

# **The State of Emergency and the Totalitarian Drift of the State**

**A Report from France**

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# Contents

Internal Enemies . . . . .	3
External Enemies . . . . .	4
Revocable Citizenship . . . . .	4
Governance by Exceptional Regimes . . . . .	4
The Resistance . . . . .	5
Elections: Only bad choices . . . . .	5
The Future of the Movement . . . . .	6
Some priorities: . . . . .	7

It appears that the French Republic is reaching a tipping point, a fundamental break with the way that rule has functioned here for three decades. Everything indicates that the political legitimization of racism and violent policing must either lead to tyranny or provoke an uprising. These two forces—tyranny and revolt—define the moment we are experiencing in France today. The confrontation is now permanent. In the following report, the second installment in our series leading up to the French elections, we explore these developments and the prospects for revolutionary movements in France.

Today, a year and a half after the declaration of the state of emergency, we count the dead, the wounded, the imprisoned. It has long been the case that ten to fifteen people die at the hands of the police each year in France, always from lower-income neighborhoods. But the level of violence has increased under the state of emergency, extending to the entire population. This supposedly exceptional regime, declared by the President after the attacks of November 13, 2015, gives the police extended power to arrest people, search premises without a warrant, and prohibit demonstrations. It bears a colonial pedigree: the legislation for the state of emergency was passed in April 1955, during the French occupation of Algeria.

At the time, the aim of the exceptional regime was to forcibly subdue the Algerian nationalist movement by releasing state repression from any legal constraints. The special powers it gave to the police led to the generalization of torture and summary executions in Algeria and also in France. A state of emergency is the hallmark of arbitrary repression and the establishment of a security regime; it paves the way for escalating racist violence and the opening of internment camps, without doing anything to prevent further terrorist attacks.

The rise of identity-based discourse across the entire spectrum of the political class over the past thirty years has led to this: the designation of certain categories of the population as enemies, creating a covert war within the national territory that is justified by racist discourse and the legitimization of the police. In December 2015, a month after the state of emergency was declared, police officers brutally beat Zohra Kraiker and her two sons. In July 2016, Adama Traoré died in the hands of the gendarmes at the age of 24. In February 2017, a 22-year-old man, Theo, was beaten by the police and raped with a nightstick. In March 2017, police murdered Liu Shaoyo, a 56-year-old Chinese citizen, at his home in front of his children.

## **Internal Enemies**

The lessons of thirty years of designating internal enemies and using working-class districts as a laboratory of repression are now being deployed against demonstrators of all stripes. It is inherent in this exceptional regime that it tends to extend its scope. The first unsanctioned demonstration under the state of emergency resulted in 344 arrests, without anyone being charged with a single crime; this set the tone for everything that followed. The police have arrested and injured thousands of protesters at the demonstrations of the past year, whether sanctioned or unsanctioned. At least 2031 political activists and trade union members have faced trial over the past 13 months.

France is a police state. No police officer has ever been convicted, even for murder, if the police unions support him. In recent months, armed, hooded, and aggressive police officers have held dozens of unauthorized street demonstrations of their own. The police were received in the Presidential Palace and received 250 million euros for new weapons. Two months later, a law

was passed relaxing the conditions that justify self-defense for the police, giving them a license to kill. The murder of Liu Shaoyo took place only a month later.

## **External Enemies**

The totalitarian drift of the state and institutionalized racism is even more blatant in the case of migrants. Living on the streets, they suffer cold and sickness; they are dehumanized, harassed, and imprisoned. Officers arrive early in the morning, take position in a neighborhood where migrants sleep together, and surround them with the now-familiar kettle. Sometimes they kettle an entire neighborhood, locking up everyone they catch, residents included. At the police station, migrants are often asked to sign an OQTF form (accepting the obligation to exit French territory within 30 days) on the false premise that it is an application for a place in a shelter.

