

1952

An Early Concept of the Modern Police State in Nineteenth Century France

Howard C. Payne

Follow this and additional works at: <https://scholarlycommons.law.northwestern.edu/jclc>

 Part of the [Criminal Law Commons](#), [Criminology Commons](#), and the [Criminology and Criminal Justice Commons](#)

Recommended Citation

Howard C. Payne, An Early Concept of the Modern Police State in Nineteenth Century France, 43 J. Crim. L. Criminology & Police Sci. 377 (1952-1953)

This Criminology is brought to you for free and open access by Northwestern University School of Law Scholarly Commons. It has been accepted for inclusion in Journal of Criminal Law and Criminology by an authorized editor of Northwestern University School of Law Scholarly Commons.

POLICE SCIENCE

AN EARLY CONCEPT OF THE MODERN POLICE STATE IN NINETEENTH CENTURY FRANCE¹

Howard C. Payne

Howard C. Payne, Ph.D., is an Assistant Professor of History, the State College of Washington, Pullman. French history of the Second Empire and the Third Republic constitutes his chief fields of interest, and he is engaged at present in preparing a book length study on the police of the Second Empire. Professor Payne is Acting Editor of the *Research Studies of the State College of Washington*.—EDITOR.

From the ruins of Napoleonic rule in 1815, nineteenth century France retained, in only partly modified form, a highly-centralized administrative machine, with its pyramided hierarchy of officials. As developed by Napoleon for dictatorial control over the French Empire, the administration was interwoven with a national police structure for purposes of political surveillance and repression. Though de-emphasized after 1815, police power remained relatively centralized—potentially a major political weapon for ambitious ruling groups. When Louis-Napoleon, nephew of Napoleon I, after three years as elected president of the Second Republic (1848-1851), transformed that republic overnight into a dictatorship by his dramatic *coup d'Etat* of December 2, 1851, he succeeded largely by judicious manipulation of the extensive police powers wielded by the administrative bureaucracy. A year later, as Napoleon III, Emperor of the French, Louis-Napoleon clothed his dictatorship in imperial trappings amid many institutional changes reminiscent of the first Napoleonic era.

One institution especially elaborated during the Second Empire (1852-1870) was the national police system, conceived as the backbone of a strengthened central control over all France. In harmony with Bonapartist tradition, the new regime was founded on such cornerstones as a Ministry of General Police,² the fourth such ministry in French history since 1796. Though this ministry lived for merely seventeen months, it introduced a period of police reorganization whose effects in French administrative history have far outlasted the Second Empire

1. The writer is preparing a study of the French police during the Second Empire—made possible, in part, by a grant-in-aid from the Committee on Research of the State College of Washington.

2. Decrees and directives founding this ministry and outlining its structure and functions were officially printed in *Le Moniteur Universel* (Paris), Jan. 31, 1851, p. 161.

itself. Partly motivated by Napoleonic precedents, partly guided by the practical desire to build a strong police state, Napoleon III launched the French police on its transition into a modern police apparatus.

Yet, far more was envisaged than was actually accomplished in "streamlining" the French police during the Second Empire. This is vividly indicated by a lengthy proposal for police reform that may be found in the National Archives in Paris among the correspondence between the Minister of Police and the Minister of Interior for 1852-1853.³ The unsigned and undated document is entitled, "De l'Organisation de la police en France." A marginal note indicates it was received from Charlemagne-Émile de Maupas, Minister of Police. Although its authorship has not been positively identified, the document probably represented the views not only of De Maupas, but of the Emperor himself, who characteristically stressed the political police as a necessary arm of orderly government. The proposal urged the buildup of a more uniform, embrasive administrative organism capable of throwing "over all France a vast and energetic system of police, analogous to that which operates in the capital."

Certainly a suitable base for such a proposed network already existed in the France of 1852. Police power stemmed ultimately from the Minister of Interior, down through the channels of the administrative hierarchy. In Paris the Prefecture of Police, technically responsible to the Ministry, was virtually an arbitrary city government in itself. Outside Paris, the prefectoral system inherited from the First Empire divided France geographically into eighty-six administrative units, or *départements*. Each department was subdivided into several *arrondissements* which, in turn, included several *cantons* each. Every canton held various *communes*, or municipalities. Local elective assemblies at the communal and departmental levels existed, but they enjoyed few powers of initiative in their own government and local administration. The central government effectively exercised such controls from above, through the "tutelage" of a hierarchy of functionaries commanded in every department by the *prefect*. The prefects enforced the directives and legislation of the central government as transmitted through the various ministries. Part of their manifold duties was the supervision of the French police at all levels, under direction of the Ministry of Interior.

