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► **To cite this version:**

Anne Wyvekens. The evolving story of crime prevention in France. Adam Crawford. Crime Prevention Policies in Comparative Perspective, Willan Publishing, pp.110-129, 2009, 978-1843924128. halshs-00458730

HAL Id: halshs-00458730

<https://shs.hal.science/halshs-00458730>

Submitted on 4 Jan 2018

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Chapter 5

The evolving story of crime prevention in France

Anne Wyvekens

What can be said about crime prevention in France today? It can be considered from various angles. This chapter first gives an overview, tracing the evolution of crime prevention within the broader context of other policies such as law enforcement and urban policies. Then, in a more 'prospective' view, the question of whether or not the recent emergence of situational prevention constitutes one illustration, among others, of a break with the past or a new paradigm is discussed.

From Bonnemaïson to Sarkozy

The history of crime prevention in France can be seen as the history of an awkward relationship between 'prevention' and 'repression', the latter being the term used in French as a synonym for 'law enforcement'.¹ From this perspective, three main contemporary historical periods can be identified and are discussed to begin with. In the subsequent section consideration is given to the nuanced impact of political changes and their limitations.

Prevention versus repression

The 1980s: renewing crime prevention

In France, like elsewhere in Europe, crime prevention policy arose in response to the limits of the traditional penal approach. In the late 1970s, figures began to show a significant rise in recorded crime, especially petty

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offences. Much of the blame for this situation fell at the feet of the police and the judiciary. Fear of crime began to infuse the political debate: polarising Right *versus* Left and repression *versus* prevention. Then, in 1981 urban riots erupted in disadvantaged urban areas, most notably in *Les Minguettes* in Venissieux, a suburb of Lyon.

The Left had recently come into power, in May 1981. It swiftly implemented the 'new crime prevention policy', based on a report prepared by a commission of city mayors led by Gilbert Bonnemaïson (Commission des maires sur la sécurité 1982). The purpose was to be pragmatic and break from the sterile ideological debate on either prevention or repression. Rather they were to be seen as mutually supportive in a way that constituted a 'renewal of crime prevention'. The new policy was to be local, involving various agencies under the authority of the city mayor, and was quickly to become articulated with a more overarching policy relating to deprived neighbourhoods: the very basis for urban policy (*politique de la ville*).

Originally, French crime prevention was primarily social prevention. In this way it contrasted significantly with Anglo-American trends. The police played only a minor role in the implementation of the policy and the judiciary largely remained in the background. Moreover, the method of funding – following which the contribution of the national level was equal to the amount decided by the city in the framework of its local priorities – encouraged the tendency to favour programmes with a wider social and cultural emphasis, easier technically and politically to implement than specific crime prevention strategies.

The 1990s: rehabilitating safety

The following decade was defined by the concern to correct this lack of correspondence and connection between social measures and law enforcement. Hence, it can be characterised as 'rehabilitating safety'. In policy discourse, the word 'prevention' was replaced by the word 'safety' as exemplified in the creation of local safety contracts (*Contrats locaux de sécurité* (CLS)) in 1997. These contracts were signed by the local mayor, the *préfet* (the State's representative within a department)² and the prosecutor. They were still based on the principle of a local partnership, but they entailed a stronger involvement of the police and the judiciary. Furthermore, the partnership was broadened to include new actors, those who were more comfortable with the concept of safety than that of prevention, namely those from the private sector or semi-private institutions (like public housing and transport companies).

In the meantime, the judiciary developed its own partnerships under the rubric of 'alternatives to prosecution' and 'proximity justice' (*justice de proximité*) (Wyvekens 2001a, 2007). In tandem with these developments, the *police de proximité* reform was launched. This was not exactly

community policing, but a French way of trying to get the police closer to the population (Monjardet 1999).

Since 2002: a repression named prevention?

A third period began in 2002, when the political Right returned to office. The first important changes did not concern local safety policy. Although in 2002 local councils of safety and crime prevention (*Conseils locaux de sécurité et de prévention de la délinquance* (CLSPD)) were indeed created, the primary objective was a rationalisation of the structures rather than a fundamental change in policy direction.

