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Police violence and the state: The negotiation of the boundaries between legitimated and illegitimate police violence in the context of the *gilets jaunes* protests

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Abstract

The French *gilets jaunes* protest movement, sparked by a planned carbon fuel tax in 2018 is marked by numerous injuries and mutilations of protesters by police, and characterised by a shift towards a more confrontational protest policing strategy. Viewing protest policing and police violence as interlinked with political processes, this thesis explores the question of how the boundaries between sanctioned and unsanctioned police violence are (re-)negotiated in the intersections of law (enforcement) and politics in the specific context of the *gilets jaunes* movement. The analysis of public government discourse on the protests and their policing through the lens of Walter Benjamin's critique of violence and Hannah Arendt's theory on violence and power, and using a Critical Discourse Analysis, reveals a twofold discourse. References to democratic debate and a distinction between violent and non-violent protesters suggests an effort to secure and regain the government's power whose loss is marked by the *gilets jaunes*' contestation. Meanwhile, a denial of the existence of police violence and the emphasis of a threat to the state through the extra-legal violence of protesters forms the context in which the coexistence of law-making and law-preserving violence within the institution *police* are reaffirmed and legitimised. This process is then further institutionalised through two widely debated, controversial laws: the so-called *loi anticasseurs*, and the so-called *loi sécurité globale*.

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Introduction

When the French government under President Macron announced the creation of a carbon fuel tax in October 2018, people began occupying roundabouts in protest. In November 2018, they took their protest to Paris, and from there on this movement of the protesters called the *gilets jaunes* (GJ) ('yellow vests'), due to them wearing yellow high-visibility vests, spread throughout France. During the weekly protests, numerous protesters were injured and mutilated by police. Yet, while protesters, journalists and activists accused police and government of excessive and illegitimate police violence, the government responded by denouncing the violence of rioters and hooligans (*casseurs*). Since the beginning of the GJ movement, researchers (c.f., Condaccioni, 2019; Mauger, 2019; Krack, 2020.; Vincente Pérez, 2020; Trouillard, 2021) have observed a criminalisation of protesters as hooligans and extremists. They have analysed an increase in police repression, including the use of violence, against protesters, and criticised laws that were passed following the GJ protests. I place my research within this field by exploring the question *How are the boundaries between legitimate and illegitimate police violence negotiated in the intersections of law (enforcement) and politics during the gilets jaunes movement in France?* The purpose of this research is to contribute to existing investigations of causes and processes linked to police violence against protesters through an in-depth analysis of the role political discourse takes in the meaning-making of police violence and the delimitation of its acceptability.

Based on a Critical Discourse Analysis (CDA) of public discourse of French government politicians on the GJ movement and police (violence) in its context using Walter Benjamin's and Hannah Arendt's theories on violence, I argue that the law-making and law-preserving violence of the police is consolidated in the context of a twofold discourse. One aspect of this discourse reaffirms the right of the police to use violence – *a priori* deemed legitimate in a democracy

based on rule of law – considering a threat against the state and its institutions posed by violent protesters and grants it the government’s absolute confidence that this violence adheres to the principles of necessity and proportionality. The other aspect represents an effort to maintain and regain the power lost by the government through the revoking of public support by the GJ, through an emphasis on debate and a separation between violent and peaceful protesters.

In the following I outline the case of the GJ movement as background to my research (see *Background*). I then review relevant literature on protest policing and police violence and discuss my theoretical framework (see *Literature Review and Theory*). In my *Methodology*, I outline and discuss my method, ethical considerations, as well as my data. Finally, I present and discuss my findings (see *Analysis*).

Background

In October 2018, after the French government had announced a carbon fuel tax, the first GJ protests took place, followed by a first protest in Paris on November 17, 2018 (Vincente Pérez, 2020; Trouillard, 2021) and consecutive weekly protests throughout France. When the abandoning of the tax project did not halt the protests, it became evident that behind the anger about rising fuel prices were larger social injustices (Vincente Pérez, 2020). The concrete demands, albeit largely centred around social and economic justice, are as diverse as the protesters themselves, who include working-class people as well as protesters from the petty bourgeoisie, intellectuals, and activists (Lem, 2020). Across the political spectrum people and organisations have hoped to sway the movement in their favour. Yet, it has remained a leadership-less movement rejecting institutional support and independent of any single political ideology (ibid.; Royall, 2020).

The protests were marked by a confrontational policing strategy leading to numerous protesters being injured and mutilated (Mauger, 2019; della Suda, 2020; Trouillard, 2021). The shift towards this policing strategy, increasingly based on the use of force, has already been observed prior to the GJ movement, i.e., during COP21, but was deployed more systematically during the protests of the GJ, reinforced by measures such as pre-emptive arrests (della Suda, 2020). Likewise, police violence had been an issue before November 2018, yet during the GJ movement it gained more public attention (Collovald, 2021). The new strategy included the

increased use of the BAC (*brigade anti-criminalité*, ‘anti-criminality squad’) who are specialised in repressive strategies to apprehend i.e., drug dealers, instead of maintenance of public order at protests (della Suda, 2020; Colliot-Thélène, 2021; Trouillard, 2021). Law researcher Pauline Trouillard (2021) observes that in comparison to the CRS (*Compagnies Républicaines de Sécurité*, ‘Republican Security Corps’), police units specialised in protest policing, BAC officers used rubber bullets (LBD-40) more often, and more frequently clashed with protesters who often posed no threat.

Particularly the protests of December 1, 2018, during which police lost control over protesters, influenced the changing policing strategy (Trouillard, 2021). Trouillard (2021) argues that the insurrectional atmosphere, which did not result in violence surpassing vandalism, concerned the government for political rather than security reasons, especially considering the widespread public support for the GJ. The strategy shift led to increased use of force including tear gas, water cannons, rubber bullets, sting-grenades and armoured vehicles (Mauger, 2019), as well as motorcycle police (BRAV-M) leading to concerns that their creation marked the return of the *voltigeurs*, motorcycle police units deployed to intervene in protests and banned in 1986 following the death of Malik Oussekin (Feldman, 2020). The increased use of force is based on a broad interpretation of the law connected to an understanding of Weber’s state monopoly on violence as ensuring the legitimacy of violence so long as it is exercised by the state (Trouillard, 2021).

As of May 14, 2019, journalist David Dufresne counted one death, 283 injured protesters, 24 protesters who lost an eye and five whose hand was torn off by a sting grenade (Mauger, 2019; c.f., Dufresne, 2019). This number eventually increased to 2 448 injured protesters and journalists, among them 344 head wounds, 29 of whom led to the loss of an eye, and five torn-off hands (Trouillard, 2021; c.f., Condaccioni, 2019; Trouillard, 2020). These numbers mark an unprecedented level of physical harm to protesters (Adam- Troïan et al., 2020). Despite this level of physical harm and criticism of French policing strategies voiced by human rights organisations, as well as the United Nations (UN) and European Union (EU) (Mauger, 2019; Colliot-Thélène, 2021; c.f., Amnesty International, 2018; Fouteau, 2019; Ligue des droits de l’Homme, 2018; Mijatović, 2019) no substantial debate on police violence took place (Giudicelli, 2020).

Until April 2019, the IGPN (*Inspection Générale de la Police Nationale*, ‘General Inspectorate of the National Police’), tasked with investigating potential offences committed by police officers, received 200 complaints concerning police violence leading to no prosecutions (Mauger, 2019). These numbers contrast the number of arrests and convictions among protesters. Between late November and early December arrests multiplied by ten, and on February 16, 2019, 16 800 arrests were counted leading to 1 800 condemnations (ibid.). The high level of arrests, both during protests as well as pre-emptively, suggests that police violence is only one aspect of larger repressive processes against protesters (Condaccioni, 2019).

Trouillard (2020; 2021) and sociologist Gérard Mauger (2019) argue that laws such as the *loi anticasseurs* (‘anti-rioter law’; law n° 2019-290, adopted on April 10, 2019, in response to the GJ movement) construct the GJ as delinquents, criminals, mad, and terrorists, and impose restrictions on the right to protest. Article 3 of the law, which would have allowed prefects to prohibit individual persons from joining a protest if there is serious reason to believe that they present a threat to public order, and if they committed an offence at a previous protest or are associated with a group or individuals (i.e., Black Blocks) who incite or commit such offences (Bantigny, 2020). The article was declared unconstitutional and thus censored by the *Conseil constitutionnel* (Constitutional Council) after Macron requested its control (Le Figaro & Reuters, 2019; Légifrance, 2019). The *Conseil constitutionnel* is tasked with examining (proposed) laws regarding their compliance with the French constitution (Conseil constitutionnel, n.d.a). In certain instances, such as organic laws, proposed laws must undergo a control by the *Conseil constitutionnel* whose nine members are appointed every nine years by the President of the Republic and the presidents of *Assemblée nationale* and *Sénat* (Conseil constitutionnel, n.d.b; Conseil constitutionnel, n.d.c). Even when this control is not obligatory, it can be requested by the President, Prime Minister, the presidents of parliament - *Assemblée nationale* and *Sénat* - or by a total of 60 members of parliament before the law is adopted (Conseil constitutionnel, n.d.c; Sénat, n.d.; Assemblée nationale, 2019; Vie Publique, 2022).

The other articles of the *loi anticasseur*, permitting i.e., searches of bags and cars, and a ban on masks – perceived as an identifying feature of *casseurs*, have been maintained (Mauger, 2019; Bantigny, 2020). According to Bantigny (2020), the term *casseur*, literally translating to ‘rioter’ or ‘hooligan’, evokes the delict of participating in banned protests and particular acts of vandalism (i.e., broken shop windows and ATMs) used as a political statement.

Like the *loi anticasseurs*, Trouillard (2020) views the *loi sécurité globale* ('global security law', law n° 2021-646, adopted on May 25, 2021) in the context of the extensive diffusion of videos and photos of police violence over the past years and during the GJ movement. The law includes, i.e., the authorisation for police officers to carry their weapon in public establishments and when they are not in service, as well as several regulations facilitating video surveillance including the use of drones (Hourdeaux, 2021). Article 24 – article 52 in the adopted law, and equally censored by the *Conseil constitutionnel* on the request of members of parliament (Conseil constitutionnel, n.d.d; Légifrance, 2021) – seeks to prohibit the sharing of identifying features (i.e., the face) of a police officer or gendarme with the intent to cause physical or psychological harm. While being argued for with the necessity to protect police officer, Trouillard (2020) contends that its likely effect would have been a restriction on the documentation of police violence. Criticism of article 24 includes the concern that it is not formulated precise enough to ensure accessibility to and predictability of the law, and that it fails to uphold a general guarantee of the right to freedom of expression. The latter is linked to a likely intimidation of civil society as article 24 would have created a new offence punishable with imprisonment thus allowing police to take into custody individuals who commit, or are suspected of committing, this offence which is largely based on intent (Krack, 2020). The law was equally criticised by the UN as harbouring the risk of punishing those who provide evidence for possible offences and human rights violations by police leading to a *de facto* impunity (ibid.).

Restrictions on the right to protest including intimidation of journalists and protesters, pre-emptive arrests and a reliance on violent means in protest policing, as well as laws such as the laws *anticasseurs* and *sécurité globale*, can be understood in the context of a normalisation of the state of emergency (della Suda, 2020; Trouillard, 2020; Trouillard, 2021). After the Islamist terror attack on the Bataclan concert hall in Paris on November 13, 2015, the state of emergency was declared (Condaccioni, 2019). It was consecutively extended several times, lasting a total of two years. Even though the state of emergency officially ended in 2017, certain elements were adopted into law resulting in an increasing ban on protests and a strategy of repression of intentions and prediction of future crime (ibid.; Colliot-Thélène, 2021; c.f., Prugneau, 2020).

Simultaneous to the adoption of a protest policing strategy based on confrontation, the government launched the *Grand Débat National*, a project including public debates between politicians including Macron, and citizens, aimed at appeasing the GJ and criticised by some as

an insincere PR strategy (Mauger, 2019). Mauger (2019) argues, that these two approaches to handling the GJ protests signify the French government's attempt to maintain control by combining a strategy of force and a strategy of consent so that it appears that force is used in support of majority consensus (Mauger, 2019).

Literature review

The following literature review discusses the role of police, the dynamics and processes underlying police violence, its political dimension and conditions for changing protest policing strategies as a basis for my research aimed at answering the question: *How are the boundaries between legitimate and illegitimate police violence negotiated in the intersections of law (enforcement) and politics during the gilets jaunes movement in France?* Firstly, I discuss the role of police as a state institution tasked with maintaining public order and the conditions of its authorisation to use violence. I then elaborate on the boundary between sanctioned and unsanctioned police violence based on research on protest policing styles and different types of police violence.

I examine the dynamics underlying police use of violence, particularly excessive and unauthorised violence. Stereotyping, police's self-image, and communication as well as legal and organisational conditions highlight the dynamics underlying individual misconduct and the consequences of structural and strategic processes. They fail, however, to explain the political aspect of police violence. Part of the political dimension of violent protest policing is the active creation by public authorities of conditions that enable (excessive) police violence, use it as a tool for repression and legitimise it through legislation and discourse. I argue that in this regard police violence is only the most visible aspect of repression which is based on and reinforced by the symbolic violence of political discourse while simultaneously becoming a catalyst for changes in legislation. I discuss the conditions for changes in policing strategies and related laws, and, in the last part, elaborate on the intersections between law and politics and the contribution of my research to the outlined academic field.

To gather relevant literature, I used the online search portals *LUBsearch* (n.d.), *cairn.info* (n.d.), and *Google Scholar* (n.d.). First, my search included broad search words, i.e., *protest policing*, *police violence + protests*, and *police violence + gilets jaunes*. Throughout the

reviewing of the scholarly articles and academic books which I compiled, I narrowed down the key words I used to find more information on specific aspects, i.e., the laws *anticasseurs* and *sécurité globale*. This snow-balling approach allowed me to gain a comprehensive overview of the field, and thereby to establish the predominant foci of other researchers. My reviewed literature consists mostly of peer-reviewed articles and academic books. Yet, it also includes a few blog articles written by researchers (Krack, 2020; Trouillard, 2020) and dissertations (Nilsson, 2009; Persson & Hägglund, 2007) which provided factual information on certain issues.

Conceptualisation of police violence and protest policing

Law researcher Olivier Cahn (2019) describes the police as an institution of the state's penal system functioning to enforce the rules aimed at public order and security within the state. Police in democracies is distinguished from police of authoritarian regimes by confidence and trust of citizens in the police force since the government and police force of a democratic state are – or at least should be – bound by the rule of law rather than guided by arbitrariness.

Police, as representatives of the state, are authorised to use violence based on the state's monopoly on violence and thus function as its 'extended strong arm' (Peterson, 2006: 5; c.f., Jobard, 2001; Zlobina & Andujar, 2021). While police are permitted to exercise violence, these acts are subject to regulations and the need to legitimise them (Jobard, 2001; Zlobina & Andujar, 2021). Legally authorised police use of violence – including during protest policing – is thus limited by principles of necessity, proportionality, and reversibility (Fillieule & Jobard, 1998; Björk, 2005; Lohne Lie, 2020; Trouillard, 2021).

