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Policing the pandemic in two Western European countries - comparison between France and the Netherlands -

Jacques de Maillard, Jan Terpstra and Sebastian Roché

Since March 2020 the world has been hit by the COVID-19 pandemic. In the first 22 months it resulted in more than 5.5 million deaths worldwide.¹ From the first day on, governments have developed responses to the rapid spread of the SARS-CoV virus, often with only limited time available for preparation. To control the virus and its impact, governments have introduced many rules and regulations, that have had a huge impact on almost every aspect of social life. However, this newly created complex of rules has often proven to be unstable and in a permanent state of change. It has also been contested, causing problems of compliance and resistance, as well as social tensions and conflicts.

Policing has become a core aspect of the corona crisis and of governmental policies. Just as important differences can be found in how governments have responded to the pandemic for what concerns health (Toshkov, Yesilkagit and Carrol, 2021; Wang, 2021), there are also considerable differences between countries in their enforcement of corona rules (Egger et al., 2021) and in how they have policed protests and demonstrations against the corona regime.

This chapter focusses on differences in policing the corona crisis. We try to understand these differences as related to dominating (policy) frames (Lau and Schlesinger, 2005; Schön and Rein, 1994) about policing, rule enforcement, and the relations between state and citizens more generally (Terpstra et al., 2021, Roché, 2021). We concentrate on two Western-European countries, France and the Netherlands. These countries represent contrasting styles of policing, especially during the first period of the corona crisis. France had a tough style of enforcement, reflecting a state-oriented and repressive conception of the role of the police (de Maillard & Skogan, 2021). In the Netherlands, more in line with the dominant position of community policing here (Terpstra & Salet, 2019), at first a policing approach was propagated, with more emphasis on voluntary compliance, responsabilization, and sanctions only as a last resort.

The policing of the corona crisis has been in a constant change. Learning processes by the police, political changes and changes in views of relevant actors seem to have contributed to these changes. For this reason, we will also look at how the policing has developed after the

first phase of the pandemic and to what degree there has been a convergence between these countries.

This chapter concentrates on the period between March 2020, the beginning of the pandemic, and December 2021. At that latter moment the corona crisis was still evolving. This analysis is based on policy documents, mass media reports, and available empirical studies. For each country separately, we will investigate the policing of the pandemic, with a distinction made between the two phases. The concluding section will deal with the main differences and similarities between the two countries and with the changes in policing. By lack of complete data and because developments are still going on, our conclusions must be partially in the form of hypotheses.

France: stringency, tension and (late) alleviation

During the COVID-19 pandemic, the French police were assigned with new tasks related to the enforcement of the emerging regulation and of the health pass and vaccinal pass; they have also been mobilized for crowd management due to repeated social mobilization by heterogenous groups of a variable magnitude (from neighbourhood spontaneous gatherings ~~demonstrations~~ to larger structured protests). At the same time, the traditional crime control activity has been substantially alleviated in reason of the dramatic decline in crime numbers. In France, the total number of thefts without violence was halved between the 1st and the 2nd quarters of 2020. And despite a spike after that, for the entire year of 2021 it remained 20% below the level of the 1st quarter of 2020. This general trend is also valid for burglaries, or auto thefts, with variations in the percentage of decline (Interstats, 2022, p. 6-7). Only physical violence (non-lethal) and domestic violence diverge from that pattern, with a similar drop at the beginning, but more crime recorded today than then (Ibid., pp. 3-5).

The pandemic and governmental responses

On the 16th of March 2020, President Emmanuel Macron declared the state of health emergency and a national lockdown in France, to be enforced on the next day. During this first phase, government policy mainly revolved about the implementation of the lockdown as a tool to “flatten the curve” and avoiding hospital capacity to be overwhelmed, with a strict police-based enforcement of the lockdown rules. The second phase opened in June 2020, with less severe restrictions and a softening of the policing approach.

