under surveillance yet poorly identified. It was in this context that two projects took shape that foreshadowed the severe measures to come.

First, in a ministerial circular of March 12–13, 1895, instructions were issued for a general census of nomads and gypsies. To analyze the results of this national inquiry, an extraparliamentary commission was established in 1897, at the initiative of Interior Minister Louis Barthou, and

¹⁶ Delclitte 1995: 25.

¹⁷ See, for example, the editorial in *Le Petit Parisien*, August 3, 1907: "The gypsy or romany, who one must be careful not to confuse with the travelling showman, whose virtuous labors I will one day recount"; cited in Delclitte 1995: 27.

¹⁸ *Le Petit Journal*, April 29, 1900.

was charged with the task of “investigating the procedures appropriate to ensure closer supervision of vagrants and people who are not vouched for, in order to facilitate the detection of those responsible for crimes and offenses.” This investigation intensified the already serious anxieties of the authorities, for its report of March 29, 1898, counted a total of 400,000 vagabonds, of whom 25,000 were “bands of nomads, traveling in caravans.”¹⁹ This number appears to be an exaggeration, and numerous anomalies can be identified: gypsies were counted several times in different places, individuals who were not “romanies” were assigned to this category, which thus included journeymen, agricultural workers, miscellaneous itinerants, vagrants, traveling workers, and traveling entertainers. It is even possible to find people included in the census who had declared a sedentary occupation: café or hotel waiter, saddler, carpenter, mason, building worker, domestic servant, baker, gardener, tailor, bookbinder. The commission recommended at least two solutions to the problems created by vagabondage. To begin with, it demanded the introduction of a special identity card, which would “oblige nomads to keep in their possession a means of identification—passport, card, or passbook [*livret*—issued by the prefect in every department, of uniform design, and available for inspection where vagrancy is suspected.”²⁰ Subsequently, intensified police controls were demanded.²¹

Another step was taken in a circular issued on April 4, 1907, which permitted the preventive registration of nomads. At the suggestion of Georges Clémenceau, this was legally established as the duty of new mobile police squads, whose “exclusive function [was to] support the judicial authorities in the repression of crimes and offenses against common law.”²² The squads were required to photograph and identify “at any time when this is legally possible vagrant nomads and romanies traveling individually or in groups, and to submit to the supervisory authorities photographs and descriptive identifications, taken according to the anthropometric method.” Here “for the first time files were established based on categories attached to ‘racial characteristics’.”²³ Itinerance itself became

¹⁹ Asséo 1994: 88.

²⁰ The commission was also inspired by an earlier project of Louis XV, who in 1724 decreed “the establishment of an identity passport”; see Liégeois 1977: 1.

²¹ These proposals were intended to urge that “it is not too rash to suppose that all these regulations, which are hardly compatible with bohemian and romany life, will have the effect of removing them from our French territory, which will be seen as too inhospitable, and of persuading them to cease coming here to practice their menacing mendicity”; cited in Charlemagne 1972: 94, and in Liégeois 1977: 1.

²² Proposal published in the *Journal Officiel*, cited by Delclitte 1995.

²³ *Ibid.*: 25.

a “pre-offense,” as witness a 1905 investigation that categorized gypsies according to whether they were sedentary or nomadic.

Thus the idea of creating special identity papers for gypsies was already familiar well before the law of 1912. By this date several laws had been proposed, all tending in the same direction, but without success.²⁴ It was not until 1912 that these ideas were concretized in a law that also solidified the principles of anthropometry by introducing the “anthropometric nomad passbook” (*carnet anthropométrique des nomades*). By then parliament, under pressure from a good part of the electorate, had turned its attention to restricting free movement where it seemed liable to endanger public order. Politicians from all parties and from all over France were unanimous in calling for effective measures against nomads, and were vehement and energetic in pushing for a solution.