The first important change concerned the police, when the reform that had created the *police de proximité* was dramatically brought to a halt (Roché 2005). According to the Minister of the Interior: 'The role of the police is not to play football with young people, it is to catch criminals.' At the same time, between 2002 and 2004, four laws were passed on safety issues – two at the initiative of the Minister of the Interior,³ and two introduced by the Minister of Justice.⁴ All were understood as 'repressive'. Beyond the measures that extended the powers of the police to carry out investigations justified by the fight against terrorism, one could also find various offences in connection with the occupation and use of public space, targeted at gypsies, prostitutes, beggars or young people in the lobbies of public housing estates. Other special offences appeared that could be called 'opportunistic', in the sense that they were introduced in response to a specific problem that captured public debate, such as the new offence of insulting the national anthem. Laws relating to the judiciary contained new measures towards minors, such as the creation of 'closed educational centres' and 'educational sanctions', in particular for children under 13 years. New kinds of simplified proceedings were created in the French criminal procedure, named 'appearance on preliminary recognition of culpability' and inspired by Anglo-American criminal procedure and intended to accelerate the course of justice. In parallel, the debate on juvenile justice grew sharper, fuelled by the then Minister of the Interior (and future president) Nicolas Sarkozy who argued strongly for the weakening, and even the disappearance, of some specific legal protections for young offenders, such as reducing the age of criminal responsibility, limiting the scope of specialised jurisdiction, and abolishing the traditional priority within the youth justice system for education over repression.

Above all, over a five-year period a special 'law relating to crime prevention' was in preparation under the control of the Ministry of the Interior. This fed the debate on safety issues. It was promulgated in March 2007.⁵ Its content goes far beyond mere crime prevention. One could say that this law covers everything *but* crime prevention. Thus, this period in France could be called 'a repression named prevention'. First of all, the law provides no definition of crime prevention. It contains two main series

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of measures. First, the central role of the mayor in the local safety policies is recognised officially, with a set of measures intended to embed this role, especially as regards information-sharing. In addition, mayors have also been given new competences. For instance, the mayor is entitled to create a 'council of the rights and duties of families' or to propose parental support (*accompagnement parental*)⁶ in relation to the parents of unruly youths. Second, a set of measures reforming juvenile justice in the direction evoked above have been introduced. Furthermore, the law contains a set of new offences, including more measures related to public space, as well as some new opportunistic offences such as those relating to ambushing or 'happy-slapping'.

The emphasis on repression is conveyed by two more laws that were passed very soon after Nicolas Sarkozy was elected president in May 2007. The first one reflected an electoral promise relating to repeat offenders.⁷ It instituted minimum sentences (*peines planchers*) for both juveniles and adults. It also sought to abolish the so-called 'minority excuse' (*excuse de minorité*) for young people aged between 16 and 18, which means that juveniles could only be sentenced to penalties not in excess of half of those applicable to adults for the same offence. Due to international and constitutional provisions, however, the minority excuse could only be bypassed in a limited number of cases.

The second law is called the 'law related to security detention' (*réention de sûreté*).⁸ Security detention is aimed at offenders 'for whom, following a review of their situation at the end of their sentence, it is assessed that they represent a particular danger characterised by an extremely high likelihood of re-offending because they suffer from serious personality disorders', as well as at perpetrators of particularly serious offences: 'Security detention entails placing the person concerned in a secure judicial-medical-social centre where he/she will be offered permanent medical, social and psychological treatment aimed at bringing to an end the need for detention'.⁹ The measure can be renewed for as long as the person remains 'dangerous'.

Left versus Right?

France is well known for having a relatively polarised debate on safety issues. Prevention can be said to be a left-wing issue while law enforcement and 'repression' have tended to be a right-wing concern. Therefore, can we understand this intense legislative activity (outlined above) simply as a result of political change?

Political shifts do have effects, but these effects are only relative. First of all, several counter-examples can be observed. For instance, the new crime prevention policy, created by a left-wing government, focusing on social and urban aspects, has often been and is still implemented by right-wing municipalities. In other words, we must make a distinction between

national and local levels of politics. Conversely, regarding juvenile justice, the idea of weakening its special protections and separate philosophy already began to appear under a left-wing administration, prior to 2002. The same is true as regards the detention of juveniles. The 'reinforced educational centres' were not actually invented by the Right, which merely renamed a structure created under a previous left-wing government. So 'the Left', or part of the Left, years ago had already realised the need to address safety issues not only from a social prevention perspective.

A second element that needs to be taken into account is the growing gap between *words* and practice. In France there are more and more examples of a phenomenon that could be called 'one problem, one law'. This was the case with the public debate about the Islamic veil, for instance. The same can be observed with regard to local safety issues. It was also the case with the laws initiated between 2002 and 2004 by the Ministries of the Interior and Justice. The preparation of the laws, and the debate around them, have had at least as much impact as has their subsequent implementation. Moreover, several implementing decrees have either never been taken or have only been initiated after some considerable delay. Some measures are – in practice – inapplicable or simply not applied, like the new offence of loitering in groups in common parts of apartment buildings. The same has happened with the law relating to repeat offenders: there is a noticeable difference between what was announced during the campaign and the eventual terms of the law. The law related to security detention gave the President the opportunity to go even further. Despite the fact that the Constitutional Court (*Conseil constitutionnel*) ruled against the article that provided for retroactive implementation, the President announced that he would nonetheless retain the power, thus contesting the decision of the highest constitutional authority in France. All of this raises a central question that demands more in-depth consideration, namely concerning the vexed relationship between safety policies and public opinion.

