

# Africa: Law and disorder

Wednesday 9 December 2020, by [BOBIN Florian](#) (Date first published: 17 July 2020).

## France's history of violent policing towards Africans partly explains the repression of dissent in its former colonies.

On June 2, 2020, tens of thousands gathered in front of the High Court of Paris to [protest](#) against police brutality and racism. Showing support to the family of Adama Traoré, a 24-year-old black man who died asphyxiated at the hands of the police in 2016, the crowd [chanted](#), "Justice for Adama! No justice, no peace!" Reacting to the scope of [mobilization](#), started in the United States and spread around the world following the murder of George Floyd, French pundits and politicians have tirelessly [argued](#) that "France is not the United States," and that "comparing both situations is appalling."

Yet, recent studies from [Human Rights Watch](#) and the [national ombudsman](#) respectively conclude that the French police's checks on minors are "[racist and abusive](#)" and that "young men perceived as Black or Arab are twenty times more likely than others to be stopped by the police." This is not a new phenomenon. In fact, as many researchers and activists insist, modern French policing draws its roots from centuries of [institutionalized racism](#); today's [repressive techniques](#)—harassment, manhunt, capture, strangulation—partake in a long obsessive history of seeking to [subjugate](#) racialized bodies.

In a June 2018 conversation with [Assa Traoré](#), Adama Traoré's sister and founder of the Justice and Truth for Adama committee, activist and scholar Angela Davis [declared](#): "Police violence [...] you are experiencing here in France as direct result of colonialism—the attacks on Black communities, Arab communities—is something that has continued unabated."

Hence, President Emmanuel Macron's [comments](#) on the "noble struggle" against racism and discrimination being threatened by a "hateful, false rewriting of the past," illustrate French authorities' [endorsement](#) of inherently oppressive structures.

Indeed, France's long history of violent, colonial policing toward Africans has structured the country's police methods today. More than that, it is at the core of African states' post-colonial relationship to dissent.

## Structuring colonial policing

In March 1667, King Louis XIV signed an edict aiming at reforming the police institution, relatively [scattered](#) until then. "Policing," the decree [reads](#), "consists in ensuring the safety of the public and of private individuals, purging the city from that which causes disorder, [and] providing abundance." Responsible for [securing lucrative businesses](#) as well as quelling writings and behaviors deemed [seditious](#), the newly-appointed lieutenant of Paris, Gabriel Nicolas de la Reynie, attained authority to call for the army's support and authorize imprisonment, exile, or internment [without trial](#).

The man behind this 1667 edict was [Jean-Baptiste Colbert](#), a staunch defender of [mercantilism](#)—a policy based on state-regulated trade and maximization of exports. As Louis XIV's minister of finance, trade, and industry, he [oversaw](#) the expansion of [France's colonial empire](#) in North America

and the Caribbean, and founded, in 1664, the French East India Company. Colbert later drafted the first version of the *Code Noir* ([Black Code](#)), a racist decree policing African enslaved captives, treated as "[chattel](#)," officially enforced until 1848. Article 38 reads:

The fugitive slave who has been on the run for one month from the day his master reported him to the police, shall have his ears cut off and shall be branded with a fleur de lys [symbol of French monarchy] on one shoulder. If he commits the same infraction for another month, again counting from the day he is reported, he shall have his hamstring cut and be branded with a fleur de lys on the other shoulder. The third time, he shall be put to death.

Concerned about preserving the interests of wealthy capitalists and colonialists, both in the metropole and overseas, French monarchy, under King Louis XVI, expanded the policing of Africans and people of African descent within its empire. After two first pieces of legislation in 1716 and 1738, the minister of the marine, Antoine de Sartine, a former lieutenant of Paris, set up the *Police des Noirs* ([Police for Blacks](#)) in 1777. Unlike the *Code Noir*, this 32-page article edict prescribed actions not based on slave status but skin color alone. "Especially in the capital city," the declaration [affirms](#), "[Blacks] cause the greatest disorders, and when they return to the colonies, they bring with them the spirit of independence, indocility, and become more harmful than useful." Article 3 [states](#): "[Blacks] who will have entered [France] will be [...] arrested and escorted to the nearest port to be deported to the colonies."

