

Article

'Lost' Surveillance Studies: A critical review of French work on CCTV

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Abstract

In recent years, the rapidly developing field of 'Surveillance Studies' has sparked a remarkable and revealing body of research, which has led to repeated claims to recognise 'Surveillance Studies' as a cross-disciplinary field of research in its own right. However, the almost exclusive reliance of these independency claims upon Anglophone references raises a series of important questions: Must we conclude that other linguistic traditions in surveillance studies do not exist at all, or are we to assume that such studies are heading in a broadly similar direction as their English counterpart?

In order to address these questions, the paper suggests engaging with 'lost' CCTV studies published in French academia. It succinctly discusses three specificities of the French CCTV context – the legal regulation of CCTV through the 1995 'Loi Pasqua', the specialised economic journal, *En toute sécurité*, and the quasi absence of publicly mandated statistical evaluations of open street CCTV systems – thus providing a reading of how they are reflected in the existing CCTV literature. From an analytical standpoint, this approach provides an exploratory framework not only for investigating the key elements that French studies about CCTV can add to the relevant Anglophone literature, but also for examining the broader processes of knowledge generation about surveillance issues and on how these may depend on particular national characteristics.

Introduction

As a rapidly developing cross-disciplinary field of analysis and theory, 'surveillance studies' (Lyon 2002: 1) has sparked remarkable and revealing research over the last years, which provides a fertile ground from which to examine the wide implications of the proliferating range of new aims, agendas, agents, technologies, practices and perceptions of surveillance from a diverse range of perspectives. From an academic viewpoint, this increasingly sophisticated body of work has led to repeated claims to recognise 'surveillance studies' as a cross-disciplinary field of research in its own right. Recently, such claims have been strongly reiterated by David Lyon's overview of surveillance studies (Lyon 2007). Furthermore, the online journal *Surveillance & Society*, as well as the growing number of international surveillance conferences, should also be considered as important catalysts in the academic institutionalisation of surveillance studies.

Yet, by looking at the bibliographies of some of the most prominent surveillance studies literature, from which disciplinary 'independency claims' have been developing, it appears that surveillance studies have so far been considered above all an Anglophone affair. Yet, this observation by no means implies that the field of surveillance studies has been developing exclusively in English-speaking countries, as, for example, the widely discussed European Framework Five project *Urbaneye*, and the recently launched COST Action *Living in Surveillance Societies* (LiSS) strongly confirm. Rather, it means that non-Anglophone literature on surveillance is almost completely absent in current epistemological debates about the theoretical, analytical and empirical pillars, profile and scope of an academic sub-discipline called surveillance studies.

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In view of the growing epistemological self-consciousness of surveillance studies, the predominant focus on Anglophone literature raises important questions. Must we conclude that other linguistic traditions in surveillance studies do not exist at all? Are we to assume that research on surveillance in other language contexts is heading in a broadly similar direction to its Anglophone counterpart? Must we deduce that non-Anglophone surveillance studies will 'automatically' be translated into English and thus smoothly circulate across language borders through some kind of 'natural selection' process?

Structure of the Paper

In order to address these questions, this paper suggests engaging with 'lost' French surveillance studies. At this place however, a systematic review of Francophone surveillance literature would be too tall an order, as this would not only mean to investigate a wide range of Francophone countries but also to speak about a large variety of different fields, objectives and technologies of surveillance. More particularly, the paper thus concentrates exclusively on surveillance studies that are focussing on the subject of CCTV and have been published in French academia.

In this regard, it is worth pointing out in passing that in the French context, neither the English term 'Closed Circuit Television' ('CCTV'), nor any corresponding translation can be found. Instead, the term 'vidéosurveillance' is generally used. Within this paper, there is no room to explore such terminological issues in detail, although this would be a fascinating task (consider as well the somewhat loose translation of Michel Foucault's *Surveiller et Punir* into *Discipline and Punishment*, although the literal translation would have been 'Survey and Punish'). Throughout the paper, the English term 'CCTV' will be used, except in the paper's last part, where I will deal explicitly with Madeleine Akrich and Cécile Méadel's distinction between 'télé-surveillance' and 'vidéo-surveillance'.