Another feature of French political culture leads to a specific question which appears to be common to both left- and right-wing governments: to what extent is it possible to implement a real and genuine local policy in the context of such a *centralised* state apparatus as exists in France? Importantly, the new crime prevention policy began with a 'commission of city mayors'. Today, the law on crime prevention institutionalises the core role of the mayor in local safety policies. And yet what can be observed of developments in the field? Not only are not all mayors ready to assume this role, but they are far from having the means to assume it, either financially or in terms of information tools and methodology of implementation. So we face the paradox of a state which on the one hand 'invents' or encourages local partnerships and on the other hand maintains a form of centralisation, which is incompatible with the idea of

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sharing competences (Marcus 2006). In other words, in France, safety remains a state business; or more precisely a police business. Initiatives that are intended to involve the police in partnerships, especially in the name of prevention, invariably end up disqualifying police work. Simply consider how France is unable – or doesn't want – to reform its police (Monjardet 2004; Roché 2005). The situation is not any better when we consider the judiciary. With the exception of a few 'atypical' prosecutors, the judiciary does not appear to be ready to share either information or even less its competences with local representatives. Thus, even if the mayor is keen to champion local safety issues, he/she remains quite powerless: missing information, missing funding, missing methodology. And it cannot be certain that the situation will improve with the new law.

Finally, questions concerning the impact of political changes should also be seen from a broader point of view, in the way safety policies are linked with *urban policies*. The safety issue is indeed closely related to urban segregation (and social (dis)integration). Hence the point is not only to consider whether there is more or less punishment or to worry about a 'penalisation of the social' (Mary 2003), we should also bear in mind the need to link safety policies with urban, employment and integration policies. Since the Right came back into power in 2002 the real change may have occurred less in the extent to which law enforcement has *increased*, than in the question of how investment in urban policy has *decreased* and evolved.

Since 2002 the funding allocated to urban policy has decreased significantly. Many NGOs working in the suburbs are facing acute financial difficulties. In this regard, the *politique de la ville* has evolved both in its contents and its organisation. A law dated 1 August 2003, relating to urban renewal,¹⁰ set up the National Agency for Urban Renovation (ANRU). The ANRU is responsible for implementing a national programme of urban renewal that 'aims to promote the objective of social diversity (*mixité sociale*) and sustainable development, to restructure neighbourhoods classified as sensitive urban areas (*Zones Urbaines Sensibles* (ZUS))'. It includes 'operations for urban planning, renovation, residentialisation, demolition and construction of housing, the creation, renovation and demolition of public and collective structures, or any other investment consistent with urban renewal.'¹¹ Within the period 2004–08 the quantitative objective of the programme is to build 200,000 new public housing units, to renovate 200,000 of them and to demolish 200,000 others. The 'social' approach that was prevalent in urban policy has tended to be replaced or even ousted by a more 'urbanistic' approach, focused on places more than people (Donzelot *et al.* 2003). Only after new urban riots had occurred, in November 2005, did attention return to the social dimension of urban policy through the creation, in January 2006, of the National Agency for Social Cohesion and Equal Opportunities (ACSE). The Agency is in charge of funding for integration issues as well as crime

prevention. Currently, some 30 per cent of this budget is devoted to CCTV.

Urban policy has not been the new President's first concern. The first measures his government took were in the areas of taxation and employment. Lowering taxes for upper middle classes and 'working more to earn more' was given priority and only much later, in February 2008, was a plan entitled *Espoir banlieues* (banlieues' hope)¹² presented, whose concrete measures were detailed later in June 2008. Without entering into a detailed analysis of the plan, we can simply observe that its development has lagged considerably and the means of financing it remain to be clarified. The measures announced were aimed at fostering desegregation and enhancing 'mobility' – through schooling, training, improved job opportunities for the young or better public transport to make neighbourhoods more accessible. In the meantime, however, ANRU is continuing its work and the CCTV system is expanding. We should also note – and once again the remark applies to both the Left and the Right – that nothing in actual fact seems to point to a shift in the tendency to treat the *banlieues* as anything other than completely isolated territories.

Break with the past? New model?

Maybe a better way to frame the question of a break with the past is to talk about the effects of neo-liberalism on safety policies. What are the main shifts that can be observed in French policies? To what extent can we identify a new model of crime prevention? Let us first draw a quick parallel between past and present safety and crime prevention policies.

