

French National Assembly enshrines state of emergency in constitution

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Last Wednesday, February 10, the lower house of the French parliament adopted an amendment enshrining the current state of emergency in the constitution, and depriving people convicted of terror-related offences of French nationality. It was adopted by 317 to 199. The amendment is now going for approval to the Senate.

Using the November 13 terror attacks in Paris as a pretext, President François Hollande's Socialist Party (PS) is giving itself extraordinary powers to rule France as a police state. A week after the attack, Parliament voted a three-month state of emergency until February 26, giving the PS time to design its constitutional reforms. Since the state of emergency was declared, police have conducted more than 3,200 warrantless house searches, imposed 400 assigned residence orders, and closed numerous mosques and businesses.

As amended, the constitution's new article 36-1 declares: "The state of emergency is decreed in the council of ministers, on all or part of the Republic's territory, either in case of imminent peril due to serious attacks on public order; or in the case of events that, by their nature or severity, have the character of a public calamity."

The state of emergency can be renewed indefinitely, requiring parliamentary approval every four months. Prime Minister Manuel Valls recently told the BBC that he would extend the state of emergency "until we have gotten rid of the Islamic State," which he had previously declared would take "a generation."

During a state of emergency, the amendment adds, "The law decides what police measures the civil authorities may take to protect against danger or deal with events."

As amended, however, the constitution would give a blank cheque to the parliament to pass laws giving any powers it wants to the police. This means that police

powers under the state of emergency can no longer be challenged before the constitutional council, since the parliament's right to grant the police whatever powers it pleases is inscribed in the constitution itself.

After the Paris attacks, Valls felt compelled to ask the Senate not to challenge the state of emergency before the constitutional council, fearing that its measures could be struck down as unconstitutional.

These measures have already been denounced by rights groups, as they give draconian powers to the police, and undermine basic democratic rights. Recently, Human Rights Watch and Amnesty International condemned the state of emergency, noting that police have used their extended powers in abusive and discriminatory ways, particularly against Muslims.

Catherine Haguenaud-Moizard, a law professor at the university of Strasbourg, told radio station RFI: "If French people want to live in a State which abides by the rule of law, they should be very worried. Because as soon as the state of emergency is provided for in the Constitution, the government and the police will have extensive powers."

Hollande has developed a personal friendship with Egyptian military dictator Abdel Fattah al-Sisi, who oversaw the killing of thousands of protesters after toppling Islamist President Mohamed Mursi. Haguenaud-Moizard said, "France is going almost as far as Egypt, which is not a democratic country by all regards. It's very worrying."

The amendment also gives the state the right to deprive dual nationals convicted of "terrorist crimes" of their French citizenship, endorsing a policy that has long been advocated by the far-right National Front (FN). The Nazi-collaborationist Vichy regime applied it during the 1940s, depriving French Jews of their citizenship before deporting them to death camps.

The fact that the PS is proposing such a despicable measure, which has no deterrent impact whatsoever on potential terrorist attackers, underscores the sharp lurch towards the far right of the entire French political establishment. In the past, when former conservative president Nicolas Sarkozy proposed to adopt a policy of deprivation of nationality in terrorism cases, it was opposed by the PS, including Hollande and Valls.

While the press have sought to portray the PS's reactionary law-and-order agenda as enjoying broad popular support, Hollande and top PS officials are again collapsing in the polls. Hollande fell to a record low of 20 percent approval in an Ipsos- *Le Point* poll this week, four points lower than before the November 13 attacks, and Valls fell to 35 percent support.

By moving far to the right, the PS is bidding to shore up its support in the ruling class. Undoubtedly, one consideration is the expectation that FN leader Marine Le Pen will score very well in next year's presidential election. The PS and Hollande aim to compete with the FN for support in the ruling class and the security forces by advocating law-and-order measures, and appealing to anti-Muslim racism.

However, the PS's lurch far to the right is determined by broader political and historical factors. As the PS commits itself to tearing up basic social and democratic rights won by the working class after World War II, in response to escalating economic and military tensions, it finds itself moved to rehabilitate authoritarian forms of rule.

During the debate on the constitutional changes last month, Government spokesman Stéphane Le Foll said, "The president and the government are concerned with obtaining a broad majority on a question that is above all the safety of the French people, and which must therefore go beyond the usual divisions." That is to say, the "usual division" between the PS, the conservatives, and the neo-fascists are to be overcome, as all of them promoted police-state forms of rule.

The PS and its trade unions allies are preparing unprecedented attacks on social rights and billions of euros in social cuts. The vast police-state measures set a precedent for intimidating and attacking social resistance, as the PS speeds up structural reforms, including the reform of the Labour Code, to dramatically boost business competitiveness at the expense of the working class.

The Labour Code reform that is to be presented to the parliament next month gives sweeping powers to trade unions and bosses to negotiate working time and wages in firm-level contracts that violate the national Labour Code. In short, the protections of the Labour Code are to be effectively wiped out in the face of escalating social anger at austerity in the working class.



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