Policing the pandemic: the first months

On 17 March 2020, the national police and gendarmerie were immediately mobilized by the government to enforce the lockdown. In total, about 100,000 officers (about 65,000 gendarmes and 40,000 police officers) ensured compliance with the lockdown on a daily basis (Senate, 2020, p. 33). Very quickly, a series of controls were put in place, at a time when the police and gendarmerie themselves were confronted with officers affected by the coronavirus (9,000 confined in the national police on 24 March). Health instructions also required a reorganization of crews and patrols to comply with the rules of social distance. In addition to human resources, the police and gendarmerie also used drones to monitor gatherings of people and communicate prevention messages.

The Ministry of the Interior has been exceptionally keen on counting the number of stops and of fines, and on communicating these numbers to the public as a sign of its performance (see Terpstra et al. 2021 for more details about the issues dealt with in this section). In total, between 17 March and 11 May 2020, more than 20 million checks were carried out and 1.1 million tickets were issued. The dominant reasoning in which the police are involved is that of a State situated above the population, and controlling it in order to reduce the spread of the virus. This massive mobilization of the forces of law and order can be interpreted as part of a vertical logic in which the government affirms its will to protect citizens against themselves through punishment. Political discourse as well as that of key police officials attest to this. On March 16, President Macron made a speech on television with a strong martial tone, repeating six times "we are at war", immediately relayed the day after by the Minister of the Interior: "What the President described were the most restrictive measures in force in Europe today. We are fighting a battle; we will enforce them (...). Our objective is not to punish, but we will".

The conditions of implementation of this lockdown have given rise to many controversies, especially with regards to the relationship between the police and the public. On the one hand, some lawyers have denounced the fact that any citizen can undergo an identity check without any reason, denouncing a reversal of the paradigm of the rule of law: any citizen on the street can be defined as a "(potential) delinquent". The possibility of prison sentences for individuals who have been fined several times (three times in thirty days) has provoked reactions from defenders of public liberties. On the one hand they decried the illegality of this measure². On the other hand, the abusive use of force in the control of lockdown has been highlighted by numerous media reports: kicking or punching by police officers at people on the ground, use of tear gas and tasers, and people beaten or insulted. These abuses were highlighted by civil liberties organizations. For instance, based on the analysis of events filmed in 15 cases of checks and arrests, a report by Amnesty International referred to cruel, inhuman and

degrading treatment, the use of dangerous techniques, and discriminatory comments during police operations³. Poor neighborhoods (known as "banlieues", or neighborhoods on the outskirts of big cities) have experienced these difficulties even in larger numbers.

Policing the pandemic: the second phase in France

The stringency level⁴ of government response has always been higher in France than in the Netherlands: more closures, more travel bans, and the use of self-authorization are found in the former country than in the latter. Nevertheless, since the end of the first wave in June 2020, there has been a relaxation in the stringency of measures, and policing of infringement to sanitary rules. Between the end of June 2020 and the end of October 2020, government alleviated the severity of constraints to the lowest level (although clearly higher than in pre-COVID-19 times), in a time pattern that does not fundamentally deviate from the Netherlands, although the level of stringency remained relatively higher in France⁵.

The ministry did not disclose the number of fines to individuals on a regular basis, but scattered information was released at some moments. A new lockdown was announced on 14 of October 2020, and generalized between 17 and 22 of October. About 3 weeks later, on November 6, the Minister of Interior indicated that 35 000 fines had been distributed during the lockdown, which he estimated to amount to 5000 per day. As of December 15, a new curfew was put in place starting at 20h00, in addition to the carrying of a "self-authorization" to leave one's home, and obligation for shops to comply with the ratio of 8 m²/client. On the 31st of December 2020, on a single day, with a mobilization of 100 000 officers, a total of 65 000 verifications took place, 6 650 fines were distributed and "almost 400 stores" were sanctioned, the minister announced. In addition, 662 persons were questioned, and 407 placed in police custody. On February 4, 2021, the Minister of Interior announced that 1.9 million checks took place and 177 000 fines had been notified⁶. It amounts to about 3 700 per day during two months⁷. Clearly, policing was never targeted as much to distributing sanctions as was the case in the first wave: from 17 March to 11 May 2020, each day circa 370 000 verifications were done, and 20 400 corona fines distributed.

