

France: Emmanuel Macron's Government Is Gagging Its Critics

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France's interior minister has threatened to ban environmentalist groups said to represent a risk of "violence against property." It's part of a worrying clampdown on civil liberties that belies Emmanuel Macron's supposedly "liberal" politics.

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In the era of anti-*"wokisme,"* it's been easy to forget what French republicanism really stands for. A short history of the Human Rights League (LDH) is a good reminder. One of France's oldest rights advocacy groups, the LDH was founded in 1898 at the height of the Dreyfus Affair, joining the network of forces that defended the Jewish officer (falsely convicted of treason) and blocked a protofascist right from drowning the country's fledgling democracy. Barring a milquetoast critique of colonialism, the LDH has been a consistent watchdog on state and social violence since then, defending everything from a liberal interpretation of secularism to freedom of expression and the right of workers to strike and organize. Unsurprisingly, the organization was banned during the grimmest years of France's twentieth century: the [Vichy regime](#).

The recent wave of attacks against the LDH is therefore an all-too-telling sign of just where Emmanuel Macron's government is taking France. Leading an effort to muzzle civil society, Macron's interior minister, Gérald Darmanin, questioned the public subsidies granted to the LDH, suggesting during a round of hearings on French policing in early April that the group had abused its status as an observer at protest marches.

"There's not a problem with the police, there's a problem with the ultraleft," the interior minister [said](#), dismissing the [documentation](#) produced by groups like the LDH of the aggressive use of police force at an environmentalist protest in Sainte-Soline in western France or against demonstrators opposed to the government's retirement reform. Instead of reining in her subordinate, Prime Minister Élisabeth Borne doubled down on Darmanin's attacks, [saying](#) before the Senate a week later that she "no longer understood" many of the LDH's positions and that its stance on secularism reflected softness on "radical Islamism."

The LDH has long been a favorite target for blood-and-soil French conservatives; *human-rights-ism* is an old right-wing dog whistle to dismiss anything that seems to threaten state authority. Mayor of the small city of Tourcoing in northern France since 2014, Darmanin has tried to withdraw a €250 town subsidy provided to the LDH's local branch, making him bedfellows with likeminded far-right mayors who've also attacked local funding for the group.

But Darmanin's latest attacks on the LDH come from a national pulpit — and show how he could deploy an expanded arsenal of powers aimed to constrain civil society. After taking over the interior ministry in July 2020, one of his signature early reforms was the 2021 law Reinforcing Republican Principles, also known as the “separatism” law. Widely criticized by French NGOs, the law has over the last several months been rolled out by [local prefects](#), who've [set about](#) using the legislation to harass [activist](#) and community organizing groups.

The 2021 law institutionalizes many of the practices that have been improvised since the 2015 terrorist attacks, facilitating state oversight and possible dissolution of associations. One of its hallmark measures requires that organizations that receive public funding agree to a so-called “contract of republican principles,” with vague stipulations that they not disrupt “public order.”

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“We’re not going to be in financial jeopardy, even if Mr. Darmanin moves ahead with removing our state funding,” tempers Marie-Christine Vergiat, vice president of the LDH. The lion’s share of the LDH’s budget comes from donors, with another [30 percent](#) from public subsidies — much of it outside the purview of the interior ministry. In fact, since the attacks leveled by Darmanin and Borne, the organization has seen a groundswell of support, with droves of new membership applications and tens of thousands of euros of donations.

“That being said, this is a matter of principle,” Vergiat told *Jacobin*. “The interior minister can’t just decide on a whim that because an association says something that doesn’t please him, and that questions the behavior of police forces, he can withdraw public funds. He ought to seriously look at how the police do their work: unfortunately, we’re trapped in a worrying spiral in France and it’s getting a lot of attention abroad.”

Darmanin’s latest scuffle with the LDH may pass — besides his remarks and those of prime minister Borne, little has materialized. But they’re symptomatic of this government’s eagerness to constrain actors viewed as thorns in the state’s side. This round of attacks on the LDH shows how this campaign is now even targeting organizations at the heart of France’s ecosystem of advocacy groups. Appointed by Macron in 2020 to lead the Rights Defender, an autonomous public watchdog, Claire Hédon sounded the alarm over the “intensifying risks” to freedom of association in a recent [interview](#) with *Mediapart*.

Maron’s government has developed a less than discreet “hatred of contestation and popular mobilization,” says Clara Gonzales, a jurist at Greenpeace France. And while aggressive policing and the use of legalistic means like “preventative arrests” to harass activists and protesters often get the most coverage, this shouldn’t divert our attention from what Gonzales calls the “gag solution” found in new regulations targeting associations.

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goods or property is completely disproportionate and represents a threat to freedom of association and expression,' says attorney Raphaël Kempf.

"They're creating tools with an enormous potential to infringe on civil liberties," says Gonzales. "For the time being, there's a relatively moderate government in control of the state, but we don't know who'll be in charge in five years."

Macron's government seems wedded to the idea that "civil society actors should not get involved in politics," says Julien Talpin, a sociologist and director of the scientific advisory council at the [Freedom of Association Observatory](#). According to Talpin, the government's outlook is part of a "systemic phenomenon" in French political culture, which has long looked with suspicion at nongovernmental actors that seek to constrain state prerogatives.

Violent Clampdown

The skirmish over the LDH was kicked off by the violent police clampdown on environmental protesters in Sainte-Soline. At the instigation of the so-called Revolts of the Earth, a loose collective of environmentalist and rural rights groups, thousands of protesters descended on the small village on March 25 to oppose a water reservoir project that they deemed a favor for agribusiness. The demonstration saw a replay of clashes that had already taken place near the site last fall, after which Darmanin referred to the protesters as "ecoterrorists." In March, they were again met with a massive police presence that fired over four thousand grenade rounds. Two protesters were left in critical condition.

