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The Crane-Rogers Foundation
Four West Wheelock Street
Hanover, New Hampshire 03755 U.S.A.

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Jean Benoît Nadeau is a Fellow of the Institute studying "the resistance of the French to the trend of economic and cultural globalization."

Dogs, Towns and Local Government

PARIS, France

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By Jean Benoît Nadeau

I've always hated dogs with a passion, and anything they do: drool, stink, bark, piss, shit. Their only decent outfit should be a tight leash, a muzzle and a diaper. Recently, a colleague confirmed to me that the Chinese eat dog. China is a place of high civilization. Granted, I have had bad experiences with dogs: I am regularly barked at for no reason, occasionally charged and was twice taken for a fire hydrant. Dog lovers say that dogs can sense my feeling. I certainly hope so.

In Paris, dogs are everywhere, and leave many souvenirs of their passage on sidewalks. You cannot prevent a dog from excreting, but the source of the problem is found at the other end of the leash — the owner. Dog owners in Paris are remarkable for their lack of civility. If you see one grabbing a plastic bag and delicately picking up the pooch's steaming droppings, that master is likely to speak with an English accent.

Each year in Paris, 600 people break a limb by slipping on dog guano or as a result of jumping on one leg while removing the mess under their shoe. In all, the 200,000 Paris dogs and their masters leave ten tons of *crottes* (crap) per day on sidewalks and it costs the city of Paris 60 million francs (U.S.\$9 million) per year to pick up after them. Another 10 million FF goes into the famed *moto-crottes* brigade: 60 green motorbikes equipped with vacuum cleaners patrol each sidewalk every day in hope of capturing dog business before pedestrians find it.

Because I'm not Dog's Best Friend, it was only natural that I research the cause for this lack of civility. This took me to surprising places. The owners' behavior, although not debatable, is closely linked to how the French organize local communities. As it turns out, the fresh heap waiting for me at the door downstairs is just the disgusting tip of the massive iceberg of centralization. Other features are the underdevelopment of local government, the plurality of electoral mandates, the sense of general irresponsibility and the lack of political liberty. The next newsletter will be devoted to understanding the *République* and its practical consequence in every day life. This newsletter shows the difference in organization for this most basic unit of political life, the local community in its three forms: the town, the *Département* and the Region.

In fact, dog poop took me right into a topic that makes the news regularly although it's little understood, even by French people: regionalization. It's sometimes called decentralization, de-concentration, participation and State reform. What it means is the effort to unlock the very stiff central government and instill local responsibility and involvement in a society where a five-century process has taught people to wait for decisions from Paris. Regionalization began in earnest only in 1982, and involved the creation of a new entity called "the Region" and the transfer of more administrative powers to all lower levels of the hierarchy. As we will see, until 1982, towns didn't even have the right to do city planning!

The French government has always stood firm against any form of local

self-rule, and this has been true nowhere more than in Paris. A little dialogue I had last summer with a high-ranking civil servant, also a friend, was a summary of the attitude it entails. He and I were discussing two problems that are related, in my opinion: nationalist unrest in the periphery and civil strife in suburban areas. My reaction was typically North American.

"What you need is more power for local government," I prescribed. "Give them more authority and autonomy, and they'll find solutions. In fact, the lack of power probably *is* the problem, because the locals feel alienated."

"What do you mean by local government?"

"Well, city hall, Département, Region, that's local government."

"*Pas du tout* (Not at all)!" protested my friend. "That's local *administration*. There's only one government in France."

* * *

With one more mess under my sole, I entered the *Hôtel de ville* (city hall) of Paris with the firm intention of figuring out why dog owners are so careless, and what's being done about it. I made my way to the office of Jean-Michel Michaux, a city councilor in charge of animal life. As a vet and dog lover of the first order, Michaux works with his golden Labrador in his office and I had to suffer the stench of the pooch throughout the interview. His big theme — Michaux's, not the Labrador's — is the social function of dogs. "What are a few *crottes* here and there compared to the problems dogs solve? Pets play a useful role in the life of people that are the most fragile. The dog takes old grannies out for a walk every day. Dogs are good companions for lonely people, and they often bring them together to socialize. But I agree that many owners have no idea of the psychology of a dog. We have to develop basic services for people going on holiday."

This was more than I could bear, so I went to see Michaux's colleague, Patrick Trémège, the deputy mayor in charge of environment and a well-known anti-dog-shit crusader. The only carrot in Trémège's program is a

portable *crottes*-bin for dog owners. The rest is all stick: fines, punishment and repression.

"We need to give three thousand stiff fines to the 15,000 owners who don't behave, monsieur Nadeau."

"I cannot agree more with you."

"Do you know how many fines we gave last year?"

"Five hundred maybe?"

"Rather four."

"Four hundred?"

"No, four."

