

# France: Emmanuel Macron Is Creating a Liberalism Without Civil Liberties

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**On Tuesday, France's National Assembly passed a bill effectively banning citizens from posting videos of police officers. Emmanuel Macron is trampling on historic press freedoms in order to prove himself as a "law-and-order" president — an authoritarian turn which makes a mockery of his claimed defense of liberal values.**

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It reads like the sort of blunt attack on civil liberties you'd expect from the ruling party in Hong Kong or Turkey — certainly not anything that would pass muster in a country where politicians regularly invoke the Republic and its unrelenting commitment to liberal values. And yet, this is the reality of France's sweeping new national security bill, approved by pro-Macron legislators in the National Assembly on Tuesday, and set to head to the Senate in January.

Under the legislation, law enforcement will gain a [host of surveillance powers](#), like the expanded ability to use drones and deploy body cameras transmitting live feeds directly to police headquarters. But most alarmingly, the bill would make it illegal to publicly share images of police, if the officer in question can be identified and if the goal is to "manifestly" harm his or her "physical or mental integrity." This extraordinarily vague offense would be punishable by a fine of up to €45,000 — and a year in prison.

In other words, publishing a video of a cop clubbing a protester, frisking a group of teenagers, or making an unnecessary traffic stop could soon come with the risk of jail time. This prospect has drawn the ire of the country's journalist unions, left-wing parties, and NGOs like [Amnesty International](#), but also France's government-appointed [rights ombudsman](#), and even the [UN Human Rights Office](#).

If the bill gets the green light from the Senate — its majority controlled by the right-wing Les Républicains — opponents hope that France's Constitutional Court may step in and nullify the legislation's most egregious measures. Failing that, a challenge could, in theory, make it up to the European Court of Justice. But no matter what comes next, it's a dark day when legislators in a liberal democracy feel empowered to mount such a brazen infringement on the most basic of rights.

## Unaccountable Police

Just about any push to criminalize the filming of law enforcement is wrong on its merits. But France's bill is especially heinous given the circumstances — starting with the fact that the

government has effectively chosen to intervene on the side of aggrieved police unions, right in the middle of a growing national debate about police brutality.

The renewed public interest in the problem of police violence stems, in part, from the success of the *gilets jaunes*, the resilient working-class protest movement that faced sustained police repression after breaking out in the fall of 2018. But it's also been fueled by the more [recent wave](#) of anti-racist protests decrying the excessive use of force in the so-called *quartiers populaires* — working-class neighborhoods that are often home to large populations of immigrants and their descendants, citizens, and noncitizens alike.

Like Bouna Traoré and Zyed Benna, whose deaths sparked the riots of 2005, the 2016 death of Adama Traoré in police custody has come to symbolize deeper problems of racism and police violence. Unlike fifteen years ago, today's uprising has been overwhelmingly peaceful, and propelled by a sense of solidarity with Black Lives Matter protests in the United States.

As around the world, videos have played a crucial role in fueling France's own debate about police violence. While the [list](#) of such cases is far too long to spell out, a few high-profile incidents captured on camera stand out: [Cédric Chouviat](#), a delivery worker who died in January after being put into a police stranglehold at a traffic stop and telling officers that he couldn't breathe; [Alexandre Benalla](#), a former special advisor to president Macron who dressed as a riot cop and beat up protesters on May Day 2018; or back in 2008, the violent arrest of Abdoulaye Fofana, [filmed](#) by a then twenty-year-old neighbor who went on to direct the Oscar-nominated film [Les Misérables](#) on the same topic.

Recent protest movements have also seen the [emergence](#) of a new [generation](#) of [journalists](#) providing on-the-ground coverage of demonstrations and their repression at the hands of the police. Some of these reporters are openly sympathetic to the protests they cover and not all of them have the official press card — facts that endlessly bother their critics. Others wouldn't describe themselves as journalists at all. But it's in large part thanks to this intrepid bunch of live-streamers, videographers, and photographers that recent [incidents](#) of police brutality during protests could reach a wide [audience](#).

Naturally, not everyone in France is interested in talking about what these videos reveal — and in particular, those who are on the wrong side of them. Over the last few [years](#), police unions have [pushed](#) for the government to [crack down](#) on the sharing of images of law enforcement on social media, often under the specious grounds of cracking down on "hate speech." That alone isn't terribly surprising, as cops regularly make demands to protect their professional interests at the expense of public accountability.

