

# **The Fight Against Subversive Contestation**

Alexis Deprau

*PhD in Law. Lawyer.*

## **ABSTRACT**

Subversion is a “process of destabilization of a state or political system in a dynamic context.” This process can be observed through different means to achieve the goal of destabilization: infiltration, disinformation, and propaganda; then sabotage and riots; and finally terrorism, guerrilla warfare, or war.

While it is difficult to observe the existence of real subversive political movements today, it is not impossible to note the existence of forms of protest with subversive tendencies or intentions, although one cannot see any destabilization of the state as an effect.

**Keywords:** subversion destabilization, guerilla, riots, police state

# **La lucha contra la contestación subversiva**

## **RESUMEN**

La subversión es un “proceso de desestabilización de un estado o sistema político en un contexto dinámico”. Este proceso se puede observar a través de diferentes medios para lograr el objetivo de desestabilización: infiltración, desinformación y propaganda; luego sabotajes y disturbios; y finalmente terrorismo, guerra de guerrillas o guerra.

Si bien es difícil observar hoy la existencia de movimientos políticos subversivos reales, no es imposible notar la existencia de formas de protesta con tendencias o intenciones subversivas, aunque no se puede ver como efecto una desestabilización del Estado.

**Palabras clave:** desestabilización de subversión, guerilla, altimaciones, estado policíaco

# 打击颠覆性争夺

## 摘要

颠覆是“动态背景下一个国家或政治系统的去稳定化过程”。该过程能通过用于实现去稳定化目标的不同途径加以观察：渗透、错误信息以及（政治）宣传；然后是破坏和暴动；并最后出现恐怖主义、游击战或战争。

尽管当前难以发现真正具有颠覆性的政治运动的存在，但却有可能察觉具有颠覆倾向或意图的抗议形式的存在，即使不能从中发现任何形式的国家去稳定化。

关键词：颠覆，去稳定化，游击队，暴动，警方，国家

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Subversion is a “*process of destabilization of a state or political system in a dynamic context*”.<sup>1</sup> This process can be observed through different means to achieve the goal of destabilization: infiltration, disinformation, and propaganda; then sabotage and riots; and finally terrorism, guerrilla warfare, or war.

While it is difficult to observe the existence of real subversive political movements today, it is possible to note the existence of forms of protest with subversive tendencies or intentions, although one cannot see any destabilization of the state as an effect.

Nota Bene: For the sake of political communication, the deputies vote “anti-breakers” in a fast-track procedure, although there is no additional legislation and the right to demonstrate is actually diminished. Legislative differences could therefore appear in relation to the date of writing of the contribution.

## I. Typology of Protest Movements

French history is rich in protest and even insurrectional events, whether with the Revolution of 1789; the insurrections of 1830, 1844, 1870, or May 1968; or even today with pre-insurrectionary elements. Numerous clues show that not only do the French aspire to a coup d’Etat<sup>2</sup> and that the conditions for a global

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1 Baud (J.), *Encyclopédie des terrorismes et violences politiques*, Charles Lavauzelle, 2003, p. 657

2 [http://www.liberation.fr/france/2015/05/05/les-classes-moyennes-revent-d-un-coup-d-etat-citoyen\\_1291326](http://www.liberation.fr/france/2015/05/05/les-classes-moyennes-revent-d-un-coup-d-etat-citoyen_1291326).

revolt are met,<sup>3</sup> but above all, the secret monthly reports of the prefects are alarmist as to the growing anger of the French population.<sup>4</sup> However, between aspirations and practice, there is a major difference.

At first glance, protest movements are social movements, i.e., “a set of concerted collective mobilizations and actions in favor of a cause, combining the use of protest techniques, social demands against the authorities in place, and the defense of a conception of the just distribution of desirable goods within a society.”<sup>5</sup> These movements with a social or political claim may evolve with the use of violent methods into movements demanding independence or autonomy for their region (A), so-called “radical” political movements (B), or subversive movements (C).

Nota Bene: It is necessary to note the emergence of the Yellow Vests movement, while considering it perilous to provide an in-depth analysis that might be of little relevance. Be that as it may, this movement includes de facto a social, and now political, demand, with the use of so-called violent methods (in that it includes the looting of external elements from the suburbs and the presence of radical movements), whose purpose has become both social and subversive, since this movement calls not only for the dissolution of the National Assembly, but also for the resignation of the head of state, with the recognition of popular sovereignty, that is, the recurrent use of referendums.