There are several possible interpretations for such a change. The hypothesis of a rejection of sanitary constraints by the public, and an attempt by government to avoid alienating the population is not suitable for a simple reason: the approval of corona restraints has gained much ground in the country. Even after one and a half year of freedom limitations, the population has largely endorsed the notion of "health pass", and possible fines for non-

compliance (135 euros): 67 to 77% approved its use (depending whether for plane, culture, or leisure)⁸. And the heads of state, President and Prime Minister, who were harshly evaluated since the end of March 2020, recovered after July 2021, to a point where for the first time positive and negative opinions balanced each other. This happened despite a high level of concern for COVID-19 throughout the period⁹. Only later in early 2022 did the evaluation worsen again regarding the trust vis-à-vis management of the pandemic by the government¹⁰, perhaps in relation with the “vaccinal pass”, which tends to indirectly make vaccination close to compulsory as it has been needed for work, transport and leisure. It was introduced by the President who explained on TV that he intended to “mad” non-vaccinated persons, a despicable expression. Another explanation may be a wish to please the police and their unions. It should be reminded that the mandate given by the President to the Minister of Interior when he took his office, after the end of the Yellow Vest movements in a context of police criticism for their violence, was exactly that: to be in peace with the national police unions. Resentment of police against enforcing corona rules was publicly expressed. A major union publicly called its members “not to fine” people in relation with health regulation in March 2020¹¹. The health pass, whose validity depends on being vaccinated, can be verified in bars or restaurant and other places gathering customers. And one year later, in July, just after it had been announced by the President, several unions declared that “it is not the role of the police” or “not the core business of police” to verify the health pass¹². This hypothesis of avoiding irritation of police union tends to be supported by the fact that the Minister of Interior did not impose on police agents to be vaccinated, contrary to health personnel, fire fighters, and ambulance drivers among others¹³, and to gendarmes who perform similar duties but who don’t have unions. The Minister indicated that he preferred “social dialogue” with the national police as a profession, that it has proven an effective method¹⁴. Being criticized in the media for the lack of consistency of government’s policy, he said that he did not rule out to make vaccination compulsory. This prompted a reaction of the three major police unions asking him to leave the choice of getting vaccinated or not to the officers¹⁵. The attention of government to the police officers’ sensitivity, especially in a pre-electoral year, cannot be discarded as an explanation of the suddenly softer enforcement of covid rules.

The previous analysis referred mainly to the national police, but there has been a diversity of police organizations involved. First, despite its centralized nature and the fact that the French central government has authority over the two main police forces, there appear to be some distinct differences in approach between them. The national gendarmerie has put forward notions of listening and solidarity in the context of its action ‘*#répondreprésent*’

(#respondingpresent): ‘in addition to the fundamental mission of protection, “responding present” is a form of solidarity to answer to the concerns of the territories’. Policies of assistance and protection of vulnerable people (senior citizens) were thus announced.

Second, at the beginning of lockdown, the municipal police (22,000 in France) did not have the power to control and fine citizens who were not carrying their self-authorization forms (a specificity found in a few countries). Municipal police unions and mayors had requested such powers. The law instituting the state of health emergency (24 March 2020) gave them this competence. It is a power that many mayors have seized, in the name of the sanitary security of their fellow citizens, mobilizing their police on the control of health certificates. From this point of view, the state of emergency is further contributing to increasing the pluralization of the police forces in France. At the end of the confinement period (May 2020), according to figures from the Ministry of the Interior, 150,000 corona-related fines had been issued by municipal police officers. Since then, their role in the enforcement of covid measures has been consolidated¹⁶, as the *Police Nationale* has relatively withdrawn from these missions, although there are broad disparities depending on municipalities. Third, the process of delegation has been even broader, as a variety of service professions (waiters, private security agents, railway private police, etc.) have been delegated by the state the mission to check health passes. Furthermore, the 2022 law implementing the “vaccinal pass” entrusts a large array of employees in private businesses not only to check the pass, but to verify the identity of the owner, i.e. to ask for a piece of pictured identification, and check the match with the name on the pass. This departs from the legal practices and regulations in France where only state police agents are entitled to such verification.