Sociologist Mattias Wahlström (2007) differentiates between three styles of protest policing, that is of police activity aimed at maintaining public order and ensuring respect for the law during protests: 1) *escalated force style* tends to react violently against disruptions by protesters; 2) *negotiated management style* seeks to negotiate with protesters to avoid violence and tolerates minor disturbances; and 3) *strategic incapacitation style* relies more heavily on coercive tactics than negotiated management style policing but targets it – often proactively – at transgressive protesters. While policing styles vary in their specificities between countries, a general trend in late-20th century Europe from a repressive (*escalated force*) style towards a softer approach

(*negotiated management style*) has been marked by researchers (della Porta & Reiter, 1998; Björk, 2005; Bony et al., 2021). More recently, Pickard (2019) argues that, while government officials proclaim an increasingly consent-based approach to policing, British policing is being militarised. The increased use of tools such as tear gas, tasers and water cannons, and militarised policing methods in combination with repressive laws lead to a criminalisation of political contestation (ibid.). Both in Great Britain and France, protest policing and laws pertaining to protests are becoming more (violently) repressive in connection to anti-terrorism measures and a normalisation of the exceptional (Pickard, 2019; Prugneau, 2020).

The use of the term *police violence* in public discourse is generally associated with police officers' illegitimate use of violence. Yet, I use the term to refer to both sanctioned and unsanctioned acts of violence by police as this thesis explores the shifting boundaries between what level and kind of violence is considered (il)legitimate. While it is often difficult to trace the outbreak of violence during protests to either protesters or police, police, public authorities, and media tend to see protesters as the sole actors of escalation (Peterson, 2006). Yet, research since the 1960s suggests that in most cases police bear most of the responsibility for violence at protests either through violent interventions, or more indirectly through strategies that result in the escalation of confrontations (ibid.).

In the context of protests, sociologist and political scientist Donna della Porta and historian Herbert Reiter (1998) distinguish between different types of policing. These distinctions refer to organisational or strategic characteristics based on the level of preparation, the communication strategy with protesters and its characteristic as reactive or preventive. Other distinctions refer to the degree of violence that is used and how it is used. Police exercise of violence is further divided by Anders Lohne Lie (2010) into several levels ranging from symbolic violence as the lowest level of use of force to the use of firearms as the most extreme use of violence. Sociologist Abby Peterson (2006) bases her research on sociologist François Dieus' three aspects of violence under the umbrella term of police violence. *La violence instrumentale* (instrumental violence) is based on legitimate authority – the state's monopoly on violence. *La violence dérivée* (derivative violence) originates from the first type of violence but is characterised by excessive and/or arbitrary use of force. Lastly, *la violence déviante* (deviant violence) refers to intentionally committed unsanctioned acts of violence motivated by anger or revenge.

Individual bias of police officers is often argued to be the main cause of illegal police violence (Obasogie, 2020). This bias includes both police perception of their own behaviour and role, and their (stereotypical) perception of protesters. Wahlström (2007) distinguishes between two ideal types of the role of police: *Staatspolizei* (state police) which adheres to the self-understanding of being at the service of the state and responsible for its protection, and *Bürgerpolizei* (citizen police) which sees itself as serving and protecting the state's citizens. The role police see themselves in – which in part is shaped by police encounters with protesters and public reaction to their interventions (ibid.) – consequently influences their policing style and thus, too, the likelihood and extent of violence.

Both a dehumanisation of protesters, i.e., using animal imagery, and a self-dehumanisation as emotionless machines on part of police may act as a catalyst for (excessive and unauthorised) police violence (Soares et al., 2018; Zlobina & Andujar, 2021). Similar observations are made in connection to the stereotyping of protesters as 'good' or 'bad' protesters; that is as citizens who protest about issues concerning them directly in an institutionalised, orderly and therefore predictable manner, or as activists protesting in an unpredictable manner against issues that do not necessarily affect them directly (della Porta & Reiter, 1998; Wahlström, 2007). Stereotyping of protesters can lead to police expecting violence to occur even in complete absence of signs that protesters will disturb public order or commit acts of violence, as was the case during the protests during the European Union (EU) summit in Gothenburg in 2001 (Adang, 2021). These expectations consequently make a confrontational and violent protest policing strategy more likely. The moral disengagement occurring in these instances may be reinforced by a perception of reduced individual responsibility and collective rather than individual action, particularly when individual police officers are anonymous i.e., through visors or other uniform (protective) gear (Peterson, 2006). Similarly, Waddington observes that being armed with weapons such as batons amplifies the potential for aggressive and violent behaviour, particularly when individual police officers are difficult to identify (ibid.).

The above described indistinction of individuals – police officers but also protesters – when combined with a lack of communication (c.f., Persson & Hägglund, 2007), can have as a consequence the escalation of protests due to misunderstandings. Johannes Knutsson (2010) highlights that both verbal as well as non-verbal communication – i.e., sirens, placement and formation of uniformed police, visibility of tools of force which give signals ranging from

indicating a calm situation to police being ready to exercise violence – influence the (de-)escalation of protests. While police see a confusing crowd of moving and shouting protesters, protesters face rows of unidentifiable police equipped with protective gear and weapons ready to use violence (Fillieule & Jobard, 1998). Thus, if police strategies are not clearly communicated and police stereotypes of protesters are not dispelled (c.f., Wahlström, 2007), misunderstandings may arise that reinforce mutual hostility and stereotypes potentially resulting in a violent escalation of confrontations.

The increased likelihood of police violence due to militarised policing – including the use of weapons as outlined above – can be reinforced when officers are insufficiently trained, badly prepared, or in a context of confusing or repressive laws (Björk, 2005; Peterson, 2006; Pickard, 2019). Bad preparation and insufficient training were factors contributing to the violent escalation of protest policing during the EU summit in Gothenburg in 2001 (Peterson, 2006; Wahlström, 2007; Nilsson, 2009). Apart from a few specialised riot police units, most officers were unprepared for the situation and lacked training in protest policing which in contrast to everyday policing requires officers to work in larger groups. These factors led to uncertainty among police (Adang, 2021) thus presenting an obstacle to de-escalation.

Not only the lack of training, but also the insufficiency of specialised training factors into the violent escalation of protest policing (Noël, 2017; Holgersson, 2018; Colliot-Thélène, 2021). Training with so-called ‘less-lethal’ weapons in France takes half a day and includes only little actual practice on solely static targets (Noël, 2017). ‘Less-lethal’ weapons include sting grenades and the LBD-40 which shoots a rubber bullet at a speed of 330 km/h making it extremely dangerous at less than ten metres or when aimed at the head, chest or genitals (ibid.; Colliot-Thélène, 2021). The lack and insufficiency of training has as consequence incidents that result in irreversible harm such as the loss of an eye (Noël, 2017).

While laws regulating the conditions of police use of violence are intended to protect citizens’ rights and liberties, laws may also create conditions that enable rather than prevent police violence (Obasogie, 2020; c.f., Björk, 2005). Moreover, the legal system provides little opportunity to question the legitimacy of violence exercised by police (Jobard, 2001). Combined with the anonymity of individual police officers discussed above, illegitimate police violence remains frequently without consequence for the police officer in question. This *de facto* impunity does not, however, stem from a blank check for police to abuse the state’s monopoly on

violence, but from a presumption of honesty in court on the necessity and proportionality of their actions (ibid.).

The above outlined research into the factors leading to police violence explains individual misdemeanour and the unintentional creation of conditions that increase the potential for violent protest policing and escalation of confrontations. Below, I discuss the role of government as a further factor that paves the way for – authorised (*instrumental*), unauthorised (*derivative* and *deviant*) and in hindsight legitimised – police violence to occur. Rather than being linked to individual wrong-doings and unintentional omissions, this factor is related to larger processes that intentionally establish and legitimise police violence as the norm.

In the rare cases in which police are held responsible for illegitimate violence, it is often individual officers that are held accountable (Peterson, 2006; Colliot-Thélène, 2021; Trouillard, 2021). While violence may be the wrong-doing of individuals, other factors – such as structural causes (i.e., lack of training) as discussed above or political aspects – remain unchallenged (Fillieule & Jobard, 1998; Peterson, 2006). Due to the inherent link between policing and politics based on the police being a state institution tasked with upholding the state's understandings of public order and security, encounters between police and protesters highlight the relation between the State and activists (Peterson, 2006). Thus, the political system determines the basic conditions giving rise to specific styles of protest policing, protester stereotypes, and demarcations of disorder and (legitimised) violence (della Porta & Reiter, 1998; Jobard, 2008). This link between police and politics is visible directly in the form of government support for police violence against protesters, as Trouillard (2021) argues applies to the case of the GJ in France, or indirectly through political discourse resulting in police treating different populations with varying degrees of leniency, as well as their decision-making on overall policing methods and equipment (Colliot-Thélène, 2021; Achiume, 2021).

With a focus on recent developments in France, sociologist Vanessa Condaccioni (2019) argues that police violence represents one aspect – next to i.e., trials, bans on protests and surveillance – of an increasing repression against protesters. In this context, police violence fulfils three functions: 1) it is an expression of coercive state power; 2) it establishes and maintains the border between those who hold the monopoly on violence and those who do not; 3) it is a tool to eliminate political contestation thereby outlining what is sayable, doable, and thinkable in activism (ibid.; c.f., Mauger, 2019; Pickard, 2019). The repressive character of

policing and its origin in political decision-making on the treatment of protesters is most visible during protest that are not tolerated by the government. Political scientists Olivier Fillieule and Fabien Jobard (1998) illustrate this phenomenon with the (banned) protest against the visit of the Turkish prime minister to France in 1988. The government's orders to *immediately* disperse protesters led to pre-emptive confrontational policing aimed at arresting those attempting to protest rather than to disperse protesters *after* they showed violent behaviour. Protest policing strategies, and particularly the use of violence, are thus shaped by the political context in which they take place (Bony et al., 2021).

While repressive measures tend to be depicted as reactions to illegal acts of protesters by police and the government, Condaccioni (2019) recalls that governments have the power to determine the boundary between legality and illegality. On this basis, police violence is merely the more visible part of repression and is complemented by the more obscure symbolic violence of political discourse (Mauger, 2019; Colliot-Thélène, 2021). It is rare that public authorities recognise the illegitimate and illegal character of police violence (Barkat, 2020). Instead, the credibility of the evidence (i.e., videos) is questioned, and violent police interventions are *a priori* judged legitimate based on a notion of rule of law which omits the aspect of legitimacy that is intertwined with it and justified as an efficient means to contain 'violent' protest (ibid.; Adam-Troïan et al., 2020; Colliot-Thélène, 2021; Trouillard, 2021). These discourses reveal politicians' perception of (certain) political contestations as inadmissible disruptions of public order which justify violent coercion, and a negotiation-adverse thinking that distinguishes between 'us', the educated, intelligent elite, and 'them', the uneducated, unintelligent, lazy, delinquent contradictors (Collovald, 2021).

Changing laws and policing styles

As discussed above, policing styles including the use of violence are shaped by political and legal contexts. Governments hold the power of decision-making over the creation and changing of laws, albeit within the framework of the state's constitutional standards (Obasogie, 2020). Political discourse and direct political involvement in policing strategies thus influences the degree to which violence is used, tolerated, and en- or discouraged. It is rare that instances of (extreme) police violence are followed by reforms or other changes. Instead, police violence is

often justified by public authorities as an effective tool against (allegedly) violent protesters, and police tend to blame their failings on external factors while interpreting attacks against them as confirmation of the success of their strategies (Holgersson, 2018; Adam- Troïan et al., 2020). When changes in laws pertaining to protests and protest policing, and changes in protest policing style occur, they are often traced back either to changes in government or moments of extreme social tension or crisis (della Porta & Reiter, 1998; Coulet et al., 2003; Wahlström, 2007).

While left-wing governments tend to prioritise civil liberties over coercive police violence due to the historic violent repression of the workers' movement, conservative and right-wing governments are more likely to mobilise police to use violence against protesters in the name of law and order (della Porta & Reiter, 1998). In this latter context, police violence and pre-emptive repression represent means to weaken protest movements in line with discourse of protesters' violence and deviance aimed at harming their credibility (Condaccioni, 2019; Bony et al., 2021). This process of criminalisation of political dissent may then be followed by introduction and extension of legislation pertaining to protests and protest policing (Pickard, 2019; Prugneau, 2020).

Extreme cases of social conflicts or movements that are dealt with by police in an unusually violent manner may be catalysts for change, as was the case in Sweden after the events in Gothenburg in 2001 which highlighted the shortcomings of police strategies and a lack of clarity of the law (c.f., Björk). These changes may be implemented either to avoid violence and escalation in the future, or to provide police with greater authority and means to make use of violence against protesters (Coulet et al., 2003; Wahlström, 2007).

Intersections of law and politics

Much research focuses on individual officers' responsibility and factors such as stereotyping and emotional processes favouring the escalation of conflictual situations during protests. Another focus identified in the research which I discussed above lies on structural shortcomings in training, tools, strategies and communication which increase the likelihood of violence. A third strand of research alludes to the intersection of law and politics in instances of police violence and its underlying causes and processes. This intersection manifests itself in several ways. It is reflected in the characteristic of the police as a state institution tasked with the enforcement of

laws created through political processes (c.f., della Porta & Reiter, 1998; Peterson, 2006; Jobard, 2008). Politicians further decide on laws and regulations pertaining to, as well as a general degree of acceptance of, the use of coercive strategies and weapons against protesters (c.f., della Porta, 1998; Fillieule & Jobard, 1998; Colliot-Thélène, 2021; Achiume, 2021). Lastly, police violence against protesters highlights the interconnection of law, as well as law enforcement, and politics by it being only one aspect of a larger repression of political contestation by the state which is complemented by juridical means such as trials and repressive laws (c.f., Condaccioni, 2019).

My research is intended to complement the above discussed literature in two ways. Firstly, it is located within the focus on the outlined intersecting legal, political and policing processes, rather than examining causes such as individual misdemeanour. Within this field it contributes to existing research through a focus on the role of political discourse in connection to police violence against protesters. My research's second contribution lies within its focus on the impact of political discourse on the meaning-making of police violence in the context of protests. Discourse has been acknowledged as a factor underlying processes of repression against activists. Yet, the above discussed literature suggests that there is a prevalent focus on either police officers' dehumanising discourse on and stereotyping of protesters (c.f., Soares et al., Achiume, 2021; Colliot-Thélène, 2021; 2018; Zlobina & Andujar, 2021), or on discourse as part of an overarching analysis of a criminalisation of political contestation (Condaccioni, 2019), rather than relating it to police violence in specific.

Below, I further discuss the thereof resulting debate on power and violence using German Jewish political philosopher Hannah Arendt's (1969; 1970) reflections in which, unlike German Jewish thinker Walter Benjamin (1978), she does not illustrate violence as inherent to law and power, but as opposed to power.

Theory

In the following, I present my theoretical framework which is closely related to the discussed research on the interconnection between police, violence, the law and political power. I draw on Benjamin's critique of violence and Arendt's reflections on violence and power. Both theories lend themselves to the investigation of police violence against protesters due to their emphasis on

respective conceptualisations of violence and its relation to the state and its legal system. Simultaneously, these conceptualisations – particularly in Arendt’s case – are not necessarily aligned with common understandings of concepts such as violence and power (Breen, 2007) and their use may influence the interpretation of my data. Social contract theorists may be inclined to view my chosen case in terms of the justifiability or legitimacy of the protesters’, police’s and government’s actions vis-à-vis their respective responsibilities and roles as decreed by a social contract (c.f., Caldwell, 1986). Poststructuralists may put greater emphasis on the interrelational character of power dynamics linked to a relation of ideology and force (c.f., Hanssen, 2005) which are revealed in encounters between police/ state and protesters. Based on these different foci, research results may vary. I argue that this does not discredit any one theory but can be seen in terms of different perspectives on a common issue which highlight different aspects, complement each other, or contribute to the creation of knowledge through academic debate based on differing interpretations. The theoretical framework is not only applied in the interpretation of my data (see *Analysis*) but has also influenced the coding process which is part of my methodology (see *Coding*).

