

# France Returns to the State of Exception - The discourse of war is already upon us, but it must be resisted

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French President François Hollande's reaction to the terrorist outrage that struck again at the heart of Paris has been to declare war — just as George W. Bush did in the face of “the mother of all terrorist attacks” that struck the heart of New York.

By doing this, the French president has chosen to ignore the many criticisms of the Bush administration's choice, even though these expressed the prevailing opinion in France itself at that time. And he did so despite the fact that the disastrous balance sheet of the Bush administration's “war on terror” well justified its critics. Sigmar Gabriel himself, the German vice-chancellor and head of the Social Democratic Party, brother party of the French Socialists, has declared that talk of war only plays into the hands of ISIS.

It may seem at first that the discourse of war is but an emotional release: a way of responding to the legitimate emotion aroused by a horrific attack that has already claimed 129 lives. Yet we should not lose sight of the fact that this is not a duel between ISIS and France, but rather an attack that — just like the 102 victims of the Ankara attack on October 10, or the 224 victims of the Russian aircraft that exploded above Sinai on October 31, or again the (so far) 43 victims of the attack perpetrated in the southern suburb of Beirut just one day before the Paris slaughter, to cite only the most recent events — is above all a fatal byproduct of the conflict that the world powers have allowed to degenerate in Syria.

The sum of this violence over the last few years seems quite limited in comparison with the human catastrophe in Syria. The main problem with the southern and eastern shores of the Mediterranean, however, in comparison with the “heart of darkness” that still marks central Africa, is that the tragedies occurring here have a troublesome tendency to spill over onto European territory, or even that of the United States.

Indifference to the suffering of others — in particular, “Others” — in strong contrast to what I called “narcissistic compassion” (for those “like us”) in the aftermath of the New York attacks, is not without its cost for the West when the “Near East” is involved. It may even prove very costly.

But the discourse of war is far from being just a question of semantics. It aims to make the state of exception into a norm, despite its name. And the longer the “war” the more exception becomes the norm. The war on terror is particularly long given that it does not target a state able to conclude an armistice and peace, or to capitulate, or be occupied and subjugated, but rather a terrorist hydra capable of regenerating and even gaining strength.

Witness the trajectory that has led from al-Qaeda to ISIS, by way of the “Islamic state of Iraq” that was assumed to have been broadly defeated in 2008-2010. As long as there is war, the terrorist hydra tends to rise from the ashes since it feeds on war itself. It is the very nature of this enemy that led many commentators, whether critical or approving, to predict in the wake of September 11 that

the war on terror would last for decades. Subsequent events have proved them right.

The corollary of the discourse of war is already with us: François Hollande has decided to have a law passed to extend for three months the state of emergency that he proclaimed, which is otherwise limited by law to twelve days. He wants to have the French constitution revised so as to increase the list of exceptions to the democratic rules that it already provides.

This is indeed a constitution that was itself born in 1958 in an exceptional situation and which already copiously codifies exceptionality in terms of exceptional powers (Article 16) and state of siege (Article 36). The French government now happily envisages serious violations of human rights: the stripping of nationality from individuals who hold dual passports (as is mostly the case of persons of migrant background), imprisonment without charge, and a general carte blanche given to the repressive apparatus.

But there is still worse. Contrary to the New York attacks, those of January and November in Paris were mainly the acts of French citizens (hence the threat regarding nationality). While a state of war is in its very essence a state of exception, that is, a state of suspension of human rights, there is a qualitative difference between the consequences it involves, depending on whether the war is waged outside national territory or the potential enemy is to be found on this very territory.

The United States was basically able to reestablish the exercise of civil rights, however eroded, once its territory was secured by its geographically protected position, while it practiced and continues to practice a state of exception abroad. That is the whole hypocrisy of maintaining the Guantánamo camp in violation of Cuban sovereignty as a place outside the rule of law yet only a short distance from its coastline, and likewise the practice of extra-judicial execution by drones that has made the Pentagon the deadliest of serial killers.

But what of France? The question of “jihadism” is not foreign to its history. So little so that the country’s first encounter with jihad goes back to the bloody conquest of Algeria by the French army, almost two centuries ago, even if today’s jihad is qualitatively different in terms of its totalitarian character. The French military and security apparatus also faced jihad in its confrontation with the Algerian National Liberation Front, whose newspaper was called *El Moudjahid* (the practitioner of jihad).

It was while engaging in this dirty colonial war, in 1955, that France passed the law allowing for a state of emergency. And it was in the circumstances created by the war in Algeria that, for the last time before last week, a state of emergency was proclaimed over the whole of French territory from 1961 to 1963. Terrible atrocities were carried out on French soil in the context of this state of emergency, on top of those that had become common practice in Algeria.

A state of emergency was again proclaimed for parts of French metropolitan territory on November 8, 2005, almost exactly ten years ago. The connection with what the Algerian War had meant did not escape anyone at that time: a large section of the young people involved in the “banlieue riots” were the product of France’s long colonial history in Africa.

And so likewise is the greater part of the French jihadist fringe in the last few years, born from an exacerbation of the rancor that exploded in 2005 and the hopes dashed by promises not kept. They are those who suffered what French Prime Minister Manuel Valls himself, in a fleeting moment of political lucidity on January 20 this year, called “a territorial, social, and ethnic apartheid.”

The logical consequence of this admission is that the priority response to the terrorist danger should be the territorial, social, and ethnic emancipation of the populations “of immigrant origin,” and the

end of all the discriminations that they suffer.

This should be combined with a foreign policy that replaces arms sales and the military bragging of a state that persists in playing the imperial power (contrary to its German neighbor, despite its being that much richer) by a policy of peace, human rights, and development in conformity with the charter of the United Nations, of which France was a coauthor. The Swedish social-democratic minister of foreign affairs has shown the way, by deciding to ban the sale of arms to the Saudi kingdom by Swedish companies.

The proper response to the terrorist danger is also a resolute but non-intrusive support for those women and men who are fighting for democracy and emancipation in the Middle East and North Africa against all the despotic states in the region, both the oil monarchies and the military and police dictatorships.

The Arab Spring of 2011 marginalized jihadist terrorism for a while. It was its defeat, with the collusion of the great powers, that has made the latter rebound all the more vigorously, drawing strength from the frustration of the hopes created.

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\* Jacobin. 11.19.15:

<https://www.jacobinmag.com/2015/11/paris-terrorist-attacks-hollande-isis-war>

\* Translated by David Fernbach.

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