A year and half in France had accustomed me to the leniency of authorities, but that Paris had issued only four fines to dog owners blew my mind. There are rules against dog shit, just as there are rules against running motor-bikes on sidewalks or against cars running red lights, but why are they applied with such leniency? In fact, leniency is even too strong a term.

One reason for the general *laissez-faire*, explained Trémège, is that the city of Paris doesn't have its own





This City of Paris ad shows a handicapped woman rolling over dog business. The text says: "You're right not to pick it up. She does just fine herself." And at the bottom: "Help us keep clean streets." The campaign produced a good chuckle, but the scene remains the same.

police force. The police you see in Paris are *Police Nationale* — the equivalent of the FBI in uniform. Giving out fines to undisciplined dog owners — and stopping savage motorcyclists — is simply beneath their dignity. "The city of Paris has its own 'security' to control markets and parks. They are allowed to fine dog owners, and I'm trying to beef up their numbers and powers. But these guys aren't police. They don't even have the right to ask for IDs. Only the police can do this!"¹

Can't Paris create its own city police force, then? *Non*. The French government won't allow it. In fact, the city is not allowed to make any by-law on matters of security, traffic, sanitation or hygiene. These are in the hands of the *Police Nationale*, in the person of the *Préfet* — an appointee of the President. Why?

The key to the riddle is a cannonball-shot away from the *Hôtel de ville*, at the Louvre. Better known as the world's biggest conglomeration of classical art, the Louvre

had been the center of government until Louis XIV (1638-1715) decided he was fed up with Paris. My favorite feature of the Louvre is neither the Mona Lisa nor the glorious perspective across the Tuileries through the Champs-Élysées, but the moat. What moat? The big hole to the east facing Amiral-de-Coligny Street. The purpose of this moat was not to protect the king from invaders as much as from the Parisian mob.

The French government has always been afraid of Paris. It started in 1358 when the chief magistrate of the city, Étienne Marcel, led a revolt against the King. The Bastille was erected shortly after that for the purpose of attacking the mob from the rear if necessary. Two centuries later, during the wars of religion, the Catholic League of Paris bullied Henri III for being too lenient with Protestants, and later Henri IV because he was a Protestant. In 1648, the nobility led an uprising that young Louis XIV, then 10, barely escaped. When he became king, he considered the consequences and moved the court 20 kilometers away, to Versailles. In 1789, his great-great-great-grandson, Louis XVI, found out this was not far enough, though. The mob captured him, reinstalled him at the Louvre, became fed up with royalty altogether, and finally got his head three years later. In 1871, following the disastrous Franco-Prussian war, a bloody uprising in Paris challenged the government of Versailles. The city was opened after a long siege that ended in bloody repression. As a result, the 3rd Republic, like the previous regimes since the Revolution, saw to it that Paris had no political representation and that an appointed *Préfet* ran the show.

Jacques Chirac will not go down in history for the little he achieved as President since 1995, but for his 18 years as the first effective mayor of Paris — starting in 1977. The mayor of Paris is, by many standards, the weakest mayor of France. Although his city has 40,000 people on its payroll and runs on a six-billion-dollar budget, the mayor has no police power whatsoever and no power over transport at all. Naturally, things change. In an unprecedented move, the government gave to the city of Paris authority over street cleaning in 1986! "As a result of this nonsense, the mayor has no power to sanction anything in relation to parking, noise, graffiti and dogs, not to mention traffic," says Patrick Trémège. "Now you know why we have so much dog shit and uncontrollable pollution."² In fact, the city of Paris cannot even conceive a public-transport policy on its own because the authority running the subway system, *la RATP - Régie autonome des transports de Paris* (Autonomous Transport Board of Paris) — runs its own show like a train without a driver.

Getting the Prefecture (or the RATP) to act is the big item on any mayor's agenda. To solve any matters of po-

¹ The dog problem was quite bad in New York 15 years ago, but it was solved for the most part as a result of police work and community action. The latter was important but is hardly existent at all in France.

² What Paris has that others don't is the double status of city and Département, which brings additional taxing powers, but also more responsibilities for distribution of welfare and social programs. The city council is also, de facto, the Département council on certain days.

lice, the mayor of Paris needs to dine with the Préfet and sweet-talk him into producing an *arrêté* (decree). I read these, and they all begin with a poetic statement listing the laws that give authority to the Préfet in these matters. The first two are always the Law of 28 *Pluviôse An VIII* and the Consuls' decree of 12 *Messidor An VIII* — Revolutionary lingo for February 18, 1800 and July 2, 1800.³ If the Préfet doesn't like what's served to him, the mayor must repeat the process with the Préfet's boss, the minister of the Interior.

The creation of city police in Paris will be one of the big themes of the next municipal election of March 2001. However, the new minister of the Interior, Daniel Vaillant, who also holds the honorary function of mayor the 18th *arrondissement*, has made clear that he won't mess either with 12 *Messidor An VIII* or 18 *Pluviôse An VIII*.

