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## Criminology à la française

Renaud Colson

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Dr Renaud Colson

Webpage: <http://www.univ-nantes.fr/colson-r>

E-mail: [Renaud.Colson@univ-nantes.fr](mailto:Renaud.Colson@univ-nantes.fr)

## **Criminology à la française** **French Academic Exceptionalism**

**Abstract:** On the 13<sup>th</sup> of February 2012, a decree established criminology as a new discipline in the French university system. Six months later, the new Ministry of Higher Education and Research rolled back the reform and abolished the newly created section of criminology. Because French university governance remains centralized and corporatist, any project that transforms an interdisciplinary field of research into a fully-fledged academic discipline is difficult to carry out, all the more when the latter bears a political and utilitarian dimension as criminology does. It comes then as no surprise that in the hyper-disciplined French university, the disciplinary enterprise of institutionalising criminology is fraught with difficulties, not the least being the existence of an undisciplined academia.

**Keywords:** Comparative criminology, Criminological evangelism, Disciplinary boundaries, French academia, Official criminology

On the 13<sup>th</sup> of February 2012, the French Ministry of Higher Education and Research issued a decree whereby it established criminology as a new discipline within French higher education. Six months and one presidential election later, the new French Ministry of Higher Education and Research rolled back the reform. A new decree issued on the 21<sup>st</sup> of August 2012 rescinded the previous decision and abolished the newly created section of criminology in the *Conseil National des Universités*. Among the reasons invoked for this move, the Minister pointed to the lack of candidates: only 17 tenured academics came forward to staff this section where 36 would have been necessary to its functioning<sup>1</sup>. In a press release, the Ministry noted that the abolition of the newly created section was intended as a response to the disputed process which led to its creation but should not be interpreted as a decision regarding the academic status of criminology<sup>2</sup>. Remarkably the return to the *status quo ante* was greeted positively by many researchers, mainly criminal law professors and sociologists of crime and deviance, who had fought hard against the institutionalisation of the discipline by claiming either that there is no such thing as a criminological science, or that there should not be an official criminology.

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<sup>1</sup> B. Floc'h, "Le gouvernement supprime la filière de criminologie défendue par Alain Bauer", *Le Monde*, August 24<sup>th</sup> 2012.

<sup>2</sup> Ministry of Higher Education and Research, Press release on the suppression of the criminology section, August, 24<sup>th</sup> 2012, available online at: <http://www.enseignementsup-recherche.gouv.fr/cid61261/suppression-de-la-section-de-criminologie-au-conseil-national-des-universites.html> (retrieved December 17<sup>th</sup> 2012).

This dramatic contest over knowledge is difficult to grasp for a French criminologist<sup>3</sup>, and it is probably even harder to understand for a foreign observer. Any scholar unfamiliar with French academic culture will struggle to make sense of these two official decisions and the reaction they provoked. Are there really no more than 17 researchers studying criminal phenomena in France? And if there are, why would they reject the recognition of criminology as an academic discipline? More fundamentally, how is it that the state is in charge of defining what should and should not be acknowledged as an academic discipline in French universities? And why should criminology be refused official recognition as opposed to, say, management studies (section 06), education studies (section 70) or catholic theology (section 76)? At first sight, these questions may seem trivial. In an era of globalisation, where the once-influential role of French social sciences is fading, what can be gained from analysing this epiphenomenon of French academic life in a British journal?

From a French perspective, the answer is straightforward. Since the institutionalisation of criminology has become a cause of contention, French academics have been confronted with a strategic question: should they or shouldn't they sign the various petitions against the creation of this new discipline? The urge to take sides has led to various interpretative stances justifying academic action for or against the establishment of this field while preventing at the same time any cogent explanation of the stakes at risk in the quarrel. The sociological truism according to which there is no "view from nowhere" has been used for some time as a weapon in French intellectual life to reject the possibility of objective causal explanation in the framework of heated debates. As a consequence, any disinterested analysis of the historical condition of the row caused by the establishment of criminology as a discipline is only likely to be considered intellectually legitimate, at least for the time being, in a foreign context<sup>4</sup>.

Beyond these parochial considerations, presenting the ins and outs of the French criminology dispute provides an opportunity to set out some of the idiosyncratic features of French research on crime within the broader picture of French higher education, and to address the particulars of the species *homo academicus gallicus*<sup>5</sup>. It offers a remarkable case-study for sociologists concerned with the way knowledge and expertise are mobilized to inform intervention in the public sphere<sup>6</sup>. Last but not least, the French criminology dispute allows us to examine from a comparative perspective some disciplinary concerns about criminology in an era of penal populism<sup>7</sup>. These concerns are transnational but do not manifest themselves in the same way in diverse academic cultures. At this stage of its development, French research on crime has probably more to learn from its British counterpart<sup>8</sup> than the contrary. But the latter may derive valuable insight from the way French academia has addressed questions

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<sup>3</sup> S. Body-Gendrot, "How to Become Schizophrenic? Try French Criminology", *Newsletter of the European Society of Criminology*, vol. 9(2), July 2010, pp. 2 and 10-11.

<sup>4</sup> On the difficulties of self-reflection on the social structure of one's own University academic environment, the fear of divulging academic tribal secrets and subsequent condemnation, see P. Bourdieu, *Homo Academicus*, Paris, Les éditions de minuit, 1984 [English translation by P. Collier: *Homo Academicus*, Cambridge, Polity Press, 1988, spec. chap. 1 : A 'Book for Burning?']

<sup>5</sup> The expression is borrowed from the Preface of the English Edition of P. Bourdieu, *op. cit.*, p. XV.

<sup>6</sup> G. Eyal, L. Buchholz, "From the Sociology of Intellectuals to the Sociology of Interventions", *Annual Review of Sociology*, 2010, vol. 36, pp.117-137.

<sup>7</sup> In a broader perspective, on the usefulness of comparative studies in the criminological enterprise, see D. Nelken, *Comparative Criminal Justice: Making Sense of Difference*, London, Sage, 2010.

