Perverse Tactics: ‘Terrorism’ and National Identity in France

Marie Beauchamps

To cite this article: Marie Beauchamps (2017) Perverse Tactics: ‘Terrorism’ and National Identity in France, Culture, Theory and Critique, 58:1, 48-61, DOI: 10.1080/14735784.2015.1137480

To link to this article: http://dx.doi.org/10.1080/14735784.2015.1137480

Published online: 28 Feb 2016.

Article views: 241

View related articles

View Crossmark data
ABSTRACT
This essay focuses on the French legal concept of denaturalisation (déchéance de la nationalité), paying particular attention to the link between denaturalisation and the notion of ‘terrorism’ in French law. Critically reviewing and assessing relevant parliamentary debates and reports from the 1980s and 1990s, the essay discusses the extent to which the legal definition of terrorism is caught in and fuels an affective economy at the basis of denaturalisation practices. Accordingly, the essay argues that while ‘terrorism’ operates as the unknown and unknowable threat, the term follows a narrative of uncertainty and crisis that goes in two directions. On the one hand, it shapes a surface of power by aligning those being labelled as terrorists against the community. On the other, the ambiguous semantic content of the term allows those in power to constantly review the boundaries of their own categories.

One is almost tempted to measure the degree of totalitarian infection by the extent to which concerned government use their rights of denaturalisation. (Arendt 1994: 278)

‘Security and citizenship have been closely connected in modern politics’, write Xavier Guillaume and Jef Huysmans in the introduction to their edited volume on citizenship and security (2013: 1). In the course of 2013 and 2014, and even more so after the Paris attacks of 7–9 January 2015, such a connection caught particular attention in the public debate as a number of European countries such as England, France and The Netherlands reported that any national travelling to join rebellious divisions in Syria, for instance, would be deprived of their citizenship upon their return. The argument was that they would pose a threat to national security. Deemed members of terrorist organisations, those citizens would no longer have the rights to bear the nationality of their respective European countries. Further, denaturalisation figured among the immediate governmental measures announced by President François Hollande after the most recent attacks in Paris on 13 November 2015. While declaring a state of emergency before Congress on 16 November 2015 and calling for a constitutional reform, the president also announced his will to broaden the possibility for the state to denaturalise citizens: ‘we must be able to denaturalise an individual convicted for undermining the fundamental interests of the nation or for an act of terrorism, even if that individual was born French’,
he declared (my translation). Expressions of political and governmental struggles, such anecdotes illustrate the extent to which citizenship and security relate to an ambivalent set of rights, duties and claims that serve securitising processes while at the same time fuelling and challenging the constitution of political identity and political authority (Guillaumé and Huysmans 2013: 8–9). In other words, citizenship and security work together to separate those with the right to security from those who are excluded from it – the former by granting and denying rights, the latter by separating the citizenry from those seen as endangering the rights of men and citizens. (Guillaumé and Huysmans 2013: 4)

This essay proposes to come in this debate by addressing the French juridical political background to such politics of citizenship and security. More specifically, it focuses on the French legal concept of denaturalisation, also referred to as forfeiture of nationality by the state. Inscribed in French legislation since the First World War, denaturalisation law in France is particularly problematic because instead of equally applying to all French citizens, it solely applies to nationals by acquisition, that is, to French citizens who were born in a foreign country and disposed of another nationality before acquiring the French one. In this sense, denaturalisation complicates the notion of citizenship by generating a differentiated notion of French citizenship: it produces a principle of unequal citizenship, according to which born nationals enjoy an irrevocable right to nationality, whereas new nationals only have access to a conditional form of national identity.

Legislated in article 25 of the Civil Code, the latest version of the law on the forfeiture of nationality by the state specifies that the political, juridical logic affecting denaturalisation practices is informed by the notion of ‘terrorism’. Expressed in its first paragraph, which legislates the primary condition for new nationals to be denaturalised, it reads:

1°If [the individual who has acquired French nationality] is guilty of an act which qualifies as a crime or an offence that undermines the fundamental interests of the Nation, or a crime or an offence that qualifies as an act of terrorism. (France, Civil Code. Chapter IV, Section 3: ‘The forfeiture of French nationality’. Article 25; my translation)

It is this particular focus on the notion of terrorism and its link to denaturalisation that I want to address in this essay. By tracing the political and juridical trajectories according to which the notion of terrorism has been inscribed in the law, and in the law on denaturalisation in particular, I discuss the extent to which ‘terrorism’, as a juridical political concept that lacks definite semantic meaning, affects the intersection between citizenship and security in such a way that citizenship becomes subordinated to security. More specifically, while the notion of terrorism both participates in the denial of citizen rights and in the separation

1 At the time of writing, the prospect of also potentially targeting French-born nationals through denaturalisation remains the object of heated political debates. In his latest press conference of 23 December 2015, Prime Minister Valls announced the government’s will to maintain the broadening of denaturalisation in the constitutional reform, despite fierce criticism from prominent political figures such as Christiane Taubira, Minister of Justice.

2 The French term is ‘déchéance de la nationalité’, which any English translation fails to cover completely. The term ‘déchéance’ expresses a demotion, a moral downgrading, and connotes biblical images representing those déchus, unworthy of paradise, dismissed and abjured to work their way on earth by means of labor and pain, as opposed to having an endless pleasurable life in paradise. Déchéance also expresses the deprivation of rights, be it the deprivation of civil rights or the rights attached to the exercise of a public function, such as to Member of Parliament. For the sake of clarity and consistency, I shall use the English concepts throughout.
of the citizenry from those seen as endangering society, its ambiguous semantic content allows those in power to constantly review the boundaries of their own categories.