### ***A. Movements Claiming Independence or Autonomy for Their Region***

France is a unitary republic whose organization is decentralized, which confers a certain degree of autonomy on the local authorities, namely that “under the conditions provided for by law, these authorities are freely administered by elected councils and have regulatory power for the exercise of their powers.” However, the demand for autonomy remains strong, particularly in Brittany, Corsica, the Basque country, and the DROM-COMs, insofar as their demand is based on the idea that decentralization is not enough, since the answer should be either autonomy or independence.

After the assassination of Prefect Claude Erignac on February 6, 1998, the Corsican straw huts affair of April 19, 1999, and the progression of Corsican nationalists in the territorial elections of March 7, 1999, the Jospin government in France proposed a new status for Corsica, which resulted in the law of January 22, 2002, the aim of which was to extend the powers of the Corsican assembly; these negotiations were called the Matignon Accords (1998–2002) and allowed greater leeway for Corsica in the context of decentralization, although this did not exempt

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3 <http://www.lesinrocks.com/2016/05/news/conditions-dune-revolte-globale-bientot-reunies/>.

4 <http://tempsreel.nouvelobs.com/politique/20131018.OBS1755/pourquoi-les-francais-sont-en-colere-le-rapport-secret-des-prefets.html>.

5 Nay (O.) (dir.), *Lexique de science politique. Vie et institutions politiques*, Dalloz, Paris, 2008, p. 332-333.

the violence exercised by the autonomist movements. The violence exercised by the Corsican nationalist movements (Corsican National Liberation Front [FLNC], Resistenza, Fronte Ribellu, Armata Corsa, Collectif Unita, Indipendenza, Unione di U populu Corsu [UPC], etc.) can be explained by the fact that they consider themselves to be fighting as a national liberation movement. From the nationalist and autonomist point of view, Corsican political violence is part of a clear and established logic of opposition to the republican and unitary conception of France. Indeed, “violence is integrated into it either as an element of Corsican culture and in this sense part of the communitarian pretension, or more simply as a natural response to the autism of the State incapable of recognising within it a form of cultural plurality.”<sup>6</sup>

On the other hand, the action of the Basque nationalists (Euskadi Ta Askatasuna [ETA], the Batasuna party, Iparretarrak, or the Basque Nationalist Party [PNB]) bears a strong resemblance to that of the Corsicans with regard to the idea of claiming a territory to be liberated and the method used to do so.

Finally, and still quite similarly, the Breton movements (Front de libération de la Bretagne [FLB], Union démocratique bretonne [UDB]) also exercised violence—less strong than that of Corsica or the Basque country—but installed in any case in the long term. The majority of these nationalist movements opted for a federal system, rather than autonomy, as in the Corsican or Basque movements. Nevertheless, different autonomist movements with different identity demands maintain very good relations, to the extent that Brittany has been a point of refuge and a rear base for Basque militants driven underground by police operations in France and Spain, and by the exactions committed by the Anti-Terrorist Liberation Groups (GAL).

It is clear that these demands are localized, but that they are nonetheless significant.

## ***B. Radical Movements***

Under the Fifth Republic, the turning point of the protest movements was May 1968, which presented a break with the expressions of rebellion. If the various radical movements existed before 1968, there was at that time a structuring of the extreme left, which then took over the political terrain.

The radical movements are of two types: on the one hand, they are intellectual movements dedicated to taking a critique to the root of the problem, that is to say, “whose critique must also envisage a deep questioning that leads to a real break with this system”<sup>7</sup> and, on the other hand, as far as the police

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6 Crettiez (X.), “La violence politique en Corse: état des lieux,” pp. 123-134, in Crettiez (X.) et Mucchielli (L.), *Les violences politiques en Europe. Un état des lieux*, La découverte, Paris, 2010, p. 125.

7 Biagni (C.), Carnino (G.) et Marcolini (P.), *Radicalité. 20 penseurs vraiment critiques*, L'échappée,

services are concerned, they are also movements classified at the extreme end of the political spectrum using “radical” or violent methods for essentially political ends, whose common point is the contestation of a regime that no longer appears representative because “the sphere of political representation is closing. From left to right, it is the same nothingness that poses like a big shot or looks like a virgin, the same gondola heads exchanging their speeches according to the latest findings of the communication department”.<sup>8</sup> In the lineage of May 1968, radical movements crystallized on the extreme left (Ras l’Front, Section carrément anti-Le Pen [SCALP], Action antifascist network [which became the Rapaces] or Fédération anarchiste [FA]) and on the extreme right (Jeunesses nationalistes révolutionnaires [JNR], Groupe union défense [GUD], which became a social bastion, or Identitaires, the latter having made itself known to the general public by organizing anti-racist tours in an attempt to secure the Paris metro) of the political scene, but also at the religious level with Islamist groups with, for example, Forsane Alizza.