Against such a background of pyramided authority, the proposed police reforms of 1852 become more meaningful in retrospect. The

3. France, Archives Nationales, F^A353-361².

existing prefectoral system was now to be overlaid with a new superstructure of political police designed to become the mainstay of government:

. . . today it is not only a question of the police keeping internal order by means of repression, but it must above all instruct the Central Power on all facts and tendencies, so that the government will be able *to foresee and direct, to take the initiative in all matters and properly to govern France.*

An efficient police, the proposal declared, "must depend solely upon the government," and "must not . . . retain either sentiment or fatherland. Eyes, ears and hands are all that it needs." Such a corps would give the state "a political police which would inform it on everything that might occur, even in the smallest localities," strangling all subversive movements in embryo. In the tumultuous mid-nineteenth century, it was asserted, one was forced into "the profound conviction that the police alone can re-establish and maintain order in both the present and future."

Accordingly, a concrete organization was projected, reaching from the municipal level upwards to the Ministry of Interior through a chain of command and responsibility.

Local police duties were to be uniformly performed by a "corps of inferior police officers" appointed from Paris. This "immense cadre," properly directed, would "envelop France in a network of police from which nothing could escape." Demobilized non-commissioned officers from the army would be encouraged to man this force, under the immediate command of *commissaires ordinaires* in the various communes. At the cantonal level, special *commissaires cantonaux* would undertake constant political surveillance of the communes, commanding the ordinary *commissaires* and municipal police. In every *arrondissement*, *commissaires principaux* would reside as next in the line of police authority. And in each department a *commissaire central* would survey the whole, reporting directly to the prefect, the judicial authorities of the district, and the supra-departmental police hierarchy above.

Above the departmental level, *directions générales de police* were to be organized. These new agencies would command all police personnel and activities in large regional circumscriptions formed by grouping together several departments. Twenty-five police regions were thus designated in a table attached to the proposal, with the projected directors-general resident in key cities within each region. These new officials would have extraordinary powers. In the city of residence they would become chief of municipal police. In larger centers such as Lyon, Bordeaux, and Marseille, the directors-general would constitute the

supreme "political influence"—veritable city governors heading "prefectures of police" modelled on that of Paris. The director-general in each region would directly correspond with the ministries in Paris, and also with the courts, military commanders, *gendarmérie* officers,⁴ bishops, police *commissaires* at all levels, mayors, justices of the peace, and other administrative officials. Moreover, every *direction générale* would be supplied with ample secret funds for "occult agents" of police, "of all social ranks and of both sexes," to engage in undercover work. Secret police agents would be constantly on the move,⁵ and entirely removed from the prefects' jurisdiction: "The political police will not be capable of any serious organization in the departments so long as it remains in the hands of the prefects. . . . Who . . . would want to deliver a secret to a prefect whom a sudden ministerial change could overthrow?" Finally, a number of *inspecteurs* would operate within each police region, charged with making "incessant rounds" of the area to check on the functioning of the entire police and administrative personnel.

To cap the proposed edifice, each of the directors-general of police would owe responsibility to a *Direction spéciale de police* at Paris (presumably of ministerial or other rank). This lofty office would be "co-ordinated" with the *Direction de Sureté générale* at the Ministry of Interior,⁶ thus spreading a layer of special police over the already-established national hierarchy.

The whole reorganization, concludes the proposal, would cost the central government very little more than existing expenditures, since all police officers lower than the directors-general would continue to be paid by funds raised in the respective localities wherein they functioned. At a bargain price, therefore, the government would acquire "the best instrument to appraise public opinion precisely and continually," and the necessary antidote for the effervescence of "an order of things based upon universal suffrage."⁷

Such a sweeping reform and monolithic police power were never fully realized. But the Ministry of General Police (1852-1853) bore more than a casual resemblance to the projected scheme; and the many

4. The *gendarmérie* were mobile military police corps, commanded by the Ministry of War, but available to departmental police authorities.

5. These secret agents would remain "only one or two weeks" in any restricted locality, and "no more than three months" in the same department.

6. The *Sureté générale* at this time was the key police section of the Ministry of Interior, directing ordinary criminal and political police surveillance through regular prefectural channels.

7. In the Napoleonic tradition, Louis-Napoleon combined authoritarian government with preservation of many egalitarian symbols of the great French Revolution. One such symbol was universal manhood suffrage. Under the early Second Empire, it was mainly a concession of form and not a full implementation of popular sovereignty.

changes in police organization during the Second Empire definitely increased centralized police power—political and otherwise—along similar lines. Although the proposal of 1852 apparently was inspired by precedents of the First Empire,⁸ it was nonetheless significant in a more novel sense. The historical context of the Second Empire had only a superficial resemblance to that of the original Napoleonic France. In a period marked by the social tensions and centralizing impact of modern industrialism, with technological innovations of all kinds, the coming of railways, and the efficacious telegraph key, such a concept of centralized police power in a modern dictatorship—whatever its historical model—presaged the police apparatus so typical of authoritarian states in the twentieth century.

8. Cf. the actual organization and the unrealized aspirations for an omniscient political police during the First Empire, as outlined by Léon Deries "Le régime des fiches sous le Premier Empire," *Revue des études historiques*, XCII (1926), 153-96.