Between July 31 and December 1 of 2016, more than 5000 migrants were arrested in the street, many of them repeatedly. More than 200 were placed in detention centers, and hundreds received orders to leave France. When not simply denying the facts outright, politicians use the state of emergency and the fear of terrorism to justify these police operations; in reality, they take place mostly on the margins of the law, with the aim of ensuring that migrants do not assert their rights. There are centers of “administrative detention” in which migrants are locked up, accused of only one crime: not being citizens.

## **Revocable Citizenship**

France is proud to be the homeland of human rights. But chartered rights granted by a government or sovereign can also be revoked on account of real or imagined emergencies. Like people in the United States, we live in a country that can deny rights and put people on lists, often for purely political reasons. After the attacks, coinciding with the declaration of a state of emergency, the President proposed inscribing in the constitution “*la déchéance de nationalité*,” the ability to revoke the French nationality of any person committing an offense “constituting an attack on the fundamental interests of the nation.” This proposal has been withdrawn, formally speaking, but it continues in practice. In the eyes of the state, the inhabitants of working-class neighborhoods are sub-citizens, just as migrants are subhuman.

## **Governance by Exceptional Regimes**

Likewise, the rights of those who are ostensibly considered citizens may be revoked if they exceed the narrow framework of behavior permitted by the state. This is being inflicted on Antonin Bernanos at this very moment. He was arrested on the testimony of an anonymous informant—who lawyers later discovered to be a cop—on the charge of having participated in the burning of a police car during a demonstration against a gathering of extreme right Police Unions. His guilt has never been proven; at best, he is accused of having been present at the demonstration in question, or of frequenting the “antifa environment.” In spite of all this, he spent 10 months in prison, in “preventive detention,” until his trial. Then he obtained the right to be released pending his first hearing, but this right is subject to a measure of exile: he must leave Paris to live in the north.

Indeed, pre-trial detention and exile measures have been used extensively over the past year and a half. This form of banishment takes us back to the Middle Ages, showing that the rights of the citizens may be suspended at any time.

## The Resistance

People challenged the state of emergency in the street starting from the very first day. Since November 2015, simply meeting in public space is an act of rebellion.

The year 2016 saw a long and tenacious social movement, a rare thing with the Left in the Presidency. Finally, autonomous confrontational elements began taking the head of the demonstrations—*“le cortège de tête”*—rather than the back, as was traditional in France. Revolted by police violence, more and more people joined the autonomous bloc to confront the police. Even “Nuit Debout” rejected the state of emergency.

The support committee for Adama Traoré succeeded in organizing an exemplary mobilization, despite fierce judicial repression. To break the mobilization, the police sent several of the murdered young man’s brothers to prison. But every time the police killed or injured someone, it only renewed the mobilization: wild demonstrations took place every day for three weeks in Paris and its suburbs after young Theo was raped by police, and the murder of Liu Shaoyo has revived the mobilization again.

In some cities, the outrage has gone so far that the Socialist Party and the Prime Minister were forced to cancel their meetings for fear of confrontation. This occurred in Rennes, where no demonstration is ever reported to the authorities in advance, a tradition since the police murdered a trade unionist in 1968. At a time when all the candidates in the upcoming election are vying with each other for the backing of the police, and are trying to define a “French identity” on a clearly racist basis, it is delightful to observe that in the streets, the identity that is asserting itself more than skin color or religion is best summarized by the slogan everyone chants at demonstrations: *“Tout le monde déteste la police.”*

Everyone hates the police.

## Elections: Only bad choices

The presidential election appears to affect nothing in this situation, as if it were taking place in another world. The only notable change is that some masks are falling. The corruption cases of the political elites follow one after another.

