

# Issues Facing the Next President of France

## Will Disruption Further Divide?

France's presidential election is a potential turning point for Europe, which continues to reel from Britain's decision to exit the European Union. Ethno-nationalist populism has been gaining ground in France and elsewhere, and the race's dominant issues are continent-wide concerns: immigration, terrorism, the role of religion in society, globalism, economic growth, and the fate of the European Union.

In the first round of the election, voters tossed aside candidates from France's traditionally dominant parties across the political spectrum, sending the message that France must change to meet the challenges of economic growth and inequality, unemployment, refugee integration, and terrorism. Emmanuel Macron and Marine Le Pen both represent a clear repudiation of France's longstanding political establishment, but the similarity ends there.

Le Pen has run on a nationalist, populist platform, attempting to distance her National Front from the party's historical legacy of antisemitism, while trying to appeal to younger voters who feel left behind by European integration. On the issue of French identity and secularism (*laïcité*), her interpretation has been dominant in the political mainstream: "sacrificing' religious particularism is essential to creating a universalist, neutral, cohesive society."<sup>1</sup>

Macron, a political novice, leads a new movement, *En Marche!* (Onward), that blends policy positions from the left and right. He embraces the European Union and wants to modernize the French economy

while preserving its social safety net. Macron has offered a more permissive view of French identity and *laïcité*: "If the state should be neutral, which is at the heart of secularism, we have a duty to let everybody practice their religion with dignity."

Winning France's election will be one thing, but mending a divided country will be a much more difficult endeavor. Macron and LePen, disruptors both, voice a desire to rid the country of the status quo, but that will not be an easy feat. To succeed, they will need to broaden their appeal and deliver innovative policy solutions, not just crowd-mobilizing slogans that boil down to whether France is open or closed.

Following France's deadly terrorist attacks of 2015, Human Rights First released a report entitled, *Breaking the Cycle of Violence: Countering Antisemitism and Extremism in France*<sup>2</sup>, that looked at the root causes of societal unrest and the struggle between a xenophobic and tolerant identity. Since that report, France's response to the threat of terrorism has deepened divides and normalized discrimination. The 2017 election season has been an outlet for exclusionary messages about French identity, fearmongering narratives linking terrorism and Islam, and nationalist calls to regain sovereignty from the European Union.

This brief looks at some of the most divisive issues that will face the new president as he or she goes about the enormous task of charting a course for uniting a fractured and fractious France.

## Antisemitism Remains a Problem and a Policy Paradox

In our 2016 report, we found that antisemitic incidents nearly doubled in 2014 (851 compared to 423 in 2013),<sup>3</sup> and remained high in 2015 (808).<sup>4</sup> Newly released data from the *Commission Nationale Consultative des Droits de l'Homme* (National Consultative Commission on Human Rights, or CNCDH) shows that antisemitic incidents dropped in 2016 (335).<sup>5</sup> While the decline is positive, this is only one piece of the story. Incidents are only one way antisemitism manifests. Antisemitic attitudes persist as do the underlying root causes of antisemitism, including the exclusion of marginalized groups from French identity and “republican” values, and conflicting and politicized interpretations of *laïcité*. The decline in antisemitic incidents will not remain a long-term trend if the underlying factors are not addressed.

France has the largest Jewish community and one of the largest Muslim communities in Europe. The French government’s approach to countering hate-based violence has been to clamp down with tighter security. Yet their approach seems stuck in discriminatory tropes—to protect Jews and to keep Muslims from doing harm. For instance, Jewish institutions and schools have heavy security,<sup>6</sup> including soldiers and armed guards, while the government has extended the state of emergency to give itself greater powers, often wielded to disproportionately target Muslim communities. This policy has proven largely shortsighted. Our research shows that the government’s actions to prioritize confronting antisemitism paradoxically validated antisemitic narratives that Jews exercise inordinate influence. This in turn breeds further resentment, which sets up the potential for backlash, including hate crimes and violent incidents. One of the most pervasive stereotypes of Jews in France is their perceived privileged association with the government and the political establishment. Perpetrators of terror attacks, generally French of

North African origin, seem to be motivated to target Jews as representatives of Western society and democratic governments; Jews are “in the front line” by proxy.