There are indeed several signs of a possible break. Over the past few years, we have witnessed intense legislative activity in relation to criminal issues, with a double trend. On the one hand, particularly (but not only) for serious offences, more severe measures have been introduced: new categories of crime (particularly regarding improper occupation of public areas), longer prison sentences, increased punitiveness for young delinquents, strong concerns about imprisonment of minors, the institution of minimum sentences for repeat offenders, and so on. On the other hand, the development of alternatives to prosecution for petty crime suggests an increasing emphasis on responsibility. The offender has to provide concrete compensation for the harm he/she has caused. The same trends are at work with regard to juvenile justice. Whereas traditionally the young person, even if he/she was dangerous, used to be primarily considered as 'in danger', today we are witnessing a clear desire to treat delinquent youths like adults, or at least as autonomous, responsible individuals, able to understand the meaning of what they do. Protection or education tends to be replaced by educational sanctions. These are also used as a way of punishing even very young children. Likewise,

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according to the 2007 law relating to prevention, parents are to be made responsible for their children's behaviour.

In addition, a form of prevention not previously widespread in France – situational prevention – is growing, with more and more CCTV and greater interest in action through environmental design and urban planning in relation to safety concerns.

The final shift lies in the kind of agencies in charge of implementing safety policies. In the past, the state was the main actor, the police and the judiciary holding almost exclusive competences to address safety issues, intervening generally in isolation from wider social and educational agencies. The state now appears to be losing its monopolistic position – at least partly. Local partnerships involve a broad range of actors – local authorities, the private sector, NGOs, the civil society – so that the state tends to 'steer' more than it 'rows' in quests to 'govern at a distance'. Meanwhile it has developed new managerial logics and technologies, albeit less than in the United Kingdom. Performance monitoring and assessment have been introduced in the police. In the judiciary, 'real time' processing is moving along the same lines.

On this basis, two kinds of interpretation or analysis may be possible. One is to say that we have finally adopted a new paradigm, and we have definitely entered a 'culture of control' as described by Garland (2001); that neo-liberalism has finally won out.¹³ An even darker picture in this respect has been painted in the early stages of Nicolas Sarkozy's presidency. Another interpretation is to adopt a longer-term view, at some distance from the frenzied atmosphere of French elections, to go beyond the word 'break', aimed to reassure the middle class – but hiding the continuities between policies, beyond the Right-Left opposition. We should also bear in mind the contradictory tendencies already evoked, such as the discrepancy between words and practice, and between the national and local levels; the various ways policies can be implemented from one place to another, by one actor or another; the enduring significant remnants of welfarism; and above all the dynamism of civil society and the concern – hard going but real – to involve citizens in safety (co-)production. Possibly we are witnessing more a shift or transition rather than a complete break or rupture with the past. This could be illustrated through the issue of safety in public spaces, with some examples of the growth of situational prevention in France.

The French model of crime prevention

The French model of crime prevention, the so-called *Bonnemaison* model, which was designed in the early 1980s and implemented since then, has for years focused on social prevention. The purpose is to have an indirect or direct 'influence on the personality and living conditions of individuals to avoid spawning deviant behaviour and to reduce the social factors that

encourage deviance' (DIV 2004). The French model focuses on the root causes of crime: poverty, lack of education, bad jobs and poor housing conditions. Acting on these causes is supposed to move people away from crime. In this view, French crime prevention has always been linked with the *politique de la ville*, targeting disadvantaged urban areas, with a twofold approach: actions of a social nature on the one hand, and urbanism, urban renewal on the other. It is interesting to note that the Bonnemaïson Report focused on safety issues, was prepared in the same context as two other reports: the Dubedout Report (1983), on social development of neighbourhoods, and the Schwartz Report (1981) on professional integration of youth.

After the previously mentioned drift towards a 'generalist' kind of prevention, there was some concern about a repressive turn following the introduction of the word 'safety' as well as the reinforcement of the police and the judiciary's role in the local safety contracts (CLS) (Ferret and Mouhanna 2005). Nevertheless, social prevention remained important, with a number of actions or programmes continuing those implemented in earlier prevention action contracts (*contrats d'action de prévention*). But CLSs can be analysed primarily as aiming to 'restore social bonds' much more than improving law enforcement. *Police de proximité, justice de proximité*, hiring young people to make public spaces safer, all these measures are described as means of tackling a 'feeling of abandonment' that would be characteristic of people living in disadvantaged urban areas. Proximity is thus viewed not only as a goal in itself, but also as a way to implement a kind of 'education', teaching people their duties as well as their rights (Donzelot and Wyvekens 2004). In other words, CLSs have not put an end to French social prevention, rather they have given it a new tone, emphasising the aspect of 'responsibility'.

In that context, French prevention contrasted with what we call the Anglo-American model, which is much more focused on situational prevention. Whereas the French model aims to act on offenders, to prevent them from committing crimes by improving their living conditions, the Anglo-American model aims to act on the targets of crime – either persons or goods – by protecting them. It does not deal first with root causes of crime but rather with immediate or 'proximal' ones.