A draft of this law was laid before the National Assembly early in 1911; it was subjected to its first debate in the senate on March 11, presented by Senator Pierre-Etienne Flandrin. Here one can find expressed the essentials of what has already been written about the social representation of the gypsy in this period:

Among individuals traveling through France and exercising or claiming to exercise itinerant occupations, one must distinguish nomads in the true sense of the word, caravan-dwellers without domicile, residence, or homeland, mostly vagabonds of an ethnic type, romanies, bohemians, gypsies. Their miserable caravans are certain to contain a numerous tribe. The head of the family always represents himself as exercising the trade of basket-maker, chair-mender, or tinker, but in reality the tribe lives from begging, practiced by a long retinue of children of all ages, and even more from petty theft along with poaching of game and fish. These nomads live off our land like a tribe of conquerors, with no interest in the rules of hygiene or the prescriptions of our civil law, professing an equal contempt for our penal and our fiscal laws. They seem to have the right to all privileges among us. These caravans and flying camps of bohemians and romanies are the terror of our countryside, where they carry out their depredations with impunity. . . . The nomads over whom we intend to exercise an indispensable supervision are dubious caravan-dwellers who, with their suspect claims of occupation, carry their idleness and instincts of thievery the length of the roads. While we wait for the international agreement that will allow us to deport them to their country of origin, it is essential that we enact security measures against them. It is not far-fetched to think that close supervision, in-

²⁴ In 1903, Georges Berry proposed a law that was rejected; the marquis de Pommereu did the same in 1907. In the same year, another deputy, Jean Cruppi, “proposed a series of measures intended to prevent and repress mendicity”; in 1908, further such proposals were made by Pierre-Etienne Flandin and Albert Lebrun; see Liégeois 1977: 2.

compatible as it is with the way of life of bohemians and romanies, will have the effect of removing them from our territory.²⁵

The law adopted on July 16, 1912, bore the title "Law on the exercise of itinerant professions and the regulation of the mobility of nomads." Its first three articles were devoted to definitions of the populations to be subjected to the law, which together demonstrate effectively the attempt to make the gypsies a people apart.²⁶ It is noticeable that the group categorizations in these articles are structured by the concepts of resident/non-resident, French national/alien, and worker/non-worker. The three articles gather in themselves the contradictions of a law that sought to injure a group that it had great difficulty defining. For how could one distinguish legally between gypsies and other nomads? This distinction was even more difficult given that France was a country of positive law, which made it impossible to introduce a law based on ethnicity.

A first solution was found in the creation of a new concept of law, the concept of residence. This was the first categorization in the law, distinguishing between those who did and did not have a fixed abode. But difficulties began with the second of these groups, which simultaneously included traveling showmen and gypsies. This amalgamation was not to the taste of the former. "Before the Senate pronounces on the project of the law concerning the mobility of nomads, the showmen, compelled to produce proofs of identity, protest in the name of universal equality against regulations that tend to assimilate them to a criminal population, and refuse to accept a 'bertillonage' which means establishing a law of exception."²⁷ To this end, they tried to distinguish themselves from this group of "potential criminals" by various means: they invoked their patriotic sentiments; they exploited to their own advantage the hostility against gypsies; and they were finally successful. The senatorial committee became anxious in its turn about the merger of the two groups, on the grounds that the law might be "abusively extended to citizens who were not its object." For this reason the senate adopted a fundamental modification of the initial draft of the law, establishing a notion of nationality in order to distinguish between the two groups. Traveling showmen were now treated as French citizens, which was not the case for gypsies.²⁸ But even the senators had problems in making a clear distinction, because the definition of "nomad" in article 3 of the law remained fluid, namely, "all

²⁵ *Journal Officiel*, Senat, March 10, 1911.

²⁶ Charlemagne and Pigault 1988: 15.

²⁷ Delclitte 1995: 27.

²⁸ "Gypsies in France had certain historic rights to claim this citizenship, fulfilled the obligations linked to citizenship (some of them had done their military service), and some had French nationality." Delclitte 1995:28.

individuals traveling in France without domicile or fixed abode, and not covered by any of the categories below." The definition was established by default. In any case, the criterion of nationality remained an illusion. In effect, this article of the law covered foreign nomads, itinerants traveling on their own, and "romanies." A distinction of this kind allowed the creation of legal procedures that were geometrically variable according to the group concerned.

The text of the new law established drastic obligations, especially in the case of gypsies, and the first of these was the creation of new identity papers. For those who had a fixed place of residence, there was no other duty than to make a declaration that "will include the names, first names, occupations, domiciles, residences, and places of birth of the persons making the statement. A receipt will be issued on proof of identity alone."²⁹ These people were issued a documentary receipt that did not amount to an identity document as such, but could be presented for police checks of persons who were not commercially active in a fixed place. By this means the state could conduct checks in order to avoid certain abuses. A second provision regulated the obligations of persons without a fixed abode who were exercising "the profession of traveling salesmen or tradesmen." These had to have a kind of occupational identity card printed. One might imagine that this regulation would not especially penalize traveling tradesmen, even though it was unusual to have an identity card at this time. In fact, one finds a lesser degree of tolerance of this group when one looks at the penalties to which they were subject for violations of the law. The levels of fines were higher for them than for traveling tradesmen who had a fixed abode, and the same was true for the length of jail sentences. Even though they were on their way to becoming rehabilitated at the beginning of the century, they did suffer from a certain discrimination. Despite their urgings during the drafting of the law, they were not regarded on the same plane of equality as sedentary workers.