<sup>8</sup> For a first pedagogical attempt in this direction, see R. Colson, "Quel devenir pour la criminologie ? Note historiographique sur l'exemple britannique", *Revue internationale de droit comparé*, vol. 64/2, 2012, pp. 503-524.

about what criminology is and is not, and the purposes criminology should or should not serve in a political climate where the issue of social response to crime has become a hot topic<sup>9</sup>.

The boundaries and the functions of criminology are conceived in different terms on the two sides of the Channel. French and British academic communities are still shaped by national contexts in spite of the globalisation of problems and theories. Thus the strong and successful academic reaction triggered by the attempted institutionalisation of criminology in France can only be understood in the light of the history of the French university: the airtight disciplinary compartments which have been its basis for a long time still haunt the intellectual landscape, as does the figure of the public intellectual, prone to engage in political debate in the name of disinterested knowledge. Because French university governance remains centralized and corporatist, any project to transform an interdisciplinary field of research into a fully-fledged academic discipline is hard to carry out, all the more when the challenge is taken up in a political context generating resistance. It comes then as no surprise that in the much disciplined French university (section 1), the disciplinary enterprise of institutionalising criminology is fraught with difficulties (section 2), not the least being the existence of an undisciplined academia (section 3).

## 1. A Disciplined University

Though short-lived as an official academic discipline, French criminology has nonetheless a long history. The twists and turns of French research on crime have been studied at length<sup>10</sup>, as well as the inability to develop long term interdisciplinarity between medicine, law and the social sciences<sup>11</sup>. The difficulty of fostering an interdisciplinary dialogue on crime as an object of study has been clearly recognized in the intellectual history but the underlying structural causes have rarely been analyzed. Dealing with this question requires a consideration of the very structure of French higher education, an academic blind spot which, however, provides a key to understanding French resistance to any kind of interdisciplinary work.

Following the *tabula rasa* decreed by the 1789 revolution, the French university system underwent a complete reconstruction. The new Imperial University is a good example of the statist and centralizing character of Napoleonic reforms<sup>12</sup>. Distinct from the German model which glorifies academic freedom, and from the English tradition favouring corporate

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<sup>9</sup> These questions asked by I. Loader and R. Sparks (*Public Criminology?*, London / New-York, Routledge, 2011) in an Anglo-American perspective are equally relevant in a French context, where penal policy making has also been increasingly politicized in the last decade. For a comparison between Britain and France on the rise of penal populism, see R. Colson, S. Field, *The Transformation of Criminal Justice: Comparing France with England and Wales* [bilingual edition], Paris, L'Harmattan, 2011, pp. 49-62. And for a recent review on the growth of penal populism in France, see D. Salas, *La Justice dévoyée : Critique des utopies sécuritaires*, Paris, Les Arènes, 2012.

<sup>10</sup> For a rich overview and the first attempt to sketch a general history of French criminology, see L. Mucchielli (ed.), *Histoire de la criminologie française*, Paris, L'Harmattan, 1994. See also C. Debuyst, F. Digneffe, J.-M. Labadie, A.P. Pires, *Histoire des savoirs sur le crime & la peine (vol. 1: Des savoirs diffus à la notion de criminel né)*, De Boeck & Larcier, Bruxelles, 1995, esp. chap. 6, 7 and 8; and M. Kaluszinski, *La République à l'épreuve du crime : La construction du crime comme objet politique (1880-1920)*, Paris, LGDJ, 2002.

<sup>11</sup> L. Mucchielli, "L'impossible constitution d'une discipline criminologique en France: Cadre institutionnels, enjeux normatifs et développements de la recherche des années 1880 à nos jours", *Criminologie*, vol. 37(1), 2004, pp. 13-42.

<sup>12</sup> C. Musselin, *La Longue marche des universités françaises*, Paris, PUF, 2001 [English translation: *The Long March of French Universities*, New-York, RoutledgeFalmer, 2004, p. 11].

autonomy<sup>13</sup>, the reorganization of the French university system was based on the idea of state monopoly of instruction. University curricula were defined nationally and identical rules for the content of teaching and examination procedures were applied to the whole of the nation. The structure of the new university was standardized by national regulations which divided France into distinct geographic administrative units (*académies*). In each unit, faculties of theology, medicine, law, sciences and letters were established, each following an identical model. Every faculty was independent but none autonomous; all were subject to the control of the state authority which allocated university funding, defined course content and regulated academic statuses. Through the national *Conseil de l'Instruction Publique*, the state relied on appointed authoritative academic figures to manage the discipline they represented, thus reinforcing scientific compartmentalization<sup>14</sup>. As no mechanism existed for coordinating these regional discipline-based faculties, with the creation of centralized disciplinary corporations, they became free to develop their own standards of regulation, “it was everyone for himself, with each of the faculties withdrawing into its specificity”<sup>15</sup>.

Organised along disciplinary lines which have long discouraged cross-disciplinary research, the French university system has nonetheless been one of the cradles of Western criminology<sup>16</sup>. French academic corporatism did not find fault with the scientific study of crime as long as it took place in a clearly identified disciplinary setting. As early as the beginning of 19<sup>th</sup> century, French professors of medicine took interest in the study of criminals<sup>17</sup>, followed by professors of law who established diplomas in penal sciences in law faculties at the beginning of the 20<sup>th</sup> century<sup>18</sup>. The social sciences also contributed to the subject, first through the works of seminal figures such as Gabriel Tarde (1843-1904) and Emile Durkheim (1858-1917)<sup>19</sup>, and later, from the 1970's onwards, when they became a driving force of French studies on crime<sup>20</sup>. But in spite of the early establishment of journals claiming a multidisciplinary perspective<sup>21</sup>, the conceptual distance between the criminological anthropology of physicians, the penitentiary science of jurists, and the sociology of crime has always stood in the way of the construction of a proper criminological discipline. Thus the story of criminology told by French historians is one of persistent conflicts and missed *rendez-vous* between clinical, legal and sociological approaches. A convergence of these three poles occurred rarely and was often short-lived. It always took place outside the university, at the interface between the academic and the bureaucratic field, in institutions devoted to the production of practical knowledge with potential application to the problems of government,

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<sup>13</sup> C. Charle, J. Verger, *Histoire des universités*, Paris, PUF, 1994, pp. 63-75.

