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## **Security Pivot Towards a Police State in France** **Populisms' Slippery Slope**



***The first European Thinking Lab took place from 25-27 November in Lisbon. During the Summit, the contributors cooperated within their Thinking Lab and worked out brief policy proposals. Félix Blanc is engaged with the topic of a Security Pivot towards a Police State in France.***

*Populism has caused ideological shifts in France for the past three decades. French political elites have gradually focused their agenda on security issues. Concerned with the rise of the Front National in the eighties, right- and left-wing parties gradually endorsed the same framework to deal with urban delinquency and terrorist threats: massive surveillance, repression and preventive privation of liberties. Consequently, in less than three decades, a security pivot occurred in France encompassing urban security policies, anti-terrorist laws and a state of emergency. Why? Because a bench of socialists and conservatives went hand in hand to engrave, in the name of anti-populism and anti-terrorism, a police state that threatens the French republican constitution and the European rule of law as well. Originally meant to repel the populist attacks of the Front National, their answers led France the into a state of police that threatens the rule of law within and beyond its borders.*

The French security pivot came in the 80s as the Socialist Party won the presidential elections for the first time during the Fifth Republic. This pivot was ushered in by a small group of upstart politicians and scientists, largely influenced by Alain Bauer, a criminologist linked to Michel Rocard's socialist movement, the Parti Socialiste Unifié (PSU). Together with Manuel Valls, back then a simple socialist militant, and Stephane Fouks, an influential spin-doctor of the Fifth Republic, this group contributed to shaping a long term vision of the Socialist approach towards security issues. Concurrently, the French political scientist Pierre-André Taguieff presented the Front National as a party of 'National-Populism', which sounds less extreme and threatening than its fascist legacy (<https://www.opendemocracy.net/can-europe-make-it/philippe-marli%C3%A8re/demophobes-and-great-fear-of-populism>). Using the notion of "populism" to coin the rise of extreme right parties in Europe may have helped kick-start a concurrent process of 'de-demonization' of the extreme right and of 'radicalization' of the left and right moderates. How this could happen is what thirty years of security policy may explain.

### **"Rocardian" Security Policy and Non-Partisan Populism**

In the eighties, as the Front National launched its campaign platform based on zero immigration, nationality law and security deficits in urban areas, the young "Rocardians" began to advise socialist politicians in providing security policy at local level. In the early nineties, they helped the mayor of Vitrolles (<http://www.editions-arcane17.net/content/vitrolles-un-laboratoire-de-lextreme-droite-et-de-la-crise-de-la-gauche-1983-2002>), for instance, to develop a security approach which included surveillance technologies, communication strategies, and intervention forces. At the time, their approach diverged from the mainstream socialist vision of urban security, which relied heavily on prevention and community-based policing, not technological devices, surveillance systems and all round repressive strategies. Vitrolles went on to be governed by the Front National in the 90s.

In their attempt to discredit the hard populist statements of Front National, several socialists and conservatives started to claim that security was a matter which went beyond political bi-partisan splits. Some of them participated actively in the 1997 "Villepinte" congress on urban security acknowledging that security issues were beyond parties, and clearing the ground for

the French security pivot that will lead in turn to the successes of then Minister of Interior Sarkozy. His populist statements on youth crime and vandalism were immortalised by him calling young delinquents from housing projects a “rabble” (“racaille”) and his controversial suggestion that minority suburbs should be cleansed with a Kärcher, a high pressure cleanser, initiating the urban riots in 2005. Such ‘cheap and offensive populism (<https://www.opendemocracy.net/can-europe-make-it/philippe-marli%C3%A8re/demophobes-and-great-fear-of-populism>)’ could also be found on the centre-left as well. In 2009, while visiting the Evry marketplace, Manuel Valls, the former French Prime Minister, asked his cameraman to stop filming a scene because they were ‘too many Blacks’ in situ. Valls was caught on camera saying: ‘I want you to film more “Whites”, I want more “blancos”.’ Were these statements mere rhetoric to counter extreme right populism? Or did they entail illiberal policies giving substantive resonance to their tactical uses of extreme ideologies?