Groups of supporters of soccer teams, whose members are called hooligans, can be classified as radical movements in view of the use of radical methods and distrust in the system and essentially of the police institution. In fact, “groups of hooligans create and take advantage of chaos to violently attack opposing supporters, the forces of law and order and street furniture”.<sup>9</sup> The hooligan is the last type of supporter: there is the lambda supporter, the supporter who is a member of a traditional sports association, the ultras, who are the next type of association supporter with a greater commitment to the club without using violence, and finally, the hooligans “animated by the sole desire to fight in and out of the stadium, (who) take the pretext of the match in order to organize ‘fights’ with other supporters,” i.e., organized and codified group fights.<sup>10</sup>

### **C. Subversive Movements**

Subversive movements can be broken down into those with political intentions (1) and those that are linked to urban violence and have no political claims (2).

#### **1. Politicized Subversive Movements**

While subversive movements are radical, not all radical movements are subversive. Indeed, subversive movements have a clearly expressed will to destabilize the

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Montreuil, 2013, p. 15.

8 Comité invisible, *L'insurrection qui vient*, La fabrique éd., Paris, 2007, p. 7.

9 Haut (F.), *Les bandes criminelles*, 1<sup>ère</sup> éd., PUF, Paris, juin 2001, p. 8.

10 Nicoud (F.), “La sécurité au mépris des libertés: l’encadrement de l’action des supporters,” in Gohin (O.) et Pauvert (B.) (dir.), *Le droit de la sécurité et de la défense en 2014*, Presses universitaires d’Aix-Marseille, Marseille, 2015, p. 274.

state. These movements are animated by ideological causes “such as religion, the defense of a social category or type of society.”<sup>11</sup>

Today, subversive movements are essentially found within the alter-globalist and anti-capitalist cause, in the nebula of the extreme left and especially with the action of anarchist groups acting as Black Blocs, knowing that “the Black Bloc is neither a structure, nor an organization, nor a network, nor an ideology, but a functionality within a demonstration.”<sup>12</sup> For example, in 2009, two events highlighted the actions committed by these ephemeral and anonymous groups, “namely the ‘Fête de la Musique’ in Paris (June 21) and the festive demonstration of an ‘anti-carceral collective’ in Poitiers, each time provoking serious attacks. A sudden concentration of 150 to two hundred ‘Black Blocs’ all dressed in black, forty minutes of breakage, and then just as sudden dispersion. The assailants changed into street clothes and dispersed in pairs of very well behaved boy/girl appearances. This was a timed organization that, as you can imagine, owes little to spontaneity.”<sup>13</sup>

Apart from the Black Bloc, the other most violent anarchist or anarcho-autonomous groups are the Black Army Faction, Anarchist Action Collective, or Third Position. These movements take action at international summits such as the protest against the World Trade Organization (WTO) summit in Seattle in 1999 or the G8 summits in Genoa in 2001 and Evian in 2003. In France, these movements can be found during social issues, such as the numerous demonstrations against the labor law, where the rioters used Molotov cocktails, among other things.

So that in the end, there is “nothing there that weighs a lot conceptually; rather, a pretext for adrenaline addicts.” (The) “Tarnac thought” is much richer than all this—and very different<sup>14</sup>.

Today, the subversive threat (outside of the anti-globalization movement, which is NOT anti-globalization), is found first and foremost within the movement of the anarcho-autonomous ultra-left, which appeared in the 2000 report of the Renseignements généraux, and this movement “*appears as such on two pages in the chapter, with 10 pages devoted to ‘Free Electrons,’ in which the ‘nostalgics of the ex-Direct Action,’ the ‘Trotskyist Dissidents,’ the ‘Marxist-Leninist Survivors’ and the ‘Political Squats and Libertarian Communities’ appear in addition*.”<sup>15</sup> This threat can

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11 Francart (L.) et Piroth (C.), *Émeutes, terrorisme, guérilla ... Violence et contre-violence en zone urbaine*, Economica, Paris, 2010, p. 142.