Oriented towards the criminal act, situational prevention designates measures that aim to suppress or limit the opportunities to commit an infraction by modifying the circumstances in which they can be committed. The intention is to make crimes harder, riskier and less profitable by dissuasion and protecting potential victims, whether they are people or goods. (DIV 2004)

For a very long time France has had a quite narrow view of situational prevention, which has remained marginal in practice. Not only was it not

part of the French culture of prevention, it was even associated with repressive methods of dealing with crime. In practice, situational prevention was considered as synonymous with CCTV. And the debate on CCTV focused on the threat it represented for civil liberties. On one side, CCTV was blamed and opposed because of that threat; on the other side, its use was justified as a means to achieve public safety. On both sides the public debate on CCTV was ideological, not practical; the question was not: does it work to prevent crime? Furthermore, for a long time there was no empirical research to answer that question (Ocqueteau 2004: 130). Moreover, the first study relied only on British data (Heilmann and Mornet 2003). At the same time another study, although entitled *The Impact of CCTV on Security in Public Space and Private Domains with Public Access* (Pécaud 2002),¹⁴ was devoted more to the notion of control than to the impact of CCTV devices. The ideal pursued by the Bonnemaïson Report – to combine prevention, repression and solidarity, and overall to end the opposition between prevention and repression – remained somewhat of a utopia.

The same mistrust can be observed from a theoretical point of view, when we consider the way France received some American reflections on the relationship between places and safety, such as 'broken windows' or 'defensible space' theories, which developed a broader notion of situational prevention. Both are 'broader' because they make a link between the quality of space and its safety. The objective is still to dissuade offenders by intervening on the physical, urban environment, in order to make it harder and riskier to commit a crime. But instead of implementing solely technical solutions, like CCTV, alarms, protection of entrances and anti-theft marking of goods, they include something more complex. The purpose is to facilitate a social control of places through a design that makes it possible for their users to monitor them.

Jane Jacobs (1961), in *The Death and Life of Great American Cities*, and after her Oscar Newman (1972), with his 'defensible space', explain how the street or public space can be designed so that people enjoy being in these areas and are then monitored in a way that dissuades potential offenders. In their turn, Wilson and Kelling (1982) pointed out that an abandoned space (i.e. dirty and neglected) looks like it is out of control, thus a suitable place to commit crime or disorders. On the one hand, urban studies theorists worried about safety, while on the other hand criminologists were taking space into account. Both reached the same conclusion: space belongs to its users, and they have to take care of it and are able to prevent disorders or crimes that happen there. The only area in which they differ is in relation to the role of the police. For the urban theorists, residents replace the police, whereas in criminologists' view the police have to rely on the residents to do their job.

Both theories received a less than enthusiastic welcome in France. Both were reduced to notions of control, exclusion and denunciation. Newman's work provoked polemical views more than real evaluations

(Mosser 2007). Defensible space was criticised as advocating a 'safety urbanism', leading to 'the city as a fortress' (Lemonier 1998). Broken windows theory was reduced to zero tolerance: being tough on any slight offence or incivility would be the only way to keep people from embarking on a criminal career. In both cases, the idea that citizens could take care of their neighbourhood was completely ignored, because it would mean controlling each other or informing the police, and that is definitely unthinkable for a French mentality that shuns 'social control' and does not really trust the police.

The emergence of situational prevention: 'safety urbanism' or quality of public space?

Over the past few years, it can be said that France has 'discovered' situational prevention, at the same time as it has discovered public space. Public space is not new – it has always existed – but without being a subject of either discourses or policy. For a long time, urbanists ignored public space. In the functional city of the Athens Charter public space was little more than an area for traffic, binding together various places with various functions. It had none of the social, civic or festive attributes that we are rediscovering today (Claval 2001). Derelict public spaces, often uncared for and ignored by urban planners, increasingly have attracted private sector investment (Ghorra-Gobin 2001). Businesses have invented 'private spaces open to the public', what has been termed 'private mass property' (Shearing and Stenning 1983). A public space is public through its uses much more than through its legal status. Some spaces are private but open to the public, like shopping malls; other ones are public but abandoned and left to the strongest in some disadvantaged neighbourhoods; others that were previously public have become privatised, like gated communities. Public space has become hybrid, hesitating between opening and closure, between community and individuality (Burgel 2006). As regards safety, public space may be threatened by misuse or disturbing uses. Anti-social behaviour and the sometimes disturbing control of public space by groups represent important issues for local safety policies. After the implementation of various programmes intended to foster increased 'human presence' in public spaces in the framework of local safety contracts, situational prevention is now developing under various forms, institutionalised or not, in the field of urban practices.

First of all, CCTV, which has for long been marginal, has steadily grown over the past few years. The French railway company is about to launch an ambitious installation programme in its stations. The Conservative candidate for the municipal election in Paris in 2008 intended to set up 3,000 cameras in the city. Under the March 2007 law related to crime prevention, priority is now given to CCTV funding. In 2007 central government funded 315 projects for a total amount of 13.4 million euro.