* * *

Aside from Paris, there are 36,549 more towns and villages in France and all 36,549 mayors enjoy more power than does the mayor of Paris — although none of them has the privilege of receiving visiting heads of State.

This great number of *communes* (French for municipalities) is one of the most striking features of France's political landscape. "France numbers more communes than Spain, Germany, the UK and Italy together," says Jean-Marie Marsault, of Fresnes (pop. 800), who was the mayor of this typical small commune of the Loire Valley from 1977 to 1989.

In Jean-Marie, I met a lucid observer of local political life. I didn't find him by chance: he's the father of a friend of mine and I spent Easter and Christmas 1999 at his place (see JBN-9). In his opinion, the extra-

gant number of French communes is not really a problem. "Communes perform a great number of services with few employees, and the mayor is a quasi volunteer," says the 64-year-old retired insurance salesman and veteran of the war of Algeria — he served two years in the fusiliers and returned as a quartermaster in 1958. I visited him again last summer to discuss the job of mayor.

Mayors fill two functions: they represent the commune politically and perform mandatory administrative tasks for the government. The latter makes them a sort of elected civil servant responsible for a whole slew of local chores. This status of elected-civil servant is what's so special about the function of mayors in France. They organize the elections and transmit results to the Préfecture. They keep the *État civil* (birth, marriage and death registries).⁴ They must distribute social programs, organize daycare, keep schools and even maintain a city plot for



Police Nationale during the 14th of July parade on the Champs-Élysées. They number 137,000 and deal mostly with urban matters. The Gendarmerie, 98,000 strong, is a distinctly military corps that serves rural areas as well as the Army.

³ This corresponds to the Republican calendar that lasted from 1792 to 1805. The first day of year I was September 22, 1792, when the end of monarchy and the beginning of the Republican era were proclaimed. The year was made of 12 months, each divided into three ten-day segments — leaving five extra days at the end of the year. Each day was divided into 10 hours of 100 minutes longer than ours. New names were given to months and days, and the starting dates of months were changed in the process — why not? September 22 became Vendémiaire 1 because it corresponds to the period of grape harvest (*vendanges*). Other months were, in order of appearance: Brumaire (fog), Frimaire (frost), Nivôse (snow), Pluviôse (rain), Ventôse (wind), Germinal, Floréal, Prairial, Messidor (harvest), Thermidor (heat), and Fructidor (fruit). Days were called Primidi, Duodi, Tridi, Quartidi, Quintidi, Sextidi, Septidi, Octidi, Nonidi and Décadi, although they were supposed to have more poetic names, like Pumpkin, Grape, Goose or Barrel. It never worked. Who wants to celebrate Christmas on Nivôse 4? Besides, civil servants needed their Sunday off, and they thought they were getting a bad deal with the 10-day week. On 11 Nivôse An XIV, Napoleon had had enough of this nonsense and the next day was January 1st 1806.

⁴ The *État civil* is all-important because it is the one power of the State that is absolutely decentralized: it is the mayor that produces all records of birth and death, and who marries people. In French *État civil*, the mayor of the commune of origin of any Frenchman inscribes the number of children that person has and also their civil status — married or not. Naturally, it is the mayor who blows the whistle when a person has remarried without bothering to get a divorce. All these records are kept in the commune of origin and a double is held at the Prefecture's archives.



Jean-Marie Marsault, mayor of Fresnes from 1977 to 1989. A lucid observer, he thinks that the fantastic number of French communes (basically towns and villages) — 36,550, or as many as those of the UK, Germany, Spain and Belgium put together — is not a waste of money. "It's a rather cheap way of getting services to the commune, since in most the mayor is alone on the payroll and gets only 2,000FF (U.S.\$300) a month."

les Manouches (Gypsies). They are also in charge of public safety. This meant that for the 1999 solar eclipse, they had to distribute sun shields. And at all times, they are in charge of keeping the list of men of conscription age.

The communes' responsibilities are wide, but limited at the same time. In education, for instance, the commune must build and maintain elementary-school buildings and house teachers, but education itself is the business of the ministry of Education. Same for churches: the town keeps the structure, the ministry of Culture is in charge of the inside — except for the furniture and the services, which are parish business. Traffic is another issue. "In our territory, we have an intersection between a communal road and a Departmental road, a murderous little corner," says Jean-Marie. "People get killed because they forget to look. The Departmental Office of Equipment refused to put a stop sign on their Departmental road, so we had to install one on our half of the intersection."

The major difference in duties between the mayor Paris and small-town mayors is the police. Because they must ensure the security of their population, mayors have the authority to call and command personally the *Gendarmerie* (rural equivalent of the National Police) on their territory. What's more, towns of less than 10,000 can

have their own police. When Jean-Marie became mayor in 1977, Fresnes had a *garde champêtre* (rural warden) on its payroll. "That was folklore. There isn't much happening in a town of 800. Our *garde champêtre* carried letters to the Prefecture, but that was more expensive than mail. So I got rid of him. The Gendarmerie always answered when I called anyway."