12 Baud (J.), *op. cit.*, 2003, p. 149.

13 Raufer (X.), “De quoi Tarnac est-il le nom? Herméneutique 1 d’une sombre histoire,” *Sécurité globale*, Été 2010

14 Raufer (X.), “De quoi Tarnac est-il le nom? Herméneutique 1 d’une sombre histoire,” *Sécurité globale*, Été 2010

15 Sommier (I.), “Réflexions autour de la ‘menace’ ultragauche en France,” pp. 45-63, in Crettiez (X.) et Mucchielli (L.), *Les violences politiques en Europe. Un état des lieux*, La découverte, Paris, 2010, p. 50.

also be found within the Autonomies, which “appeared in France from 1976 onwards and appeared in the review *Tiqqun*. Of marked situationist influence, they took over from their Italian counterparts the promotion of direct action: self-reductions, squatting, riotous investment in demonstrations, and occasional bank robberies. Among the autonomous ones is the Tarnac group (one of the leaders of which is said to be Julien Coupat), presumed to have sabotaged the SNCF catenary in 2008. The Tarnac group is also presumed to be the Invisible Committee, which has written several works (such as *L'insurrection qui vient*<sup>16</sup>), the first of which created controversy, since “a fact without precedent in the judicial annals, a book in its entirety had been included in an investigation file for terrorism”. It should also be noted that the success of this work went beyond France and became a bestseller in the United States and Germany.

But here again, these attempts at destabilization cannot be compared with groups such as Direct Action or the Red Army Faction.

## 2. Subversive Movements Linked to Urban Violence

The first elements of urban violence appeared in France, in 1979, in Vaulx-en-Velin, when groups of young people set fire to cars and clashed with the police.<sup>17</sup> Although there was no legal definition of urban violence, the Renseignements généraux (now the SCRT) defined it “as collective juvenile acts committed in an open and provocative manner and creating a strong feeling of insecurity in the population.”<sup>18</sup> These various confrontations increased steadily from the 1990s until the riots of November 2005 (linked to the death of two adolescents fleeing from the police and hiding in an electrical transformer in Clichy-sous-Bois on October 27, 2005). They continue to this day, notably with car fires on New Year’s Eve or, a more recent phenomenon, the Halloween “purge” against police officers. If urban violence is concentrated at the level of the territorial belonging of members of youth gangs or groups (a parallel must be drawn with the claim of territory in the context of organized crime), a development has taken place in the context of various demonstrations, where the event of social protest serves as a pretext for attacks and looting of stores: “we are therefore witnessing a cumulation of operations [...] surfing on the demonstrations: against the forces of law and order and public buildings, against stores and against demonstrators, which was particularly visible during the demonstrations against the Contrat Première Emploi (CPE).”<sup>19</sup>

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16 Comité invisible, *L'insurrection qui vient*, La fabrique éd., Paris, 2007 ; Comité invisible, *À nos amis*, La fabrique éd., Paris, 2014 ; Comité invisible, *Maintenant*, La fabrique éd., Paris, 2017.

17 Bauer (A.) et Soullez (C.), *Violences et insécurité urbaines*, 12<sup>ème</sup> éd., PUF “Que sais-je?” 2010, p. 12-13.

18 Janet (M.), *Sécurité publique et violences urbaines*, mémoire, Université Panthéon-Assas Paris II, 2012, p. 11.

19 Bauer (A.) et Soullez (C.), *Violences et insécurité urbaines*, 12<sup>ème</sup> éd., PUF “Que sais-je?” 2010, p. 70.

The violence committed by the gangs during the demonstrations also shows racist attacks. In fact, these gangs take advantage of the crowds in the demonstrations to attack and rob targeted individuals, as in the March 8, 2003 demonstration, which caused dozens of injuries: “Witnesses repeatedly heard statements such as: ‘We’re going to break up little white people. Some high school students are the victims of beatings at ten to one; they are punched, kicked, and beaten with sticks; girls are dragged by their hair. Racist insults are hurled: ‘dirty white man’ is the watchword of these organized lynchings. [...] Dozens of teenagers are taken to hospitals. After investigation, we learned that most of the aggressors came from Seine-Saint-Denis and the northern districts of Paris.”<sup>20</sup>

These gangs also took advantage of the demonstrations to attack the demonstrators directly, thus “from 2005 [demonstrations against the Fillon law], the same criminals also attacked the demonstrators themselves. Many demonstrators are attacked, with the novelty of attacks specifically targeting young ‘white’ high school students”<sup>21</sup>. Unlike other protest movements that may have political or religious demands, the urban violence is linked to a form of irrationality, since it is a reaction linked to a contempt for institutions and not to political or social demands, as the November 2005 riots proved, and even the anarcho-autonomous anarchists themselves admit: “This whole series of night strikes, anonymous attacks, and destruction without words has had the merit of opening up the gap between politics and politics to the maximum. No one can honestly deny the burden of obviousness of this assault, which made no demands, no message other than a threat, and which had nothing to do with politics.”<sup>22</sup>