In a final period, from July 2021 onwards, as in the Netherlands, public order issues took on a singular importance. The president's announcements concerning measures to pressurize people to be vaccinated (the need to show one's vaccinal pass to enter certain places open to the public) led to recurrent demonstrations (between 100,000 and 250,000 people every Saturday between mid-July and August 2021). Although they declined during the autumn, there were still 105 000 people in the streets on 8 January 2022 (Le Monde, 8 January 2022). While incidents have not been absent, they have been relatively limited (e.g. 35 arrests, 7 minor injuries among the police on 7 August 2021; 34 arrests, 10 minor injuries among the police on 8 January 2022). Nevertheless, in a tense social climate, risks of clashes have remained essential issues. In these conditions, some major police union leaders (such as the Secretary General of SGP Unité FO, the main police union) criticized the words of the President of the Republic (who said he wanted to "piss off" the non-vaccinated, see above) because of the effects this

could have on the violence of behavior of the demonstrators¹⁷. Tensions were highest in Guadeloupe (in the French West Indies). On 15 November 2021, a general strike broke out, triggered by the measures concerning the health pass and the compulsory vaccination of health workers. This strike was marked by barricades, blockades and violent clashes between police, gendarmes and demonstrators, which led to the sending of reinforcements from specialised intervention units from Paris.

The Netherlands: responsabilization and increasing tensions

The pandemic and governmental responses

Since the beginning of the pandemic in the Netherlands (March 2020), this country has had three periods of highly strict measures and regulations to control the spread of the SARS-CoV-2 virus. These periods ran more or less parallel to the waves in the spread of the virus. These periods were at the beginning of the pandemic (March-April 2020), between December 2020 and March 2021, and from December 2021 until February 2022. In each of these phases the government announced a lockdown, with the closure of schools, bars, restaurants, gyms, theatres and other facilities, work closure, with public gathering forbidden and other restrictions. The second lockdown also included a curfew. The main argument for these lockdowns was, as in France, to prevent that hospitals (especially the intensive care-units) would be overloaded with large numbers of COVID-patients and would not be able to provide adequate care.

Between these lockdowns, when the number of contaminations and hospitalized persons had declined, the government eased the COVID-restrictions. However, in these periods of decline, a variable and changing number of restrictions was still applicable, such as social distancing, not shaking hands, wearing mouth mask, and in some cases a limited number of visitors was allowed to bars, restaurants and other facilities. After a period of relaxing the restrictions, in December 2021 a new lockdown was announced, despite the fact that at that time more than 85 percent of the Dutch adult population had been vaccinated. During the pandemic, there has been a high frequency of changes in the rules and strictness of regulation. In combination with the vagueness of many rules, this has contributed to citizens' complaints about the lack of clarity of many COVID-measures (RIVM-2021). Compared with France, the stringency of corona measures in the Netherlands has been at a somewhat lower level¹⁸.

Policing the pandemic: the first months

Soon after the virus outbreak, the Dutch government introduced an emergency ordinance with prohibitions on (organized) meetings, social distancing rules, the closure of schools, restaurants and other facilities (with the exception of healthcare and ‘essential shops’), and other regulations (Terpstra et al., 2021). Several principles were introduced for the enforcement of the emergency ordinance, making a distinction between three successive steps: first inform and persuade citizens, then (if not effective) give a warning, and finally impose a sanction. Sanctioning (for instance € 390 for not following the 1,5 m. distance rule) should only happen as a last resort. According to the prime-minster, policing officers should persuade citizens to use their ‘*common sense*’ and ‘*to take their own responsibility*’ (Terpstra et al., 2021). In other words, self-control was presented as more important than enforcement which was seen as additional.

