

French government's bill on state of emergency threatens democratic rights

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On Tuesday, Stéphane Le Foll, spokesperson for the French Socialist Party (PS), released initial details of the PS's bill to modify the constitution in order to "modernize" the state of emergency.

The draconian measures announced by Le Foll, adopted after the Islamic State in Iraq and Syria (ISIS) terrorist attacks in Paris on November 13 and the imposition of a state of emergency, threaten basic democratic rights in France.

Presented yesterday to the French Council of Ministers by Interior Minister Bernard Cazeneuve and French Prime Minister Manuel Valls, himself a former interior minister, the bill emanates directly from the police and internal security forces.

The proposed amendment grants the security forces immense powers. Based solely on the state's assertion that there exists a potential threat to "public order," the police would be able to dissolve organizations, place people under house arrest and search their residences. The proposed constitutional measures do not specifically target terrorism. In fact, the word "terrorism" does not appear once in the text presented by Le Foll.

This gives security forces the right to prohibit and punish any attempts to organize strikes, demonstrations or meetings that might displease the authorities.

According to Le Foll's announcement, "The house arrest regime is modernized and extended to any person who gives serious reasons to believe that his behavior constitutes a threat to security and public order. The person under house arrest may be prohibited to enter directly or indirectly in contact with people also suspected of preparing acts against public order."

The proposed amendment eliminates an administrative committee before which people could challenge their house arrests. Now, the only way for

individuals placed under house arrest to challenge their status will be through a lengthy battle in the courts.

In addition, the law permits "the dissolution of associations or groups that participate, facilitate, or incite to acts that are a serious breach of public order against the public order, and that have within them people under house arrest."

Le Foll adds: "The public prosecutor will be informed of all searches, which will moreover take place in the presence of a police officer. During searches, the police can record and store data on any media, computer system or equipment."

Currently, the 1955 law governing the state of emergency only allows the seizure of weapons. According to press reports, the PS's plan would allow the seizure of computers, cell phones and other digital media. It would also allow wider surveillance measures adapted to modern means of communication.

According to *Les Échos*, "The text will make it easier to carry out searches, notably by broadening the range of situations in which they can be used. It may authorize different measures to control detainees, such as the possibility to require them to appear four times a day before the police and give up their passport."

The proposed amendment contains many more reactionary provisions. The services in the fight against terrorism "shall have the power to be able to use all the means of new technologies." French President François Hollande announced that dual citizens convicted of terrorism shall lose their French citizenship and be expelled from France. Policemen will be able to invoke the right to self-defense more broadly as well, allowing them to use their weapons more aggressively.

Such a modification of the French Constitution, which does not target terrorism but any disturbance that could threaten "public order," is not driven by a

struggle against terrorism. The atrocities committed by ISIS serve as a pretext for attacks against the democratic rights of the entire population.

Internationally, the social order is profoundly discredited due to the broad economic collapse after the Wall Street crash of 2008 and the rise of war and social inequality.

The mindset that prevails among the ruling circles and the affluent petty bourgeoisie can be seen in the title of a recent book by the sociologist Emmanuel Todd on the class structure of France: *After democracy*.

The social situation has further deteriorated since the PS took office, and the PS's austerity and pro-war measures have further sharpened class tensions.

The PS already took an extraordinary decision last year to ban a peaceful demonstration against the war conducted by the state of Israel against Gaza. Undermined by its deep unpopularity and potentially threatened with collapse in the upcoming presidential elections in 2017, the PS is, out of desperation, ready to consider draconian measures.

The only social base that the ruling elite can find for its policies is the army and police forces. The French president on Monday expressed his desire to "substantially strengthen the resources available to the justice and security forces," accepting in advance "additional costs." President Hollande has proposed the establishment of 10,000 security posts, including 5,000 police and gendarmes, 1,000 customs agents, and 2,500 posts in the justice and penal systems.

Hollande declared that "the security pact outweighs the stability pact," which limits budget deficits. In fact, this signifies that budgetary overruns in the various ministries will be offset by more vicious attacks against workers' social rights.

There will not be any downsizing of the French army before 2019, but the integration of some 59,000 reservists in the National Guard. The operations of the National Guard would cost about €2 billion, according to the press.

The PS's increasingly undemocratic policies are widely supported in the media, which broadly reflects the tone of reactionary petty-bourgeois opinion.

Thus François Bastien, a law professor who writes for *Nouvel Obs* and is a member of Europe Ecology-The Greens, a party close to the PS, supports the

proposed amendment of the constitution, which he presents as being only an anti-terrorist measure.

According to Bastien, the modification of the Constitution aims "to create a 'civilian regime of crisis' allowing the state to combat 'in a lasting way' the terrorist threat. Because this involves in particular the infringement on the foundations of the right of nationality, or also generalizing house arrest for people suspected of jihadism, and thus defining a regime which abrogates fundamental rights in order to fight terrorism, a revision of the constitution is of course necessary."

The press was unanimously thrilled by the Hollande's bearing before Congress. In an article titled "Hollande in Congress: a lesson in presidential dignity for Sarkozy," *Challenges* marvels at the national unity it claims is forming around Hollande.

The financial magazine wrote: "Facing the Congress, for the first time since his election, Francois Hollande never so much embodied the authority of the Republic, of a certain idea of France. A picture will remain: that of the chief of state, standing at the podium of the Congress, hailed by all of the nation's representatives, all singing the Marseillaise. ... Without a doubt, in the eyes of many French people, he has become, compelled by the tragic element in history, fully president. Entirely president. Absolutely president."

This paean to national unity and the authority of the chief, the central theme of the propaganda of the Nazi-collaborationist regime in Vichy, is the faithful reflection of the reactionary hysteria within ruling circles that accompanies the deep attacks on democratic rights in France.



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