Police violence and the state

The World Health Organisation (WHO) defines violence as ‘the intentional use of physical force or power, threatened or actual, against oneself, another person, or against a group or community, that either results in or has a high likelihood of resulting in injury, death, psychological harm, maldevelopment, or deprivation’ (cited by Watkin, 2015: 140). While the WHO’s conceptualisation emphasises inter-subjective aspects of violence (Watkin, 2015), to understand police use of violence a further element must be considered: the state. I contextualise the following theoretical framework and connected it to the discussion on previous research above by illustrating the concept of German sociologist Max Weber’s *monopoly on violence*.

I proceed to discuss Benjamin’s critique of violence. Here, I draw predominantly on his concepts of *law-making* and *law-preserving violence* which Benjamin argues are inherent elements of the legal system and are collapsed in the institution of the police. I further outline his concept of *mythical violence* which is generally understood to be synonymous to *law-making violence*, and which clarifies the connection between violence, the law and (political) power.

While the concept of *divine violence*, a law-destroying violence, is less relevant to my research which focuses on the law-making or mythical and law-preserving functions of political police violence, I include it nonetheless in my discussion as it serves to illustrate *mythical violence* to which it is opposed.

The state, according to Weber, is defined as a human community within a fixed territory. It possesses a(n allegedly) legitimate monopoly on physical violence, which sociologist Pierre Bourdieu argues is complemented by, and based on, a monopoly on symbolic violence (Arendt, 1969; Mauger, 2019; cf., Zlobina & Andujar, 2021). While the state's physical violence is carried out by institutions like the military and the police, symbolic violence is present i.e., in the discourse of state representatives.

The state's possession of a monopoly on legitimate violence does not imply, as Trouillard (2021) points out, that all violence exercised by state representatives (i.e., police) is inherently legitimate. Rather, than being an essential feature of state violence, its legitimacy must be based on what is judged to be legitimate 'by those to whom this domination applies [...] i.e., the people' (Trouillard, 2021: 3). From a Weberian perspective, this judgement is rooted either in custom, charisma, or – most commonly and appropriately in a state based on the rule of law – on legality (ibid.). Thus, while the police as a state institution disposes of a monopoly on violence, it is at the same time defined by principles limiting its use of force and necessitating a legitimisation of the use of violence when it occurs (Jobard, 2001; Zlobina & Andujar, 2021).

In addition to linking violence to state power, Walter Benjamin (1978) analyses violence based on the different functions it fulfils in relation to law. He bases his reflections on a critique of natural and positive law perspectives on violence. Whereas the natural law tradition suggests that ends which are just, justify the use of violence as a means, positive law emphasises that the justness of ends is derived from the means being legal and therefore just (ibid.). In this latter tradition of legal thought, violence is seen as a product of history leading to a distinction between historically acknowledged and therefore sanctioned/legal ends, and historically unacknowledged and thus unsanctioned/natural ends.

In this relation between means and ends, violence can only be a means to an end, never an end itself (Benjamin, 1978). Benjamin further argues that whenever the unsanctioned ends of individuals could be pursued through violence, the state's legal system creates legal ends which can only be achieved through legal power. Thus, he draws the conclusion that extra-legal

violence is a threat to the legal system (ibid.). By that he does not mean that it threatens the realisation or legitimacy of legal ends. Were this the case, only those acts of violence aimed at obtaining unjust ends that contradict legal ends would be condemned. Since, however, all individual violence – except for rare cases such as self-defence – is condemned, it must mean that this kind of violence threatens the legal system as such. Thus, too, the state monopoly on violence, which has as purpose the preservation of the (legal system of the) state, is explained (ibid.).

For Benjamin (1978), the legal system and its laws are inextricably intertwined with violence as all legal contracts are violent in origin. Even if their creation itself was non-violent, violence is implied in legal contracts as a response to a potential infraction to it. All violence, he argues, is either *law-making* or *law-preserving*. Law-making violence creates or modifies legal conditions, thereby granting power. Law-preserving violence subjects citizens to the laws which law-making violence has established. The relation between these two functions of violence can be described as a cycle: Law-making violence creates legal conditions which are consequently maintained and reaffirmed by law-preserving violence which defends the legal system against external counter-violence thereby equally weakening the initial law-making violence. This process lasts until the hostile counter-violence or other forces succeed in establishing new laws and begin a new cycle (ibid.; Watkin, 2015).

The police as a state institution represents a curious case in which both functions of violence appear in the form of a dissolution of the separation between law-making and law-preserving violence (Benjamin, 1978). Police act as representatives of the state using violence to preserve the state's legal system. Simultaneously, they have the authority make decisions regarding these ends themselves within vague boundaries. '[T]he police intervene "for security reasons" in countless cases where no legal situation exists', states Benjamin (1978: 287) when he argues that it would be misleading to assume that the ends created by police necessarily align with the legal ends of the state. 'Rather, the "law" of the police really marks the point at which the state, whether from impotence or because of the immanent connections within any legal system, can no longer guarantee through the legal system the empirical ends that it desires at any price to attain' (Benjamin, 1978: 287). Put otherwise, while the police serve to maintain the state's legal system, it cannot be contained within its boundaries (c.f., Bhuwania, 2007). I argue that this analysis of the police supports the suggestion that law enforcement and politics are not only

linked through the role of police as law enforcers, but also through their law-making potential which, just as politics influences policing, influences politics in return. This link between police and politics (c.f., della Porta & Reiter, 1998) is further supported by an understanding of the police as an institution going beyond enforcement of the law by police officers. Benjamin (1978) describes the institution *police* and its violence as an intangible and ubiquitous presence in the citizens' everyday life, i.e., through laws and rules, as well as surveillance. Therefore, it stands to reason that Benjamin's conceptualisation of the police is similar to Cahn's (2019) threefold understanding of the police as 1) the aggregate of rules imposed by authority to create order and security within the state, 2) one of three parts composing the penal system, and 3) a public force tasked with ensuring respect for the law. More broadly, there exist two forms of police. The term *administrative police* describes the ensemble of means, such as regulations, authorisations, and coercion (c.f., Condaccioni, 2019), which are established by public authorities to establish or maintain public order (Cahn, 2019). *Juridical police*, more narrowly, refers to policing activities such as the detection of infractions, as well as the finding of the respective perpetrators and the necessary evidence to prove their guilt (ibid.).

Benjamin (1978) further distinguishes between *mythical* and *divine violence* by placing them in opposition to one another. 'If mythical violence is lawmaking', he writes, 'divine violence is law-destroying' (Benjamin, 1978: 297). This latter violence is directed not against people in order to establish law, but against law itself. It is a violence against violence with justice as its principle. It thereby breaks the cycle of mythical law-making and the consecutive law-preserving violence exercised to maintain it, or in other words the cycle of means and ends (Benjamin, 1978; Watkin, 2015; Jeong, 2020). Benjamin (1978) concedes that this divine violence is difficult, if not impossible, to recognise particularly in the very moment when it is exercised. He nonetheless suggests that revolutionary violence is the closest humans can come to divine violence (ibid.; c.f., Agamben, 2015). While the debate on divine violence and its contested appearance in the form of revolutionary violence (c.f., Jeong, 2020) is a fascinating one, I do not engage in it here as the focus of my research is on law-making and law-preserving processes. The concept of mythical violence, however, requires some clarification as it further details the function of law-making violence as well as the interconnection of violence and power.

While literature and philosophy researcher William Watkin (2015) interprets mythical violence as a conflation of law-making and law-preserving violence, I agree with philosophers

Seung-hoon Jeong (2015) and Alison Ross (2014) on their understanding of mythical violence as essentially law-making violence. This understanding is based on Benjamin's (1978: 295) description of mythical violence as 'closely related, indeed identical to lawmaking violence'. It differs from law-preserving violence in that the latter punishes yet leaves the punished with the hope to one day escape this violence by establishing new legal conditions. Meanwhile, the mythical violence of law-making is not merely a means to an end but also a manifestation of power. Law-making does not only use violence to establish law but also – at the very moment when it has identified what is to become law and sets about to establish it – inscribes violence in the legal conditions it creates in the form of power.

In the German word *Gewalt* there appears to be an inherent conflation of power and violence (c.f., Hanssen, 2005). While power is commonly referred to as *Macht*, the word *Gewalt* – most often used to mean violence – is sometimes used as well to refer to power, i.e., in the balance of powers, the *Gewaltenteilung*. This conflation exists in Benjamin's (1978) theory as well, to the extent that his perspective on violence goes beyond its conceptualisation as purely physical violence to include a larger bureaucratic and administrative state and police apparatus. As Hannah Arendt (1969; 1970) criticised this conflation, I argue that her theory on violence and power contribute to a more nuanced perspective on the relation between the two phenomena.

Arendt (1969; 1970; c.f., Breen, 2007; Herzog, 2016) argues that while power and violence frequently appear together, they are phenomena which constitute opposites. Political scientists throughout history have, according to Arendt, conceptualised violence as the most blatant appearance of power. Yet whereas, i.e., C. Wright Mills describes violence as the ultimate form of power (Arendt, 1969) and Weber defines the state as 'the rule of men over men based on the means of legitimate, that is allegedly legitimate, violence' (Weber, 1921, cited by Arendt, 1970: 35), Arendt makes a clear distinction between the two.

Whereas power is an end itself which does not need to be justified and instead only requires legitimacy (through reference to a past event or process). Violence, on the other hand – Benjamin (1978) and Arendt (1969; 1970) agree on this point – is a means which can be justified by its ends but never be legitimated. When violence is used, Arendt (1970) concludes from this conceptualisation, there always exists the risk that the means (violence) overwhelms and consequently replaces the end it pursues. When used in pursuit of power as the end, violence can

thus strengthen or weaken, even destroy, power but never create it as neither violence nor power in their extreme manifestations can co-exist (Arendt, 1969; Arendt, 1970).

Whereas violence has as its effect unquestioned obedience and can thus be wielded to some extent by a single individual, power requires the support of a group based on a consensus which may be questioned or revoked (Arendt, 1970). This group, however, is not necessarily a majority. A minority can indeed have more actual power than a majority if the majority does not use their potential power and remains silent, thereby inadvertently taking the side of the minority (ibid.). It follows, that power necessarily begins to appear when the group of people that initially came together to find a consensus – and thereby create power – no longer uphold it. The ‘power’ of governments – all forms of government – is thus the power which the people who support it lend to the government and its institutions (ibid.). ‘No government’, Arendt (1970: 50-51) writes, ‘exclusively based on the means of violence has ever existed. Even the totalitarian ruler [...] Single men without others to support them never have enough power to use violence successfully.’

When support for those power is lent to is revoked and power is thus lost, governments may resort to violence as a last resort (Arendt, 1970). Yet, as discussed above, since violence and power cannot exist simultaneously in their absolute forms, an increase in violence takes place at the expense of power. Thus, governments may be successful in using violence to secure control. Unrestraint violence, however, will overwhelm and replace power resulting in its disappearance.

Methodology

To answer my research question *How are the boundaries between legitimate and illegitimate police violence negotiated in the intersections of law (enforcement) and politics during the gilets jaunes movement in France?*, I chose to conduct a Critical Discourse Analysis (CDA) using televised statements, press conferences, and *Sénat* and *Assemblée Nationale* debates and auditions on the GJ movement and police violence in its context. The chosen methodology not only influenced the structure of the analysis based on the coding categories which I discuss in the last part of this section. It also provides a foundation for answering the research question through its emphasis on the discursive construction of ‘truths’ (see below) – in this case ‘truths’ of the

(il)legitimacy of police violence against protesters. Lastly, CDA becomes the link which connects the analysed data to the larger context of the reviewed academic literature.

Below, I outline the methodological implications and tools used in a CDA and discuss my choice of method. I then illustrate the process I followed while conducting my CDA, based of Schneider's (2013b) toolbox. I discuss the validity and reliability of my research, as well as ethical considerations and, in this context, reflexivity. Lastly, I illustrate and discuss my data, the process of data gathering, and the development of my coding categories.

Critical Discourse Analysis

To understand the function of a discourse analysis it is helpful to begin with a reflection on the nature of discourse and its relation to power. Power, as it is understood by the postmodern philosopher Michel Foucault, does not only describe the oppressive capacity of some to subject others to their will. It is likewise a *productive* force that permeates all of society (Jørgensen & Phillips, 2002). It is through power that hegemonic understandings and representations of the (social) world are created, reproduced, and normalised as 'truths' but, at times, also challenged and changed. Discourse is connected to these processes since how we perceive and make sense of reality is mediated and translated through discourse, and the extent to which these understandings become established as 'truths' or are successfully challenged is dependent on how much power the authors of discourse hold (ibid.; Schneider, 2013a; Halperin & Heath, 2017; Wiggins, 2017; Casey & Larsson, 2018). The characteristic of CDA as a methodology with a strong connection to poststructural theory and thus a conceptualisation of power which differs from that presented above, must be acknowledged. However, I argue that the combining my theoretical framework and its understandings of power with CDA does not pose a problem to my research. While emphasising Benjamin's and Arendt's conceptualisations of power rather than the poststructural definition of the term, I combine their theories with CDA's emphasis on discourse and the (re-)production of 'truths', the analysis of which contributes to the potential to challenge these 'truths'. Thus, I adapt this methodology to my research and research question without entirely disregarding its theoretical foundations.

Discourse, in the most simplified terms, can be defined as 'the use of language' (Chilton, 2004: 16, cited by Schneider, 2013a), although others, including Lillie Chouliaraki and co-

founder of CDA Norman Fairclough (2000), understand means of communication such as facial expression, body language and images as discursive. Marianne Jørgensen and Louise Phillips (2002: 1) simplify discourse as ‘a particular way of talking about and understanding the world (or an aspect of the world)’. They thus provide space in their definition for modes of communication beyond language, yet this conceptualisation – as that of discourse analyst Paul Chilton (cited above) – does not take into consideration the embeddedness of power in discourse. This interconnective role of discourse and power in the creation and normalisation of ‘truths’ (norms, values, rules, understandings of reality) through socio-political interactions is implied in linguist Siegfried Jäger’s description of discourse as ‘the flow of knowledge through time’ (cited by Schneider, 2013a; c.f., Halperin & Heath, 2017). From these premises are derived certain ontological and epistemological impacts on (critical) discourse analysis as a methodology. In the following section, I discuss these ontological and epistemological implications, and argue for my choice of the use of a CDA.

As there is no single conceptualisation for *discourse*, there is no single definition of a discourse analysis. Aimee Grant (2019) describes discourse analyses – which under this umbrella term combine multiple different approaches – in general terms as the sceptical reading of texts (i.e., verbal communication, written documents, images) which transcends the analysis of their surface meaning. The premises discussed in the previous section reveal CDA’s ontology as rejecting the positivist world-mind dualism that views reality (the world) and our knowledge of it (mind) as separate from and independent of each other, thus resulting in the epistemological assumption that the researcher can assume a neutral and detached position from which they can infer objective truths and generalisable causalities (Schuetz, 1953; King et al., 1994; Jackson, 2011). Instead, the postpositivist ontology underlying CDA emphasises the social construction of meaning (Halperin & Heath, 2017). While the world may exist independently from human beings, it only becomes meaningful through human (inter-)actions in the process of which intersubjective and context-dependent understandings of reality are discursively (re)produced and institutionalised i.e., as norms (Hacking, 1999; Jørgensen & Phillips, 2002; Jackson, 2011; Hansen, 2017).