In addition to the emphasis on responsabilization (Garland, 2001), communication, persuasion, and self-control, in the first months of the pandemic other strategies were also used in policing the COVID-rules, such as drones for surveillance of crowded places. The Dutch government also aimed to introduce a (self-policing) app that should warn citizens if they had been in contact with a contaminated person. This proposal raised much criticism, as it was seen as an unacceptable intrusion in citizens’ privacy. More coercive police methods were used at some of the (often) small protest demonstrations against the COVID-measures. However, these were exceptions to the generally ‘softer’ strategies of Dutch policing agencies during these first months.

This enforcement strategy is in line with how the Dutch government tried to present the position of the state in times of COVID-19. The general message was that ‘*only together we can control corona*’, suggesting togetherness, collective decisions, and self-control. The Dutch Prime Minister often repeated that not only the state was responsible for the prevention of the virus spread, stressing the importance of ‘*the behaviour of all of us.*’ He rejected a suggestion that the Netherlands should follow other countries with their much stricter enforcement of COVID-rules: ‘*In such a country I do not want to live. I do not want to play as if I am the boss.*’ With this approach, he showed a highly egalitarian view on the relations between the Dutch state and citizens and an aversion to tough enforcement.

In these first months, it was often unclear what consequences the pandemic could have, for both citizens and policing officers. Given the reputation of the Dutch as anti-

authoritarian and individualistic (Hofstede et al., 2010), remarkably large numbers of people accepted the COVID-rules, even if these took much of their individual freedom.

Both police and municipal enforcement officers were involved in the enforcement of the COVID-rules. In the first weeks of the lockdown, the enforcement of COVID-rules became a considerable part of their job. Between 26 March and 31 May 2020, in the Netherlands 13,930 COVID-fines were imposed. In this country in this period the number of corona fines per day was about 24 times lower than in France, taking into account the number of inhabitants in both countries. The enforcement often concentrated on groups of youngsters who did not follow the COVID-rules while hanging around on the streets. After the lockdown began, policing officers often paid visits to pubs and bars to convince their owners to close down. In some cases, bars were closed by the police and fines were imposed up to € 4,000. After some time, illegal ‘corona parties’ were organized, in some cases with large numbers of visitors.

After the numbers of hospitalized COVID-19 patients and deaths began to fall in the early summer of 2020, the impatience grew to stop the restrictions. Increasing numbers of people started to visit shopping centres and recreational areas again, often not in line with COVID-rules. This complicated the enforcement of these rules, not least because the loosening policy made it less clear what the rules exactly were. New conflicts arose between groups of youngsters and especially municipal officers. After some incidents, the union of unarmed municipal officers asked for more weapons to protect their members.

Since late April 2020, demonstrations were organised against the government’s policy. The demonstrators (at first often not more than 100–200) belonged to very different groups, such as owners of small companies, anti-5G activists, anti-vaxxers, and supporters of conspiracy theories. They shared the belief that the government’s policy was an unacceptable intrusion to citizens’ freedom. Some demonstrations resulted in serious clashes with the police. For instance, in the Hague on 21 June 2020, a demonstration resulted in riots, with 400 persons arrested. The demonstration was organized by ‘Stop the Virus Madness’, who claimed that SARS-CoV-2 was not a serious threat for public health, that COVID-measures undermined fundamental rights without a proper legal basis, and that there was no legitimation of the emergency situation.

Policing the pandemic: the second phase

In the Netherlands since mid-2020 the level of enforcement of COVID-rules and the number of COVID-fines have strongly fluctuated. In the second half of 2020 the enforcement of these rules fell down to a rather low level. However, with the introduction of the second lockdown (December 2020) and especially of the curfew (January 2021) the enforcement became much more intense than even in the early months. After the curfew was lifted (April 2021), the enforcement was loosened again. Between March 2020 and June 2021 124,256 penal orders were imposed because of infringement of COVID-rules. However, about 80,400 were imposed for only curfew violations in the first three months of 2021. With a limited number of 1,030 criminal law cases processed by the public prosecution agency over the first 15 months,¹⁹ it must be concluded that in general (with the exception of the curfew) the enforcement of COVID-rules in the Netherlands was comparably not very strict. It even lost much of its strictness over time.