This paper's focus on French CCTV studies is essentially subjective and pragmatic in nature. Yet, it also presents at least three important advantages, which together highlight the necessity to open disciplinary independency claims of surveillance studies towards non-Anglophone work.

Firstly, the French academic world is often portrayed as elusively Other, remaining relatively unknown to Anglophone social scientists more generally. Thus, the strong language barrier between Francophone and Anglophone contemporary academia allows a particularly meaningful epistemological examination of how writings and texts, including those from the field of surveillance studies, circulate across language borders.

Secondly, the missing review of recent French work about surveillance in the relevant Anglophone literature stands in stark contrast to the overall fascination in surveillance studies for translated work of French social theorists. Without the theoretical contributions of Michel Foucault (1977; 1978), Gilles Deleuze (1992), Michel de Certeau (1984), Jean Baudrillard (1994), Guy Debord (1983) and Paul Virilio (1994), to name but a few, epistemological independency claims for surveillance studies would lack some of their most important theoretical foundations. The fact, however, that some of the most prominent theoretical approaches in surveillance studies originate from French thinkers raises the important question of how these conceptualisations of surveillance have been empirically and analytically pursued in their country of origin. In other words, is there a second French generation of *Founding Fathers* (or *Mothers*) in surveillance studies that is yet to be discovered, and whose importance has yet to be reviewed in the Anglophone surveillance literature?

Thirdly, and more specifically related to the subject of CCTV, the use and regulation of CCTV in France presents some important particularities, whose effects – such is the basic assumption of the paper – might also be reflected within French CCTV studies. For example, the early legal regulations in France regarding both public and private use of CCTV in publicly accessible places ('loi Pasqua', introduced on January 25th 1995) stand in stark contrast to CCTV regulations in the UK and other countries. Epistemologically speaking, it is of particular interest to examine how these contrasts may explain different emphases in the study of CCTV in the Francophone and Anglophone worlds.

From this standpoint – and building upon Lyon’s statement that significant differences in the experiences of and responses to surveillance occur between different countries (Lyon 2007: 6) – the paper aims to investigate some of the mediating factors of the knowledge generation about CCTV in the French academic world. In this respect, I will focus my attention on three key features of the context of French CCTV:

- The legal regulation of CCTV through the 1995 ‘Loi Pasqua’
- The specialised business journal ‘En toute sécurité’
- The quasi absence of publicly mandated statistical evaluations of open street CCTV systems

In what follows, I shall succinctly discuss these three specificities of the context of French CCTV, thus providing a reading of how they are reflected in the existing CCTV literature. From an analytical standpoint, this approach provides an exploratory framework not only for investigating the key elements that French studies about CCTV can add to the relevant Anglophone literature, but also for examining the broader processes of knowledge generation about surveillance issues and on how these may depend on particular national characteristics.

The legal regulation of CCTV in France through the 1995 ‘Loi Pasqua’

In France, the legal regulation of CCTV through the so-called *Loi Pasqua* (Law n° 95-13) – introduced on January 21st 1995 – has not only affected the use and development of CCTV, but has also sparked a significant body of research about the law’s intentions and impact. In what follows, I seek to identify some of the most important practical and academic implications of the Pasqua law, in order to provide a first series of insights into the ‘lost world of French CCTV studies’.

Practical implications of the Pasqua law

Firstly, the Pasqua law has set a series of basic – yet hardly controllable – conditions for the use of video-surveillance, not only in public places, but also in privately owned places, which are particularly exposed to thefts and violent attacks (“la voie publique et tous autres lieux et établissements particulièrement exposés à des risques d’agression ou de vol”). These legally bound conditions for the use of CCTV range from the duration of the storage of CCTV images and prohibition regarding the manipulation or reproduction of stored images, to more general principles such as an obligation to register CCTV in publicly accessible places, the right of the population to access saved CCTV footage and the principle of proportionality.