The purpose of a discourse analysis is thus not to uncover the ‘true’ motives, intentions and thought processes of a text’s author, nor is it to discover some objective reality behind discourse. Instead, its function is to analyse patterns in discursive representations of reality to explore their

impacts of society and to reveal the processes of power relations by which certain understandings are normalised as a self-evident ‘truths’ (Jørgensen & Phillips, 2002, Schneider, 2013b; Grant, 2019). CDA aims at analysing power relations, in part with the normative aim to critique processes of (re)producing ‘truths’ that have a negative impact on society and to highlight where there is potential to challenge these power relations and ‘truths’ (Jørgensen & Phillips, 2002; Hogan, 2013; Halperin & Heath, 2017; Fan, 2019). Whereas Ernesto Laclau and Chantal Mouffe’s discourse theory views discourse as constitutive of social reality, CDA sees discourse in a dialectic relationship with social reality in which it both shapes and is shaped by the social world (Jørgensen & Phillips, 2002). And while, Laclau and Mouffe’s discourse theory focuses on large and abstract discursive practices in society, and discursive psychology analyses everyday discourses, CDA’s focus lies in between the two (Jørgensen & Phillips, 2002).

I argue that CDA as a methodology is well suited to my research question – *How are the boundaries between legitimate and illegitimate police violence negotiated in the intersections of law (enforcement) and politics during the gilets jaunes movement in France?* – as it focuses on the (re)production and institutionalisation of specific ‘truths’. I investigate the processes through which the limit of acceptable (‘legitimate’) use of police violence against protester is (re-)defined and consequently institutionalised. While the latter (institutionalisation) manifests itself through the creation and amendment of policies and laws, the former finds its expression in discourse. Through the application of Benjamin’s (1978) theory on violence and the law, and Arendt’s (1969; 1970) theory on violence and power, the notion of power is highlighted, and the question is raised of who can effectively define and/or change social ‘truths’, that is, who has the power to (re)produce and naturalise certain forms of violence as legitimate and others as illegitimate.

Schneider’s toolbox

Social science researcher Florian Schneider (2013b) developed a ten-step toolbox for conducting a CDA based on the work of Chilton, Jäger and Fairclough. In the following, I outline these steps. I furthermore illustrate how Schneider’s toolbox guided my research. Schneider’s (2013b) toolbox can be divided into three categories: 1) preparation of data (steps 1-3); 2) coding (steps 4-8); 3) interpretation (steps 9-10). The preparation of the gathered data includes its contextualisation (step 1) both in terms of authorship and time of publishing, as well as in terms

of its larger socio-political, historical and cultural context. I established the broader context of my data by outlining the events, alongside further information, which are relevant to my case, including the GJ protest of December 1, 2018, the laws *anticasseurs* and *sécurité globale*, the widespread diffusion of images of police violence against protesters, as well as the state of emergency declared in France in 2015 (see *Background*). I further contextualised my data by marking the author and publishing dates on the document in which I collected the texts. Related to step 1, is the gathering of additional data (step 2) such as the target audience which I noted alongside date and author in the document. Considering this information enables the observation of patterns and inconsistencies throughout the texts, i.e., whether the discourse changes over time, or depending on the author or audience. Schneider's third step is the preparation of data for coding. To do so, I transcribed my data in a Word document which I then formatted to be easily readable and printed to be coded manually.

The coding of data begins with the developing of coding categories (step 4) to conduct a consistent, structured, transparent and thus repeatable analysis (Schneider, 2013b). I used evolutionary coding in which the initial coding categories are established and then continuously revised and adapted. Thus, irrelevant codes are removed and previously overlooked but relevant codes are added making a more precise in-depth analysis possible. I developed the initial set of coding categories after the review of academic literature and revised and adapted them throughout the process of data collection, an initial reading of the texts and the coding itself. As mentioned above, I chose to code my data manually using different colours to highlight the respective discourse strands and taking notes next to the texts. Apart from the identification of discourse strands, the repeated reading and coding of the data served to identify cultural references (step 7) and linguistic features, such as idioms and metaphors, modalities and eventualities, and passive and active speech (step 8) which give further insights into the discursive processes of the (re)production and normalisation of 'truths', as well as *intertextuality* (Jørgensen & Phillips, 2002) – the interconnection between elements and discourses of multiple texts. Subsequently, I collected the identified discourse strands (step 5) using lists and mind maps to observe connections between texts and themes, overlaps and patterns, as well as inconsistencies (step 6). Schneider's final steps instruct the researcher to interpret (step 9) and present (step 10) the findings. While the interpretation of data is a continuous process, it is made concrete in the discussion of my findings following their presentation (see *Analysis*).

Validity and reliability

As a qualitative method, CDA serves to gain in-depth understandings of specific, context-dependent events and phenomena – here the (re)production and normalisation of the limits of legitimised police violence against protesters during the GJ movement in France since 2018 – rather than to identify generalisable patterns and causalities (Mabry, 2008). Two factors balance the potential risk inherent to interpretivist research of the researcher’s expectations and biases influencing the results. Firstly, a transparent methodological process which includes the systematic coding of my data ensures the possibility to repeat and thus test this process and the consecutive analysis (Schneider, 2013b; Halperin & Heath, 2017). Secondly, data triangulation using speeches and statements by different persons makes it possible to identify patterns – or in fact, contradictions and inconsistencies – that are not unique to one person but appear in the larger discourse within a specific context (Mabry, 2008).

Yet still, the likelihood remains that a different researcher may interpret the same data I use with slight variations compared to my findings. I argue that nonetheless these possible interpretative differences do not diminish the relevance of the findings as their validity and reliability can be ensured through a transparent methodological process and the plausibility of the analysis (Halperin & Heath, 2017). Instead, the differing interpretations themselves can be used as data for further research as the ontological and epistemological premises underlying CDA suggest that the researcher is always an active part of their research process thereby contributing to the discursive practices through which we make sense of social reality (ibid.).

While it is necessary for a social science researcher to take a certain amount of distance from the event or phenomenon which they analyse to reduce their subjective perspective on the subject, Jørgensen and Phillips (2002) argue that it is equally important to take into consideration and highlight the researcher’s position rather than to try – and necessarily fail – to achieve absolute neutrality and objectivity. To become aware of one’s bias, and thereby overcome it as far as is possible, reflexivity (c.f., Bourdieu, 1993; Jackson, 2011) is required which I discuss in the following section. This perspective implies that I, the researcher, am not free from pre-conceived notions and opinions on my research subject, due to my involvement in the GJ movements (see *Ethics and Reflexivity*). However, a reflexive approach creates transparency not

only in relation to the reader of my work, but also creates awareness within me of my biases allowing me to distinguish between concrete findings and results I merely expected to find. This process began already three years ago, during my direct experience with the GJ movement, when I was confronted with different representations of protesters, police and government through personal experiences, protesters' accounts and different news media (see *Ethics and Reflexivity*).

Ethics and reflexivity

As my data consists of publicly available texts authored by public figures the analysis of which generally does not need to be approved by an external ethics board and does not necessitate anonymisation or consent (Grant, 2019), my research involves less ethical concerns than a different method and data set – i.e., interviews with people belonging to a marginalised group – would. This, however, does not mean that such research is void of ethical implications and possible negative impacts (ibid.). Key to the ethical concerns to my research is, as previously referred to, reflexivity. Through methodological transparency and critical reflection of my position as a researcher in relation to the cases and data I analyse, I seek to 1) provide a consistent, plausible and reproducible analysis that explores the impact of specific discourses on society rather than to insinuate the existence of specific intentions and motives of these discourses' authors, and 2) limit the impact of my preconceived perspectives and opinions on my findings.

A reflexive approach presumes the impossibility of entirely neutral and objective research as the researcher's perspectives – and even their choice of research field, subject, theory, method and data – are influenced by their own bias as well as prevalent biases in their field (Bourdieu, 1990; Bourdieu, 1993; Jackson, 2011). The aim then is not to attempt to remove these biases, but to find a means to be transparent about them and their possible impact, as well as to reduce their potential effect on the findings (Bourdieu, 1990; Bourdieu et al., 1991; Bourdieu, 1993). A process of reflexivity, that is of critical reflection on these norms and biases, throughout the research renders this undertaking possible. As part of my reflexive process, I use the following section to discuss the how my choice of research was influenced, the potential impact of my biases, and how I seek to overcome them. The account below includes a set of photos which I

took during the GJ protests in Toulouse in 2019. These do not serve as data but have the purpose to further illustrate my experience and positionality.

My decision to do research on police violence in the context of protests was influenced by an experience I made in 2019. As part of my Bachelor programme, I spend several months in Toulouse (France) on an exchange semester. During that time, the GJ were protesting every Saturday, so I decided to join one of their protests to form a perspective on the movement that was less dependent on its representation in the media. Throughout the semester, I followed French and international media reporting on the GJ and spent most of my Saturdays at the protests talking to the people there and taking photos to then write articles about them for a student magazine (Emrich, 2019a; Emrich, 2019b; Emrich, 2019c).

During the protests I listened to people who had come to protest peacefully talk about their fear of the police and their anger against the police and the government which they perceived as intentionally using increasingly violent repression against them. I was told about police violence and – for protesters’ – incomprehensible and seemingly unjust and unjustified police interventions and witnessed such moments myself.



Photo 1: A protester carries a police shield decorated i.e., with the pictures of mutilated gilets jaunes protesters (Toulouse, 9 February 2019, acte 13)

In one such situation, I found myself in a police kettle without exit not even half an hour after the protest had started. After several police announcements instructing the protesters to disperse – which was impossible as all roads were blocked by police – they began launching tear gas into the crowd and only then opened the police kettle allowing the protest march to continue. In another instances, I was walking down the street alongside a small group of protesters who signalled their non-violence to the police officers who were nearby by raising their hands above their heads, the gesture commonly associated with surrender, as can be seen in the photo below.



Photo 2: Protesters walking down a street after previously having been dispersed by police (Toulouse, 9 February 2019, acte 13)

Nonetheless, one of the protesters was injured on the leg by one of the officer's use of an LBD-40 (rubber bullets, see *Photo 3*). With every protest I attended, I gained an increasing impression that often escalation (vandalism, barricades, throwing bottles and returning tear gas pellets followed by more police charges and use of tear gas, LBD-40, water tanks and sting grenades) took place after police interventions that were violent and/or perceived as unjust and unjustified by protesters.



Photo 3: Rubber bullet of an LBD-40 (Toulouse, 14 April 2019, acte 22)

This experience influenced me on three levels: my physical health, my mental wellbeing, and my perspective on police and protest policing. Regarding the physical impact, I noticed towards the end of my stay in Toulouse that the frequent exposure to tear gas affected my respiratory system leading i.e., to coughing even a few months afterwards whenever my lungs were irritated, as well as potentially causing abnormal menstruation (c.f., Gerson, 2020; Beckett, 2021) which improved as soon as I left France. During one of the protests, I was hit on the leg by a projectile (assumably a tear gas pellet) occasionally causing me pain even several months afterwards. In terms of the psychological impacts, I began having nightmares centred around police violence shortly after I returned to Sweden in late August 2019 and occasionally experienced feelings of unease, at times even panic, in situations involving the police and/or large crowds.

My experience during the GJ protests as well as their physical and psychological effect on me shaped my scepticism of the police as an institution and my bias against tools such as tear gas,

sting grenades and LBD-40. During my time in Toulouse, I noticed that I found it increasingly difficult to recognise the human being behind police uniforms which at times rendered the individual police officers indistinguishable from one another. My awareness of this process that was taking place in my mind was only sparked by a brief instance in which I saw a police officer asleep in a police car which was driving past and which, through the humanity and vulnerability represented in a sleeping person, created a stark contrast to the 'Robocop' impression created through encounters with the police during the protests.



Photo 4: Riot police (Toulouse, 23 February 2019, acte 15)

At the same time, I perceived another contrast which, while at the time challenging, I believe may now help me to take distance from my personal perspective in my research. During the protests I witnessed police violence against largely peaceful protesters. Yet, through mainstream media another perspective was presented to me that contradicted my experiences. As I was reading and watching reports on the GJ protests primarily as occasion for unpolitical hooligans, Black Block anarchists and fascists to indiscriminately destroy city centres and fight police, I began to question the accuracy of my own experiences wondering if, perhaps, my imagination was exaggerating the violence I witnessed and creating a false image of the people I had met on the streets.

When I returned to Sweden, I realised a considerable difference in protests and protest policing compared to France. This observation even applied to a comparison between the less controversial protests I attended in France, and which remained non-violent in every regard (i.e., Global Climate Strike), and the well-attended protests I witnessed on my return to Malmö (i.e., Extinction Rebellion's *Flood the Streets* protest, Black Lives Matter). Whereas in France a large number of police in riot gear seemed to be the norm, in Sweden, there was a comparatively small presence of less heavily equipped police, the most visible police officers often being those belonging to the *dialogpolis* ('dialogue police'). As a result, I noticed, that the atmosphere during police encounters or in geographical spaces where police were visible was less tense than I had perceived it to be in France.

Through this comparison I began to wonder about the relation between police use of violence against protesters, as well as the general escalation of protests, and the equipment used for protest policing, particularly the use of so-called 'less-lethal' weapons. Subsequently, I linked this question to the matter of political decision making on the use of certain weapons and protest policing strategies, as well as the creation of a specific images of the protesters at whom police violence is directed. My research question is thus to a large extent derived from my reflections on protest policing sparked by my experience of the GJ movement.

The above-described experiences which shaped my perspective on protest policing and the institution *police* in general (as well as on Macron's government), combined with the influence of the work of scholars such as anthropologist and sociologist Didier Fassin (c.f., Fassin, 2017), have the potential to influence the interpretation of my data. Based on these factors, without considering the mitigating effects of reflexivity, I may be more likely to qualify violence used by

police as unjustified and illegitimate while being more sceptical of negative representations of protesters. I may expect to find denial of police violence and representations of protesters as hooligans or extremists in my data which may guide my reading and interpretation of the texts.

These potential impacts are, however, not inevitable limitations to the validity of my research, but rather a challenge, the impact of which can be reduced and overcome. I aim to avoid and overcome the influence of my bias on my findings in several ways. This process begins with my research question, as it is not aimed at judging the (il)legitimacy of specific instances and uses of violence or at identifying ‘right’ and ‘wrong’ but rather at identifying patterns and processes of *how* perceptions of the (il)legitimacy of police violence are (re)produced and institutionalised independent of my personal opinions and experiences. As discussed above, I was already questioning my perceptions during the time I spent in Toulouse. Combined with the awareness that my experiences are limited to a particular time (January to April 2019) and place (Toulouse) as well as to specific moments within this context, this questioning allows me to identify instances in which I am reading my data from an activist’s rather than a researcher’s point of view and to then refocus on linguistic features and the consistent and systematic approach of my CDA method, thereby taking the necessary distance required of a researcher to produce valid and reliable results. In addition, my extensive knowledge of the GJ movement that has formed over three years through my encounters with protesters and police, as well as my interest in media reports and academic literature on the issue can be an advantageous asset. My insider perspective allows me not only to build on already familiar knowledge and insights, but it also facilitates a critical evaluation of various source materials and to thereby avoid adopting stereotyped representations of the groups and people who are linked to my analysis.