* * *

"A mayor is a powerful institution," agrees Jean-François Copé, the mayor of Meaux, a city of 49,000 some 40 kilometers east of Paris, and who has to deal with rampant criminality on his territory.

I met Copé at a seminar on local communities, and he was forthcoming enough to invite me to his town. At 36, Jean-François Copé is something of a star of the French political Right. After graduating from the famed *École Nationale d'Administration* (the élite school for top-ranking civil servants), he became advisor to Prime Minister Alain Juppé (1995-97) and *député* (Representative in the French Parliament). Mayor since 1995, Copé has already done more at a young age than most people generally do in an entire lifetime.

But as I found out when I visited Meaux, the "most powerful man of the Republic" must make do with what



Communal police forces are still rare. In 1997, 2,950 communes had police forces totaling 12,450 men and women — a third of them armed. Thirteen communes have more than 75 on staff.



Hiking west of Paris, I came across yet another cité of bad repute, that of Mantes-la-Jolie.

he has. One of the first things Copé showed me when I got to his office was a bird's-eye view picture of Meaux. As it turned out, Meaux is the municipal version of *Doctor Jekyll and Mister Hyde*.

One half of Meaux, the old city, corresponds to anyone's idea of a French small town: human-size, densely populated, and the historical center of a famous *terroir*, la Brie. The city is home to the famed *Moutarde de Meaux* (a type of old-fashioned mustard), and to the no-less-famed cheese, *Brie de Meaux*.

The other half of Meaux is uglier: a forest of high-rises looking like a Le Corbusier fantasy. Fifty-three percent of Meaux's population lives there. Meaux is not alone: most suburban areas of France feature such modernism. They are dubbed *Cités*. Built to answer urgent housing needs in the post-war period, *Cités* are compounds of public housing for middle-class and low-income workers. Some *Cités* turned out right, like Nanterre's, west of Paris. Most became bleak immigrant ghettos and hotbeds of criminality.

The government meant well, naturally, but many *Cités* became decrepit because of poor design, poor building standards and poor management. The genesis of decay is that of any ghetto. Forty years ago, France welcomed immigrant workers en masse. Often ill-educated and unskilled, they earned low wages and were lodged in public housing. Immigrant Workers were the hardest hit when the post-war reconstruction effort slowed down in the late 1960s. The 1973 oil crisis just added misery to an already grim picture. Unemployment of 25 percent became permanent in the *Cités*. A subculture developed, reinforcing the ghetto mentality. Insecurity became rampant. A lost generation was thus raised.

Nowadays, nights of riot, burning cars and "rodeos" — when kids drive stolen cars around and destroy them — are the daily lot of residents. The police never go into *Cités* without special care, as I learned when I joined Meaux's night patrol last May, at the mayor's invitation.

Aside from all the routine events of a night patrol,

the two *Cités* of Beauval and la Pierre-Collinet produced a strong impression. About 12,000 people live in each. Beauval is better off. There are trees between buildings and obvious efforts have been made to humanize the place. About 50 high-rises makeup Beauval, but only a few blocks are a cause of worry. On that night, kids aged ten and twelve threw stones at Beauval's police station and broke the window...

About as many people live in the *Cité* of La Pierre-Collinet, which is very different in design: it consists of four blocks of flats 20-stories high and over 200-meters-long, with about 200 meters of open tract in between. One was in such bad shape that the authorities were planning to dynamite it altogether — and they did, this September. Each is covered with a layer of graffiti at ground level. When we drove up to them, something fell on the car's roof. Arms showing the insulting finger appeared from windows. People whistled and yelled insults.

"We would never go inside, only two of us. We have to be three or more, and we have to take measures. But this is a big progress. We used not to go in at all," said Rachid Taklit, the night chief on the passenger seat. "Anyway, there aren't many calls to answer from here. The locals tend to settle matters between themselves." To be closer to problems, the city police of Meaux also opened a station in a nearby mall, but it had been temporarily closed in May — a group of young men had rammed a car through the steel shutters and sacked the place before burning it.

Cités, a uniform feature of suburban France, are a direct byproduct of centralization. Granted, such horrors also exist in North America, but there are differences. For one, the old towns are generally safe, whereas it's the suburbs that are a cause for concern — exactly the reverse of the American standard. Another difference is one of process: remote civil servants in Paris established the needs in public housing, the number of dwellings required and the number of floors. The mayor's role was limited to running the compounds according to stiff criteria — tenants were not even allowed to buy their own flats. In fact, cities didn't even have a say in the form the building could

take because they had no say in city planning. "It was only in 1982 that cities obtained powers over planning, when the harm was already done," says Copé. "So Paris created a monster, and now that they've given us the control of planning, we're stuck with putting Band-Aids on a broken leg."