Several factors have contributed to the changes in how the corona crisis has been policed in the Netherlands. First, since the beginning of the pandemic there had been much criticism on the use of vague concepts and unclear standards in the rules and regulations. This contributed to much confusion and uncertainty, also among police officers (Tuken, 2022). An important point of criticism was that persons fined for breaking the COVID-rules would have a criminal record in the future. This could have negative consequences for their future job opportunities. Because this was seen as not proportionate, the government decided to change this rule in September 2020. This implied not only that these persons would not have a criminal record anymore, but also that the fine was lowered from € 395 to € 95. Because this decision was made retroactively, many policing officers wondered what the use had been of their previous enforcement activities. Since lawyers stated that the prohibitions of the emergency ordinance were unconstitutional, the government decided to replace the emergency ordinance by a new (temporal) law. However, this bill raised a lot of criticism. It was said to be in conflict with constitutional principles and would give unacceptable powers to the minister. The new arrangement came into force only in December 2020, and as a consequence, policing officers were kept in uncertainty for about eight months about the legal basis of their enforcement activities.

A second important change has been the increasing contribution of municipal enforcement officers to the enforcement of COVID-rules. Although this differs between municipalities, already during the first months of the pandemic more than half of the COVID-fines were imposed not by the police, but by municipal officers (Terpstra et al., 2021). The

longer the pandemic, the larger the municipal officers' contribution was in the enforcement of COVID-rules. The more important role of municipal officers during the pandemic is even seen as an important step in their process of public recognition (Terpstra & Salet, 2020). An important example of third-party policing was the control of the 'corona app' (showing that a person was vaccinated) that was transferred to owners of bars, restaurants and other facilities.

Although the level of street crime decreased during the pandemic, especially during lockdowns (Kruisbergen et al. 2021), for several reasons policing had become more complex. Policing officers in the Netherlands often complained that rules and procedures were unclear, mainly because of vague concepts and the fact that they often changed (Tuken, 2022; see Davidovitz et al., 2021). In many respects the normal routines of policing were disrupted (Gofen & Lotta, 2021), because of a fear of contamination, because police officers often had to work at home, and because the virus made it more difficult to contact citizens, for example visiting them at home. Policing had also become more complex because, since the first months of the pandemic, Dutch citizens' trust in and support for the governments' COVID-policy had decreased dramatically (Kanne et al., 2022; RIVM, 2022). This might have negative consequences for both the compliance with COVID-rules and citizens' collaboration with the police. Interviews with police officers suggested that at least some of them perceived the enforcement of COVID-rules as not 'real police work' (Tuken, 2022).

Finally, the Dutch police were confronted with a strongly increased number of demonstrations against the corona policy. A considerable number of these demonstrations resulted in violence and riots. A significant part of the demonstrators seemed to perceive the police as the primary representative of the state that was intruding their freedom. In several demonstrations the police seemed to have become a central target of resistance, intimidation and violence. This situation was quite unusual for the Dutch police, at least in this degree and intensity (Van der Veen, 2021; NCTV, 2021). The usual strategies of the Dutch police to manage demonstrations and to de-escalate problems of disorder by means of keeping open relations with the organizers of the demonstration, by negotiations, and by making agreements with them did not always seem to be effective here. Because the Dutch police force does not have officers who only work in special riot units, large numbers of ordinary police officers have been deployed in policing these demonstrations. This implies that smaller numbers of officers have been available for normal daily police work, including the enforcement of COVID-rules. This combination of factors, including the growing 'corona fatigue', also

among police officers, has made that the enforcement of COVID-rules has increasingly been taken over by municipal officers, and that in practice the concern to this enforcement seems to have become less intense.