Data

As the GJ movement has been marked by a shift toward a more confrontational protest policing style (Mauger, 2019; della Suda, 2020; Trouillard, 2021) and the creation of new controversial laws (Condaccioni, 2019; Mauger, 2019; Krack, 2020; Trouillard, 2020; Bony et al., 2021; Trouillard, 2021), as well as widespread public attention on police violence (Collovald, 2020), I argue that it presents an opportunity to analyse a case-specific (re-)negotiation of the boundaries between legitimated and unsanctioned police violence against protesters. My data for the

analysis of the discursive renegotiation of these boundaries consists of TV statements and press conferences by French politicians belonging to Macron's party, *La République En Marche !* (LREM), and *Sénat* and *Assemblée Nationale* (parliament) sessions on the *gilets jaunes* and police in the context of their protests, as well as a video on the *gilets jaunes* protest of March 16, 2019 (see *Box 1*).

Type	Authors and sources
Televised statements and press conferences	<p>Emmanuel Macron (President of the République, since 2017)</p> <ul style="list-style-type: none"> • RTL, 2018; AFP, 2019c; Le Parisien, 2019; Mediapart, 2019; CNEWS, 2020 <p>Edouard Philippe (Prime Minister, 2017-2020)</p> <ul style="list-style-type: none"> • Figaro Live, 2018; France 24, 2019 <p>Christophe Castaner (Minister of the Interior, 2018-2020)</p> <ul style="list-style-type: none"> • AFP, 2018; BFMTV, 2018a; BFMTV, 2018b; AFP, 2019b; BFMTV, 2019c; France 3 Bourgogne-Franche-Comté, 2019; Mediapart, 2019
<i>Sénat</i> and <i>Assemblée Nationale</i> debates and auditions	<p>Edouard Philippe (Prime Minister, 2017-2020)</p> <ul style="list-style-type: none"> • Le Huffington Post, 2018 <p>Christophe Castaner (Minister of the Interior, 2018-2020)</p> <ul style="list-style-type: none"> • Public Sénat, 2018; AFP, 2019a; BFMTV, 2019a; BFMTV, 2019b; Public Sénat, 2019a; Public Sénat, 2019b <p>Gérald Darmanin (Minister of the Interior, since 2020)</p> <ul style="list-style-type: none"> • Le Huffington Post, 2020; David Dufresne, 2020; Public Sénat, 2021 <p>Nicole Belloubet (Minister of Justice, 2017-2020)</p> <ul style="list-style-type: none"> • Public Sénat, 2019b <p>Jean-Michel Fauvergue (member of the <i>Assemblée Nationale</i> since 2017):</p> <ul style="list-style-type: none"> • Public Sénat, 2021
Other content published by <i>La République En Marche !</i>	<ul style="list-style-type: none"> • La République En Marche !, 2019 (Emmanuel Macron, Christophe Castaner, Edouard Philippe, Laetitia Avia, Aurore Berge, Agnès Buzyn, Brune Poirson)

Box 1

I decided to use both public statements as well as *Sénat* and *Assemblée Nationale* auditions and debates gathered from YouTube (n.d.) for two reasons. Firstly, I searched for documents and statements on official government websites: elysee.fr (n.d.) and gouvernement.fr (n.d.) using the

key words: *sécurité globale*; *loi n° 2021-646*; *anti-casseurs*; *loi n° 2019-290*; *police*; *gilet jaune*. In total, I discovered 11 search results that were related to the context of my research. I decided, however, to not include them in my research as their connection to the precise subject of my research was too vague, and these texts would therefore not give me much insight into the discursive practices regarding police violence and protest policing.

Secondly, and more importantly, these YouTube videos are publicly accessible, including the debates and auditions whose primary audience are other politicians rather than the public. These texts are thus part of a public discourse in which the limits of sanctioned police violence are (re-)negotiated and legitimated in front of a public audience including not only politicians and journalists but also voters, protesters, and police who ultimately decide whether to lend their power to the government or whether to revoke their support (c.f., Arendt, 1970). Due to this aspect, texts that are meant for and/or easily accessible to a public audience are more relevant to my research than those that are meant to remain internal debates.

I used the key words: *sécurité globale*; *loi n° 2021-646*; *anti-casseurs*; *loi n° 2019-290*; *police*; *violence policière*; *gilet jaune*, in combination with the names of politicians, as well as other relevant public figures, who were in offices in the time period from 2018 to 2021: Emmanuel Macron (President, since 2017), Édouard Philippe (Prime Minister, 2017-2020), Christophe Castaner (Minister of the Interior, 2018-2020), Gérald Darmanin (Minister of the Interior, 2020-2022) Laurent Nuñez (Secretary of State to the Minister of the Interior, 2018-2020). I collected 67 potentially relevant videos in a playlist which I reduced to 24 after an initial review of the material with the shortest video (BFMTV, 2018b) being 21 seconds long and the longest (Public Sénat, 2019b) lasting three hours and 39 minutes.

Ethnologist Barbro Klein (1990) argues that through transcription non-verbal cues such as gestures and facial expressions, the atmosphere characterising the situation and images used alongside the spoken word, as well as aspects of verbal communication such as intonation and pauses are lost. While these aspects may provide further insights into possible interpretations and patterns of discourse, transcripts also serve to make a spoken text readable and thus better analysable in a systematic manner. Based on this perspective and considerations for the amount of time necessary to transcribe my data by hand, I chose to use Microsoft Word's voice recognition function as a transcription tool. This tool provides a straightforward means to transcribe data in a short amount of time with relatively high accuracy. At the same time, the

occasional mis-transcription of certain words and the omission of punctuation made it necessary for me to review and correct the transcripts alongside the original material thereby actively incorporating transcription in the analytical process and taking into consideration potentially relevant discursive and contextual elements that are invisible in written text. I then collected all transcripts in a single word document in which I organised the individual texts in chronological order. Above each text I included the title, date, and publisher of the material while the speakers were indicated in its transcriptions.

Coding

I decided to code my data manually rather than with a software for several reasons. The work with printed texts allowed me to better compare the different documents by placing them next to each other and taking notes within the text itself. At the same time, this manner of coding felt more comfortable to me in regard to my coding categories which started based on overarching themes rather than specific key words that could be easily searched using a digital key word search.

As previously discussed, I used evolutionary coding (c.f., Schneider, 2013a) which involves the continuous adaptation of coding categories to the data. As I had already been familiar with at least some of the data and knew about prevalent aspects that were brought up in the literature I reviewed, I developed a set of initial coding categories on this basis. A further influence on my coding categories was my theoretical framework as it suggests the use of codes related to the state monopoly on violence/ rule of law and notions of crisis/ state of emergency in the case of Benjamin, and an emphasis on dialogue and democracy in the case of Arendt. Thereafter, I read and coded the data several times: during the transcription process and an initial review of the data, as well as two rounds of coding. During these readings, I adapted my coding categories based on the data itself to exclude irrelevant initial coding categories, combine those that overlapped, narrow down those that were too broad, broaden those that were too narrow, as well as to add relevant coding categories that I had previously overlooked. The first coding was based on rather broad coding categories which helped me to gain an overview of the dominant themes appearing in the data to then develop more precise codes. The second coding was based on the adapted coding categories and more specific key words (see *Box 1.3*).

I divided my first set of codes into three larger groups of coding categories each containing sub-codes (see *Box 2.1*). The first category, *Democracy*, is based on the one hand, on the conflict between police violence against protesters and their right to protest and freedom of speech (c.f., Obasogie, 2020), and on the other hand on the justification of police violence through reference to the rule of law identified (c.f., Adam-Troïan, 2020; Barakat, 2020; Colliot-Thélène, 2021; Trouillard, 2021). Both the categories *Image of protesters* and *Image of police (violence)* are rooted in the reviewed research on the understandings and representations of these groups, in particular by politicians (c.f., della Porta & Reiter, 1998; Wahlström, 2007; Soares et al., 2018; Zlobina & Andujar, 2021).

These coding categories aim at the analysis of the discursive framing of both protesters and police in relation to violence in several regards. Firstly, they serve to provide a basis to analyse whether police violence is acknowledged as such, as well as to identify the factors that are represented as its cause (individual misconduct, communication failures, technology, resources, violent protesters). Both the category related to protesters and democracy allow to explore to what extent representations of protesters and understandings of democracy are used to define police violence as (il)legitimate.

Democracy	Image of protesters	Image of police (violence)
“rule of law”	Linked to violence	Individual misconduct
Freedom of speech	Good vs bad protesters	Communication
Right to protest		Technology & resources
		Denial of police violence

Box 2.1

During the initial review of my data, I further developed these categories (see *Box 2.2*). Based on observations I made while reading my data, I added *anti-capitalism as anti-democratic vs neoliberalism* to the coding category *Democracy*. Later, however, I removed this sub-code, as it overlapped both with the representation of protesters and the use of ‘rule of law’ as justification for (violent) police repression against protesters.

I further specified the sub-codes related to the image of protesters based on the reviewed previous research. The sub-code referring to *suggested reactions* was meant to help analyse the discourse specific to law and policy changes in relation to representations of protesters. Yet, as I

continued to work with the texts, I chose to remove the sub-code because it was too vague in the sense that it overlaps with the overall aim of this research and is thus already to a large extent included in the other coding categories. In addition, it focused too strongly on the relation between representation of protesters and law/ policy changes instead of contributing to the analysis of discourses on violence.

In addition to the previously established coding categories, I added a fourth overarching theme: *exceptional circumstances/ state of emergency*. The aim of this decision was to take into consideration more directly Benjamin's perspective on a state's legal system's defence against exceptional threats against it. The term *state of emergency* or *state of exception* as a coding category, does not necessarily refer here to an actual state of emergency declared by a government, but may equally refer to a *notion of crisis* in extraordinary circumstances. I decided to include the key word *terrorism*, as the larger context of the two cases involves the threat of terrorism due to the November 13 attack on Paris (2015) which led to the declaration of a state of emergency which ended in 2017 (Condaccioni, 2019) – which potentially impacts the discourse on events that may be perceived as a threat to the state and its legal system.

Democracy	Image of protesters	Image of police (violence)	Exceptional circumstances/ state of emergency
“rule of law”	Linked to violence <ul style="list-style-type: none"> • Political violence • Unpolitical violence (i.e., “hooligans”) 	Individual misconduct	Terrorism
Freedom of speech	Good vs bad protesters	Communication, dialogue, and training	State of exception/ emergency/ notion of crisis
Right to protest	Suggested reactions <ul style="list-style-type: none"> • Sanctions/ punishment • Law changes • Strengthening of democracy and non-violence 	Technology & resources	
Anti-capitalism as anti-democratic vs neoliberalism		Denial of police violence	

Box 2.2

Once I had completed my first review of the data, I compared my coding categories with the themes identified in my review of previous literature, and on this basis developed and organised my final set of coding categories prior to the analysis. I collected this coding categories, divided into four groups, in a mind map rather than in a table so as to be better able to visualise and analyse links between the different themes (see *Figure 1*).

The greatest changes that I made to the coding categories was to separate the coding category on police (violence) into two sub-categories. One refers to the overall response to (insinuations and accusations of) police violence: *acknowledgement* [of its illegitimacy], *justification*, and *denial*. The other is connected to the acknowledgement of illegitimate – or at least unwanted – police violence in that it refers to the factors that are perceived to be its cause. Here, I added *frustration* of police officers in certain situations due to various reasons leading to (violent) escalation (c.f., Björk, 2005), based on the reviewed research and the preliminary reading of my data.

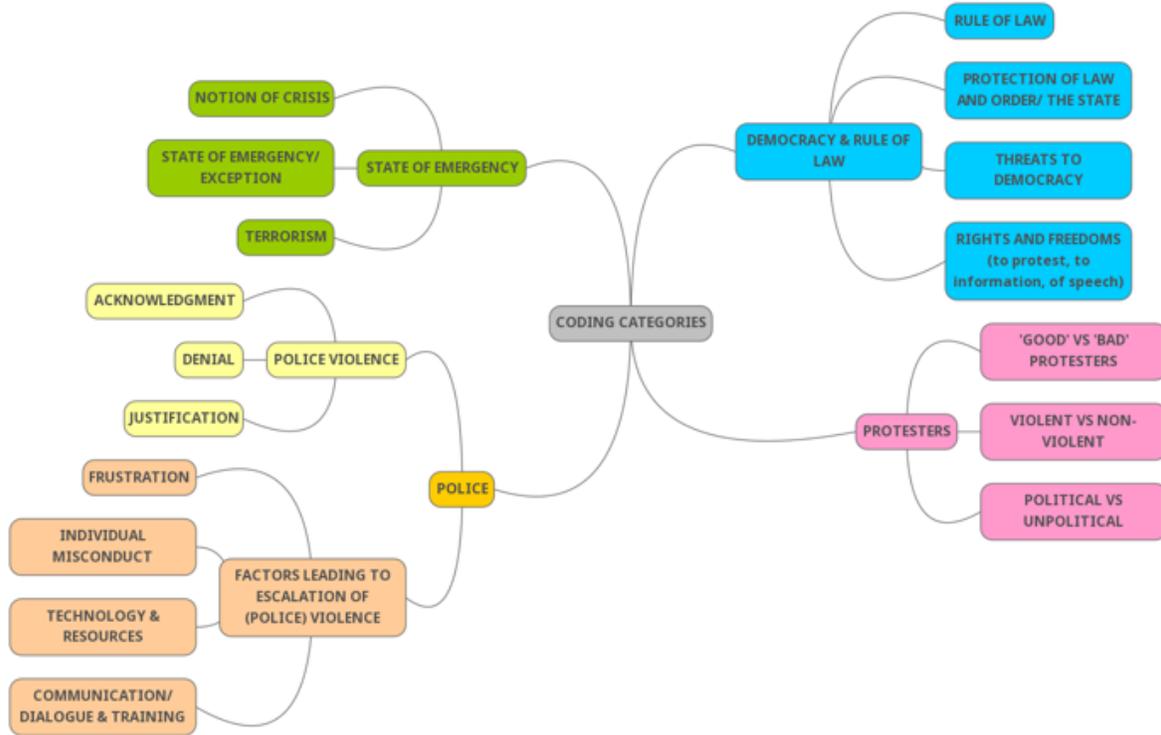


Figure 1

I then began coding my data based on the revised set of coding categories. During this process I came to the realisation that the split coding category relating to police was too broad leading to the removal of the category referring to the representation of causes of police violence (see *Illustration 1*). Instead, I narrowed down my focus on the representation of police and the acknowledgement, denial, and justification of police violence (see *Box 2.3*). Similarly, I decided to remove the aspect of terrorism from my coding categories as it overlapped – in the case of France after the attack on Paris of 2015 – with the aspect of the state of emergency. I furthermore combined the coding categories of *Notion of Crisis* and *Democracy & Rule of Law* (see *Illustration 1*) in a coding category I call *Notion of Crisis & the State* (see *Box 2.3*) as these, too, in the case of my data, overlap. The coding category relating to the representation of protesters remained roughly the same. Yet, I included two (related) focal points: the overall representation of protesters, and the representation of their violence as this aspect is a prevalent one in the texts which I analyse. Based on my data I furthermore included case-specific key words to each of the

coding categories (see *Box 2.3*). With this set of coding categories, I conducted my second coding on the basis of which I collected relevant discourse strands.