<sup>14</sup> C. Musselin, *op. cit.*, p. 12.

<sup>15</sup> C. Charle, *La République des universitaires*, Paris, Seuil, 1994, p. 135.

<sup>16</sup> On the existence of a “French school” of criminology at the turn of the 20<sup>th</sup> century, see C. Debuyst, F. Digneffe, J.-M Labadie, A.P. Pires, *op. cit.*, esp. chap. 6 and 7. The expression is also used by D. Garland, “Of Crimes and Criminals: The development of Criminology in Britain”, in M. Maguire, R. Morgan, R. Reiner (eds.), *The Oxford Handbook of Criminology*, 3<sup>rd</sup> ed., Oxford, Clarendon Press, 2002, p. 27.

<sup>17</sup> M. Renneville, “L’anthropologie du criminel en France”, *Criminologie*, vol. 27(2), 1994, p. 185-209.

<sup>18</sup> J. Pinatel, “Les données du problème de l’enseignement et de la criminologie”, *Revue de science criminelle et de droit pénal comparé*, 1957, esp. pp. 416-421.

<sup>19</sup> See L. Mucchielli, “Naissance et déclin de la sociologie criminelle: 1880-1940”, in L. Mucchielli (ed.), *Histoire de la criminologie française*, *op. cit.*

<sup>20</sup> For a first observation of this renewal as soon as 1991, see P. Robert, “The Sociology of Crime and Deviance in France”, *British Journal of Criminology*, vol. 31(1), 1991, pp. 27-38.

<sup>21</sup> It is indicative of the evolutive understanding of this pluridisciplinarity that the *Archives d’anthropologie criminelle et des sciences pénales*, first published in 1885, changed its name into *Archives d’anthropologie criminelle, de médecine légale et de psychologie normale et pathologique* in 1904. Shortly after it disappeared, a new journal called *Annales de médecine légale, de criminologie et de police scientifique* came into being in 1921.

such as the *Académie des sciences morales et politiques* in the 19<sup>th</sup> century<sup>22</sup>, or, more recently, the research centre set up at Vaucresson by the Juvenile Division of the Ministry of Justice in the 1960's<sup>23</sup>, and the *Institut des hautes études sur la sécurité intérieure* founded in the 1990's<sup>24</sup>.

Overall, such policy-oriented research has not provided a model for academic criminology, which has remained split along disciplinary lines. One reason for this is the institutional structure of French higher education, which reinforces an inflexible disciplinary architecture. In spite of numerous reforms, some going back to the 1870's<sup>25</sup>, others implemented in the last 40 years and even more in the last 15 years<sup>26</sup>, the disciplinary architecture of the imperial University is still ingrained in the very structure of the French university. The central career management authority based on a clear-cut disciplinary map has remained in place up to the present time in the form of the *Conseil National des Universités* (CNU), a national council staffed by tenured academics partly elected by their peers, partly appointed by the ministry<sup>27</sup>. This council is made up of 52 sections, each corresponding to a discipline, whose role is to determine whether candidates are academically qualified to apply for tenure as *maître de conférences* (senior lecturer), or to be promoted to professor. It is on the basis of this list of qualified candidates that local universities make hiring and promotion decisions for their respective disciplines. This institutional structure proved lethal to criminology in French universities as no disciplinary section was ever devoted to the subject. Criminology is thus marginalized, reduced to a sum of unconnected appendices of sub-disciplines, such as forensic medicine, clinical psychology, criminal sociology and penal law, which are often in a weak position in their own disciplinary section. As each of the sections develops its own set of criteria of disciplinary excellence and acts as “gate-keeper” to academia<sup>28</sup>, would-be criminologists are first forced to forge for themselves an academic identity that will be recognisable to the guardians of disciplinary orthodoxy. Any researcher with an interdisciplinary profile, however excellent, runs the risk of never being recognized as qualified by any CNU section<sup>29</sup>.

Fragmented and lacking an institutional base, French criminology cannot be considered as a discipline in its own right as it is not a “stable and delimited field (...) inscribed in institutions, laboratories, university departments, journals, national and international fora (conferences), procedures for the certification of competences, rewards systems and prizes”<sup>30</sup>.

<sup>22</sup> J. Heilbron, “The rise of social science disciplines in France”, *Revue européenne des sciences sociales / European Journal of Social Sciences* [Online], vol. XLII-129, 2004, esp. pp. 147-148: <http://ress.revues.org/394> (retrieved December 17<sup>th</sup> 2012). See also C. Delmas, *Instituer des savoirs d'État : L'Académie des sciences morales et politiques au XIX<sup>e</sup> siècle*, Paris, L'Harmattan, 2006, esp. pp. 104-118.

<sup>23</sup> On which see L. Mucchielli, *op. cit.*, pp. 28-29.

<sup>24</sup> *Ibid*, p.35.

<sup>25</sup> On the reform of French University under the Third Republic, see G. Weisz, *The Emergence of Modern Universities in France, 1863-1914*, Princeton, Princeton University Press, 1983.

<sup>26</sup> C. Muselin, C. Paradeise, “France: From Incremental Transition to Institutional Change”, in C. Paradeise, E. Reale, I. Bleikie, E. Ferlie (eds.), *University Governance: Western European Comparative Perspective*, New York/Heidelberg, Springer, 2009, pp. 21-49.

<sup>27</sup> Décret n°92-70 (January 16, 1992) *relatif au Conseil national des universités*.

<sup>28</sup> N. Le Feuvre, M. Metso, *Disciplinary Barriers between the Social Sciences and Humanities: National Report on France*, University of Hull, 2005, p. 57. The report is available online: [http://www.york.ac.uk/res/researchintegration/National\\_Report\\_France.pdf](http://www.york.ac.uk/res/researchintegration/National_Report_France.pdf) (retrieved December 17<sup>th</sup> 2012).