Secondly, the Pasqua law has basically taken away the authority to regulate and control CCTV from the French data protection commission (the *Commission Nationale de l’informatique et des libertés*, CNIL). Since the law’s introduction, “CCTV is subordinated to the authorisation of a designed state’s representative in each department, in Paris the police prefect, after consultation of a departmental commission, chaired by a magistrate” (Heilmann and Vitalis 1996: 66). The power to control and authorise CCTV has thus been transferred to a sole state representative, whose independence (from the police, for example) is far from guaranteed (Cadoux 1993). At the service of this particular state representative, we find a departmental commission, whose power is limited to an exclusive role of consultation and reception of individual complaints. Thus, as Heilmann and Vitalis conclude, “these prerogatives in total reinforce the power already assigned in the 1980s to the prefectorial authorities, to control the development of the private security sector” (Heilmann and Vitalis 1996: 67).

Thirdly, the compulsory registration of CCTV systems in publicly accessible places, as prescribed by the Pasqua law, has generated a relatively clear picture of the scale and spatial distribution of CCTV in France. Although an unknown number of cameras may still remain unauthorised, the spatial and social distribution of CCTV in France is probably better known than in any other country. According to the French Interior Ministry’s statistical balance sheet of authorised CCTV surveillance, about 60,000 systems were officially declared between 1995 and 2003, of which only slightly more than 3% by public

institutions (Heilmann 2005). Following the conclusions of Frédéric Ocqueteau and Eric Heilmann, the compulsory registration of private CCTV systems has above all helped the police to maximise its knowledge (and indirect use) of CCTV in semi-public places, which are controlled and secured through private institutions.

Fourthly, the legal regulation of CCTV should certainly *not* be understood as having in any way hindered the further development of CCTV in France. On the contrary, as Heilmann and Vitalis show on the basis of numerous interviews with private CCTV users (Heilmann and Vitalis 1996: 9), the law's disposition for CCTV to be installed in places which are potentially exposed to thefts and violent attacks has rather helped to further legitimise and thus institutionalise and generalise CCTV in publicly accessible, commercial places (shopping malls, banks, cinemas, etc.).

Academic implications

The Pasqua law has sparked a remarkable number of legal impact studies (e.g. Bauer 1997; Ocqueteau 2001a). Frédéric Ocqueteau and Eric Heilmann, above all, independently and jointly investigated the wider social issues of the French CCTV regulation. Their studies seek empirical, often interview-based insights to examine the circumstances in which CCTV techniques are controlled and legalised, in order to reveal the underlying political assumptions of the law and to observe the various difficulties associated with its practical implementation (Ocqueteau and Heilmann 1997: 331-332). Providing important insights into how the law is perceived and experienced in everyday surveillance practices (Heilmann and Vitalis 1996: 30), these studies have also resulted in a series of critical conclusions, firstly about the inadequacy of the French legal context to efficiently regulate everyday uses of video-surveillance and secondly about the Pasqua law's general consequences for the development of CCTV in France. There is indeed good reason to believe that a more active engagement of Anglophone surveillance studies with this literature could provide a series of important comparative insights into the socio-economic effects of CCTV regulations more generally.

In addition to these studies, the Pasqua law has produced important and widespread juristic literature about CCTV, both relating to the general uses of CCTV and to more specific CCTV practices, such as workplace CCTV monitoring, for example (Grevy 1995). Most of the available juristic literature on CCTV has been either mandated by political (Séruclat 1995; Darras and Deharbe 1996) and data protection authorities (Cadoux 1993; 1995) or written by legal scholars in the university context (Forest 1999; Bauer 1907), about the question of the law's constitutionality, for example (Pellet 1995; Favoreu 1995; Rémi 1995; Nguyen 1995).

En toute sécurité

The second specificity of the French CCTV context – which has also influenced academic debates about CCTV – refers to the French business journal, *En toute sécurité*, which since the early 1990s has published on an annual basis the detailed turnover of French security companies, classified into 25 categories. The unique possibility provided by the journal to gain insights into the exploding market of security and surveillance has not only led to precise economic estimations of the annual increases of CCTV – the CCTV technology market having increased by almost 120% from 224.4m Euros to 490.3m Euros between 1993 and 2003 (Heilmann 2005: 68) – but has also sharpened a general awareness of the commercial issues surrounding the development of CCTV (and of surveillance more generally). While it would be far too simplistic to reduce the reasons for and origins of French studies into the commercial side of CCTV to this particular factor only, it is however interesting to note how prominently business information provided by *En toute sécurité* figures in many French CCTV studies (REF). Also, it appears that while in the UK an impressive number of critical analyses focus on the commercial issues for local shops or urban regeneration strategies in securing city centres through CCTV, France's CCTV literature is not completely devoid of such an approach (Klauser 2004), but rather concentrates on the commercial interests in selling, planning, installing and managing CCTV surveillance (Précepta 1990). At this stage,

it is worth providing a more detailed account of two particular authors: Frédéric Ocqueteau and Denis Hanot.