Days later, Darmanin announced that he would seek to dissolve the Revolts of the Earth. In the letter of grievances, which *Jacobin* was able to consult, the interior ministry's main argument is that the collective "incites and participates in the commission of material degradation and sabotage." This same criterion is found in the separatism law, which expands the possible justifications for dissolution to include violence against property, and not just persons.

"The fact that an association or a grouping can be dissolved because it can be said to have provoked violence against goods or property is completely disproportionate and represents a threat to freedom of association and expression," says Raphaël Kempf, an attorney representing the collective. (An undeclared organization, the Revolts of the Earth would be dissolved as "de facto grouping" thanks to a 1936 law originally designed to combat far-right paramilitary leagues.)

Administrative dissolutions are enacted by decree in a cabinet meeting. But since his bellicose announcement in mid-March, Darmanin appears to have backed off, likely in response to the enormous support that has rallied to defend the collective. Government spokesman Olivier Véran told journalists after the April 13 [cabinet meeting](#) where the final decision was expected that "you have to develop the case before declaring a dissolution — this takes time."

"If Darmanin persists with his desire to dissolution, France would be one of the few countries on earth to potentially threaten a Nobel literature laureate with prison and extrajudicial surveillance," Kempf told *Jacobin*, a reference to [Annie Ernaux](#), one of the many high-profile personalities (such as filmmaker Ken Loach or Noam Chomsky) who have signed on to the organization alongside thousands of others in the days and weeks after Darmanin's initial threats. Attempting to maintain a dissolved association or grouping is punishable by up to three years in prison and a €45,000 fine

while former members can be the object of surveillance without oversight by the judiciary.

The dissolution of the Collective Against Islamophobia in France caused nowhere near the same outcry as the government's current attacks on freedom of association. But with the benefit of hindsight, it provided much of the script for today's campaign.

Going ahead with the dissolution would be an extremely provocative shot across the bow against the entire French environmental movement, and it appears that there's little more than political calculations holding the interior minister back. Technically speaking, however, Darmanin has amassed a legal arsenal designed to be used in cases like the Revolts of the Earth's. The State Council, France's highest administrative court that would arbitrate in the event of an appeal, also often heeds the government's arguments when it comes to dissolution orders.

For the time being, however, it's possible that Darmanin has gotten what he wanted. "The purpose of dissolutions and of all ways of sanctioning associations is to send a political message," says Talpin of the Freedom of Association Observatory. "To conservatives, it's a way of saying 'look at how we're working to preserve republican order.' And it's a Sword of Damocles over civil society actors: 'If you go too far, if you're too critical, we have the means to sanction you.'"

Targeting Critics

Even if the attacks on the LDH and Revolts of the Earth fail to take full form, it might stand for little more than a tactical retreat by the government. Organizations out of the media spotlight — from minority rights groups and smaller networks of environmental activists to community organizers holding civil disobedience workshops — are feeling the pressure of a state campaign to bring civil society under check.

"Honesty, I'm not surprised by these latest attacks," Jawad Bachare told *Jacobin*. "Everyone can potentially be a target: everything that doesn't fit into the logic of this government is liable to be considered a threat to the Republic."

Bachare was a director of the Collective Against Islamophobia in France (CCIF), an association that Darmanin moved to dissolve in late 2020 in one of his early shows of force as interior minister. Taking advantage of the context following the murder by a Muslim man of history teacher Samuel Paty, who in a class on freedom of expression had shown his students cartoons of the Prophet Muhammad, Darmanin presented the CCIF as an organization dedicated to the propagation of "Islamist propaganda." Awaiting an appeal to the European Court of Human Rights, the CCIF, which self-disbanded in France, has since reconstituted as the Belgium-based Collective Against Islamophobia in Europe.

"I was always told that it was impossible to dissolve a civil rights association — for us at the CCIF, that's just what we were," says Bachare. "For the far right, of course, we were an association of Islamists or Salafists or what have you, because we defended people who experience discrimination due to the fact that they are Muslim or appear to be Muslim."

Everyone can potentially be a target: everything that doesn't fit into the logic of this government is liable to be considered a threat to the Republic.

At the time, the dissolution of the CCIF caused nowhere near the same outcry as the government's current attacks on freedom of association, with only a handful of left-wing political figures or organizations like the LDH speaking out against it. But with the benefit of hindsight, it provided much of the script for today's campaign.

"Following [the 2015 terrorist attacks], we saw the development of a number of tactics used to harass Muslim associations or those that contained a significant number of Muslim members," says Talpin, citing things like forced closure of bank accounts and associative spaces to redoubled scrutiny of financial records. "These were essentially institutionalized in the 2021 separatism law."

The privilege of a country like France is that developments like these are kept at a safe semantic distance, exceptions to the rule in the so-called "land of human rights" that would only be dangerous should they fall into the wrong hands. But France's governors are *already* willing to use their expanded arsenal of powers, and the case of Darmanin they're being deployed by a figure who came of age intellectually and politically on the far right. (The interior minister was [close](#) to the Dreyfus Affair-era fascist organization Action Française early in his career.) Darmanin's sham fight for "republican order" is little more than an alibi for constraining opposition forces and civil society — and attacking France's left.

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P.S.

- Jacobin. 05.16.2023:
<https://jacobin.com/2023/05/emmanuel-macron-gerald-darmanin-civil-liberties-advocacy-group-ldh>
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