A popular Band-Aid in Meaux is Jean-Marie Le Pen's *Front National*, an extreme-right, anti-immigrant party. Its program is essentially to bulldoze all *Cités* and send the immigrants back where they come from. At the last national elections of 1997, the *Front National* captured 23 percent of the vote in Meaux, much to the dismay of Copé, who belongs to a center-right Gaullist party that is anti-racist and consequently rejected political alliance with the extreme right.

Copé's policy has been to deal with *Cités* and juvenile delinquency by creating an effective city police under his orders. To North Americans, this may sound obvious, but in France it is still regarded as very, very original.

Given Copé's background, the idea of a strong city police was a sea change. As a graduate of *École Nationale d'Administration*, Copé believed in the virtue of the State's monopoly over power and matters of security. "I don't believe this anymore," says Copé, whose experience as mayor inspired him a book, *Ce que je n'ai pas appris à l'ÉNA* (What I didn't learn at ÉNA). "Centralization is totally inappropriate to the *Cités*' situation. When fifteen cars are burning, the *Police Nationale* sends in the riot squads, makes a few arrests, patrols for a while and then goes away. We don't control the allocation of resources. They do."

Creating the city police of Meaux was an adventure. In theory, all mayors are officers of *police judiciaire* (judiciary police), which gives them powers of arrest and search on behalf of the *Préfet*, but not necessarily the right to run a police department. Contrary to small towns, which have more freedom, towns of more than 10,000 inhabitants are subject to stiffer rules: police matters are a state monopoly unless they get derogation and strike a deal with the *Préfet*. Fortunately, Copé was also *député* and advisor to the Prime Minister, so things happened.

When Copé became mayor in 1995, Meaux already had an embryonic police service. "Ten agents, hidden in a small office with an unlisted phone number," remembers Dominick Lemulloy, the head of Meaux's city police, who was appointed by Copé. In southern France, cities have a bet-

ter-established tradition of local police, but in the early 1990s, this was a very novel idea in the outskirts of Paris — because of the French government's historic defiance of municipal power, as we have seen earlier. As a consequence, the few existing city police forces were expected to keep a low profile. Meaux was no exception to this until Copé.

Copé's top cop has a major reputation throughout France because he built an effective police service with less money than Paris spends on its *moto-crottes* brigade. His budget of nine million FF (\$1.3 million) pays the salary of 88 policemen in four stations. It ranks among the top-five city police of France for number of policemen, although Meaux doesn't even rank in the first 100 for size.

"The main problem in Meaux regarding the police was presence," says Lemulloy. "The *Police Nationale* are good at investigation and repression, but we needed a police that would be there all the time, that would be always visible, and that would link schools, city hall and social services when necessary." Typically, the *Police Nationale* intervene when a crime has happened, but it's the municipal police that deals with the shady zone of petty crimes, juvenile delinquency, noise-making, fighting and bad behavior — which is where it all starts. It's not by chance that words like "civic" and "police" come from the Roman and Greek words for "city." To ensure maximum presence with the little budget he has, Lemulloy has split his force into four stations rather than only one, and he keeps as many policemen as possible on the road and outside the office. Petty crime has been



I toured Meaux in May with driver Tony Surville and night chief Rachid Taklit, "Le Black et le Rebeu (slang for Arab)" as they called themselves. They grew up in peaceful suburbs that have nothing to do with the problems they now have to deal with daily.



Dominick Lemullois had built and now runs Meaux's city police. His big worry is that criminals tend to be younger. "We now arrest kids of 10 to 12 years of age who think there's nothing wrong with what they're doing."

driven away from the commercial center, and Meaux's police have begun to make their presence welcome in the troubled neighborhoods.⁵

"The issue at hand, for now, is that our city police is working with one arm tied in the back," says Copé. When they're allowed to exist, city police in France have no more powers than the typical North American University police and act as mere auxiliaries of the real police, *la Police Nationale*. They can carry guns and ask for IDs, but they can only arrest people caught in the act. They cannot question, detain, investigate or deal directly with the court or the Public Prosecutor. "The powers of France's city police do not exceed those of any citizen," say Copé. "You and I too have the power to arrest someone in the act and turn them to the police, but that doesn't make us real police."

* * *

In order to be effective, all mayors must maintain a good relationship with the *Préfet* who runs the *Département* — the basic unit in French administration. *Départements* were created in the wake of the French Revolution on the basis that the most remote corner of each *Département* should be no less than two days by horse from the *chef-lieu* (*Départemental*

capital). There are 100 *Départements* in France, and 100 *Préfets* running them from 100 *chefs-lieux*. Cartesian though they are, the French didn't manage to make *Départements* that are really equal: *le Nord* (the North) numbers 2.5 million inhabitants, 30 times more than *Lozère* (in the South), which is almost equal in area, however!