<sup>29</sup> Conseil National du développement des sciences humaines et sociales, *Pour une politique des sciences sociales de l'Homme et de la société*, Paris, PUF, 2001, pp. 81-82.

<sup>30</sup> P. Bourdieu, *Science de la science et réflexivité*, Paris, Ed. Raisons d'agir, 2001 [English translation by R. Nice: *Science of Science and Reflexivity*, Cambridge, Polity Press, 2004, pp. 64-65].

Instead, criminology can only be studied in France under the aegis of other disciplines. Thus the only independent research group of the *Centre National de la Recherche Scientifique* (France's largest public research body), which can rightly claim to produce high quality criminological research is the CESDIP (Center for Sociological Research on Law and Criminal Justice Institutions<sup>31</sup>), a team of sociologists, historians and political scientists that includes almost no representation from law and psychology. Criminological dialogue, which could hardly begin to develop in France for institutional reasons, seems to have retracted even further in recent years as initiatives towards an interdisciplinary study of crime have receded<sup>32</sup>. In an environment where crime was becoming increasingly a subject of concern for French politicians, such a situation naturally provoked the ambition of disciplinary entrepreneurs.

## 2. A Disciplinary Enterprise

In France the official process for creating an academic discipline is largely unregulated. The Ministry of Higher Education and Research has the power to issue a decree establishing a new field of research and teaching as a new academic discipline in its own right, and to simultaneously set up a new CNU section. But there is no established formal procedure leading to such a decision<sup>33</sup>. As a result the process is opaque. It would seem to require a negotiation between Ministry representatives and part of the academic community. The former is dependent on the expertise of the latter in regard to the changes contemplated, even if the Ministry has the last word in the highly centralised French system. Yet because of the very opacity of the process, individuals, or groups of individuals, who manage to catch the Minister's ear can have a strong influence<sup>34</sup>. As a result, far from being the purely rational outcome of a comprehensive study, a new discipline appears to be born of a complex social process<sup>35</sup>. In the case of French criminology, the networking of individual actors certainly played a strong role in the decision-making process leading to the creation of a new section. Just as with its British counterpart, the story of the foundation of French academic criminology appears to be "that of the predilections of powerful and persuasive men"<sup>36</sup>.

Among these powerful men, Alain Bauer is undoubtedly the most important. A former student union leader with many political connections to top politicians of the Left and the Right, a highly influential Freemason and CEO of a leading consulting firm in 'security and crisis management', Alain Bauer has authored more than 80 books on various subjects (crime, gastronomy, Freemasonry...)<sup>37</sup>. He became a close security advisor to the Minister of Interior Nicolas Sarkozy, and remained so after Sarkozy became President. Since then he has been

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<sup>31</sup> <http://www.cesdip.fr/>

<sup>32</sup> Thus Laurent Mucchielli observed in 2004 that "in a sense, criminology now exists less than ever as a discipline", "L'impossible constitution d'une discipline criminologique en France: Cadre institutionnels, enjeux normatifs et développements de la recherche des années 1880 à nos jours", *op. cit.*, p. 14, see also pp 37-40.

<sup>33</sup> N. Le Feuvre, M. Metso, *op. cit.*, p. 30.

<sup>34</sup> *Ibid.*

<sup>35</sup> For a general perspective on the social and political dimension of discipline building, see E. Messer-Davidow, D.R. Schumway, D.J. Sylvan (eds.), *Knowledges: Historical and Critical Studies in Disciplinaryity*, Charlottesville / London, University Press of Virginia, 1993. See also the collection edited by J. Boutier, J.-C. Passeron, J. Revel, *Qu'est-ce qu'une discipline ?*, Paris, EHESS, 2006.

<sup>36</sup> T. Morris, "British Criminology: 1935-1948", *British Journal of Criminology*, vol. 28(2), 1988, p. 20.

<sup>37</sup> For a brief description of this *éminence grise*, see L. Wacquant, "From 'Public Criminology' to the reflexive sociology of criminological production and consumption: A review of Public Criminology? by Ian Loader and Richard Sparks", *British Journal of Criminology*, 2011, 51, pp. 443-444. For a telling presentation, visit also prof. Alain Bauer's website: <http://www.alainbauer.com/>.

appointed head of several governmental bodies and commissions<sup>38</sup>. His proximity to circles of power earned him the privilege of being personally nominated to the first Chair in “applied criminology” in France<sup>39</sup>, as Nicolas Sarkozy revived a long tradition whereby the governments of the 3<sup>rd</sup> Republic (1870-1940) created new chairs tailored to fill perceived disciplinary gaps in university curricula, and also to reward acts of particular political loyalty<sup>40</sup>. But irrespective of his influence in the political world and his journalistic visibility as France’s first official criminologist, Alain Bauer was doomed to rejection by France’s endogenous academia (see below) due to his lack of qualifications (he holds a LLM in administrative law) and his contested publication record (he has no peer-reviewed publication)<sup>41</sup>. His only chance to achieve greater academic recognition was to use his political sway in government to be included in a possible new CNU section in charge of steering the development of criminology as a new discipline. Such an outcome seemed quite possible considering that some respected academics had long awaited an opportunity to promote the development of criminology as an autonomous discipline within the French research and higher education landscape.