The "Carnet anthropométrique"

The new law reveals its truly discriminatory side article 3 and in those that follow. The essential part of article 3 reads as follows:

The administration will be under no obligation to issue an anthropometric pass. The pass will affect neither the enforcement of the provisions of the law of December 3, 1840, concerning temporary residence by foreigners in France, nor the exercise of the rights enjoyed by mayors on the territory of their

²⁹ Charlemagne and Pigault 1988: 15.

commune by the laws and regulations concerning temporary halts by nomads. All nomads staying temporarily in a commune are, on arrival and departure, obliged to present their passes to be visaed, either to the police superintendent if there is one in the commune, or else to the commander of the rural police, or if there is no local police presence, to the mayor. The anthropometric identity pass is to be presented by its holder on request to the criminal investigation police or to any agents of the police or public authority. All infractions of the regulations of this article will be punished by the penalties provided for vagrancy.

This anthropometric pass, a new form of identity document, was introduced by the 1912 law, although only its outlines were described in the text itself.³⁰ A full description was issued in a decree of February 16, 1913. The pass consisted of a hundred or so pages, divided into two sections. The first section consisted of pages of squared paper on which visas could be stamped. The second was something more than just an identity card, since it was a collective record that recounted the physical characteristics of each member of the group. It listed body height, size of chest and arm-span, length and breadth of head, length of right ear, length of the middle and little fingers of the left hand, of the left arm extended, and the left foot, and data on pigmentation such as eye color. The fingerprints were also recorded, along with two photographs, one full-face and the other in profile. Children under thirteen were exempted, because up to this age facial structure and body dimensions were still developing. But children between the ages of two and thirteen had to have all ten fingerprints recorded on the collective pass.

In the end, it is difficult to characterize this pass. It was simultaneously a family passbook (which recorded details of marriages and births), a military identity card (all male French citizens had to include details of their military service), and a kind of minutely detailed identity card. On top of this it was a precocious health certificate, in that the 1912 law specified that there should be "a special public regulation," drawn up in consultation with the Commission for Public Health in France, to determine what preventive measures (such as periodic vaccinations) were to be imposed on itinerant showmen and nomads. This was, therefore, a

³⁰ Article 4: "The collective identity pass includes all family members. The information to be recorded on these passes will be determined by administrative regulations under article 10 of the present law. They will include in particular: civil status and description of all persons traveling with the head of the family, as also the legal or kin relations connecting each of these persons. Secondly they will record, insofar as these pertain, the official data on birth, marriage, divorce, and death of the persons previously recorded. For each of these circumstances the pass will be shown to the civil-status officers in order that they may enter the said items"; *ibid.*: 17.

document quite different in kind from the documentary receipt or the itinerant worker's papers: it was, rather, an instrument of intensive control that could justify an endless process of administrative harassment. In sum, then, the anthropometric pass was extremely constraining. It had to be conscientiously filled out, on pain of heavy fines. And this process, however iniquitous and discriminatory, might have been more tolerable to the gypsies if it had not also been followed by a succession of increasingly burdensome regulations.

The law put great emphasis on the repression of any behavior that contravened its provisions. The fines levied for defects in the completion of the anthropometric pass were prohibitive by any standards. In cases of falsification and the use of forged papers the penalties were also very severe, and this was again the case for the use of an alias.³¹ The law was especially notable for establishing a system of constant and constraining supervision of gypsies. One only has to recall the demands of the parliamentary deputies that the whereabouts of these roving bands should be permanently known. Article 3 satisfied their demands completely: a quick check of the pass could show the exact route of travel taken by any gypsy. And to these daily visas was added the unpredictable right of control exercised by the public authorities. Gypsies were treated as equivalent to convicts, who one might think were subject to somewhat less stringent controls at this time.³² This juridical power of ostracism was accentuated by the granting to mayors of plenary powers over local legislation on temporary sojourn. In practice, this provision left the mayors the absolute right to authorize or forbid gypsies to camp within the territory of their commune. Placards sprang up at the entrance to towns and villages announcing the decision of the municipal council on this point, and it goes without saying that numerous communes were declared off-limits to nomads by this means. And one final discriminatory element in the 1912 law remains to be mentioned: article 7, which is almost never cited. This article provided for the seizure of a gypsy's possessions for all infractions, including those that did not come under the framework of the 1912 law.³³

³¹ See article 5, which imposed a penalty of two to five years' imprisonment and a fine of 100 to 1,000 francs for the manufacture or use of falsified or altered passes; and article 6, which imposed terms of two to six months' imprisonment, and a fine of 50 to 500 francs for the use of an alias; *ibid.*: 17.