While both Ocqueteau and Hanot are concerned with the economic aspects of 'selling CCTV surveillance', their work however presents a series of important differences in style, primary concern and depth. Frédéric Ocqueteau, research director at the prestigious National Centre of Scientific Research in Paris (CNRS), is one of the most prominent French CCTV scholars, and has published a series of influential reports about the commercialisation of surveillance in general and about CCTV more specifically (Ocqueteau 1990; 1992; Ocqueteau and Pottier 1995). Dating from the late 1980s, these publications temporally coincide with some of the earliest Anglophone surveillance studies by researchers such as Oscar Gandy, Gary Marx, Christopher Dandeker, Clive Norris and David Lyon.

Standing in stark contrast to Ocqueteau's established prominence in French academia, Denis Hanot's critical analysis of CCTV in *Liberté télésurveillé* (1996) is today almost completely forgotten in French academic debates about CCTV. Denis Hanot, a Marxist Sociologist, has published less systematically than Ocqueteau on the subject of CCTV. Still, *Liberté télésurveillé* offers an interesting, suggestive approach to the rationales behind CCTV. In his analysis, Hanot speaks of three different markets as the main causes of the contemporary proliferation of surveillance, and of CCTV more specifically: the electoral market, the market of social beliefs and the commercial market of surveillance technologies. For Hanot, it is through the interactions and interdependences of these three markets that the proliferation of surveillance can be explained. While Hanot's critical, almost polemical, opposition to CCTV has not had a very strong impact on academic CCTV studies in France, it situates CCTV very accurately within the broader body of surveillance critiques in France, both on the academic (Ellul 1988; Marx 1988; Deforge 1993; Brune 2000) and on the journalistic level. Regarding the latter, particular mention must be made of the March-April 2001 issue of *Manière de voir*, the magazine of *Le Monde diplomatique*, which is one of the mouthpieces of the French leftist intelligentsia. In this rather alarmist collection of articles about (CCTV) surveillance an interesting collection of critical analyses can be found, written amongst others by Denis Duclos, sociologist and director of the CNRS and Loïc Wacquant.

The absence of French statistical evaluations of public CCTV systems

Contrary to the UK, CCTV in France has not yet become a generalised tool for the policing of entire city centres by state authorities, although there are some quite ancient police CCTV schemes, such as in Nîmes (60 cameras installed in 1994 (Heilmann and Vitalis 1996)) and in Lyons (60 cameras installed in 2001 (Bétin *et al.* 2003)). On the academic level, it is mainly the Lyons case which has been studied in empirical detail, regarding the underlying interests in the system of some of the most influential economic pressure groups in Lyons' city centre (Renard 2001; Bétin *et al.* 2003).

The most significant difference between public CCTV systems in France and the UK, however, lies in the scale of statistically-based evaluation studies of the effectiveness of CCTV for crime prevention or of the perceptions and experiences of police CCTV systems by the general public. In the UK on the one hand, a well-developed body of theoretical and empirical research suggests that the relationships between CCTV and the development of crime or feelings of safety in monitored areas are much more subtle, complex and contingent than 'CCTV-advocates' normally suggest (e.g. Fyfe and Bannister 1996; Ditton and Short 1998; Tilley 1998). On the other hand, almost no such literature can be found in France, with the exception of two published reports by the Institute of Planning and Urbanism of the Ile-de-France Region. These studies, however, are not focused on town centre CCTV systems but on the effectiveness of CCTV on public transport (IAURIF, 2004) and in public schools (IAURIF, 2007). Regarding the question of CCTV in public transport more particularly, it is also worth mentioning the earlier analysis of Dominique Bouiller (Bouiller 1995).