In the beginning of the pandemic, the Dutch government strongly emphasized the need to define the compliance to COVID-rules as not the responsibility of the state (or the police) alone. This discourse of responsabilization has seemed to have become less explicit in the communication of the government, maybe as a consequence of the increasing polarization in society. Instead of responsabilization, more ‘leadership’ and a clearer role of the government have often been demanded, as well as a response to the often noticed ambiguity of the Dutch COVID-policy and the lack of clarity and permanent change of COVID-rules (see Davidovitz, 2021).

Conclusion

The pandemic has introduced important changes in policing policies and policing practices, with both considerable similarities and differences across Western-European countries (see Aston et al., 2021). On the basis of our French-Dutch comparison, we can draw several conclusions. First, both in France and the Netherlands, police work has not changed in nature, but the importance of some tasks has noticeably altered. While the workload of the police resulting from regular street criminal activity has largely decreased, especially during periods of lockdown, the enforcement of corona rules became a considerable part of policing work with new problems (such as a fear of contamination because of the lack a proper health protection). With enforcement of rules that were resented by a sizeable part of the public, the direct contact with citizens became more adversarial, and the rules proved difficult to interpret for the officers themselves. On top of this, tensor crowd management was on their shoulders.

Despite these similarities, more obvious in the first wave of the Covid-19 pandemic than in the second, differences in how policing was carried out have been manifest. In the beginning of the pandemic, clear disparities between France and The Netherlands in styles of policing translated into more police fines in France, related to a stricter policy frame. In France, government view prevailed that the relationship between the state and citizens was hierarchical, with a sequel of considerable distrust of citizens. At least at the policy level, the Netherlands’ frame consisted of a more egalitarian view of the relationship between the state and citizens and of public responsibilities as not only of the state, but also of citizens and other social actors.

Accordingly, in France, the dominant frame of policing the corona crisis was a matter of force and sanctions, whereas the Dutch policing style was mainly framed in terms of responsabilization and communication (see also Terpstra et al., 2021). One should note, however, that the level of stringency has remained consistently higher in France than in The Netherlands.

After that period, there has been a certain convergence between the two countries. The insistence on fining decreased in France. And both police systems, despite the contrast with a top-down approach in France and a more consensual one in The Netherlands, were confronted with collective protests throughout the period, and more recently confrontations with antivaxxers. Such convergence, under a major shock, questions the notion of a fixed pattern of policing. In both cases, undesired effects occurred over time, perhaps with citizens' fatigue vis-à-vis constraints on their daily lives. The French corporatist (government – police unions decision making behind closed doors) and vertical (without consultation of population or locally elected leaders) approach, as well as the Dutch negotiated one, have led to distrust and confrontation. Enduring contrasts remain however. The Dutch strategy of creating consensus and responsabilization created much uncertainty for the police in their enforcement. The French enforcement strategy created risk exposure for officers, and much resentment among them. The tone of the political discourses differs, Macron's harsh words in January 2022 ('make mad the non-vaccinated') are more improbable in The Netherlands.

Policing change reaches out beyond the main police forces, to other actors. Again, similarities and dissimilarities are found. Clearly, a shared process of enlarged mobilization of enforcers in view of the covid related regulation is seen in the two countries. A shift is observed made of delegation to other institutions with police powers or auxiliary police (called pluralization or third party policing), leading to an even more prominent role of municipal police in France and municipal law enforcement officers in The Netherlands. However, France went further and beyond the mobilization of institutional players with a pre-existing enforcement role: mandatory enforcement of regulation in public spaces shifted notably, with the power of ID verification granted to restaurant and bar staff. In the Netherlands, an obligatory control on the corona check app applied in such places, but after a long parliamentary debate it was not allowed for owners of such places to control the ID of a client. In France, we observe a de facto enlargement of otherwise strictly regulated power to check IDs, a trend which goes beyond mobilization of auxiliary police.