Protesters	Notion of Crisis & the State	Police (Violence)
<ul style="list-style-type: none"> • Representation of Protesters <ul style="list-style-type: none"> ▪ Protesters; protest (<i>manifestant; manifester; manifestation; rassemblement</i>) ▪ Peaceful (<i>pacifique</i>) ▪ <i>Gilet(s) jaune(s)</i> ▪ (ir)responsible (<i>[ir]responsable</i>) ▪ Riot; rioter; hooligan (<i>émeute; émeutier; casseur</i>) ▪ Ultra; extreme; radical (<i>ultra; extrême; radical</i>) • Violence <ul style="list-style-type: none"> ▪ Violence; violent (<i>violence[s]; violent[s]</i>) ▪ Attack (<i>attaque[r]</i>) ▪ Injure; harm (<i>blessar; nuire</i>) ▪ Kill (<i>tuer</i>) ▪ Degrade; degradation; destroy; destruction (<i>degrader; degradation; détruire; destruction</i>) ▪ Hate (<i>haine</i>) ▪ Infraction; crime; criminal (<i>infraction; crime; criminel</i>) 	<ul style="list-style-type: none"> • Notion of Crisis <ul style="list-style-type: none"> ▪ Crisis (<i>crise</i>) ▪ Emergency (<i>urgence</i>) ▪ Exception; exceptional; unprecedented (<i>exception; exceptionnel; inédit</i>) ▪ Disorder; anarchy (<i>désordre; anarchie</i>) ▪ War; fight (<i>guerre; lutte[r]</i>) • State & Law <ul style="list-style-type: none"> ▪ Rule of law (<i>état de droit</i>) ▪ Democracy (<i>démocratie</i>) ▪ Dialogue (<i>dialogue</i>) ▪ Republic (<i>République</i>) ▪ Law (<i>loi</i>) ▪ Order (<i>ordre</i>) ▪ Peace (<i>paix</i>) ▪ Freedom; right (<i>liberté; droit</i>) 	<ul style="list-style-type: none"> • Violence; police violence (<i>violence[s]; violences policières</i>) • Police (officer) (<i>police; gendarme; policier</i>) • Repression (<i>repression</i>) • Infraction; crime; criminal (<i>infraction; crime; criminel</i>) • IGPN

Box 2.3

Analysis

Below, I present my findings which I consecutively discuss to answer my research question *'How are the boundaries between legitimate and illegitimate police violence negotiated in the intersections of law (enforcement) and politics during the gilets jaunes movement in France?'*. The presentation and discussion of my findings relating to the cases of the French government's discourse on police violence in the context of the GJ movement correspond to steps 9 and 10 – the interpretation and analysis of data – of Schneider's (2013b) guide to conducting a CDA. The findings were collected and interpreted based on 1) coding categories relating to the representation of protesters, notion of crisis and police (violence), as well as linguistic features, and 2) based on Benjamin's and Arendt's theories on violence and power and their relation to law and politics. All quotes from the data are translated from French by me. While these translations do not have an impact on the analysis itself as it was conducted in French, the translated quotations may evoke slightly different connotations than the original.

Findings

In step 10 of his guide to conduct a CDA, Schneider (2013a) instructs the presentation of the findings resulting from the coding of the data. I present these findings, relating to my case of the French government's response to the GJ movement and police violence in its context, in the section below following a structure based on my coding categories. I outline the discourse strands and linguistic elements relating to the representation of protesters, followed by those relating to a notion of crisis, and finally police and police violence.

Representation of protesters

In his televised statement in December 2018 (RTL, 2018), a good month after the beginning of GJ movement, and his press conference in April 2019 (AFP, 2019c), French president Emmanuel Macron refers mostly to the socio-economic context of the movement and the government's related policy decisions, and only briefly comments on the protests. He makes more precise statements on the GJ, their protests, and police violence when prompted by journalists (CNEWS,

2020) or citizens in the context of the *Grand Débat* (AFP, 2019c; Le Parisien, 2019; Mediapart, 2019). When he refers to the GJ, he calls them neither ‘protesters’ (*manifestants*) nor ‘rioters’ or ‘hooligans’ (*émeutiers; casseurs*). Instead, he tends to either use the word *gilet(s) jaune(s)* (RTL, 2018; AFP, 2019c; Le Parisien, 2019, Mediapart, 2019) or broad terms such as ‘people’ or ‘person(s) (*gens; personne[s]*)’ followed by their action (RTL, 2018), as for instance in the following statements:

These are people who want to destroy the Republic and all with it. And all those who were there are accomplices to that. (La République En Marche !, 2019, emphasis added)

In the beginning, last November, the people who put on high-visibility vests [gilets jaunes], they were rather people who had- who said, this is not fair. (Le Parisien, 2019, emphasis added)

Throughout his discourse, Macron makes a distinction between ‘the working couple’, ‘the single mother’, ‘the low-income retired person’ (RTL, 2018; c.f., AFP, 2019c), ‘the people who put on a high-visibility vest [...], who told themselves, this is not fair’ (Le Parisien, 2019), and ‘those who just want that it is their rules that are imposed on others’ (ibid.). The same distinction is made by the Prime Minister Édouard Philippe (2017-2019) when he describes the anger of the GJ as ‘the anger of the France that works and works hard and struggles to make ends meet’ (Figaro Live, 2018) and states that ‘the French who put on a high-visibility vest love their country’ (ibid.). He describes their demands as ‘what we want, too. These are also our values’ (ibid.). Subsequently, he states:

But no tax merits to endanger the unity of our nation. [...] This does not resemble what we want to be. This violence must stop! (Figaro Live, 2018; c.f., Public Sénat, 2019a)

All French have the right to protest. [...] But all French also have a right to security, to move and live normally. The government does not accept the violence which took place last Saturday against law enforcement officers, against national monuments, against public

buildings and against business owners. Those who damaged [*cassé*] these places, have damaged [*cassé*] the property of the French. (Figaro Live, 2018)

In his first public statement on the GJ movement (RTL, 2018), Macron speaks of the French people as a collective entity stating that '[m]any of *us*, many French people, may share this indignation' (ibid., emphasis added), that '[*o*]ur freedom exists only because everyone can express their opinions [...]' (ibid., emphasis added), and that '[*w*]e *all* have seen the game of opportunists [...]' (ibid., emphasis added). He further establishes a link between citizens and president by proclaiming: 'And my legitimacy, I do not draw it from any title, any party, any clique. I draw it only from you, from no one else' (RTL, 2018). Likewise, Philippe refers to a collective 'French people' which 'has had enough' and 'does not accept' the violence of the '*casseurs*' (La République En Marche !, 2019). Regarding this violence, LREM politician Laetitia Avia claims that 'there are no possible justifications [...] either one is on the side of the Republic or not' (ibid.).

Alongside the 'legitimate demands' (RTL, 2018) of these people, Macron mentions 'opportunists who try to profit from the sincere anger to divert it', and 'the politically irresponsible whose only project is to upset [*bousculer*] the Republic, looking for disorder and anarchy' (ibid.; c.f., Public Sénat, 2019b). When speaking of the acts of these 'opportunists' and 'politically irresponsible' (RTL, 2018), Macron tends to talk of events rather than directly speaking of the actors involved in them:

[The events] have muddled legitimate demands with a series of inadmissible violence. (RTL, 2018)

No anger permits that one attacks a police officer, a gendarme, that one degrades a business of public buildings. (RTL, 2018)

[...] I do not want to reduce this to the unacceptable behaviour I just denounced. (RTL, 2018)

Minister of Justice (2017-2020), Nicole Belloubet, describes the GJ movement as infiltrated by 'almost professional hooligans [*casseurs*]' who join those who protest 'in a very legitimate

manner' to 'commit acts of violence which [...] can evidently sometimes testify a will to bring down our rule of law or our institutions' (Public Sénat, 2019b). At the same time, she describes the protests as having become linked to their 'severe violence' (ibid.).

The separation between the GJ 'whom I understand' (Le Parisien, 2019), and 'the *gilets jaunes* I don't like' (ibid.), the 'left-wing, right-wing, and very violent ultras [...]' (ibid.), is taken up again by Macron in his press conference in April 2019:

Me, I recognise, I respect, I consider the *gilets jaunes* who went on the streets in the beginning of the movement [...]. But I cede nothing to those who destroy the institutions, want the worst, at the basis want riots [...]. (AFP, 2019c)

At the same time, a second representation of the GJ movement develops in Macron's discourse. He speaks of an 'unprecedented movement' which then 'progressively transformed into, tugged at contradictory demands' and was 'subsequently scavenged by the violence of society. Antisemitism. Homophobia. Attacks against institutions, journalists, sometimes law enforcement' (AFP, 2019c). In a video published on the YouTube channel of Macron's party *La République En Marche !* (LREM), which combines excerpts of statements and speeches by LREM politicians and videos of escalations at the GJ protests, Macron is shown saying that

[w]hat happened on the Champs Elysée is no longer a protest. These are people who want to destroy the Republic and all with it. *And all those who were there have made themselves accomplices of this.* All those who were there! (La République En Marche !, 2019, emphasis added).

Similarly, Secretary of State to the Minister for the Ecological and Inclusive Transition (2017-2020), Brune Poirson, finds that 'we are not seeing protests here, this is barbary, this is savagery. These are people who are there to destroy the Republic' (La République En Marche !, 2019). And in a televised statement in which he is accompanied by, among others, the Minister of the Interior and the Minister of Justice, Philippe echoes the accounts of police and gendarmes after the protest of March 16, 2019. Based on these, he states that the people present at this demonstration 'were not protesters, but rioters' (France 24, 2019), describing them specifically

as ‘gatherings in the form of Black Blocks whose only intention it was to pillage, set on fire, destroy, hurt. And by setting fires they even took the risk to kill’ (ibid.). He then contrasts this description of events and protesters with the ‘145 000 people in France, of which 36 000 in Paris, who protested peacefully for the climate’ (ibid.). Regarding these protests who are ‘declared according to the rules and peaceful’, Phillipe announces ‘nothing changes’(ibid.), while ‘a reinforced strategy in the fight against activists of ultra-movements’ (ibid; c.f., Le Parisien, 2019) would be put in place. Belloubet, too, mentions the GJ protests in connection with ‘the Black Block movement that attacked law enforcement [...]’ and ‘persons close to the left-wing or right-wing or anarchist ultra-movement’ (Public Sénat, 2019b). Belloubet, however, speaks of ‘disturbances’ [*débordements*] (ibid.) rather than suggesting that the protests are, in fact, riots.

Christophe Castaner, Minister of the Interior from 2018 to 2020, attributes the injuries of both police and protesters to the protesters not wanting ‘to declare their gathering’ (AFP, 2018), their ‘dangerous behaviour’ (ibid.), and ‘crazy act of other *gilets jaunes*’ (BFMTV, 2018a). He describes the protesters – without specifying whether he means all protesters collectively or if he differentiates between protesters depending on their (alleged) actions and behaviour – as ‘factious’ and seditious (ibid.), as ‘women, men who wanted to hurt, in certain cases kill’ (Public Sénat, 2018), and who, according to police representatives, “[...] have no limit” whereas ‘[u]s, we have a limit, it’s called democracy’ (ibid.). Particularly when asked about police violence, Castaner elaborates on protesters’ violence against police, as well as the state (BFMTV, 2018b; BFMTV, 2019a; France 3 Bourgogne-Franche-Comté, 2019):

I think that the police, on the contrary, have protected the Republic when *certain gilets jaunes* attacked it, that *the gilets jaunes* have also attacked our police officers and again, these past hours, they regularly are a victim of that. (BFMTV, 2018b)

He defends the *loi ‘anticasseurs’* (loi n° 2019-290; ‘anti-rioter law’) as a means to guarantee the possibility to protest ‘without suffering brutes’ (AFP, 2019a). In reference to a particular situation where according to government and police accounts a person was put in danger through a fire, Castaner describes those who set the fire as being ‘basically only assassins’ (La République En Marche !, 2019). During a Senate audition following the protests of December 1,

2018, he describes them as marked by ‘immediate organised attacks’ and ‘heinous acts’ (Public Sénat, 2018).

In contrast to Macron, Castaner adopts the term *casseur* (‘rioter’ or ‘hooligan’, literally ‘breaker’) in his discourse (Public Sénat, 2018; BFMTV, 2019b; Public Sénat, 2019b; BFMTV, 2019c; c.f., France 3 Burgogne-Franche-Comté, 2019) – as do Philippe (Figaro Live, 2018; France 24, 2019; La République En Marche !, 2019) and Belloubet (Public Sénat, 2019b). In Castaner’s Senate audition on December 4, 2019, the Minister of the Interior makes a distinction between these *casseurs* and other GJ:

[...] I invite the *reasonable gilets jaunes*, those who do not support violent action, to distance themselves from *the extremes* and to not gather in Paris next Saturday- to not gather in places that have been the object of tension [...] (Public Sénat, 2018)

Philippe, too, highlights the distinction between what Castaner calls the ‘reasonable *gilets jaunes*’ and ‘the extremes’ (Public Sénat, 2018) and appeals to the former to distance themselves from the latter. At the same time, he also speaks of those protesters he sees as accomplices of the ‘rioters’ and ‘hooligans’ (*casseurs*):

I do not confuse the *casseurs* with the very large majority of *gilets jaunes*, who by the way do not protest anymore today. I had the opportunity to say it, as soon as a protest is not declared, banned, organised to destroy [*casser*], all those who participate, who *de facto* protect the *casseurs*, who encourage them or glorify them on social media, make themselves accomplices. (France 24, 2019)

It is not a coincidence that the *casseurs* remobilise even though the debate [*Grand Débat National*] is a success. What these people want is not dialogue. Their only demand is violence. The peaceful protesters must distance themselves from these *casseurs*. (France 24, 2019)

This distinction reappears in Castaner’s defence of the *loi anticasseurs* which he argues to be ‘not against protesters’ and ‘not an anti-*gilets jaunes* law’ but ‘against rioters/hooligans

[*casseurs*]' (BFTMTV, 2019b; c.f., AFP, 2019a), Shortly after his above cited appeal to the 'reasonable *gilets jaunes*' (Public Sénat, 2018), Castaner makes another reference to different groups of protesters: the *casseurs*, and those who are peaceful but have made themselves accomplices by having protested in a place other than the Champs Elysée. In this context of a permission to protest at the Champs Elysée under the condition of bag searches, he announces:

Approximately 750 people have accepted this [...] *Those who have made the choice to not come to protest peacefully* at the Champs Elysée, let me tell you, must assume a co-responsibility of having been on the side of the *casseurs*. And to have *often prevented our law enforcement officers to act*. Because a too brutal reaction could have brought violence to people *who effectively were not part of violent acts*. (Public Sénat, 2018, emphasis added)

In statements relating to the representation of protesters as violent rioters, evidentialities are frequently used both regarding the protesters' actions and character, and in regard to the government's honesty. Castaner declares in front of the *Sénat* that 'we are *evidently* in a process of total transparency with you' (Public Sénat, 2018, emphasis added). Belloubet describes the presence of Black Blocks as a 'type of eruptivity that *has linked itself* to the *gilets jaunes*' and '*must obviously* be tempered' (Public Sénat, 2019b, emphasis added; c.f., BFMTV, 2018b; Public Sénat, 2018, France 24, 2019; Mediapart, 2019). Similarly, Macron speaks of acts committed by 'opportunists' and 'politically irresponsible [people]' which '*we have all seen*' (RTL, 2018, emphasis added).