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Furthermore, in the same year the private sector requested 10,000 authorisations to allow the installation of CCTV cameras, compared to only 4,000 in 2006.¹⁵ This increase is being facilitated by a law of 23 January 2006 related to the fight against terrorism. The law allows private companies that are 'exposed to risks of terrorist attacks' to install cameras near their buildings without having to wait for the prior authorisation from the videosurveillance commission of the department (*Commission départementale de vidéosurveillance*) (Ocqueteau 2007). The French data protection authority (*Commission nationale de l'informatique et des libertés*, CNIL) expressed concern about this proliferation of CCTV cameras in its 2006 annual report (CNIL 2007). One chapter of the report is entitled 'Warning about the surveillance society' (*Alerte à la société de surveillance*). The commission sought to raise public awareness about the risks of systematic computerisation and called for more resources to help the commission play its role as a protector of freedoms. In 2007, CCTV remained 'under CNIL's watchful eye' (CNIL 2008). At the same time, it is striking to observe that, except for the CNIL, there are no other prevalent voices expressing deep concerns about possible threats to civil liberties. Public opinion, even on the Left, now views the development of CCTV without any particular emotion. For instance, pupils were interviewed for a recent poll about CCTV in high schools in the region Ile-de-France: according to the research findings, CCTV does not seem to represent any significant problem for them (Le Goff *et al.* 2007).

Situational prevention is also developing in disadvantaged urban areas. The new National Agency for Urban Renovation (ANRU) funds and manages urban renewal programmes, including what in France we call *résidentialisation*. Even if the word is used in many senses, it can be defined as a way to rearrange the landscape of these disadvantaged neighbourhoods so that they appear more like typical residential neighbourhoods – especially in the clear distinction between public and private spaces – which is thought to foster among the inhabitants a greater sense of security (Billard *et al.* 2005).

Another form of situational prevention takes place in a decree related to urban planning actions dated 3 August 2007 and nicknamed the 'decree on situational prevention'.¹⁶ It is the outcome of a lengthy process, in that it provides the implementation clauses of a law initially passed in 1995,¹⁷ making public safety audits compulsory before conducting certain urban renewal works or constructing buildings that will be open to the public.¹⁸ In the event, nothing happened before 2007, when the law related to crime prevention was passed which reiterated this obligation. Finally, the decree of 3 August 2007 detailed what kinds of programmes were targeted, how the studies would be conducted and what their effects would be. This long delay (12 years) can be explained by the resistance of urban planners and architects to an approach they considered as unacceptable because of what they called an intrusion of the police in the design of buildings.

If France seems to be converting to situational prevention, all these 'official' and visible forms have prompted emotion or raised criticism. CCTV remains the object of scepticism at least about its real effectiveness. For example, will there be a human eye behind each camera? (Anache 2004; Heilmann 2008). *Résidentialisation* has its detractors who point to risks of exclusion when certain places are privatised (Tabet 1999). As regards public safety audits, it is too early to know what their implementation will be and how they will be received.

Towards a 'successful' public space

We would now like to point out other, less spectacular, examples of care for public space and try to analyse them. Recent research describes various forms of 'production of safety or civility' that recall American community prevention: the way that inhabitants or users, along with other agencies, can take care of the places where they live or visit. This set of research is conducted on the initiative of businesses that are worried about the increase of disorder and incivilities on their premises: in post offices, railway stations, shopping malls – all public places or places open to the public where tranquillity or safety are threatened by behaviours that are not serious but sufficiently worrisome and cumulative to require some response. All these businesses face the problem in the same way: with pragmatism. They do not care about discussions on prevention versus repression. For a member of staff of the French national railway company, disorder and delinquency threaten both the clients' trust and the efficiency of the company (André 2005). In that way, they are a 'business problem', part of its activity, which has to be addressed from within its resources.

The research conducted on this issue points in the same direction. The basic idea is to invert the way disorders – 'incivilities' – are considered. What one no longer sees when trying to remove deviant behaviour is the other side of the coin: civility. In other words, we forget that in many public places a whole set of situations either do not cause any problem or are solved without the intervention of any authority, thanks simply to successful interactions between the users of the place. Civility, just like incivility, is the result of interactions. Civility constitutes 'those innumerable tiny acts which often avert conflicts' (Vidal-Naquet and Tiévant 2006). We merely have to watch the subway at rush hour: people walk past each other without colliding, just because they spontaneously find the way to walk past each other. Another example can be observed at the post office, in the queue: whereas people could quickly be irritated, many incidents are avoided thanks to a look, a word, or silence. This is what is called 'civic skills'. 'Civility' is a polite way of using public space. When one replaces a substantialist approach to incivilities – namely one that views incivility as a behaviour that is problematic in and of itself – with an

interactionist view – that sees incivility as the product of an interaction – this highlights the civic skills of the users and their ability to produce civility.