While in the UK, the British Home Office can be seen as an important generator of CCTV literature, by mandating a series of studies evaluating both the effectiveness of police CCTV systems in crime

prevention (e.g. Brown 1995; Welsh and Farrington 2002; Gill and Spriggs 2005) and its social acceptability (Honest and Charman 1992), no such government catalyst can be found in France. In addition to the aforementioned business journal, *En toute sécurité*, the absence of any accessible government CCTV evaluation studies in France can thus be seen as a second factor in the different orientations of CCTV studies in France and in the UK. The rare – but nevertheless existent - French academic debates in this respect thus rely almost exclusively on British studies, reviewed in French for example by Eric Heilmann in 2003 (Heilmann 2003).

Yet, the quasi absence of statistically-based evaluation studies by no means implies that no empirical CCTV studies can be found in France. It does mean, however, that French empirical investigations of CCTV mainly concentrate on the modalities of use, the aims, the work of operators and the conditions for the employment of CCTV in private, rather than public, places. Undoubtedly, one of the earliest and most influential examples in this respect is the work of Heilmann and Vitalis (1996), which was based on numerous in-depth interviews with private CCTV owners and operators in banks, shopping malls, railway stations, etc. in Bordeaux, Nîmes and Strasbourg.

A second major study, which should be mentioned for its empirical and conceptual merits, has been conducted by Madeleine Akrich and Cécile Méadel (1999). Working at the Centre for the Sociology of Innovation (CSI) at the *Ecole des Mines* in Paris, the home of influential French STS theorists such as Bruno Latour and Michel Callon, Akrich and Méadel have not only developed one of the most detailed empirical analyses, but also a sophisticated, STS-based line of conceptual thinking of what the authors themselves call *la télésurveillance*. Although for Akrich and Méadel, both *tele-* and *video-surveillance* can be based on visual data-capture technologies, they neither follow the same objectives nor are they regulated in the same way. On the one hand, Akrich and Méadel relate *video-surveillance* exclusively to camera use which is covered by the Pasqua law, i.e. to the control of crime and violence (yet another reference to the Pasqua law). On the other, they understand *tele-surveillance* in a much broader sense, relating to the ensemble of hybrid and heterogeneous technologically-based forms, means and practices of surveillance. Similarly expressed by Kevin Haggerty and Richard Ericson's conceptualisation of the 'surveillant assemblage' (Haggerty and Ericson 2000), "tele-surveillance brings together a whole series of heterogeneous technical systems, in which the only common point is that they are always based on different kinds of communication systems, connecting an ensemble of techniques for the collection of information with techniques for the processing of information" (Akrich and Méadel 1999: 3). Thus, for Akrich and Méadel, *tele-surveillance* does not only relate to the control and 'management' of humans, but also to non-human objects of surveillance.

Referring to the problematics of visual surveillance (CCTV) more particularly, this approach points towards a large field of alternative CCTV studies, which can perhaps be best illustrated by another publication in the French *Journal of Metallurgy* (Bardet et al. 2000). Here, CCTV is explored as a tool to visually control the smoke wreaths of a major industrial site (Sollac Dunkerque) in order to "follow the abnormal workings of the depollution units and to allow the operating staff to react" (Bardet et al. 2000: 1224).

Akrich and Méadel focus on CCTV and other surveillance techniques in a large variety of different places and conditions, from hospitals and museums to shopping malls and warehouses. Here, as with previously mentioned work on CCTV, the main emphasis lies on the complex and contingent public-private collaborations, consisting of a whole panoply of actors, interests, instruments and domains of expertise, relating not only to the beneficiaries, owners or operators of *tele-surveillance* systems, but also to the system suppliers, installation engineers, repairmen, insurers, etc.

Although other STS-based studies of this type have been conducted in France (Rochette, Marchandet, 1998), Akrich and Méadel's work on CCTV remains truly exceptional in both its empirical and theoretical depth and extent. It has influenced many other empirical studies of the relationships between the different actors involved in the installation, development, management and use of CCTV, understood

as just one specific part of a much larger assemblage of surveillance techniques (monitoring both human and non-human objects, for security and other purposes) (November 2004; Klauser et al. 2006; Ruegg et al. 2006).