Dr. Pierre-Victor Tournier is exemplary of this breed of reputed social scientist who has deplored the fragmentation of criminology and the absence of an independent institute where interdisciplinary research could be developed. Senior researcher at the *Centre National de la Recherche Scientifique*, this leading French specialist on prison demography started promoting, from 2006 onwards, the creation of a scientific body advancing multidisciplinary research on crime<sup>42</sup>. Dr. Tournier and Mr. Bauer are different in many respects, not the least in their epistemological vision of crime science<sup>43</sup>. Dr. Tournier embodies a social democratic criminology. His work relies on the development of a dialogue between the law, sociology and psychology of crime and penal institutions, in an independent framework, to produce scientific analysis to counter growing penal populism. Mr. Bauer advocates a security-focused criminology<sup>44</sup>. He planned to develop an intelligence service and research centre to promote technical knowledge in order to take up the security challenges of post-industrial society (from petty theft to global terrorism). Yet in spite of their ideological differences, both of

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<sup>38</sup> Most notably, and among others, Alain Bauer was president of: the National Observatory of Delinquency (*Observatoire National de la Délinquance*), which then became the National Observatory of Delinquency and Penal Responses (*Observatoire national de la délinquance et des réponses pénales*); the National CCTV Commission (*Commission nationale de la vidéosurveillance*), the National Private Security Control Council (*Conseil National des Activités Privées de Sécurité*); the Strategic Research High Council (*Conseil supérieur de la formation et de la recherche stratégiques*), the Police Files Control Group (*Groupe de contrôle des fichiers de police*); the Working Group on Customs Files (*Groupe de travail sur les fichiers des douanes*)...

<sup>39</sup> This Chair was established by Presidential decree on March 25<sup>th</sup> 2009, at the *Conservatoire national des arts et métiers*, a French top higher education establishment for adult education and life-long training.

<sup>40</sup> On this institutional practice C. Charle, *op. cit.*, p. 322 et s.

<sup>41</sup> For a biting review of his General Introduction to Criminology (*Introduction générale à la criminologie*, PUF, 2010), see D. Kaminski, “Criminologie plurielle et pourtant singulière”, *Revue de science criminelle et de droit pénal comparé*, 2011/2, pp. 475-485.

<sup>42</sup> On the successive steps of his attempt, see the postface of P.V. Tournier (ed.), *Le Babel criminologique. Formation et recherche sur le phénomène criminel: Sortir de l'exception française? Actes du colloque du 3 février 2009*, Paris, L’Harmattan, 2009, pp. 277-290.

<sup>43</sup> Embracing Ian Loader and Richard Sparks’ taxonomy of criminological engagement (*Public Criminology*, *op. cit.*, pp. 26-37), Alain Bauer would probably claim - against his opponents - to be a “scientific expert” willing “to produce knowledge that is useful in helping to prevent and reduce crime (...) with an immediate policy focus”, whereas Pierre-Victor Tournier would fit in the category of the “policy advisor” eager “to protect the autonomy of (...) research and extend the opportunities for proffering policy advice grounded in that research”.

<sup>44</sup> On the “conceptual contours and topographical features” of a security agenda that would fit well Mr Bauer’s criminological approach, see L. Zedner, “Pre-crime and post-criminology?”, *Theoretical Criminology*, vol.11(2), 2007, esp. pp. 264-266.



them contributed, each in his way, to the development of the official establishment of criminology in French university.

After being enrolled in a Commission on Research and Training in Strategic and Security Studies (*Mission sur “La formation et la recherche en matière stratégique”*) chaired by Alain Bauer, the final report<sup>45</sup> of which he eventually distanced himself from<sup>46</sup>, Pierre-Victor Tournier agreed to steer the debate on the development of criminology. He organized a landmark conference in 2009 on the state of French criminology<sup>47</sup>. Eventually, both Pierre-Victor Tournier and Alain Bauer were appointed members of the National Conference of Criminology, established at the request of the Minister of Higher Education and Research. The official request of the Minister was to consider the feasibility of the introduction of a criminological discipline in French universities. In June 2010 the report of the National Conference was delivered<sup>48</sup>. Unsurprisingly, it called for the creation of a new CNU section devoted to the scholarly study of criminal phenomena and the social response to crime, and it also proposed curricular templates in criminology.

Of course, Alain Bauer and Pierre-Victor Tournier were not the only instigators supporting the creation of a discipline of criminology. The reports of the Commission on Research and Training in Strategic and Security Studies and of the National Conference of Criminology are both collective works. The first involved lobbyists of the State security and surveillance industries. The second gathered professors from various faculties. As participants in the two commissions, Alain Bauer and Pierre-Victor Tournier are emblematic of an awkward disciplinization process which succeeded by means of a rare coalescence of diverse networks of actors informed by distinct visions of criminology and endowed with different types of symbolic capital. This heteroclitic alliance shared few epistemological beliefs but a common institutional objective and it successfully managed to catch the Ministry’s ear. The reports were duly recorded; the Minister launched an online consultation to collect the reflections of the academic community, and appointed a follow-up committee to implement the recommendations of the National Conference. In March 2011, the follow-up committee delivered a progress report<sup>49</sup>. Less than a year later, and two months before the presidential election, the French Ministry of Higher Education and Research issued a decree whereby it established criminology as a new discipline in spite of continuing protest from many academics.

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<sup>45</sup> *Déceler-Etudier-Former : une voie nouvelle pour la recherche stratégique - Rapprocher et mobiliser les institutions publiques chargées de penser la sécurité globale*, Cahiers de la Sécurité (supplément au n° 4), 2008; [http://www.ladocumentationfrancaise.fr/rapports-publics/084000174/index.shtml#book\\_presentation](http://www.ladocumentationfrancaise.fr/rapports-publics/084000174/index.shtml#book_presentation) (retrieved December 17<sup>th</sup> 2012).

<sup>46</sup> In the report (*op. cit.*, p. 48), Pierre-Victor Tournier warns against the risk of a “catastrophist” vision of crime.

<sup>47</sup> P.V. Tournier (ed.), *Le Babel criminologique*, *op. cit.*

<sup>48</sup> Conférence nationale de criminologie, *Rapport établi pour Madame la Ministre de l’Enseignement Supérieur et de la Recherche sur la faisabilité, la mise en place et le développement des études, recherches et formations en Criminologie*, June 2010; available on line at: [http://media.enseignementsup-recherche.gouv.fr/file/2011/80/1/CNC\\_rapport\\_28\\_juin\\_2010\\_169801.pdf](http://media.enseignementsup-recherche.gouv.fr/file/2011/80/1/CNC_rapport_28_juin_2010_169801.pdf) (retrieved December 17<sup>th</sup> 2012).