But what's truly remarkable today is that the Interior Ministry has felt compelled to side with them. While appeasing disgruntled cops and reinforcing state power come with benefits of their own, the move also appears to be part of a more short-term political calculation, at a delicate time for Macron and his government.

As public patience with the lockdowns runs thin and the economic fallout of the crisis looks set to last beyond this year, the 2022 presidential elections are quickly approaching. Polls are pointing to a second-round rematch between Macron and Marine Le Pen of the far-right Rassemblement National.

In that scenario, the president will likely need the support of traditional center-right to right-wing voters — the bloc of conservative electors who usually cast their ballots for Les Républicains. The government's law-and-order message appears to be aimed squarely at this segment of the population, lest it be tempted by a more extreme alternative.

In the end, the government has effectively decided these various political ambitions outweigh its commitment to the free circulation of information and obligations to protect freedom of press. It's a cold-hearted calculation, it's bleak to think about — and despite supporters' repeated suggestions to the contrary, if approved this legislation is going to hurt journalism.

As journalists working in countries even more hostile to press liberties know well, the fear of breaking the law can itself be a dissuasive force — encouraging self-censorship. One can easily imagine how the new law could encourage this sort of behavior in France.

If, for instance, you're the editor-in-chief of a regional news network trying to decide whether to air a three-second clip of riot cops bludgeoning student protesters in a two-minute report about strikes on college campuses, why run the risk? Why not play it safe and just set the footage aside?

As minor as such decisions may seem in the moment, these sorts of modest concessions can build up over time, gradually weakening the quality of news coverage.

### Liberal Values?

It's also striking the legislation's approval comes at a moment when the French government has been defending its liberal, Enlightenment values at home and abroad — and in particular, freedom of expression.

This has followed a spate of deadly terrorist attacks. Last month, middle-school teacher Samuel Paty was brutally murdered by an Islamist extremist, days after showing his class a sketch of the prophet Mohammed to illustrate a debate about freedom of expression.

The killing especially disturbed many in France because of the integral role that the state assigns schools in cultivating France's republican and universal values. National commemorations for Paty had barely finished before another jihadist attacked a church in Nice, killing three people.

While his response drew [backlash](#) from the governments of several Muslim-majority countries and even sparked calls to boycott France, Emmanuel Macron responded to the attacks by [defending](#) the right of the press to publish caricatures of Mohammed and the right for teachers to show such drawings to their students. Even if the images may offend certain people — Macron said, on more than one occasion — such is the price to pay in a democratic society.

The argument is sound enough, and many French people agree with it. But that full-throated defense of liberal values now feels pretty cheap given the bill his La République en Marche! (LREM) party just railroaded through the National Assembly.

LREM legislators have shown that they're not necessarily against shutting down the free circulation of information — it just has to be in their interest to do so. Contrary to the image that France projects abroad, freedom of the press does, in fact, appear negotiable at home.

Unfortunately, similarly worrying pieces of legislation are in the pipeline. Against the somber backdrop of terror attacks, heightened security concerns, and jockeying ahead of the 2022 presidential race, the French government is moving forward with a spate of other bills that infringe on civil liberties.

In the name of fighting Islamic extremism, the looming "[law on separatism](#)" aims to expand the grounds under which authorities can arrest people for posts on social media, while it would also

allow the state to more easily restrict public funding for NGOs that don't respect "republican values."

Meanwhile, Justice Minister Éric Dupond-Moretti has [expressed](#) support for further chipping away at press freedoms to tackle "hate speech." He argues that the country's landmark press law from 1881 [unfairly](#) protects those "who have nothing to do with the press" — a not-so-subtle dig at those who don't have the official press card but nonetheless practice journalism.

Swept up in the securitarian frenzy, France's liberal intellectuals have shown little interest in speaking out against these developments. The result is that — as is often the case — the task of defending basic civil liberties has fallen to the Left and, at least for now, journalists and the unions that represent them. Unfortunately, at the moment we're badly outnumbered.

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- Jacobin. 11.25.2020:  
<https://www.jacobinmag.com/2020/11/emmanuel-macron-liberalism-without-civil-liberties>
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