The same has been observed, on a larger scale, in a large public park located just outside Paris, the Parc de la Villette (Tiévant 2006). This park is open 24 hours a day and frequented by a wide variety of people: families with young children, tourists, young people coming from the nearby *banlieue*, known as ‘bobos’. All the people come there for completely different purposes, not necessarily compatible with one another, like playing music, sleeping on the grass, playing football, walking babies, etc. Nevertheless, thanks to the way the place is designed and the way it is managed everyone can use it peacefully and in safety. How is this possible? The park is managed based on the idea of defining and implementing rules for its use that can be respected by all users, thus defined *with* the users. So not only are the needs of the users taken into account, but also their civic skills: they are trusted as people who are able to define, possibly negotiate, and then enforce rules for the use of the place they enjoy visiting. Together they build an ‘order of the place’. The result is that several different uses of the park take place together and contribute to the quality of that space, in which safety is only one aspect among others.

Another body of research, conducted for the National Institute for Advanced Security Studies (*Institut national des hautes études de sécurité* (INHES)), demonstrates makes the same point starting from the opposite direction (Réussir l’espace public 2006). To restore safety in a space requires first considering its uses, its users, and their skills. Indeed, safety is one element, among many others, of the quality of a public space. The purpose of this set of studies was to show, on several sites in France and abroad, how the situation in different places where safety had dramatically deteriorated subsequently could be turned around. The places studied included a public school and its surroundings; a railway station (the Gare de Lyon in Paris); a shopping mall (La Part-Dieu in Lyon); a bus line in Toulouse; an African neighbourhood in Brussels (Matongé); Broad Street in Birmingham; and the Piazza Vittorio Emmanuele in Rome. In all cases, the action was based on problem-solving; in other words, dealing with the problem in a pragmatic way by involving the people more directly concerned, taking their interests into account instead of legalistic answers coming from institutional points of view, with their interests being related to the way they use the places. So, from the perspective of situational prevention, in every case, environmental management or physical improvements were combined with measures taken as a consequence of observing the way places were used by their various users. In most cases, in one way or another, involving the users in caring for the space, using their civic skills was a key element in the success of the operation.

The situation in the shopping mall was improved by physical measures like modifying the lighting or organising the movement of people, but also by finding a way to combine safety and business imperatives. Young people sometimes can cause trouble but they are also customers, which the mall managers take into account. They are concerned with safety but also with their profits. This leads to building an 'order of the place' in which everyone has a share of responsibility.

The railway station was disturbed by the presence of homeless people and drug dealers. The solution succeeded in combining safety requirements and solidarity in such a way that the station was no longer unsafe but still remained hospitable, for the homeless people as well who were invited to stay in some places and not in others, and not to have disturbing behaviours. Once again, creating an 'order of the place', in which safety is only one element of the quality of space, was the dominant approach. Furthermore, this highlights the manner in which situational prevention does not necessarily mean placing cameras everywhere.

Another research conducted in post offices (Wyvekens *et al.* 2003), showed that disorders decreased when a 'queue guide' is installed, in order to organise the queue and make the waiting quieter. But disorders and conflicts also decreased naturally, simply because customers as well as employees have regulating skills, not necessarily consciously recognised as such, but effective nevertheless.

People are never asked to 'collaborate' with authorities, with the police. They are just asked about what is important for them in the way they use the space, and also made to feel that they can be trusted as being able to participate in producing an 'order of the place'.

A final, somewhat different, example also appears to be interesting: it is the work done by a police service called *Prévention et sécurité urbaine* (Urban Prevention and Safety) in the department of Seine-Saint-Denis. A group called Safety of the Economic Sector had been created in order to advise senior company executives how to fight property crime and street crime in a developing economic and industrial area of this 'problematic' department. Public services then asked for safety audits. The scope of the group became broader, targeting public buildings like schools, city halls and hospitals. Later public housing companies conducting renovation and *résidentialisation* programmes were incorporated. In 2005, the service was renamed Urban Prevention and Safety Service, and its activities became focused on public spaces, implementing situational prevention. In an interview, one of the service's directors explains the approach:

You can almost immediately tell if a space is safe or unsafe, manageable or unmanageable: paint, in other words, cleanliness, pleasantness, lighting, green areas. The same can be said for private spaces: a metro station for example. So we had the idea to reverse [the situation], to influence this area through recommendations on various

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issues. In the realm of *coveillance*, this means having as many witnesses, observers, as possible: so large windows, openings, views, louvred fences instead of palisades, or hedges that are not too high, taking what pollutes or what's useless off the public thorough way, making public furnishing more transparent, installing billboards on the sides of buildings instead of perpendicular . . . We try to put into practice the idea of positive occupation of space: so that the space protects itself . . . When a space is offered to everyone they protect it. Do things so that, without police presence, the people feel safe in a public space – that's situational prevention.