While antisemitism has not been institutionalized via state policies and practices or normalized in mainstream public discourse<sup>7</sup> in the same way that anti-Muslim bigotry has, it has been used as an excuse to support anti-Muslim policies. Several politicians have framed the influx of Muslims into France as a threat to the Jewish community. This tactic is employed not just to attract Jewish voters, but also to make far-right parties more palatable to mainstream voters. Several times this election season, antisemitic rhetoric has been used to justify policies, deny French history, and bolster nationalist pride, while targeting the opposing candidate. Though no politician has proposed policies that target Jews as openly as they target Muslims, there has nevertheless been a gradual normalization of antisemitic rhetoric and Holocaust revisionism. This normalization harms both the Jewish community and the Muslim community, as it often places them at odds with one another, while simultaneously excluding both from French identity.

## Prolonged State of Emergency Furthers Societal Divide

The state of emergency, instituted after the November 2015 terror attack in Paris, has been repeatedly extended, and will stay in place through the presidential elections. Under the state of emergency law, the government has extraordinary powers to carry out warrantless searches, close meeting spaces, dissolve associations involved in breaches of public order, and prohibit public demonstrations.<sup>8</sup> Prolonging a state of emergency creates a new normal where expansive police powers become a permanent fixture of daily life.

In addition to being ineffective and counterproductive, the extended state of emergency seriously erodes the notion that equal rights and rule

of law are essential components of secure societies. It feeds into divisive rhetoric and is discriminatorily enforced against Muslims. The majority of those subjected to house arrest or warrantless searches have been Muslims or persons of North African descent.<sup>9</sup> Muslim places of worship and halal restaurants have been disproportionately and discriminatorily targeted.<sup>10</sup> Police in Paris were given the power to search Metro passengers' bags, even without precise reason.<sup>11</sup> Unfettered discretion such as this creates an environment that intensifies racial, ethnic, and religious profiling.

Since November 2015, French law enforcement have conducted over four thousand warrantless searches and raids, placed over seven hundred people under house arrest, and closed approximately two dozen mosques and other Muslim prayer spaces.<sup>12</sup> Of the four thousand raids, only six have led to terrorism-related investigations,<sup>13</sup> and these warrantless searches have only led to 20 indictments on terrorism charges, compared to the 150 terrorism indictments obtained without warrantless searches.<sup>14</sup> From November 2015 to September 2016, the French human rights administrative authority, *Defenseur des droits*, received 82 complaints of human rights violations related to the state of emergency.<sup>15</sup>

## The “Burkini” Debate

### The Meaning of *Laïcité* (Secularism), and Exclusion from French Identity

In principle, *laïcité* includes three elements: (1) freedom of religion or belief, (2) the neutrality of the state, and (3) respect for religious pluralism. Yet the “burkini” (a full-body swimsuit) debate demonstrates how this concept is misunderstood and politicized.

The summer of 2016 saw a heated debate over swimwear in France. After several towns outlawed the burkini and photos of officers forcing a Muslim woman to remove her burkini went viral, the burkini

became France’s most recent and explosive showdown over *laïcité*. And while the nation’s high court ultimately overturned the ban, public discussion over the burkini reinforced narratives that Muslim values are inherently in conflict with French values.

The burkini ban, one of several policies that discriminate against members of the Muslim community, is a prime example of the politicization of *laïcité*. While initially intended to respect religious pluralism, perversions of the concept limit the acceptance of differences, isolate the Muslim community and Muslim women in particular, and undermine the ability of French Muslims, whether immigrants or citizens, to view themselves as a valuable part of French society. Even though cloaked in the language of secularism or promoting equality, the burkini debate is really about French identity.<sup>16</sup>

## The Normalization of Intolerance

The state of emergency and burkini debate reveal that tensions underlying a cycle of violence remain. These dynamics combine to further marginalize Muslims from French identity. While attitudes of intolerance have become more taboo<sup>17</sup>, bigotry is masked in the language of security and secularism.<sup>18</sup> Security, a major topic of the election, is at times used as cover for Islamophobia and racism, perpetuating narratives that conflate Islam with terrorism.

In 2016, 46 percent of respondents in France believed that refugees would increase the likelihood of terrorism in France.<sup>19</sup> While this is lower than rates in other European countries<sup>20</sup>, the fact that almost half of the population associates those fleeing war and persecution with terrorism is troubling. Such associations can contribute to fueling hate crimes against Muslims. France experienced 226 anti-Muslim incidents in 2013<sup>21</sup>; 133 in 2014<sup>22</sup>; 429 in 2015<sup>23</sup>; and 182 in 2016<sup>24</sup>. The spike in 2015

seems to coincide with two high-profile terror attacks.