At the turn of the 19<sup>th</sup> century, French sovereign Napoleon Bonaparte, who had [re-established](#) slavery after it had been abolished less than a decade earlier following the [Haitian Revolution](#), further extended the policing of Black people in France. From 1807-1808, Napoleon mandated minister of police [Joseph Fouché](#), the [architect of modern French policing](#), to organize a [nation-wide census](#) of "Blacks, mulattos and other people of colour." Using the same denomination as de Sartine had for the *Police des Noirs*, this classification drew direct inspiration from Moreau de Saint-Méry's [racial theories](#), which positioned white colonialists as "[the epidermis' aristocracy](#)." Openly pro-slavery, out of "[taste for trade](#)," Fouché effectively [institutionalized](#) intricate methods of espionage on "[outside threats](#)." Such monitoring was particularly emphasized in cities such as Bordeaux, one of France's biggest slave-trading ports.

Following the [invasion of Algiers](#) in 1830 and the expansion of the French colonial empire in Africa after the 1884-1885 [Berlin Conference](#), the *code de l'indigénat* (native code), a racially discriminatory set of laws creating an inferior legal status for colonial "subjects," was thereafter applied to the vast majority of Africans. Under this "[legal monstrosity](#)," implemented until the mid-1940s, colonial administrators regularly abused their powers, convicting Africans on arbitrary charges, such as "[\[disrespecting\]](#) the administration and its civil servants" or "[\[disseminating\]](#) alarming and false rumours." Such lawlessness was openly endorsed by members of parliament, such as Etienne Flandin, who [asserted](#): "To [Africans], prison is not punishment but a reward, the supreme happiness to live in idleness."

## **Administering the empire**

As French authorities tightened their rule of African colonies at the turn of the 20<sup>th</sup> century, the military and the police were initially [the same](#). However, as [urban centers grew](#), so did physical circulation and various forms of political mobilization. Structured police forces, based on that of the metropole, therefore appeared essential to [safeguard the financial interests](#) of colonialists. For the construction of the [Congo-Océan Railway](#) (1921-1934), armed forces captured countless young men, forcing them to work without protection day in day out. As a result, an estimated 15,000 to 30,000 perished.

In French West Africa, the *service de sûreté générale* (general security service) was founded in 1918 to reassert control in the context of growing [post-war mobilization](#). More than 100,000 Africans had been [enrolled](#) to fight alongside the French, and were [promised increased rights](#), yet the majority remained subject to arbitrariness. Drawing from the infamous *Police des Noirs*, the ministry of the colonies oversaw an independent secret service, the *service de contrôle et d'assistance des indigènes* (natives' control and assistance service), which employed [undercover agents](#) to monitor the [political activities](#) of Africans in France.

Among the first on [public record](#) was Senegalese activist [Lamine Senghor](#). In 1924, a few years after Senghor had started working in Paris as a postman, the *service de contrôle et d'assistance des indigènes* started following him. For the next three years, police and detective reports [closely monitored](#) him as both an “anticolonial agitator” and a “communist, antimilitarist activist.” Senghor had indeed joined the French Communist Party, but quickly expressed frustration at the grouping’s [limited integration](#) of Black activists, thereafter founding a separate organization championing [African liberation](#).

Lamine Senghor represented the *Comité de Défense de la Race Nègre* (Defense Committee of the Negro Race) at the founding conference of the [League Against Imperialism](#) in Brussels in 1927, forcefully [proclaiming](#): “It is capitalism which breeds imperialism in the peoples of the leading countries. [...] Fight with the same weapons and destroy the scourge of the earth, world imperialism! It must be destroyed and replaced by an alliance of the free peoples.”

Senghor’s speech, [relayed](#) in newspapers around the world, [alerted](#) French authorities, who quickly [arrested him](#), as he returned to France, for “provocative statements toward a law enforcement authority.” Until his death later that year, the Senegalese activist’s wish was to return to his home country, but he strongly suspected police forces to arrest him upon his arrival. Two decades later, an estimated 300 to 400 African war veterans who, just like him, fought in the French army were [massacred](#) in a Dakar suburb for standing up for their rights.