Notion of crisis

Macron describes the GJ movement as 'an unprecedented movement' (AFP, 2019c; c.f., Public Sénat, 2019b) whose protests 'have profoundly shaken the nation' (RTL, 2018). 'Never in the history of our archives', states Castaner, 'did we have such a level of engagement and such a level of arrests. (Public Sénat, 2018). According to him, these 'events of extreme severity' are 'much more violent than anything else we have seen in all the protests during at least the last thirty years [...]' (ibid.). The protests of December 1, 2018, in specific prompt Philippe to

declare in his initial public speech on the GJ movement, that ‘that which is in danger is the security of the French and our institutions’ (Le Huffington Post, 2018).

In light of these events, which Avia calls ‘*gilets jaunes* crisis’ (Mediapart, 2019), marked by ‘politically irresponsible [people] whose only project is to upset the Republic’ (ibid.), and ‘who want to destroy the Republic and all with it’ (La République En Marche !, 2019; c.f., AFP, 2019c), Macron declares that ‘[w]hen violence breaks loose, freedom ends’ (RTL, 2018), and that ‘a people the divides itself to this point, which does no longer respect its laws and the fellowship that is owed, runs towards its loss’ (ibid.). Macron also emphasises that ‘[i]t is thus calm and Republican order that must reign. We will put in place all means to this end since nothing sustainable can be built as long as one has concerns for civil peace’ (ibid.; c.f., AFP, 2019c). Connected to this discourse is the use of imperatives, including Phillippe’s appeal that ‘this violence *must* stop’ (Figaro Live, 2019, emphasis added; c.f., AFP, 2018), that ‘peaceful protesters *must* distance themselves’ from the *casseurs* (Figaro Live, 2019, emphasis added), and his announcement that ‘the response of the government *must* therefore be strong’ (ibid., emphasis added).

In his Senate audition on the GJ movement, Castaner refers to police officers’ lives being at risk (Public Sénat, 2018) and mentions them encountering ‘scenes of war’ (ibid.). This comparison of the protests to war is echoed in his references to police who ‘fought against people who have no limit’ (ibid.) and the government’s efforts to ‘fight efficiently and concretely against *casseurs*’ (BFMTV, 2019b; c.f., Public Sénat, 2019a). Yet, when asked about the declaration of a state of emergency in the contest of the GJ protests, Castaner rules out this option. Not, as he says, ‘on principle’ but ‘because I have the feeling that it would not necessarily give us the supplementary means to neutralise those who came to riot’ (France 24, 2019).

In a context larger than the GJ movement but taking place in the succession to these protests and the ensuing debates on violence against police, as well as efforts by activists and journalists to denounce police violence, particularly on social media, LREM politician and former police commander, Jean-Michel Fauvergue argues:

Those who enter the police force or gendarmerie do so with the purpose ‘[t]o serve to defend our values. It is to serve the security of our citizens [...] They did not envision that a very

small part, an extreme part, of the population would have a rage and hatred for them that is inexplicable. It is inexplicable in a democratic country to attack those who protect you. [Working as a police officer or gendarme with an uncovered face] is no longer possible today. [...] Because since two or three years, more and more cases resurface in which videos of law enforcement officers are posted on the Internet with the aim that these police officers [...] can be attacked by malevolent people [...] (David Dufresne, 2020)

And Minister of the Interior (2020-2022) Gérald Darmanin declares in defence of the controversial article 24 of the *loi sécurité globale (loi n° 2021-646)* that ‘today, there is an organised anti-cop hate’, that police ‘are, every day, facing people who may potentially seek to kill them’, and that ‘police officers and gendarme may be attacked. And they are. And they are in particularly ignoble ways’ (David Dufresne, 2020). Already in 2019, former Castaner had argued for the *loi anticasseurs*, in particular article 3 which was censored by the *Conseil constitutionnel*, as a ‘necessary means’ to support police, as well as ‘shopkeepers, mayors, citizens of our cities who suffer this violence every Saturday’ (AFP, 2019b).

Police and police violence

On several occasions, Castaner emphasises his ‘massive, honest and clear support for our forces’ (Public Sénat, 2018), commending them for their ‘engagement and professionalism’ (BFMTV, 2019b; c.f., Public Sénat, 2018), their ‘mastery and exemplarity’ (BFMTV, 2019b) and their ‘determination and calm’ in the face of ‘heinous acts’ (Public Sénat, 2018). He attests them a ‘fear to not do well, to always find the proportionate gesture and that when faced with violence’ (ibid.), and the ability to successfully and ‘systematically look for proportionate means of response’ (ibid.). Similarly, Phillipe expresses his ‘admiration for their dedication and calm’ and promises that the government will ‘show them the necessary support’ (Figaro Live, 2018).

Based on these assertions, Castaner makes the appeal: ‘I await that the entire country regroups itself behind [the police]’ (BFMTV, 2019b). And Darmanin speaks of ‘the great importance to protect our law enforcement officers’ (Public Sénat, 2021), those ‘who protect us and who take risks to protect us’ (David Dufresne, 2020). While Phillipe acknowledges the existence of ‘controversies over the use of LBD’, he states regarding the police’s struggle with the protests of

March 16, 2019, that these ‘have led to inappropriate guidelines being issued to curtail their use’ (France 24, 2019).

In reference to police violence, Castaner’s statements can be divided into two categories. The first consists of a referral to the IGPN (*Inspection Général de la Police Nationale*), shared by Avia (Mediapart, 2019) and Darmanin (David Dufresne, 2020), which has the responsibility to investigate ‘alleged’ (Public Sénat, 2019b; c.f., BFMTV, 2019a; France 3 Bourgogne-Franche-Comté, 2019; Public Sénat, 2019b) offences committed by police officers so that ‘if there is blame, there will be sanctions’ (Public Sénat, 2019b). Likewise, Belloubet refuses to assess cases ‘of violence which possibly may have been committed by law enforcement officers’ (Public Sénat, 2018), among them the case of Geneviève Legay, a 73-year-old protester who was injured by police during a protest in Nice in March 2019 (c.f., Pascariello, 2020). She emphasises her ‘trust’ in ‘the investigation services’ (Public Sénat, 2019b), such as the IGPN.

On the one hand, Belloubet commends ‘the work of the law enforcement officers who, *most of the time*, react with a lot of calm and proportionality to the difficulties they have to face’ (Public Sénat, 2019b, emphasis added) and emphasises that ‘in and of itself, the principle of resorting to equipment [...] such as intermediary weapons like the LBD are not [...] as such illegal’ (ibid.). On the other hand, she acknowledges that

[I]aw enforcement actions aimed at the maintenance of public order must, in fact, always happen with respect of the principles that are linked to the use of force, and which can be described with two terms: necessity, on the one hand, and the proportionality of the response, on the other [since] the credibility of our institutions depends on it. (Public Sénat, 2019b)

The second category consists of the denial of (unsanctioned) police violence (BFMTV, 2018b; BFMTV, 2019a; France 3 Bourgogne-Franche-Comté, 2019; Mediapart, 2019). Castaner tells journalists that he does ‘not know any police officer who attacked’ (BFMTV, 2019a), and that police – who ‘have protected the Republic when certain GJ attacked it’ and ‘also attacked our police officers’ (BFMTV, 2018b) – only ever use their weapons, such as the LBD-40, ‘within the framework of the doctrine of use’ (BFMTV, 2019a). Several times, when asked about police violence, either in general or specific cases, Castaner contrasts this police violence which he denies with violence against police:

There is *no image of police violence*. There is a scene where a police officer in action, in a moment of intervention, has effectively pushed someone. [In such situations] there, effectively, gestures that may happen. But to lift all doubt on it, because what has been reported to us is that *the individual in question wanted to get hold of a grenade* to throw it back at law enforcement. (France 3 Burgogne-Franche-Comté, 2019, emphasis added)

Madame cannot on the one hand criticise all actions of every police officer in France who are confronted with violence and not talk about this police officer who is still in intensive care, who is still in extensive care after ten days after having fallen on the Place de la République. (France 3 Burgogne-Franche-Comté, 2019)

Me, I don't know any police officer, any gendarme who attacked a *gilet jaune*. *On the contrary*, I know police officers, gendarmes who use means of defence, defence of the Republic and public order. [...] But *naturally*, I have never seen a police officer or a gendarme attacking a protester or attacking a journalist. *Conversely*, I have seen protesters systematically attack our security forces and also attack journalists. (Mediapart, 2019, emphasis added)

In an encounter with citizens during the *Grand Débat*, Macron states that there is no repression, notably in the form of police violence, against the GJ since police had not killed any of the protesters (Mediapart, 2019). He explains:

I do not like this term, repression because it does not correspond to reality. And besides, I invite you to present me a lot of authoritarian repressive regimes where these debates are possible. [...] We are in a constitutional state [*état de droit*; literally: rule of law]. Do not speak to me of repression, of police violence. These words are unacceptable in a constitutional state [*état de droit*]. (Mediapart, 2019)

Similarly, Avia refuses to use the term *police violence* 'because we are in a democracy' in which 'violence which is exercised by the state [...] is a legitimate violence because in a state there

must be police officers to pursue the thieves’ (Mediapart, 2019). The discussions that are possible – without using the term *police violence* – Avia explains, are those on whether the use of force is ‘well differentiated’ and ‘proportionate’ (ibid.). And Darmanin reassures his colleagues that the French police is ‘in no way [...] the police of a state, they are evidently the police of the citizens of the Republic’ (David Dufresne, 2020).

In 2020, when racist police violence is added by activists and journalists to their accusations of police violence, Macron recognises to a certain extent that illegitimate and unproportionate acts of violence occur during police interventions. He explains these acts with the violence that ‘exists in society’ which leads there being ‘members of the police that have a *violent behaviour* that needs to be tracked and sanctioned’ (CNEWS, 2020, emphasis added). Similar to Castaner’s citing of violence against police when asked about police violence (c.f., BFMTV, 2018b; BFMTV, 2019a; France 3 Burgogne-Franche-Comté, 2019; Mediapart, 2019), Macron adds:

[...] but think of the 95% of police who are engaged, who have taken a lot of hits, who have themselves been injured, who suffer assaults. So, we also need to talk about them. If you tell them, there is police violence – that is my primary problem – they become mad, they have the feeling of an impossible injustice. (CNEWS, 2020)

In the same context, Darmanin ‘chokes’ when he hears the word ‘police violence’ (Le Huffington Post, 2020). He elaborates:

The police exercises violence, certainly, but it is a legitimate violence. It’s as old as Max Weber. Sure, it is done in a proportionate way, it is done within a framework. When some people do so outside the deontological rules, sanctions must be immediate. [...] Thus, by principle, the very idea of police violence, it seems to me to be totally antinomic to use these two words [together]. (Le Huffington Post, 2020)

A large part of the government politicians’ discourse uses evidentialities regarding police and their adherence to the principles of the use of force which is further underlined by adverbs such as *evidently* and *naturally*. This can be observed, i.e., in statements announcing that ‘*evidently*, I commend the work of the police force’ (Public Sénat, 2019b, emphasis added; c.f., France 24,

2019), that ‘*naturally* I have never seen a police officer or a gendarme attack a protester’ (Mediapart, 2019, emphasis added), and that ‘*never* a police officer has struck the first blow’ (BFMTV, 2019a, emphasis added; c.f., France 3 Burgogne-Franche-Comté, 2019; Mediapart, 2019). The exception to this pattern can be found in instances in which the existence of police violence is discussed rather than denied. Here, police violence is either described as ‘alleged’ (Public Sénat, 2019b) or discussed using eventualities, i.e., Belloubet speaks of instances in which ‘*violence may eventually have been committed* by the police force’ (Public Sénat, 2019b; c.f., Le Huffington Post, 2020).

Discussion

While the interpretation of data, step 9 of Schneider’s (2013b) toolbox, is an ongoing process throughout the research, it is concretised and presented (step 10 of Schneider’s toolbox) in the following discussion of the above outlined findings. I interpret and discuss these findings relating to the French government’s discourse on the GJ and police violence against them through the lens of Arendt’s (1969; 1970) and Benjamin’s (1978) theories on violence, to answer my research question: *How are the boundaries between legitimate and illegitimate police violence negotiated in the intersections of law (enforcement) and politics during the gilets jaunes movement in France?*

The discursive distinction between and stereotyping of ‘bad’ protesters – rioters and hooligans (‘casseurs’) who ‘want to destroy the Republic’ (RTL, 2018) – and ‘good’ protesters – ‘reasonable *gilets jaunes*’ (Public Sénat, 2018) – has already been observed in other contexts by della Port & Reiter (1998) as well as Wahlström (2017). In the above-described discourse of LREM politicians this distinction between ‘good’ and ‘bad’ protesters takes shape in two different ways. On the one hand, those GJ who protest peacefully (Public Sénat, 2018; France 24, 2019; Le Parisien, 2019) are contrasted with those who are represented as being rioters and hooligans, or their accomplices (ibid.; BFMTV, 2018b) from whom the peaceful protesters ‘must distance themselves’ (France 24, 2019). Here, the use of evidentialities leaves no possibility to doubt or question the government’s representation of the protesters. On the other hand, other movements who held protests that did not result in violent escalations (France 24, 2019) are contrasted to the GJ among whom certain ‘have no limit’ (Public Sénat, 2019), and whose

movement is described as tied to radical movements on both ends of the political spectrum (France 24, 2019; Le Parisien, 2019; Public Sénat, 2019b), and who tend to not declare their protests (AFP, 2018; c.f., France 24, 2019).

I argue that this discourse can be seen as an attempt to create division within the GJ movement and its supporters, to sway public opinion – 72% of which was in favour of the GJ in the beginning of the movement (Rioux, 2018) decreasing only slightly to 64% in early 2019 (La Voix du Nord, 2019) – and that of the ‘reasonable *gilets jaunes*’ (Public Sénat, 2018) in favour of the government. This is reinforced by the creation of the image of people who attack the Republic (BFMTV, 2018b; RTL, 2018; La République En Marche !, 2019; Public Sénat, 2019b) and thus are opposed to a collective, and united, French people who ‘have all seen the game of opportunists’ (RTL, 2018), which ‘has had enough’ (BFMTV, 2019b), and is expected to stand united behind the French police force (ibid.).

Through the lens of Arendt’s reflections on violence, the discursive creation of a collective French people (in power), and the possibility for peaceful protesters to take the side of the Republic (c.f., La République En Marche !, 2019) rather than that of those who seek to destroy it, can be understood as an effort to maintain the power that has been lent to the government and which is now in the process of being withdrawn. Arendt (1970) illustrates power as a phenomenon which, while often occurring alongside it, is the opposite of violence. Power, she argues, can never be held by a single person, only by a group of people on whose support it depends, and which fades away as soon as this support is withdrawn. By stating that ‘my legitimacy [...] I draw it only from you’ (RTL, 2018), Macron somewhat echoes Arendt’s understanding of power as being lent by the people to those who govern based on consensus and support rather than being the property of the person(s) ‘in power’. The withdrawal of support for the government is not only represented by the protesters but also by the silent masses who do not actively protest but either support the movement or do not speak up in defence of the government and thereby become a ‘latent ally’ (Arendt, 1970: 42) of the GJ.