<sup>49</sup> C. Vallar, *Rapport d’étape du Comité de suivi pour la mise en oeuvre du rapport Villerbu*; available online at: [http://media.enseignementsup-recherche.gouv.fr/file/2011/80/6/rapportetapecomitesuivi\\_169806.pdf](http://media.enseignementsup-recherche.gouv.fr/file/2011/80/6/rapportetapecomitesuivi_169806.pdf) (retrieved December 17<sup>th</sup> 2012).

### 3. An Undisciplined Academia

From its inception, the project of an autonomous criminological discipline within the French university system sparked academic resistance and as the disciplinary enterprise gained momentum, so did the opposition. This took the usual form of intellectual protest in France, combining polemical op-ed pieces in national newspapers and in the blogosphere, individual and collective standpoints in specialized journals, petitions open to the wider public, and involvement of public bodies through public declaration of their representatives.

The protest started with a manifesto published on line in January 2009 by Dr. Laurent Muchielli, a high-profile sociologist of crime<sup>50</sup>, who published at the same time a couple of articles on the subject in academic journals<sup>51</sup>. The petition denounced the development of a “new criminology” and the political use of academic research for the field of “internal security”<sup>52</sup>. It was hosted on the website of the association *Sauvons la Recherche*<sup>53</sup>, a social media site concerned with the struggle to maintain French academic excellence in the face of managerial reforms. The manifesto, which gathered nearly 300 signatures, was quickly followed by another petition with 400 signatures against the nomination of Alain Bauer as professor of criminology<sup>54</sup>. The academic protest intensified when conservative law faculties joined the opposition. At the prospect of the creation of the new discipline, fifty professors of criminal law signed an editorial “against the creation of a criminology section within the CNU”<sup>55</sup>. It was followed by another petition instigated by other criminal law professors denouncing the project, while at the same time promoting the restructuring of criminology through the reform of the dormant criminal sciences institutes created in the 1950’s within law faculties<sup>56</sup>. Opposition grew as various learned societies and academic circles expressed their opposition, leaving little room for the proponents of the project to reply<sup>57</sup>. Eventually, the protest reached its apex after the publication of the governmental decree establishing the new discipline<sup>58</sup>. The permanent committee and several sections of the CNU itself adopted

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<sup>50</sup> Laurent Mucchielli was at the time director of CESDIP. Using Ian Loader and Richard Sparks’ taxonomy of criminological engagement, he could be labelled a “social movement theorist” concerned with the need “to develop a critique of official agendas - to raise problems for government not solve problems of government” (*Public Criminology, op. cit.*, pp. 26-37).

<sup>51</sup> The first article was published just before the manifesto : “Une ‘nouvelle criminologie’ française ? Pourquoi et pour qui ?”, *Revue de science criminelle et de droit pénal comparé*, 2008/4, pp. 795-803. The second just after : “Vers une criminologie d’Etat en France ? Institutions, acteurs et doctrines d’une nouvelle science policière”, *Politix*, 2010/1, vol. 89, pp. 195-214.

<sup>52</sup> “Pourquoi nous ne voulons pas de la ‘nouvelle criminologie’ et des projets de contrôle de la recherche sur la ‘sécurité intérieure’ dans lesquels elle s’inscrit”, <http://sauvonslarecherche.fr/spip.php?article2317>

<sup>53</sup> <http://sauvonslarecherche.fr/>

<sup>54</sup> This second petition was published in the daily newspaper *Libération* on February 6<sup>th</sup> 2009.

<sup>55</sup> “Contre la création d’une section de criminologie au CNU”, *Semaine Juridique*, ed. G, 2011, act. p. 36; *Recueil Dalloz*, 2011, p. 457.

<sup>56</sup> “Pour une rénovation instituts de sciences criminelles et de criminologie dans l’Université française”, *Semaine Juridique*, ed. G, 2011, act. pp. 846-848

<sup>57</sup> See nonetheless M. Herzog-Evans, R. Cario et L. Villerbu, “Pourquoi il est urgent de créer des UFR de criminologie”, *Recueil Dalloz*, 2011, p. 766; and from the same authors “L’émergence indispensable de la criminologie à l’université”, *Le Monde*, March 21<sup>st</sup> 2012. See also A. Bauer, “Une science qui répond au besoin d’explication”, *Le Monde*, March 29<sup>th</sup> 2012.

<sup>58</sup> Following the decree establishing the criminology section, the following organisations expressed their public opposition to the decision in various press releases : the *Association pour la “Qualité de la science française”* (8 mars 2011, <http://www.qsf.fr/>), the *Association française de criminologie* (14 mars 2011, <http://www.afcassoc.org/>), the CESDIP (23 mars 2011, <http://www.cesdip.fr/>), the journal *Champ Pénal / Penal Field* (24 mars 2011, <http://champpenal.revues.org/7999>), the *Association française de science politique* (12 avril 2011, <http://www.afsp.msh-paris.fr/>), not to forget the Conference of Law Faculties deans, and a few others...

motions condemning the decision of the government, and the French Association of Penal Law decided to turn to France's highest administrative court, the *Conseil d'État*, to have the decree annulled.

The opponents of the section presented a no more coherent front than the heterogeneous coalition of disciplinary entrepreneurs in criminology seeking to found it. The opposition lumped together conservative law professors and progressive social scientists. They collectively endorsed the traditional posture of public intellectuals challenging a policy in the name of disinterested knowledge. In doing so, the opponents of criminology perpetuated a French tradition by which internal conflicts between and within faculties and disciplines (in this case, law and humanities) are occasionally resolved through collective intervention in the public sphere, in the name of intellectual autonomy and academic unity<sup>59</sup>. This retrieved unity built upon scholastic reason<sup>60</sup> presented itself in a series of arguments challenging the autonomy of criminology, both as a core curriculum and as science.