In a vast campaign against the former security policies of the Socialist Party, Alain Bauer and Nicolas Sarkozy imported the post civil rights movement US model of urban security based on surveillance and repression, and pitched the “security deficit” narrative to security lobbies and mainstream media, legitimizing ex post the far right’s populist agenda. Once elected president, Nicolas Sarkozy appointed Alain Bauer as security adviser to reorganize the system of studies and research on security and strategy. In the aftermath of the 9/11 attacks in the United States, the political success of this new security approach fell into the brand-new 2002 National Security Strategy Report inspired “defense-security continuum” concept. President Sarkozy launched a vast reorganization of police forces and secret services which blurred the former republican distinction between internal and external security. He prioritized mass surveillance of telecommunications (<http://tempsreel.nouvelobs.com/societe/20150625.OBS1569/exclusif-comment-la-france-ecoute-aussi-le-monde.html>) on French soil as well as oversees, which had been the community-based intelligence service of the Police Nationale (Interior Ministry) for decades – a move which has been highly criticised (<http://tempsreel.nouvelobs.com/societe/20160719.OBS4914/3-decisions-de-sarkozy-qui-ont-affaibli-la-police.html>) since the 2015 Paris attacks.

## Continuation of the Consensual Security Paradigm and Dismissal of Alternative Concepts

Adopting the US-imported “security pivot”, François Hollande appointed Manuel Valls (<http://www.slate.fr/france/85379/alain-bauer-trait-union-manuel-valls-nicolas-sarkozy>), still close to Alain Bauer, first as Minister of Interior in 2012, then as Prime Minister in 2014. The political ascension of Manuel Valls for the past thirty years strangely mirrors the increasing success of the Front National in local, national and European elections. This parallel is not surprising, considering the fact that as of the municipal elections of the 90s (which focused on urban delinquency), up to the recent national electoral campaigns (which focus on terrorism and national security), left-wing and right-wing politicians have forged a broadly consensual security paradigm presented as the only way to stem the increasingly successful fearmongering rhetoric of the Front National. In the meantime, mainstream media and security experts continued to coin alternative socialist proposals, such as the model of community based police forces ([http://www.champsocial.com/book-vous\\_avez\\_dit\\_securite\\_738.html](http://www.champsocial.com/book-vous_avez_dit_securite_738.html)), implemented by Prime Minister Lionel Jospin from 1997 to 2002, as “angelical” and “dangerously naive”. From this perspective, Valls’ nomination was not perceived (or even conceived) as a credible socialist alternative to Sarkozy’s security policy. On the contrary, in matters of security and defense policy, many commentators witnessed a reinforcement of Sarkozy’s strategy, with Valls taking up the role of muttering populist statements to justify the most radical measures – including the introduction of a permanent state of emergency (<http://www.globalresearch.ca/prime-minister-valls-pledges-permanent-state-of-emergency-in-france/5503748>) whose illiberal consequences have been denounced ([https://amnestyfr.cdn.prismic.io/amnestyfr%2F775c2444-b422-41f0-83e8-0cb6e2a2953f\\_aif+-+vies+bouleversee+etat+urgence+france.pdf](https://amnestyfr.cdn.prismic.io/amnestyfr%2F775c2444-b422-41f0-83e8-0cb6e2a2953f_aif+-+vies+bouleversee+etat+urgence+france.pdf)) by Amnesty International and others. Manuel Valls tried to pull the rug from under Sarkozy’s and Le Pen’s feet to persuade their voter base that the now well-matured “security pivot” deserved to be cemented into constitutional provisions – despite dissenting opinions (<http://www.laviedesidees.fr/Le-paradigme-de-l-exception.html>) within the Socialist ranks regarding the efficiency of ‘state of emergency’ laws in preventing terrorist attacks. The Socialist government stepped in for the right-wing movement and enacted several anti-terrorist and surveillance laws that completed the previous reforms of President Sarkozy. We can see that the rhetorical strategy consisting of borrowing ideas and proposals of the Front

National goes hand in hand with a permanent call to fight the “extreme right and populists” (<https://www.ft.com/content/276dd184-30c8-11e3-b991-00144feab7de>) all over Europe. However, the spreading success of anti-populist rhetoric has been repeatedly used in France to pass illiberal laws without saying it.