The term *Préfecture* refers to the palace of the *Préfet* — the official representative of the Republic in the *Département*, and an appointee of the President, the Prime Minister and the Cabinet. The *Préfecture* is in fact a miniature French government. And the *Préfet*, who's an appointee and not an elected functionary, wears a uniform on formal occasions. The *Préfet* is the head of each ministry on his territory, runs the police, and can even summon the army, which he commands. The only authorities outside of his control are the Public Prosecutor, all school matters and the Finances.

As we will see, the role of the *Préfet* has changed since the Regionalization of 1982, but he remains pretty much a kind of quasi-colonial Governor. For that matter, most of France is governed like a colony, even the city Paris.⁶

The *Préfets'* main task is to make sure that mayors perform their administrative duties and respect the law. On average, each *Préfet* oversees 360 communes, although this figure varies widely — Guadeloupe numbers only 42, for instance. Before the last referendum in September, to reduce the presidential term from seven to five years, about 200 mayors refused to organize the voting — some were against the referendum; some had better things to do; some wanted to attract the attention of the *Préfet*, the press, or Paris. Unlike Pontius Pilate, who was some sort of Roman *Préfet* — in fact a Procurator — a French *Préfet* can never wash his hands of such matters. He must answer personally to all that goes on in his *Département*. In the case of the no-vote threat, a recurrent mode of protest from French mayors, a good *Préfet* must find and solve the real problem, or override the mayor and organize the vote himself. In extreme cases, a *Préfet* can ask for the removal of a mayor, but they seldom use this weapon — only 14 times since 1977.

Many mayors don't resent the fact that they have to answer to the *Préfet*. The reason is that the *Préfet*, because of his controlling powers, often shoulders the blame for unpopular decisions. Costly repairs must be made to a church, a school or a bridge? The mayor doesn't want to risk his reelection? He simply doesn't do a thing, and the *Préfet*, whose job it is to be the watchdog of the

⁵ The National Police have begun to apply a similar program called *police de proximité*, with some good results. The difference, though, is that the locals do not control the allocation of resources.

⁶ A *Préfet* can even send to an asylum — without trial — a person that represents a threat to him or herself, and his or her surrounding. All the *Préfet* needs is the opinion of two psychiatrists. Naturally, because "mad" people can now defend themselves, any abuse of this power would be severely sanctioned and *Préfets* tend to use it with caution — but the power exists.

Republic, can override the mayor and get the job done. The mayor can then say he had no choice. Naturally, some mayors are more responsible than others, but the system allows a great deal of irresponsibility on their part.

The mayor-Préfet *pas de deux* is certainly the most interesting in the French politico-administrative ballet. On one hand, mayors have administrative responsibilities that put them at the mercy of a Préfet, who has all-controlling powers. On the other hand, mayors enjoy a sort of blackmailing power: they often refuse to perform one task or another as a means of protest. In addition, mayors have political legitimacy, being elected, which can give them the upper hand over an appointed Préfet. "With the support of three or four other mayors, the mayor of a small commune who's *couillu* (ballsy) enough can get rid of a Préfet," says Jean-Claude Jandin, a territorial administrator of Orléans, south of Paris. "So Préfets handle mayors with caution."⁷

One of the most interesting consequences of this rapport between mayor and Préfet is *le cumul des mandats* (plurality of elected mandates). This unique French custom allows French politicians to hold more than one elected mandate at once — whereas in most democracies, politicians are allowed only one elected function at any given time for fear of conflict of interest.

Jean-François Copé is a good case in point: from 1995 to 1997, he was both mayor of Meaux and *député* of the National Assembly. The most famous case, Jacques Chirac, was mayor of Paris, deputy and Prime Minister in 1986-88. They are not alone: ninety-four percent of *députés* at the National assembly, 82 percent of senators and 60 percent of French *députés* to the European Parliament hold other offices! Just imagine that Madeleine Albright could be at once Secretary of State, Governor of Virginia, mayor of Richmond and Senator!

It is true that conflict of interest is built into the French political life, but *le cumul* (when a politician holds more than one position concurrently) is one original check-and-balance allowed within an extremely centralized system. Indeed, going over the Préfet's head is the fantasy of any sane French mayor. A mayor can add many other titles to his: president of the Departmental and Regional Councils, senator, Minister, *député* in the European Parliament or in the National Assembly. The prize is Minister or *député* in the National Assembly. The reason is that the Préfet answers to the government, but the *député* and the Minister *are* the government. A *député*-mayor or Minister-mayor becomes the equal of the Préfet and can summon the Préfet's staff. "*Le cumul* gives mayors better access to Ministers," says Jean-François Copé. "It re-equilibrates centralization. I was close to Prime Minis-



Jean-Claude Jandin, of Orléans, says that the law gives mayors and local politicians a lot more authority than is generally acknowledged by themselves and civil servants. "It will take years before we realize it, but it's happening."

ter Juppé and I got all I wanted from him for my city."

An entire book could be written on the ins and outs of *le cumul* — and more will be written on it later — but suffice it to say that this game of snakes-and-ladders determines all local policies and much of France's national politics.