In this sense, there is a fundamental difference between urban guerrilla warfare and urban violence, because there is no political objective in urban violence, whereas urban guerrilla warfare is carried out from a revolutionary perspective, which “seeks to overthrow the regime in place in order to impose a revolutionary Marxist regime, while in the suburbs one can question the objectives that are really being pursued.”<sup>23</sup>

Finally, what can be said about this urban violence? Are they a form of protest with subversive tendencies? It is clear that this violence is a form of protest, but it would perhaps be simplistic to see it as a tendency to subversion. This urban violence does not mark an attempt to destabilize the state, but on the contrary to claim a territory while defying the state, and in the end, to apply a counter-state in their territory, which could be seen as one of the prisms of the new feudal systems (in total connection with organized crime, and the so-called underground economy, which turns out to be a real economy of the department).

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20 Pellegrini (C.), *Banlieues en flammes*, Ed. Anne Carrière, Paris, 2005, p. 74-75

21 Bauer (A.) et Soullez (C.), *Violences et insécurité urbaines*, 12<sup>ème</sup> éd., PUF “Que sais-je?” 2010, p. 70.

22 Comité invisible, *L'insurrection qui vient*, La fabrique éd., Paris, 2007, p. 9.

23 Squadron Commander TALARICO, <http://doubleneuf.nordblogs.com/media/02/00/2757085574.pdf>.

Phenomena of violence, whether political or of the urban violence type, are present and very visible on the national territory. However, these are epiphenomena that cannot succeed in destabilizing the state, with the reservation made for the Yellow Vests movement, which for the moment cannot undergo any serious analysis, so much is this movement due to spontaneity and the lack of structure, making the strength and weakness of this protest movement.

Over the last fifty years, the public security forces have improved in the management of demonstrations and riots. Moreover, intelligence services are totally assigned to the collection of information, which, whatever one may think, is quite considerable. Finally, in addition to the public security forces and the intelligence services, the state has also adapted its response through judicial retaliation tools.

## **II. The Judicial Response to Attempts to Destabilize The State**

**I**n addition to administrative responses such as bans on leaving the public highway or the dissolution of associations, the legislator has provided in the Penal Code for responses adapted to the scale of violence, firstly collective violence in the context of demonstrations (A) and then collective violence when it is detrimental to the fundamental interests of the nation (B).

### ***A. Punishment of Collective Violence Committed During Demonstrations***

Among the various judicial tools that repress violent collective movements is the “gathering” defined in article 431-3 of the Penal Code as “any gathering of persons on the public highway or in a public place likely to disturb public order.” Article 431-3 paragraph 2 of the Penal Code refers to Article L. 211-9 of the Internal Security Code to dispel any gathering “by the police force after two summons to disperse have remained without effect.” These two articles were introduced by the order of March 12, 2012. In practice, police officers or mobile gendarmes carry out these dispersions if the demonstrations disturb public order. However, in the context of violent demonstrations against the labor law, these measures were not carried out immediately or not at all on the instructions of the police prefecture, even though the surrounding property was ransacked, even if the dispersal was partly carried out by the organizers of the demonstration (in this case the CGT’s security service).

With the so-called “Perben II” law of March 9, 2004, the legislators wished to act against gangs by introducing the aggravating circumstance of organized gangs into the penal code in Article 132-71, the organized gang being “within the meaning of the law, any group formed or any agreement established with a view to the preparation, characterized by one or more material facts, of one or more offences.” By the law of March 5, 2007 relating to the prevention of delinquency, the legislators wished to repress new forms of collective violence. Article 222-14-1 of

the Penal Code was thus first created to punish attacks, ambushes, or any violence committed in groups against public officials. Secondly, the new article 222-15-1 was created to punish the crime of ambush: ambush being “the act of waiting for a certain time and in a certain place for an official of the national police, a member of the Gendarmerie, a member of the prison administration or any other agent of public authority, as well as a civil or military firefighter or an agent operating a public passenger transport network, with the aim, characterized by one or more material facts, of committing violence against him/her, in the exercise of his/her duties or mission, with the use or threat of a weapon.” This provision is also valid for persons who are not guardians of public authority for the crime of ambush. Finally, the legislator intervened to complete the provisions of the penal code with regard to violent gangs by introducing the crime of participation in a violent gang which is “the fact that a person knowingly participates in a group, even temporarily, for the preparation, characterized by one or more material facts, of voluntary violence against persons or destruction or damage to property is punishable by one year imprisonment and a fine of 15,000 €.”