## **Countering Illiberal Populism by Pursuing its Policies?**

In that respect, the shift from “urban delinquency” to “terrorism” pre-dates the recent and increasingly numerous attacks on French soil. The anti-terrorist law enacted in November 2014 saw the Socialist government introduce several controversial (<http://etudespolitiques.org/wp/tag/democratie/>) – some legal experts said totalitarian (<http://www.leclubdesjuristes.com/les-publications/linterdiction-de-sortie-du-territoire-national-en-matiere-terroriste-une-prophylaxie-totalitaire/>) – measures into the criminal code to prevent attacks that may be launched by individuals radicalized on the internet or during their stay in theatres of conflict (e.g. Syria or Iraq). Unsurprisingly the conservative party even helped Prime Minister Valls in silencing his own Minister of Justice, Christiane Taubira, the last member of his government who dared defend the idea of rule of law as the strongest bulwark against terrorism. The Republicans also supported the Socialist government in taking repressive measures which contributed in turning the French anti-terrorist model (<https://www.lgdj.fr/terrorisme-et-droit-penal-9782247088171.html>), mostly judicial since the 1986 anti-terrorist act based on criminal law (individual sentences, judicial process and punitive measures), into a preventively coercive model – mostly highly complex administrative law – based on preventive detention, internet censorship and mass surveillance.

How did anti-populist figures such as Manuel Valls manage to perform a sleight-of-hand resulting the adoption of illiberal laws while defending them simultaneously as efficient means to fight back illiberal populism? In fact, several influential architects were supporting the political scene to resolve the paradox of illiberal populism. If Alain Bauer was the leading figure of the security approach that managed to succeed politically in the nineties at the local level and in the 2000’s at the national level, his influence has been recently surpassed by Thibault de Montbrial, one of the leading figures of anti-terrorism expertise (<http://www.lefigaro.fr/vox/societe/2014/06/16/31003-20140616ARTFIG00068-les-deux->

[visages-de-la-radicalisation-islamiste-en-france.php](http://visages-de-la-radicalisation-islamiste-en-france.php)). As an anti-terrorist expert and lawyer defending armed forces and victims of terrorist attacks, he has been increasingly influential in various military and intelligence French lobbies that have successfully supported (<http://www.atlantico.fr/decryptage/etats-islamique-que-france-doit-changer-methodes-combat-pour-gagner-guerre-contre-terrorisme-thibault-montbrial-sursaut-ou-chaos-2189332.html#Dfh8mpiqo9WCi0Fs.99>) and amended the anti-terrorist laws passed recently by the Socialist government. If Alain Bauer's intellectual moves paved the ideological way to the success of left-wing and right-wing populist statements on urban security – insofar as his personal trajectory contributed directly to the disappearance of the former alternative between progressive and conservative approaches towards security policies – Thibault de Montbrial contributes nowadays, with others, to the proliferation of populist statements that blur the distinction between the rule of law and a police state. In lawfully giving unlimited coercive yet judicially uncontrolled means to armed forces and intelligence services (through freedom-restricting measures (<https://www.legifrance.gouv.fr/affichTexte.do?cidTexte=JORFTEXT000030931899&categorieLien=id>)), his decisive contribution to the recent anti-terrorist legislative landslide has accelerated the advent of a police state in France.