* * *

Not all mayors can become *député*, senator or Minister, but the system provides to mayors other means of getting around the Préfet.

Because a Prefecture is a miniature French government, the Préfet, who is personally invested with its authority, must be regarded as distinct from the public services he commands — everything from public works to social services, and the like. Quite plainly, a Préfet is removable, but the rank-and-file of civil servants have a will of their own and enjoy ironclad job security. Therefore, good mayors are adept at playing the Préfet against his civil servants.

In Fresnes, Mayor Jean-Marie Marsault learned this in the 1980s when the *Académie* (school board) threatened to close his communal school for the benefit of the *chef-lieu*, which didn't have enough kids in its new big school. The parents of Fresnes didn't like this because this meant

⁷ Another source of this legitimacy is the war: during the German Occupation, the puppet French regime in Vichy removed all mayors of towns of more than 2000. After the liberation, mayors consumed such moral legitimacy that nobody could take away their attributions and powers without being accused of Vichy-ism.

paying for lunches and bussing the children away. Besides, the closure deprived the village of one more activity. Petitions and acerbic letters were exchanged until the mayor found himself in the Préfet's office sitting in front of the *Inspecteur de l'Académie*, whose wisdom had been questioned and who didn't like the idea. "The Inspector told me to shut up and that I had nothing to say. After this scene, I wrote to the Préfet. I told him we wouldn't make public protest anymore, but that we would hold him personally responsible for an arbitrary decision. Our school stayed open."

It is always fascinating to see how different parts of a system reinforce one another. Jean-Marie Marsault found this out when he created a little park of eight hectares with a pond out of a swamp that had been a nuisance until then. Aside from a few shovels, the commune of Fresnes didn't have any public-works service, but the *Département's* office of Equipment offered to do the work. Nothing in the law said they had to, but they insisted on quoting a price since it's their task to do public work. But when Jean-Marie found they would charge the commune eight times more than private entrepreneurs would, he decided the commune should contract out the work itself and forget about the *Département*. Jean-Marie's action is not typical: most mayors of small communes just don't want to be bothered and give free rein to the *Département's* office. Irresponsibility again.

"Mayors in France do have real powers," says Jean-Marie. "But many care only for cutting ribbons and wearing the red-white-and-blue sash. And our gigantic and costly government services are willing to pick up the slack anytime. That's bad for public finances, and that's bad for local democracy."

The relationship between mayor and *Département* can take an ugly turn when the shit hits the fan. Jean-François Copé of Meaux discovered this recently. In August 2000, two kids arrested for burning cars confessed that the public-housing commission, run by the mayor, paid them 1,500 FF per burnt car — allegedly in order to create a climate of insecurity that justified more city police and the destruction of more public-housing blocks... Naturally, the press began to speculate that Copé, who's head of the public-housing commission and of the city police, was using strife for the coming municipal elections — in March 2001. But three weeks later, the kids retracted their confession and produced a new one: two officers of the *Police Nationale* had blackmailed them into making a false confession that would get the mayor in trouble. This got the police in trouble, and two separate groups of investigators are now dealing with this. The controversy has jeopardized five years of collaboration between the city and the Préfecture. "I cannot help think-

ing that this happened six months before the municipal elections," says Jean-François Copé, suggesting by this that some of the *Département's* civil servants are playing underhandedly to oust Copé's party from city hall and bring in the Socialists or the Front National.

* * *

More partners were brought into the mayor-Préfet-civil servants' lambada under the Regionalization of 1982. This major constitutional change, initiated by President François Mitterrand (1981-1995), created a new level of public administration — the Region, and the elected offices of president of newly created Departmental and regional assemblies.

In 1969, President Charles de Gaulle (1944-46, 1958-69) had made a first try on Regionalization by referendum. He lost and resigned 10 minutes later. Mitterrand took another procedure and got it through. The idea was to instill fresh ideas and more initiative in the rigid centralized system. It's said that some Préfets cried when the law was passed because it meant a loss of power, although the reality is less clear. What powers have been transferred in this process remain unclear even to the French, and I must admit that I still don't know for sure after a year of discussing and reading about it. It is symptomatic that Regionalization is often referred to as Decentralization, De-concentration, State Reform or Participation — indifferently.

The Region is a new administrative level between the *Département* and the central government. Each Region comprises two to six *Départements*. This reorganization was accompanied by a major transfer of authority. Communes were given authority over town planning, for instance. And Regions were given authority over development planning.⁸

However, a Region is nowhere near the equivalent of an American State, a Canadian Province or a German Land: Regions have no degree of sovereignty whatsoever. They cannot make their own laws and be totally responsible for running their own affairs. They are more akin to super-municipalities than to autonomous governing bodies. The distinction between communes, *Départements* and Regions, for that matter, is more akin to that of a city and a city district, rather than that of a State with respect to a Federation.