Finally, we should also not overstate the homogeneity of each national framing of police action. In France, enduring differences could be found between the main two national forces

(national police and gendarmerie), reflecting the differences in police-citizen relations between the two forces. In the Netherlands differences may also be found in the implementation of the enforcement, both between regional safety areas, between the local teams of the national police and between urban and rural areas (in the latter often less strict). In addition to a national policy frame, an organizational frame seems to manifest itself in the two countries.

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¹ www.worldometers.info/coronavirus, retrieved 17 January 2022.

² https://www.lemonde.fr/idees/article/2020/03/24/raphael-kempf-il-faut-denoncer-l-etat-d-urgence-sanitaire-pour-ce-qu-il-est-une-loi-sclerate_6034279_3232.html

³ Amnesty International (2020), *Pratiques policières pendant le confinement: Amnesty dénonce des cas de violations des droits humains*, 7th of May.

⁴ The Covid Oxford tracker stringency index is a composite measure based on nine response indicators including school closures, workplace closures, and travel bans, rescaled to a value from 0 to 100 (100 = strictest).

⁵ Data are available at <https://www.bsg.ox.ac.uk/research/research-projects/covid-19-government-response-tracker>

⁶ In addition, at the borders, 102.000 controls were implemented, and 680 fines distributed.

⁷ Mr Darmanin declared on March 6, 2021, that since March 2020, « more than 2.2 millions fines » were notified. Of that total, 1,1 million were distributed in little more than 2 months (from 17 March to 25 May), confirming the change of policy after that first period.

⁸ <https://elabe.fr/pass-sanitaire-manifestation/> Les Français et l'épidémie de Covid, wave 43, Elabe 23 of August 2021, national representative sample.

⁹ Elabe 23 of August 2021. Other sources display a similar pattern, see OpinionWay-Kéa Partners barometer.

¹⁰ <https://www.lesechos.fr/politique-societe/emmanuel-macron-president/sondage-exclusif-covid-la-confiance-dans-lexecutif-redevient-minoritaire-1379336>

¹¹ UNSA police leader statements to Agence France Presse, 25/03/2020.

¹² See Unite SGP police FO, Alliance Police Nationale, and Alternative Police CFDT leaders declaration to the press https://www.bfmtv.com/police-justice/ce-n-est-pas-le-role-de-la-police-les-syndicats-policiers-frileux-a-l-idee-de-realiser-les-contrôles-du-pass-sanitaire_AN-202107150387.html

¹³ See presidential address of 13 July 2021.

¹⁴ See *Liberation*, 24 August 2021, « Covid-19 : Darmanin n'exclut pas la vaccination obligatoire pour les policiers ». The source of the high vaccination rate mentioned by the Minister could not be identified by the press.

¹⁵ Alliance Police Nationale, Unité SGP Police FO et Unsa Police. https://actu.fr/grand-est/strasbourg_67482/strasbourg-obligation-vaccinale-laissez-les-policiers-choisir-plaident-les-syndicats_44416554.html

¹⁶ <https://www.lagazettedescommunes.com/725860/crise-sanitaire-les-policiers-municipaux-a-pied-doeuvre-depuis-un-an/>

¹⁷ <https://www.atlantico.fr/article/decryptage/manifestations-anti-pass-vaccinal-emmerder-les-non-vaccines-au-prix-de-noyer-la-police-sous-de-nouvelles-emmerdes-covid-19-emmanuel-macron-policiers-gendarmes-maintien-de-l-ordre-rassemblements-crise-sanitaire-citoyens-liberte-black-bloc-gregory-joron>.

¹⁸ Data are available at <https://www.bsg.ox.ac.uk/research/research-projects/covid-19-government-response-tracker>

¹⁹ Openbaar Ministerie, Update cijfers corona, at: www.OM.nl/actueel/nieuws/2021/06/15/update-cijfers-coronamagerelateerde-misdrijven-en-overtredingen, retrieved January 2022.