In addition to these provisions on gatherings, the decree of June 19, 2009 introduced Article R. 645-14 of the penal code prohibiting “the fact that a person, within or in the immediate vicinity of a demonstration on the public highway, voluntarily conceals his face in order not to be identified in circumstances that give rise to fears of public order violations.” The French lawyers’ and secondary school teachers’ unions attacked the decree of June 19, 2009, which incorporated Article R. 645-14, on the grounds that the penalty for concealing a person’s face would violate the freedoms of expression and assembly, which are respectively enshrined in §2 of Article 10 and §2 of Article 11 of the European Convention for the Protection of Human Rights and Fundamental Freedoms (ECHR). The judge relied on public safety as a possible condition for restricting public freedoms and rejected the application, considering that “the provisions of the contested decree require that each contravention can only result from the establishment of the facts before the judge, without at any time the finding of the offence in the report being able to presume the qualification adopted by the judicial authority.”

Similarly, concealment of the face may become an aggravating circumstance when violence has caused an incapacity to work of less than or equal to eight days, or more than eight days. But is this provision really applied? From theory to practice, there is a significant gap. Even though Redouane Faïd was arrested, he was able to move around with his face completely covered without any problem. Here again, however, it would seem that a covered face is more easily punished in political matters than in religious matters. This is why, in Northern Europe, hooligans who were forbidden to travel with their faces covered, came to the stadium with their faces completely hidden by a burqa.

## ***B. The Punishment of Collective Violence That Can Harm the Fundamental Interests of the Nation***

The incriminations foreseen in times of peace and affecting the fundamental interests of the Nation concern subversive movements that wish to move their political contestation toward armed violence to such an extent that the distinctions between terrorism, guerrilla warfare, and violence by subversive movements is legally tenuous here.

In the first place, the Code of Military Justice provides for the punishment of conspiracy in article L. 322-3 of the Code of Military Justice, where conspiracy is defined as having “the aim of undermining the authority of the commander of a military formation, a military vessel or a military aircraft, or the discipline or safety of the formation or the aircraft’s building.” Conspiracy carries a penalty of ten years to life imprisonment. While conspiracy is of a military nature under the Code of Military Justice, the Penal Code instead considers conspiracy in the context of a terrorist attack, i.e., “conspiracy is the resolution between several persons to commit an attack when this resolution is put into effect by one or more material acts.”

In a manner related to conspiracy and always with the aim of overthrowing the state authority in place, the insurrectionist movement (literally very close to guerrilla warfare) is sanctioned in articles 412-3 to 412-6 of the penal code. While its definition is broad, since an insurrectional movement relates to “any collective violence likely to endanger the institutions of the Republic or to harm the integrity of the national territory,” Article 412-4 of the penal code specifies the crimes of participation in such a movement: “Participation in an insurrectional movement is punishable by fifteen years of criminal detention and a fine of 225,000 euros: 1° By building barricades, entrenchments or doing any work intended to prevent or hinder the action of the public force; 2° By occupying by open force or by trickery or by destroying any building or installation; 3° By ensuring the transport, subsistence or communications of the insurgents; 4° By provoking insurgent gatherings by any means whatsoever; 5° By carrying a weapon oneself; 6° By substituting for a legal authority.”

Finally, and with the idea of an armed political violence movement, the penal code provides for the punishment of anyone who tries to provoke the illegal arming of others, since “the act of provoking the arming of others against the authority of the state or against a part of the population is punishable by five years in prison and a fine of 75,000 euros.”

There are judicial responses to all forms of subversive protest. However, today there is no longer any incrimination for conspiracies or attempts at insurrectional movements. Thus, today’s response is essentially based on internal intelligence, and above all on the field management of excesses by the public security forces.

Without wishing to swear on the future, it seems that in the years to come, the scale of the contestation will be even more visible in the context of urban violence, but also of a growing and permanent political-social contestation. There is no doubt that, while there will be no attempt to destabilize the state *stricto sensu*, the state will nevertheless be destabilized by violence conducted by criminogenic movements within counter-states, but also by a permanence of social contestation, and that the judicial instruments will not be adapted to the issues at stake in the future. As with any issue of this magnitude, the political response is the best way to resolve the situation.