Conclusions

The objective of this paper was to examine the roles and implications of three particular factors on the knowledge production of French CCTV studies. On this basis, the paper has sought to provide an exploratory – by no means comprehensive – overview of existing CCTV studies in French academia, claiming that epistemological debates about the profile and scope of an academic sub-discipline called 'surveillance studies' should not be restricted to the Anglophone academic world. To conclude this 'country report' in CCTV studies, at least three major arguments can be retained.

Firstly, we must recall the earliness of most of the quoted French literature in this paper. Comparable to some of the most prominent Anglophone work about CCTV, the studies of Eric Heilmann, Frédéric Ocqueteau, Madeleine Akrich and Cécil Méadel, and Denis Hanot, amongst others, were published in the early and mid 1990s. Therefore, just as in the Anglophone academic world, it may indeed be possible – referring to the study of CCTV at least – to speak of a second generation of French surveillance studies, following the earlier theoretical contributions Michel Foucault, Gilles Deleuze, Jean Baudrillard, Michel de Certeau, Guy Debord and Paul Virilio. In order to further reiterate this comment, it is also worth remembering the various other, not specifically CCTV-focused French contributions to the understanding of surveillance; from the network around Didier Bigo at Science Po (Paris) which includes the journal, *Cultures et Conflits*, and the European Framework Six project, CHALLENGE, to the aforementioned range of other, more general, surveillance-related essays and books (Ellul 1988; Séruclat 1995; Brune 2000, etc.).

Yet, amid the large variety of quoted French CCTV literature, very few studies have ever been published in English, the only exceptions probably being Christophe Bétin's and Emmanuel Martinais' analysis of Lyons' city centre CCTV system in *Surveillance & Society* (Bétin and Marinais 2004) and Frédéric Ocqueteau's paper on the impact of French CCTV regulation, published in the *International Journal of Comparative and Applied Criminal Justice* (Ocqueteau 2001b). At this level, it becomes apparent just how distinct the Francophone and Anglophone worlds in CCTV studies, and how inexistent the knowledge transfers and research collaborations between these two worlds really are.

Secondly, the paper has pointed towards some important particularities in French CCTV studies. These particularities are not only due to the relative seclusion of French academia from the Anglophone world, but also result from the different context of French CCTV. The need to open Anglophone surveillance studies to other linguistic worlds – which of course not only applies to the Francophone example – thus follows various epistemological and thematic reasons (to better understand the mechanisms of knowledge production in surveillance studies and to gain more detailed insights into alternative, empirically based understandings of surveillance, etc.). For example, while French CCTV studies could benefit from the solid empirical evidence provided by Anglophone CCTV literature regarding the limitations of CCTV as an instrument to revitalise urban areas suffering from high crime rates, it could in exchange offer important insights into the commercial logics, which are at the very core of the contemporary surveillance society. In the light of these exploratory findings, the paper also strongly reiterates the need for more substantial transnational collaboration and research, a claim that will hopefully be met with the forthcoming, European-wide Cost Action *Living in Surveillance Societies* (LiSS).

Thirdly, the quoted French literature also highlights another important difference between Anglophone and Francophone CCTV studies: the varying degrees of effort and the different processes and logics followed in attempting to assess and interlink different studies of CCTV. In the UK, the collectively edited book *Surveillance, Closed Circuit Television and Social Control* by Clive Norris, Jade Morran and Gary Armstrong (1998) has not only played a major role in assessing and bringing together a wide range

of CCTV studies and experts, but also in institutionalising and mediating further Anglophone research on the topic. While a similar logic can be observed in several German books on CCTV (e.g. Hempel and Metelmann 2005), no such CCTV-related initiative can be found in France. French articles on CCTV are, on the contrary, widely dispersed and not yet properly brought together in a thematically organised collection. In view of both the international visibility and recognition of Francophone expertise on CCTV, such an effort could indeed be of major importance.

In sum, this paper's exploratory attempt to look back at 20 years of French CCTV studies may serve as a starting point for a more general discussion of the variety and richness of non-Anglophone work in surveillance studies. In the light of the discussed example of French CCTV studies, chances seem indeed high that the search for 'lost' surveillance studies in other language contexts could reveal important alternative views on the different forms, logics, objectives and effects of surveillance. Questioning and incorporating these views will undoubtedly strengthen further the recent Anglophone claims to institutionalise surveillance studies as a cross-disciplinary academic field of research in its own right.

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