Communes, *Départements* and Regions are all in charge of basically the same things — safety, culture, transport, education, social programs, welfare and planning — but at different levels. For instance, communes maintain communal schools (Grade 1-5); *Départements* maintain colleges (Grade 6 to 9); and Regions handle *Lycées* (Grade 10 to 12) and attempt to control universities. But they cannot set standards of education, just as

⁸ In the long term, this one feature, authority over planning and the allocation of resources, could give the Regional administration a form of authority and precedence that could make them more akin to States or Provinces, but this remains to be seen.

cannot set standards of social welfare and the like.

The power — or lack of power — to tax show well this lack of real authority. Communes, *Départements* and Regions share taxes on real estate, rents and business. The regional level decides what will be the Region's, the *Département's* and the Communes' cuts, and each in turn decides what they will actually take. But they cannot create a new tax. Far from it: until this September, the *Département* had a unique tax, *la vignette* (the annual license tag for cars), but the French Finance Minister cancelled this tax without consultation. The revenues will be compensated for by transfers from other authorities, but the decision shows what autonomy doesn't mean. Communes cannot have a bank account and it's still the *Département's* paymaster who issues the check.

The main gain of Regionalization has been to give local politicians more political leeway, which has translated into action in some cases. Before 1982, city councils could not debate any issue without getting permission from the *Préfet* beforehand. And the *Préfet* didn't necessarily need to justify a refusal. Even after the council had voted, the *Préfet* then decided whether the decision was legal. Since 1982, the assembly has been able to say what it wants, and the *Préfet* controls only the legality of its decisions. If the *Préfet* has doubts, he must forward the decision to the administrative tribunal, which will decide — not he. At the *Département* and the Region levels, a politically elected assembly was also created, and he is subject to the same rule. But remember: the *Préfet* and his public services always remain behind to fill any power void whatsoever.

Nonetheless, since Regionalization, the government has been encouraging local initiatives. One recent set of laws allows communes, *Départements* and even Regions to group themselves together to give a common service — in transport, for instance, or for the management of resources like the sea or waterways. This was extremely difficult 20 years ago.

All in all, this whole process of Regionalization amounts to a form of decentralization *à la carte*: each commune, *Département* and Region chooses the degree of initiative it wants with respect to the *Préfet* and some have been more willing than others.

Cities like Nantes, Toulouse, Lille and Lyon are now expanding — to the point that, for the first time in centuries, Paris is going through a slight population decline compared to these regions that can now develop the way they want. Lyon got its own direct speed-train link to Brussels and the train doesn't even stop in Paris. Lille became a stopover for the Paris-London Eurostar train. In Orléans, the mayor got a train link with London. Transport is not the only way in which this translates. More sig-

nificantly, in December 1999, the Regional president of Guadeloupe made a joint declaration with her peers of Martinique and Guiana asking for more autonomy from Paris. In the old days, this would have resulted in a big no-no. Nowadays, these initiatives are not only tolerated, they are allowed and encouraged — to some degree. The American embassy is responding to this newfound ebullience by opening consular offices in half a dozen French cities.

"Whether the Orléans-London train link will work will be assessed over time, but the point is that the local politicians could do it on their own," says Jean-Claude Jandin, a high-ranking civil servant whom I interviewed in the train from Paris (where he lives) to Orléans (where he works). He runs *le Réseau* (The Network) — another institution that wouldn't have existed 30 years ago. *Le Réseau* serves as the interface between the 30 member cities and all upper levels all the way to Europe. "My job is to keep mayors informed and stimulate the development of local policies and initiatives in function of existing programs and laws," explains Jandin. "The *Préfet* didn't like this at all when I presented myself to him. 'What?' he said, 'You want to be a sort of counter-*Préfet*!' When he understood he couldn't fire me — because I'm employed by a non-profit organization — he got it: 'Ah!' the *Préfet* said. 'I speak to 30 mayors when I speak to you!'"

However, it is important to stress, again, that none of these changes are anywhere near a form of federalism and local self-rule. The *Préfet* still keeps considerable discretionary powers. His mandate of control, for instance, amounts to giving him a say in the smallest local affairs. More importantly, political traditions don't change quickly. "It will take a long time before decentralization becomes ingrained in the mentality of elected people, and of civil servants," says Jean-Claude Jandin. Indeed, as the old say goes, it will remain for a long time a matter of who's the biggest rooster on the biggest heap — the only difference is that now, the small heaps are allowed to get bigger. □



There are half a million elected politicians in communes, Départements, Regions and at the national level, but there would be many more if they were not allowed to hold more than one office at a time. This practice, unique to France, is known as le cumul. It enables mayors to by-pass the influence of monsieur le Préfet.

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Phone: (603) 643-5548

E-Mail: ICWA@valley.net

Fax: (603) 643-9599

Web Site: www.icwa.org

Executive Director: Peter Bird Martin

Program Assistant: Brent Jacobson

Publications Manager: Ellen Kozak

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