At the same time, a second discourse takes place which in part breaks down the distinction between peaceful and violent GJ. Those who are present at protests alongside those described as rioters and hooligans, are seen as ‘accomplices’ (RTL, 2018; France 24, 2019; La République En Marche !, 2019) regardless of whether they themselves are involved in acts of violence and destruction. Castaner is even going so far as to claim that the ‘very large [peaceful] majority of

gilets jaunes [...] does not protest anymore today’ (France 24, 2019). Thereby, I argue, he classifies all those who attend a GJ protest, particularly when it is ‘not declared, banned’ (ibid.) or when escalations occur, as either *casseurs* themselves or as their accomplices.

This discourse ties into the overall emphasis on the violence and attacks on the Republic as well as on police that weaves through the analysed texts. It represents certain GJ as ‘brutes’ (AFP, 2019a; c.f., La République En Marche !, 2019) who refuse democratic processes and dialogue (c.f., France 24, 2019). Instead, they are described as only seeking to cause damage and injury to ‘upset’ (RTL, 2018) if not ‘destroy’ (AFP, 2019c; La République En Marche !, 2019) the Republic and its institutions, replacing them with their laws (La République En Marche !, 2019; Le Parisien, 2019). This representation bleeds into the representation of the movement as a whole. In contrast to this is put the valuing of democracy (c.f., Public Sénat, 2018) and dialogue (France 24, 2019) creating a clear distinction between those who ‘are on the side of the Republic’ (La République En Marche !, 2019), and those whose violence against the state indicates that they are not.

I argue that the discursive representation of (certain of) these protesters not only as violent but as a threat to the Republic, that is the state including its institutions as well as its values, can be understood through Benjamin’s critique of violence. Benjamin (1978) contends that the mere existence of extra-legal violence is perceived as a threat to the state and its legal system, and that thus all violence is monopolised in the legal set-up of the state. The discourse in part centred around protesters’ illegitimate Republic-threatening violence (c.f., Figaro Live, 2018; AFP, 2019c; La République En Marche !, 2019; Public Sénat, 2019a), particularly in contrast to the allegedly legitimate monopoly of violence of the state (Mediapart, 2019; Le Huffington Post., 2020 ; c.f., Arendt, 1970: 35), speaks of the perception of a hostile law-making violence that endangers the status quo which the state – the government and in extension the police – seeks to preserve.

The twofold discourse described above is furthermore reflected in Macron’s focus in his speeches (RTL, 2018; AFP, 2019c) on socio-economic measures and Belloubet’s descriptions of the protests and their escalations as ‘disruptions’ (*débordements*) (Public Sénat, 2019b) in contrast to the otherwise predominant elaborations on protesters’ violence and the qualification of the protests and protesters as riots/ rioters (BFMTV, 2018b; Public Sénat, 2018; France 24, 2019; Le Parisien, 2019) putting at risk the security of citizens and institutions (Le Huffington

Post, 2018) as well as their likening to ‘scenes of war’ (Public Sénat, 2018). The latter discourse reinforces the notion of crisis that threatens the Republic, its institutions, and laws, and illustrates a perceived struggle between the state’s law-preserving violence and the GJs’ – or at least the *casseurs*’ and ultras’ – hostile counter-violence which aims to ensure ‘that it is their rules that are imposed on others’ (Le Parisien, 2019).

The discourse on police violence, which takes up comparatively little space in relation to the discourse on protester’s violence, is marked by a denial of its existence, presented as the only possible reaction through expressions such as ‘*naturally*, I have never seen a police officer or a gendarme attack a protester’ (Mediapart, 2019, emphasis added). It is furthermore characterised by the refusal of a general terminology including the words *police violence* and *repressions* on the grounds of France being a democracy with rule of law (BFMTV 2019a; BFMTV, 2019b; Mediapart, 2019; c.f., Le Huffington Post, 2020). In the instances in which the possibility of the use of disproportionate, unnecessary, excessive use of force against protesters is acknowledged, it is related to the *possible* misconduct of individual officers rather than tied to a recognition of structural and political causes and processes (BFMTV, 2019a; France 3 Burgogne-Franche-Comté, 2019; Public Sénat, 2019b; CNEWS, 2020; c.f., Fillieule & Jobard, 1998; Peterson, 2006; Colliot-Thélène, 2021; Trouillard, 2021).

Benjamin (1978) suggests that the state creates legal conditions that render illegitimate the use of extra-legal violence which could be used to successfully realise the ends of individuals. These processes, then, explain the state monopoly on violence as a safeguard to the preservation of the state and its legal system. The conceptualisation of extra-legal violence as illegitimate, and the state’s violence as legitimate becomes apparent in the contrasting of the perceived Republic-threatening violence of GJ protesters (see above), and the ‘legitimate violence’ which is ‘as old as Weber’ (Le Huffington Post, 2020) used to defend the Republic (Mediapart, 2019). I argue that Darmanin’s reference to Weber (Le Huffington Post, 2020) as well as his, Macron’s and Avia’s refusal to accept the terms *police violence* and *repression* being used in the context of events taking place in France, a democracy with a system based on rule of law (ibid.; Mediapart, 2019), indicates an understanding of violence as legitimate as long as it is used in pursuit of the legal ends of the state (c.f., Benjamin, 1978). The state’s use of violence is not unrestricted but seen as bound to a framework of principle of the use of violence (c.f., BFMTV, 2019a; Public Sénat, 2019b; Le Huffington Post, 2020). Yet, the necessity and proportionality of violence

against protesters is presented as an evident fact through, i.e., Darmanin matter-of-factly claiming that ‘[s]ure, *it is done* in a proportionate way’ (Le Huffington Post, 2020, emphasis added), and Castaner stating that ‘*naturally*, I have never seen a police officer or gendarme attack a protester’ (Mediapart 2019, emphasis added). The assessment of whether the use of violence in their respective cases adhered to these principles, and thus was exercised legitimately, can be understood as dependent on the conflation of law-making and law-preserving violence of the police (Benjamin, 1978).

The police’s law-preserving function is expressed in the above discussed perceived necessity of police and its use of violence to defend the Republic against rioters, hooligans and their accomplices who seek to wreak havoc on its institutions and replace its laws with their violence. Simultaneously, the government vows its support for and protection of the police and gendarmerie (Public Sénat, 2018; David Dufrene, 2020; Public Sénat, 2021) and expresses its confidence in their decisions and actions based on their ‘engagement and professionalism’ (BFMTV, 2019b; c.f., Public Sénat, 2018), their ‘mastery and exemplarity’ (BFMTV, 2019b), as well as their ‘determination and calm’ (Public Sénat, 2018) and their ability to employ ‘proportionate means’ (Public Sénat, 2018). In combination with the use of police reports to justify the use of violence against violent and dangerous protesters (Public Sénat, 2018; France 3 Bourgogne-Franche-Comté, 2019), this discourse confirms the police’s law-making violence (c.f., Benjamin, 1978): While police must adhere to laws regulating its use of violence, it is not possible to contain their actions within the legal system (Benjamin, 1978; Bhuwania, 2007). In the moment of intervention, it is the police themselves who decide on the necessity and proportionality of a measure.

As Condaccioni (2019) and (Mauger) have suggested in their research, police violence is only the most visible aspect of a larger (administrative) police structure which is mobilised against the protesters (c.f., Benjamin, 1978; Cahn, 2019). In the context of the mobilisation of police violence against the GJ, and a prominent discourse on their violence against the Republic and its police force, as discussed above (c.f., David Dufresne, 2020), new laws (*loi anticasseurs*, *loi sécurité globale*) are established, or at least attempted to be established. In light of the above discussed discourse on the protesters as a violent threat to the Republic and those who protect its legal system, I argue that these laws can be understood from a Benjaminian perspective (Benjamin, 1978): The GJs’ pursuit of their demands through nation-wide protests is

conceptualised by the government as characterised by the violent attacks of rioters, hooligans and ultras against police and the state (BFMTV, 2018b; AFP, 2019c; La République En Marche !; 2019; Mediapart, 2019). Against this extra-legal violence, certain legal conditions regulating the means of law enforcement to preserve the state and its legal system in the context of political contestation are modified to improve this capacity.

Yet, as Arendt (1969; 1970) suggests, violence rarely appears in its absolute form. I argue that in this case, too, it appears alongside power – in the Arendtian sense of the term. This balancing of power and violence becomes visible in the twofold discourse of the government. On the one hand, it consists of elaborations on socio-economic measures and dialogue (including the *Grand Débat National*) (RTL, 2018; AFP, 2019c; France 24, 2019) and the proclamation of a unified nation in which peaceful and reasonable GJ are distinct from *casseurs* (Figaro Live, 2018; RTL, 2018; AFP, 2019c; France 24, 2019; Le Parisien, 2019). On the other hand, any discussion on police violence is off the hand denied (BFMTV, 2018b; France 3 Bourgogne-Franche-Comté, 2019; Mediapart, 2019; Le Huffington Post, 2020), and the police in its role as protector of the state with the express permission to use violence reaffirmed (BFMTV, 2018b; Figaro Live, 2018; Public Sénat, 2018; BFMTV, 2019b) while even those who protest peacefully are deemed ‘accomplices’ (France 24, 2019; La République En Marche !, 2019) of the *casseurs*.

Thus, this latter line of discourse alongside the laws *anticasseurs* and *sécurité globale* and the numerous injuries and mutilations of protesters caused by police (Dufresne, 2019; Mauger, 2019; Trouillard, 2021) bares testimony of an increased amount of violence mobilised against protesters. In the context of the emphasis by the government on the threat for the Republic and its institutions (RTL, 2018; La République En Marche !, 2019; c.f., Figaro Live, 2018; Public Sénat, 2019a; Public Sénat, 2019b), this resort to violence can be understood as an attempt to solidify the government’s control in light of a loss of power through the revoking of support by those, protesters and silent supporters of the GJ, who lent it to them (c.f., Arendt, 1969; Arendt, 1970).

The former line of discourse – its emphasis on dialogue and unity – as well as reference to the principles of proportionality and necessity in the use of violence by police (Mediapart, 2019; Public Sénat, 2019b), suggest a simultaneous attempt to regain the support of the people and thus maintain power (c.f., Arendt, 1969; Arendt, 1970). When Macron proclaims that he draws his legitimacy ‘only from you, from no one else’ (RTL 2018), he echoes Arendt’s (1970) argument

that no person or government can rule based solely on violence leading to the complete disappearance of power, but that their governing is always dependent on the support of others.

The negotiation of the legitimacy of police violence in response to the GJ movement, or rather more specifically, the boundaries between legitimated and unsanctioned police violence, is marked by a double discourse. One aspect of this discourse emphasises dialogue with and socio-economic responses to those who peacefully express their just anger in contrast to the *casseurs*. The other, links the GJ movement to rioters and left- and right-wing ultras of whom even peaceful protesters become accomplices, and denying the very possibility of the existence of police violence in a democracy with rule of law such as France. This negotiation takes thus place within the context of a balancing act between the attempt to regain the support of those who lend their power to the government, and a desperate resort to violence considering a loss of power (c.f., Arendt, 1970). The highlighted existential threat to the Republic and to those who are assigned to protect it – the police – reaffirms and consolidates the conflation of law-making and law-preserving violence which is present in the police institution (c.f., Benjamin, 1978), and gives rise to new laws as means of defence against the perceived extra-legal violence of the GJ.

Conclusion

The shift towards a more confrontational protest policing style of the French police in the wake of the *gilets jaunes* (GJ) movement which started in November 2018, leading to numerous injuries and mutilations among protesters, is accompanied by a government discourse based on the denial of police violence. The use of violence by police is conceptualised as legitimate as long as it is exercised in the name of the rule of law and the defence of the Republic against protesters who to a large extent are represented either as rioters and hooligans (*casseurs*), and left- as well as right-wing radicals (ultras, Black Blocks), or as their accomplices. Meanwhile, the police's adherence to principles guiding the use of violence is considered a given fact. This discursive process reflects Condaccioni's (2019) argument that police violence is not only a tool of repressive state power. It also defines the boundary between those who possess a monopoly on violence and those who do not. It further serves to counteract and criminalise political contestation. This (re-)negotiation of the boundaries between legitimated and illegitimate police violence is further marked by a balancing act between the resort of violence and an emphasis on

democratic debate to mobilise public support. The former is justified to, in Benjaminian terms, preserve the state and its legal system against a perceived threat of an extra-legal counter-violence. The latter can be interpreted through an Arendtian perspective as a strategy to secure the support of the people who lend their power – now being revoked by the GJs’ contestation – to the government. The (re-)negotiation of the limits of legitimated police violence not only consolidates the conflation of law-making and law-preserving violence inherent to the police but is further institutionalised through the creation of new laws, or at least sought to be institutionalised in the case of these laws’ censored articles.

My research focused on the research question: *How are the boundaries between legitimate and illegitimate police violence negotiated in the intersections of law (enforcement) and politics during the gilets jaunes movement in France?* By analysing the discourse of government politicians using speeches and public statements relating to the GJ movement and police violence during the period of 2019-2021 using CDA, my thesis contributes an analysis of the role of meaning-making through political discourse to a broader academic field which explores the causes and processes connected to police violence against protesters. It is located within the strand of research that focuses on the political aspects of police violence (c.f., della Porta & Reiter, 1998; Jobard, 2008; Pickard, 2019; Achiume, 2021; Trouillard, 2021) instead of the responsibility of individual police officers or causes such as insufficient training, inadequate material and a lack of dialogue (c.f., Peterson, 2006; Wahlström, 2007; Noël, 2017; Obasogie, 2020).

Rather than focusing on the role of discourse in the criminalisation of activism (c.f., Condaccioni, 2019), my research has highlighted the processes of (re)defining police violence and the limits of its perceived legitimacy. This negotiation takes place within a larger discussion on violence during protests in which police violence is conceptualised through 1) its denial, and 2) it being contrasted with the ‘unacceptable’ violence of protesters which is perceived as creating the necessity for a repressive response using both laws and physical force. This process relates to what Condaccioni (2019) describes as the role of police violence as demarcating the border between those who hold the monopoly on violence and those who do not, whose violence through its mere existence threatens the state’s legal system (c.f., Benjamin, 1978).

The analysed discourse’s emphasis on the exceptional character of the GJ movement and the creation of new laws pertaining to protests and policing (*loi anticasseurs* and *loi sécurité*

globale) takes place within a context of what has been argued to be a normalisation of the state of emergency following the terror attack against the Bataclan in 2015 (Condaccioni, 2019; Trouillard, 2021). This observation suggests that Pickard's (2019) analysis of increasingly repressive attitudes towards protesters in the UK as linked to a normalisation of the exceptional applies to the French context, too. Yet, while my research demonstrates a clear interconnection between political discourse, law and protest policing – particularly when read in conjunction with the reviewed literature – further research is required to increase the findings generalisability. This research may examine to what extent the here outlined processes of negotiating the boundaries between illegitimate and legitimised police violence are consistent across social movements depending on their scale or political orientation, or across borders. Additionally, government politicians are not the only actors involved in these processes – particularly when considering Arendt's emphasis on the inability of an individual or small group to govern without public support – and other factors such as police training (see *Literature Review*) may have an impact on the exercise, conceptualisation, and institutionalisation of (legitimated) police violence. Future research may thus connect to these points and examine these potential additional factors, as well as analyse the role played by and perspectives of protesters, citizens, and police themselves.

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