CNCDH releases an annual report on bias motivated incidents and levels of intolerance. The data tracks incidents by month, with noticeable spikes in January and November 2015, the months of the Charlie Hebdo, Kosher supermarket, and Paris terror attacks.<sup>25</sup> And while a spike in July 2016 (the month of the Nice terror attack) was not as pronounced as those observed in 2015, incidents in July were at their second highest level that year, just short of incidents reported in May.<sup>26</sup>

## Conclusion

How the next president of France leads after the election will have ripple effects across the continent,

and the challenges confronting the next president will be great. Once elected, the incoming president should respond to the real national security challenges facing France by promoting human rights and the rule of law, and work with lawmakers to end the country's extended state of emergency, which has made expansive and invasive police authority the new normal, with little benefit to France's fight against extremism. Moreover, it is essential that the incoming president engage the French public to reduce bigotry, discrimination, and hate crime, and help the French public define their national identity as tolerant, inclusive, accepting of diversity, and welcoming of refugees. ■

## Endnotes

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- <sup>4</sup> CNCDH, *La Lutte Contre le Racisme, l'Antisémitisme et la Xénophobie, Année 2015*, (CNCDH, 2015), p. 8, [http://www.cncdh.fr/sites/default/files/les\\_essentiels\\_-\\_rapport\\_racisme\\_2015\\_page\\_a\\_page.pdf](http://www.cncdh.fr/sites/default/files/les_essentiels_-_rapport_racisme_2015_page_a_page.pdf) [hereinafter, CNCDH, *La Lutte Contre le Racisme, Année 2015*].
- <sup>5</sup> CNCDH, *La Lutte Contre le Racisme, l'Antisémitisme et la Xénophobie, Année 2016*, (CNCDH, 2016), p. 13, [http://www.cncdh.fr/sites/default/files/les\\_essentiels\\_-\\_rapport\\_racisme\\_2016\\_1.pdf](http://www.cncdh.fr/sites/default/files/les_essentiels_-_rapport_racisme_2016_1.pdf) [hereinafter, CNCDH, *La Lutte Contre le Racisme, Année 2016*].
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- <sup>7</sup> David Frum, "What Would It Mean for France to Accommodate Muslims?," *The Atlantic*, September 26, 2016, <https://www.theatlantic.com/international/archive/2016/09/islam-france-pierre-manent/501626/>; see also, SETA, Foundation for Political, Economic and Social Research, *European Islamophobia Report 2015*, p. 157-77, [http://www.islamophobiaeurope.com/reports/2015/en/EIR\\_2015\\_FRANCE.pdf](http://www.islamophobiaeurope.com/reports/2015/en/EIR_2015_FRANCE.pdf).
- <sup>8</sup> Human Rights First, *France's State of Emergency and Long-term Solutions to Combating Extremism*, Fact Sheet (Human Rights First: New York, July 2016), [http://www.humanrightsfirst.org/sites/default/files/France\\_State\\_of\\_Emergency\\_July2016.pdf](http://www.humanrightsfirst.org/sites/default/files/France_State_of_Emergency_July2016.pdf)
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- <sup>10</sup> *Ibid.*
- <sup>11</sup> "Paris police given powers to search Metro passengers' bags after St Petersburg bombing," *thelocal.fr*, April 5, 2017, <https://www.thelocal.fr/20170405/paris-police-to-search-bags-on-metro-after-st-petersburg-bombing>.
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- <sup>18</sup> Anne Giudicelli, "Elections in France: It's All About Security," *Opinion*, *Al Jazeera*, February 15, 2017, <http://www.aljazeera.com/indepth/opinion/2017/02/elections-france-security-170215090123247.html>.
- <sup>19</sup> Pew, *Europeans Fear Wave of Refugees*, p. 3.
- <sup>20</sup> *Ibid.*
- <sup>21</sup> CNCDH, *La Lutte Contre le Racisme, Année 2014*, p. 3.
- <sup>22</sup> *Ibid.*
- <sup>23</sup> CNCHD, *La Lutte Contre le Racisme, Année 2015*, p. 10.
- <sup>24</sup> CNCDH, *La Lutte Contre le Racisme, Année 2016*, p. 15.
- <sup>25</sup> CNCHD, *La Lutte Contre le Racisme, Année 2015*, p. 10.
- <sup>26</sup> CNCDH, *La Lutte Contre le Racisme, Année 2016*, p. 15.