The mid-1920s also saw the creation, by former colonial administrator André-Pierre Godin, of the *Service d'assistance aux indigènes nord-africains* (North African natives' assistance service) composed of a police force known as the *brigade nord-africaine* (North African brigade). Carefully [regulating Algerians' activities](#) in France, this surveillance agency repeatedly threatened those known to frequent anticolonial circles, coercing employers to terminate their contracts. Abolished after World War II, the unit [came back to life](#) in the mid-1950s as the *brigade des agressions et violences* (aggression and violence brigade). As the Algerian war for independence grew, North African workers in France were systematically subject to [abusive arrests](#) and night raids.

## Post-colonial disorder

By this point, racist policing had become the very fabric of French authorities' relationship with Africans and people of African descent. By the early 1960s, many soldiers had returned from Algeria and [integrated the police force](#) in France. Among them was Maurice Papon, responsible for the deportation of more than 1,500 Jews under the Vichy regime, and for institutionalizing [torture of anti-colonialists](#) in Eastern Algeria. Becoming prefect of the Paris police in 1958, Papon set up the *service de coordination des affaires algériennes* (Algerian affairs coordination service), which oversaw the killing of hundreds of pro-National Liberation Front demonstrators in October 1961—[beaten and thrown](#) into the Seine River by police officers.

In need of workers after the end of World War II, the French state incentivized [Africans to migrate](#) and settle in low-income suburban housing complexes. Although the [discourse had shifted](#) from “saving the empire from undisciplined native agitators” to “protecting the nation from dangerous

criminal thugs,” the police’s [repressive methods](#) lived on. In the early 1970s, the *brigade anti-criminalité* (anti-crime brigade) was established in the Paris area by a former colonial officer from Indochina and Algeria, Pierre Bolotte, who had also spearheaded the [violent state response](#) to a worker strike in Guadeloupe in 1967. As the island’s police prefect, Bolotte’s policy resulted in the deaths of an estimated 200 demonstrators.

In Africa, repressive [policing culture persisted](#) beyond the birth of nominally independent states in the 1960s, through “technical assistance agreements,” which guaranteed the continuity of French methods and structures. In 1959, the *service de sécurité extérieure de la Communauté* (French external security service) was set up to maintain strong ties between intelligence services in France and local police units in African colonies. Its founder, police official [Pierre Lefuel](#), was the last director of national security in Upper-Volta (now Burkina Faso). He founded, in 1960, the *service de coopération technique internationale de police* (international technical police cooperation service), a unit mainly composed of former colonial officials mandated to train the new national police forces.

Although African politicians were now in command, coercive policing methods remained central to institutions supported by “[technical assistants](#)” and former colonial officials. Jean Collin, a French colonial administrator, who obtained Senegalese citizenship around independence, was particularly [frowned upon](#) in Senegal. As Minister of Interior to [President Senghor](#), his uncle-in-law, Collin [had control](#) over the prison system and oversaw the police, supporting units such as the *groupe ment d’intervention mobile* (mobile intervention grouping)—notorious for its [brutality](#). The repression of opposition movements was the highlight of his time in office—authorities proceeded to mass arrests, as in the 1975 [Xare Bi case](#), and institutionalized torture toward [contradicting voices](#). Some, like [Omar Blondin Diop](#), had their lives cut short.

Still today, violent colonial policing structures the ways African states [react to dissent](#). From struggles for the betterment of [working conditions](#) and access to [food and water](#), to mobilization for the end of rampant [unemployment](#), rising [inequality](#), political [arbitrariness](#), and generalized [corruption](#) supported by [neocolonial arrangements](#), public demonstrations are usually met with teargas and [bullets](#). [State responses](#) to the COVID-19 pandemic have both amplified distrust toward authorities and absolved [abuses of power](#). The recent [toppling of statues](#) of slave-traders and colonialists point us to the urgency of [profound systemic restructuration](#). Because indeed, to [quote](#) Mũkoma wa Ngũĩ, “we cannot reform ourselves out of the times we are in.”

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