A series of scandals have beset the candidate of the Right. First, he fictitiously employed his wives and his two children with the money of the Senate. Then he was offered clothing tailored by a lobbyist of French neo-colonization in Africa. Then it was an undeclared loan of 50,000 euros, then a watch offered, then checks from the Senate. The same candidate maintains that while earning 20,000 euros a month he cannot manage to put money aside. He presents a program of austerity while living in a castle and taking advantage of public funds. In spite of all this, he maintains his candidacy and says he is a victim of a set-up. To galvanize his base, he has been radicalizing his speech and spreading conspiracy theories. This puts him at the same level of speech as the extreme right candidate Marine Le Pen, since the two contesting the same electorate.

The third candidate is the neo-liberal candidate Emmanuel Macron. Previously, he was a banker at Rothschild and a member of the current President's government, but he still claims to represent a break with the political class in business. In this election, he is positioned as a pro-European and thus appears to be the best candidate, compared with the probability of Marine Le Pen reaching the second round. The reality is that his alternative to national isolationism is simply the individualized personal isolation of neoliberalism. He wants to continue the destruction of the labor code that he began when he was the minister responsible for the budget; he wants to make employees face their bosses alone, without trade unions or laws to defend them. In the neoliberal model, we will not live anywhere, we will travel by Uber from one Airbnb to another, blown about "flexibly" before the winds of the market, without ever meeting anyone except those we do business with, and we will spend our pay just to be able to work.

The fourth candidate is Jean-Luc Mélenchon, the candidate of the supposed "radical left," who has been contorting himself skillfully not to appear as such—for example, by making crowds sing the national anthem for him, distributing thousands of French flags in meetings, or advocating the return of military service. Even as a "radical leftist," he does not take many risks; like the entire French political class, he has adopted most of the identity discourse that was previously exclusive to the far right. Mélenchon is the candidate who promises to renew the Left as a way to restore the strength of state.

The polls place these four candidates neck and neck, so it is difficult to guess who will be in the second round of elections, though the far-right candidate and the neo-liberal candidate seem to be the favorites. In any case, whoever is elected will inherit and maintain the repressive apparatus that the previous governments have put in place. In this regard, the election offers only bad choices: do we prefer to be governed by an overtly authoritarian government, or by a covertly authoritarian government?

But we should also watch how many people will abstain from voting. Each of the four candidates claims to break with the establishment, but they are all connected to it, whether via their direct interests or their class interests. It seems that more and more people understand this. Furthermore, holding elections while the state of emergency is still in effect, so it is possible to prohibit any demonstration, raises doubts about the "democratic" nature of the situation.

All these institutions exist above all to preserve capitalism. No change will be possible without confronting them directly, by popular mobilization. Besides, as the writer Georges Darien put it, "Only revolutionaries think that honesty is really possible." In order to live honestly, we must break down the hierarchies that corrupt humanity.

## **The Future of the Movement**

For all these reasons, our anti-authoritarian movement bears a tremendous responsibility. We must be able to welcome all the new people who are coming to us, to offer them political perspectives and propositions that can be put into practice. If we fail to do so, they may swing to the other side, the side defined by identity and nationalist isolationism. This is our hour. We have to rise to this situation—this situation that we have desired for a long time—or bear the consequences.

## **Some priorities:**

- Take responsibility for being inclusive and welcoming.
- Intensify the force of attack while protecting the participants and supporting the victims of repression.
- Develop the ability to accommodate several forms of expression in our demonstrations, as not everyone may be able to confront the police physically. It should be possible to support confrontational tactics in a variety of ways.
- Control the narrative. It is not enough to despise the society of the spectacle; we must gain ascendancy over it.
- Improve life immediately. This includes all the autonomous practices our movement has developed, such as opening squats to house people, redistributing food, and helping those who have problems with the police to hide when they have to, especially migrants.
- Finally, laugh—laugh a lot. Give ourselves the means to laugh by inventing actions that are both offensive and enjoyable.
- Imagine something better than this closed world would constrain our imaginations to. Our survival is closely linked to our ability to imagine a world that is wider and freer and richer than this small world of padlocks, property lines, and batons that is presented as immutable.

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