On the teaching side, the protesters denied the very possibility of an autonomous criminology curriculum, claiming that access to this field of knowledge could not be a substitute for prior mono-disciplinary training in law, sociology and medicine<sup>61</sup>. It was also asserted that the creation of a CNU section dedicated to criminology could not be justified without further evidence regarding the professional prospects it would offer to students<sup>62</sup>. French universities offer more and more programs with practical or vocational character<sup>63</sup>. Yet high-level executive and administrative training is still considered the domain of a few prestigious *Grandes écoles* and specialized schools. And it is true that most of the people pursuing a career in penal institutions (justice, police or penitentiary administration) benefit from initial training and lifelong learning in vocational schools<sup>64</sup> - hence the waning demand for criminology graduates in France.

On the research side, the opponents of the new disciplinary formation appealed to the traditional reticence of French academia towards “public problem solving”. Overall French academic culture is suspicious toward external influences. It has thus been argued that “the resistance of ‘pure’ and fundamental research to the demands of capitalist market forces is one of the favourite fantasies” of French academia<sup>65</sup>. But this distrust applies to the demands of the government as well, especially in the realm of crime control. Thus thirty years ago Foucault could authoritatively assert that criminological discourse was “staggering” because it

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<sup>59</sup> C. Charle, *La République des universitaires*, *op. cit.*, pp. 291-341. From the same author, see also *Naissance des ‘intellectuels’ (1880-1900)*, Paris, Ed. de Minuit, 1990.

<sup>60</sup> For an elaboration on the theme of scholastic reason, see P. Bourdieu, *Méditations pascaliennes*, Paris, Seuil, 1997 [English translation by R. Nice: *Pascalian Meditations*, Cambridge, Polity Press, 2000].

<sup>61</sup> “Pour une rénovation instituts de sciences criminelles et de criminologie dans l’Université française”, *op. cit.*

<sup>62</sup> This point is made crystal clear in the three main manifestos against the criminology section. On this theme, see J. Danet, “La formation en criminologie. Quels besoins ? Quels Objectifs ?”, in P.V. Tournier (ed.), *op. cit.*, pp. 75-83.

<sup>63</sup> B. Le Gall, C. Soulié, “Massification, professionnalisation et actualisation du conflit des facultés en France”, in C. Charle, C. Soulier (eds.), *Les ravages de la ‘modernisation universitaire en Europe*, Paris, Syllepse, 2008, pp. 173-208 [English revised version: “Administrative Reform and the New Conflict of the Faculties at French Universities”, *Laboratorium*, 2009, n°1, pp. 83-97.

<sup>64</sup> For example the National School for the Judiciary (*Ecole nationale de la magistrature*), the Higher National School for the Police (*Ecole Nationale supérieure de la police*), and the National School for Penitentiary Administration (*Ecole nationale d’administration pénitentiaire*)...

<sup>65</sup> F. Dubet, “Problèmes d’une sociologie de l’enseignement supérieur”, in G. Felouzis (ed.), *Les mutations actuelles de l’Université*, Paris: PUF, 2003, p. 369.

was “entirely utilitarian” and did “not even seek a theoretical justification for itself”<sup>66</sup>. Today the separation between applied and theoretical science is largely illusory, since researchers often put on their expert’s hat, especially in the criminological field<sup>67</sup>. Nonetheless the anxiety remains that the disciplinization of criminology would encourage applied law enforcement expertise for political ends at the expense of independent fundamental research on crime<sup>68</sup>.

Last but not least, the protesters harshly criticized the dysfunctionality of the process of negotiation led by the Ministry of Research and Higher Education to promote criminology as a discipline. Although diverse in their background, the initiators of the projects were not representative of their peers. The participants in the National Conference of Criminology constituted an avant-garde of individuals with limited authority in the academic community. The distrust grew as the online consultation organized by the Minister was called into question (its results were not made public) and the follow-up committee's progress report suggested the possibility of grouping criminology, diplomacy and war studies into a single CNU section. This may not have been enough to justify the repeal of the decree creating the section, as no formal procedure is required before such a decision, but it was perceived as a breach of a fair negotiation process by many undecided academics. Seen as a last minute top-down initiative closing the era of a highly unpopular president soon to be defeated, the fate of the newborn discipline was sealed.

### Conclusion

The story told so far illustrates the complexity of concrete decision making about the organization of criminological work. The success of the collective protest which contributed to the abolition of the criminology section just after the presidential election is indeed highly paradoxical. The petition depicted the disciplinization of criminology as one facet of a more general law and order policy agenda, nay an academic Trojan horse containing a neo-liberal punitive ideology. Yet in doing so it actually impeded the expansion of criminological research in the very place where it could have been developed free from political pressure. As a consequence, there will probably be less independent criminological research produced in France than there could have been. This in turn may reinforce the authority and the visibility of the official criminology<sup>69</sup> produced by think tanks more closely allied to executive power, and less autonomous than French professors. At first sight then, the protest was counterproductive, impeding a criminology that could have been able to combat the sirens of penal populism.

Even so such an interpretation would not do justice to the protest. Through a trick of history, and in contrast with what has been described as the “successive failure” of British criminology (i.e. its dramatic growth inside the academy and its waning influence outside of

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<sup>66</sup> M. Foucault, “Les jeux du pouvoir”, in D. Grisoni (ed.), *Politiques de la philosophie*, Paris, Grasset, 1976 [English translation by C. Gordon: *Power/Knowledge: Selected Interviews and Other Writings 1972-1977*. New York: Pantheon Books, 1980, p. 47]

<sup>67</sup> For example, the CESDIP prides itself on its website (<http://www.cesdip.fr/>) as a means of providing policy-makers with a scientific approach to criminal justice and of maintaining involvement in several research projects, educational missions and collaborative committees with the Ministry of Justice.