³² "The anthropometric pass had to be carried by habitual criminals banned from residence: the parallel with the unwanted gypsies is flagrant. But the regime was not identical: it was much less severe for the habitual criminals banned from residence, whose obligations in carrying the pass were already less constraining at the start and were lightened considerably by a law of June 1, 1955"; Liégeois 1977: 6.

³³ Article 7: "In case of violations of the present law, or of police laws and regulations, the vehicles and animals of the nomads may be temporarily seized, in lieu of an adequate bond. The costs of foddering will be paid by the delinquent or offender; in case of non-

Even though this law announced a somber future for the gypsies, the politicians congratulated themselves on having finally produced a law that regulated the "romany" problem. Their law had two major results. First, some gypsies did renounce their itinerant way of life, once the constraints attached to it became too heavy.³⁴ For those who remained on the road, their mobility was perversely accentuated, and in this sense the political will that generated the 1912 law experienced a defeat. Where the aim had been to restrain mobility, the result was actually to increase the pace of migration between communes. These everyday problems were actually enhanced by police instructions: "The perfect policeman should interrogate all individuals who appear to be vagrants, suspect characters, peddlers, street entertainers, open-air traders." The *Handbook of Practical Exercises* for the national police specified in relation to the 1912 law that it should "reduce the number of nomads and especially of foreign nomads by forbidding them access to French territory, by requiring them either to take up a permanent abode or to leave France. It would thus be contrary to the spirit of the law to aid them in the exercise of an itinerant occupation. . . . The provisions of the law can only be fully effective if all individuals practising an itinerant trade, profession, or industry are made the objects of constant control and continual supervision."³⁵ Thus the application of the law was difficult and the constraints that resulted from it were extremely troublesome.

Conclusion

The 1912 law implicitly took "racial indicators" into account. The nomad was regarded as an element in the population who was distinguished by his allegedly criminal otherness, and was not regarded as worthy of citizenship.³⁶ It signaled the birth of a repressive system that was to last almost twenty-five years after the Second World War (until 1969). It was xenophobic and biased, and used anthropometry for disciplinary and discriminatory purposes. It constituted a remarkable precedent, when one thinks of the treatment inflicted on gypsies and bohemians by the Nazi government, which led to an attempt at systematic extermination.

payment, the sentence of conviction will order a sale under the conditions specified in article 617 of the Civil Code." This provision was iniquitous because the article applied only to gypsies, and distraints could take place on petty grounds.

³⁴ Henriette Asséo describes it thus: "These measures disturbed the rhythm of an economic mobility determined by the constraints of fairs, harvests, the *vendange* etc., and the fines encumbered a budget that was by its nature fluctuating. The result was that traveling was abandoned by families that had been on the move for over a century"; Asséo 1994: 89.

³⁵ Charlemagne 1972: 260.

³⁶ Braconnier 1996.

The legislation adopted at the beginning of the century provided the legal framework for the internment of gypsies in France during the Second World War.³⁷ The Vichy regime was hardly a propitious moment for the modification of the law, even if France did not ship its "romanies" off to the death camps (unlike other countries such as Yugoslavia). But by a decree of April 6, 1940, the government organized the mass internment of nomads, and these camps were scattered across the entire nation.³⁸ The law retained its repressive arsenal intact after the war's end. It constituted a kind of historical-legal capital that ruled an ensemble of social relations between sedentary and gypsy populations that always remained ambiguous. Even today, gypsies remain the bearers of special documents and passes that control their mobility.

Thus the anthropometric pass initiated the officially documented stigmatization of a group of individuals according to the indicators of race and nationality. Although originally intended for recidivists, police anthropology revealed itself as a technique of republican government addressed to society at large, containing the issue of access to citizenship at its heart.

³⁷ Peschanski 1994.

³⁸ Hubert 1995.