### **Initiating the “War on Terror” at the Cost of the Rule of Law**

After the Paris attacks, Thibault de Montbrial went one step further and crossed the Rubicon of anti-liberal populism. His repeated call for a moral and mental preparation of French society to a long lasting civil war against terrorism goes hand in hand with his populist Trump-fashioned campaign for extending the use of legitimate armed self-defense by police forces. Within this context he recently (<http://www.causeur.fr/attentat-nice-terrorisme-islamisme-montbrial-39240.html>) proposed the establishment of a police state, here in veiled terms, as the best solution to fight terrorism on a large scale. He was not alone. His declaration, uttered right after the Nice massacre of July 14, is to be compared with the following reactions of several members of the Republicans (conservative party). Deciding to break the paradoxical rhetoric of anti-populism that had prevailed in parliament with Manuel Valls and other authoritarian socialists, they suddenly burst out and voiced explicitly for the suspension of the “rule of law”, taking the risk of plunging the country into the chaos of “civil war”. Their attitude threatens Republican values in constantly blurring the frontiers between rule of law and police state, or, to put it differently between security and liberty. Security, as stated by

Montbrial, is a necessary condition for liberty; therefore these two values shouldn't be "opposed". Does this assumption imply, as he suggests, that we shall wait until the end of this war against terrorism until we restore civil liberties? Does this furthermore mean that the police state implemented in France through the previously described "legislative arsenal" shall last until the end of a conflict that will "last for a long time", according to Montbrial?

The reiteration of illiberal populist statements by mainstream politicians reveal that the anti-populist strategy that has prevailed in France for the past decades is now at an end. The presidential campaign may confirm political tendencies observed after the recent attacks. Shall the category of "populism" gradually disappear with the cultural hegemony of illiberal ideologies? Or shall the paradoxical use of anti-populist rhetoric still predominate among mainstream parties? One thing is certain, populist and anti-populist rhetoric – as linked together in this article – rests upon the appeal to emotions, such as fear or rage, that are peculiarly dangerous in matters of security and defense. Such moves lead us into areas where the public sphere has no more place, because binary categories replace complex reasoning, as suggested by the title of Montbrial's unique book: [Le Sursaut ou le Chaos](http://www.crsi-paris.fr/actualites/thibault-de-montbrial-publie-chez-plon-le-sursaut-ou-le-chaos) (<http://www.crsi-paris.fr/actualites/thibault-de-montbrial-publie-chez-plon-le-sursaut-ou-le-chaos>) ("Awakening or Chaos").

### **Restoring the Rule of Law by Leaving the Slippery Slope into Illiberalism**

To conclude, French civil society and political parties have lost ground against the rising influence of security lobbies and experts, whose covert operations led to the adoption of laws that nurture more and more uncertainty in democratic regimes. In recent anti-terrorist and surveillance laws, there is no longer a clear distinction (<http://www.slate.fr/story/114869/sicard-justice-etat-urgence-decheance>) between the rule of law, where the judicial system guarantees individual rights, and a police state, where administrative decisions can lead to the privation of liberties. Far from stemming the Front National's populism, the security approach that led to Sarkozy's and Hollande's election facilitated a consensual anti-populist rhetoric casting away political alternatives that really matter. Consequently, there is no more room for choosing between progressive and conservative approaches towards security policy. There is only the clash between populist and anti-populist statements that hide the ideological similarities (and differences) lying



behind them. Therefore, the security legacy of Hollande's government is now leading France and Europe into a much more dangerous confusion: a police state can now act under the peaceful name of "the rule of law". The polemic following the Nice attacks shows how fragile and precarious the political consensus was that prevailed in the recent voting of the surveillance and anti-terrorist laws. We assist nowadays to rhetorical rivalry between the Socialist government and the Republicans that does not rest on a credible alternative between progressive and conservative visions, but rather on the inadmissible and unspeakable fact that both parties have enacted laws countervailing directly with our conception of the rule of law. The recent illiberal populist statements by some members of the Republican party keep on bringing France into a slippery slope within which we must avoid to fall in by reminding all Europeans what the rule of law means and how we can resist the temptation of forgetting our most valued principles in times of great danger.

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