<sup>68</sup> See L. Mucchielli, “De la criminologie comme science appliquée et des discours mythiques sur la ‘multidisciplinarité’ et ‘l’exception française’”, *Champ pénal / Penal field* [Online], vol. VII, 2010: <http://champpenal.revues.org/7728> (retrieved December 17<sup>th</sup> 2012).

<sup>69</sup> On the notion of official criminology, conceived as set of discourses “that function to justify and validate state policies and practice of crime control”, see T. Hope, “Official Criminology and the New Crime Science”, in M. Bosworth, C. Hoyle, (eds.), *What is Criminology?*, Oxford, OUP, 2011, pp. 456-474.

it)<sup>70</sup>, the “failing success” of the disciplinization process in France has limited the development of criminology within universities while reinforcing at least temporarily the voice of the academy in the public sphere on the issue of penal policy. From this dual perspective, the outcome of the dispute matches perfectly the intentions of the remonstrators<sup>71</sup>, both in terms of narrow disciplinary self-interest and disinterested knowledge construction.

If we try to grasp not only what the opponents to the disciplinization of criminology were saying, but also what they were doing in saying it<sup>72</sup>, it appears that many of them were first and foremost engaged in a brutal struggle for disciplinary territory. The first manifesto launched by law professors offers a particularly striking example of what appears to be pure disciplinary corporatism. According to the signatories, “the annexation of criminal sciences to criminal law, and so to private law (sic!), is justified because criminal sciences in general and criminology in particular, should serve criminal law and not the contrary”<sup>73</sup>. Such a stance can easily be understood. Most criminal law professors are “black letter” lawyers and those of them who engage in empirical or interdisciplinary research constitute a minority, hence their very entrenched defensive position<sup>74</sup>. They could hardly tolerate the creation of a new CNU section encroaching on their domain without running the risk of further weakening their position. In the light of this corporatist anxiety, which should not be underestimated even among reflexive social scientists<sup>75</sup>, the protest has been an undeniable success.

Yet the outcome of this corporatist surge also has a profitable dimension both in scientific and political terms. First, it neutralizes various epistemological risks entailed in criminology becoming an academic discipline. Contrary to the current trend in Anglo-American criminology<sup>76</sup>, the risk that research on crime will be cut off from the basic disciplines, or that it will fragment into criminological cliques is virtually non-existent in France. The temptation of an “independent” criminology has been so well resisted that French research on crime will probably remain underdeveloped in the next decade. But it will also remain - and this is not cold comfort - “dialogic rather than detached, eccentric rather than self-enclosed, grounded in multiple disciplines, not floating independent of them”<sup>77</sup>. Secondly, French anti-criminological evangelism has proved to be an efficient device against the ideological hijacking of penal policy, and maybe even more efficient than the various critical strands of

<sup>70</sup> I. Loader, R. Sparks, *op. cit.*, pp. 10-17.

<sup>71</sup> On the distinction between motives and intentions in relation to questions about interpretation, see Q. Skinner, *Visions of Politics, vol. 1: Regarding Method*, Cambridge, CUP, 2002, esp. chap. 5.

<sup>72</sup> *Ibid.*, p. 82.

<sup>73</sup> “Contre la création d'une section de criminologie au CNU”, *op. cit.*

<sup>74</sup> In French Law faculties, criminal law subsists within an academic model which favours private law and dogmatic thinking, and marginalizes any kind of interdisciplinary work, including socio-legal studies. On the precarious position of criminal law within French law faculties, see C. Lazerges, “Pénalistes, droit pénal et sciences criminelles dans l'université française”, in *Sciences pénales et sciences criminologiques. Mélanges offerts à Raymond Gassin*, Aix-en-Provence, Presses universitaires d'Aix-Marseille, 2007, pp. 27-39. It is telling that the author, a respected criminal law professor at the Sorbonne, criticizes the inadequate functioning of the CNU insofar criminal law is concerned and laments the extreme scarcity of criminal science within Law faculties, yet signed the two petitions instigated by law professors to denounce the creation of a criminology section at the CNU.

<sup>75</sup> A proponent of the criminology section suggested though that the CESDIP may have had ulterior motives to limit a disciplinization process, namely “to protect its pot of gold devoid of responsibilities and societal demands” M. Herzog-Evans, “Who is Afraid of Criminology? Why is Criminology a Casus Belli Subject in France and Why it Has to Change?” (April 5, 2012). Available at SSRN: <http://ssrn.com/abstract=2034867>

<sup>76</sup> K. Hannah-Moffat, “Criminological Cliques: Narrowing Dialogues, Institutional Protectionism, and the Next Generation”, in M. Bosworth, C. Hoyle, (eds.), *op. cit.*, pp. 440-455.

<sup>77</sup> D. Garland, “Criminology’s Place in the Academic Field”, in M. Bosworth, C. Hoyle, (eds.), *op. cit.*, p. 314.

British criminology<sup>78</sup>. It succeeded in bringing forth a public discussion of the inherently political nature of institutional discourses on crime. It also reminded the French academic community that not only the content but also the boundaries of social science in general, and of criminology in particular, raise political questions that should be answered by the scientists themselves<sup>79</sup>. Finally, however dubious the argument forged by French academia against state intervention into the disciplinary formations of knowledge, it was a concrete and refreshing reminder that critique of disciplinarity and the right to dissent are at the very core of academic freedom<sup>80</sup>.

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<sup>78</sup> For a reverse perspective on evangelism in British criminology, see P. Carlen, “Against Evangelism in Academic Criminology: For Criminology as a Scientific Art”, in M. Bosworth, C. Hoyle, (eds.), *op. cit.*, pp. 95-108.

<sup>79</sup> On the issue of the political dimension of knowledge, see F.D. Rubio, P. Baert (eds.), *The Politics of Knowledge*, New-York, Routledge, 2012.

<sup>80</sup> J. Butler, “Critique, Dissent, Disciplinarity”, in K. de Boer, R. Sonderegger (eds.), *Conceptions of Critique in Modern and Contemporary Philosophy*, Basingstoke, Palgrave Macmillan, 2012, pp. 10-29.

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