Conclusion

Does such a complex form of situational crime prevention announce a renewal of crime prevention in France? The answer is even more significant in the present context where social prevention is said to be ineffective and where law enforcement seems to be a priority. In other words, if we consider the reality on the ground, do local agents and agencies just blindly follow national trends and discourses? Even though American theories have been criticised, some approaches like those I have described are along the lines of the 'broken windows' or 'defensible space' approaches. As in 'broken windows', we find the idea that local safety is linked to the material quality of space as much as to the absence of deviant behaviour. And as in 'defensible space', we can observe attempts to create a space that would be shared, thus better controlled. Of course this is a long step from Anglo-American community prevention. After all, the French abhor the concept of community!

But in these times when everyone deplors the lack of resident participation (Estèbe 2002; Bacqué *et al.* 2005; Donzelot and Epstein 2006), what seems promising is a bottom-up approach to problems and a concern with making people responsible for the places they use. Safety production becomes less specialised: everyone has a role to play in it. It is an interesting way to move from the French trend to expect everything from the State. It looks like a new form of social control (Wyvekens 2007b), where citizens are considered as capable of being co-responsible for the public space, not as a 'club good' (Hope 2000), but as a 'common good'. The 'overly social' French model would leave some room, but not all, to a situational logic, taking into account the notion of risk and the concern for efficiency: to address problems at a level where something can be done, while relying on civil skills. This could remedy the weakness of French crime prevention, without either eliminating it or reducing it to a monitoring of people and places.

Notes

- 1 As the weight of this term is important in understanding the French context, it will be used in this text.
- 2 A French *département* is an administrative unit roughly analogous with a county in the British context. The 100 French departments are grouped into 22 metropolitan and four overseas regions. The *préfet* is the state's representative in the department.
- 3 Law 2002-1094 of 29 August 2002 on the direction and operation of domestic security (*d'orientation et de programmation pour la sécurité intérieure*). Law 2003-239 of 18 March 2003 for domestic security (*pour la sécurité intérieure*).
- 4 Law 2002-1138 of 9 September 2002 on the direction and operation of the justice system (*d'orientation et de programmation pour la justice*). Law 2004-204 of 9 March 2004 on adapting the justice system to developments in crime (*portant adaptation de la justice aux évolutions de la criminalité*).
- 5 Law 2007-297 of 5 March 2007 relating to the prevention of crime (*relative à la prévention de la délinquance*).
- 6 Where local order, security and public tranquillity are threatened by lack of parental surveillance and control or parental failure to assist in their child's education, the mayor can propose parental support, consisting of an individualised programme combining counselling and educational work. The programme of support aims to help parents in parenting, but does so within a context of control and constraint as parents must have good reason to refuse the support offered.
- 7 Law 2007-1198 of 10 August 2007 reinforcing the fight against recidivism among adults and minors (*renforçant la lutte contre la récidive des majeurs et des mineurs*).
- 8 Law 2008-174 of 25 February 2008 on security detention and criminal irresponsibility due to mental disorder (*relative à la rétention de sûreté et à la déclaration d'irresponsabilité pénale pour cause de trouble mental*).
- 9 Article 706-53-13 of the 2008-174 law.
- 10 Law 2003-710 of 1 August 2003 on the direction and operation of city and urban renewal (*d'orientation et de programmation pour la ville et la rénovation urbaine*).
- 11 Article 6 of the 2003-710 law.
- 12 The *banlieues* are high-density peripheral housing estates around French cities in which low-income and disadvantaged populations tend to be concentrated, often in social housing.
- 13 On this question, it is useful to warn against the confusion sometimes made between close notions, such as neo-liberalism, neo-conservatism and the Americanisation of public policies (Crawford and Lewis 2007).
- 14 *L'impact de la vidéosurveillance sur la sécurité dans les espaces publics et les établissements privés recevant du public*.
- 15 Speech by Michèle Alliot-Marie, Interior Minister, at a meeting held on 20 May 2008, at the Interior Ministry, between the National Commission on vidéosurveillance, the chairs of the department level commissions and the *préfets* or their representative, *Maire Info*, 21 May 2008.
- 16 Its official title is actually the 'decree taken for the implementation of article L. 111-3-1 of the code of urbanism and related to public safety studies'.

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- 17 Law 95-73 of 21 January 1995 on the direction and operation for security (*d'orientation et de programmation relative à la sécurité*).
- 18 Extract from art. 11 of the law: 'Preliminary studies prior to urban renewal, collective infrastructure and building projects, undertaken by a collectivity or requiring an administrative authorisation and which, because of their scope, location or characteristics may have an impact on protection of people or goods against threats and aggressions, are subject to a public safety study to assess the consequences.'

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