In the first section, I critically review and assess the political debate pertaining to the inclusion of the notion of terrorism in the law on the forfeiture of nationality. I then deepen the analysis by critically examining the French juridical definition of terrorism, which leads me, in the third section, to discuss the affective economies of the concept of terrorism. Finally, I question the politics of juridical definitions and interpretations, arguing that such interpretative spaces have come to operate as tactics (De Certeau 1984), albeit in a perverse manner.

The insertion of ‘act of terrorism’ in article 25 of the Civil Code

The context in which article 25 of the Civil Code was amended to its latest version was a parliamentary Bill pertaining to the repression of terrorism, which was debated from November 1995–June 1996. The main object of the Bill was to update the French jurisdiction relevant to the fight against terrorism, both on the level of repressive measures and on the level of procedural measures (Marsaud Rapport N° 2406: 6). It responded to a series of terrorist attacks that took place between 1994 and 1996 (Projet de loi N° 2302: 3; Masson Rapport N° 178: 7, 17–18). There was the hijacking of Air France flight 8969 flying from Algiers to Paris on 24 December 1994, a bomb exploding at the metro station Saint Michel on 25 July 1995 and another one on the RER train line B, exploding at station Port Royal on 3 December 1996. The suspects were members from the Group Islamique Armé (GIA), a radical Algerian organisation claiming allegiance to Islamic fundamentalism. This essay does not review those attacks in more detail, nor does it seek to talk about terrorism or the ‘war on terror’ in general. Instead, it seeks to establish the link that was made between a national will to repress terrorism and the law on denaturalisation.

Paradoxically, despite its decisive resolution regarding denaturalisation, according to which article 25 of the Civil Code was amended to include the term ‘terrorism’, the 1996 Bill pertaining to the repression of terrorism proved to give it very little attention. First of all, the amendment to article 25 of the Civil Code did not even figure in the first version of the parliamentary Bill, discussed on 20 December 1995. Initially, the Bill solely presented provisions amending the penal code and the code of penal procedures. Obviously, denaturalisation was not seen as an evident measure that would improve the legislation supporting the fight against terrorism.

The first mention of an amendment to article 25 figures in a report by M. Alain Marsaud written in the name of the Commission of Constitutional Law, submitted to the Assemblée Nationale on 13 March 1996 to inform the parliament’s second reading of the Bill. Introducing the insertion of a new chapter entitled ‘Provisions amending the Civil Code’, the report reads:

As announced, Ms. Suzanne Sauvaigo has presented an amendment, adopted by the Commission, which creates a new subdivision entitled ‘Provisions amending the Civil Code’ consisting of an article that expands the scope of article 25 of the Civil Code pertaining to the forfeiture of the French nationality for persons convicted for a crime or an offence that qualifies as an act of terrorism. [my translation] (Marsaud Rapport N° 2638: 19)
As the chapter is entirely new to the parliamentary Bill, it raises the reader’s expectation of finding solid arguments justifying this insertion. Those, however, remain absent from the report. This is troubling for two reasons. First, it bypasses the fact that the new provision is the sole link made between the legislation supporting the fight against terrorism and the Civil Code. Indeed, all articles contained in the 1996 Bill pertaining to the repression of terrorism are provisions amending the Penal Code or the Code of Penal Procedure, except for the amendment to article 25 of the Civil Code. In this sense, the amendment to article 25 of the Civil Code re-creates a link between the domain of citizenship and that of penal law.\(^3\) This means that along with the concept of an ‘act of terrorism’, denaturalisation practices re-surface as a means to preserve the institutions and moral standards of the French Republic, thereby also qualifying as a political decision. Denaturalisation’s political character further increases with the fact that those targeted are not all citizens who do not behave according to the law, but only those who have obtained French nationality after a process of naturalisation. Denaturalisation, then, fully participates in the security logics aiming at separating the citizenry from those seen as endangering the political, juridical structure of France as a nation.

Marsaud’s formulation of the announced amendment raises further questions as it conveys the impression that measures of denaturalisation are very trivial. They prove not to need any arguments. However, this fully discards the fact that, taken at face value, those measures largely contravene the first article of the French Constitution: whereas the latter stipulates the principle of equality before the law, the forfeiture of nationality produces a condition of citizenship for new nationals that can be revoked in certain situations and thereby does not quite belong to the overall national juridical structure.

Surely, this is a contradiction worthy of a proper political debate. However, it is striking that the 18 April 1996 parliamentary debate reviewing the commission’s report spends hardly any time discussing the new provision. Its brevity makes it worth quoting at full length:

\[
\textbf{M. the President} \text{ [of the assembly].} \text{ The second paragraph (1°) of article 25 of the Civil Code is completed by the words: ‘or for a crime or an offence that qualifies as an act of terrorism’.}
\]

\[
\textbf{M. Alain Marsaud, rapporteur.} \text{ This amendment has been adopted based on Ms. Sauvaigo’s initiative. Perpetrators of a terrorist crime could be deprived of their French nationality if they had acquired it. Such forfeiture of nationality is already legislated by article 25 of the Civil Code for terrorist crimes leading to a sentence of 5 years or more in prison. Accordingly, the amendment extends the scope of this article to all terrorist crimes, regardless of the sentence, and to all offences of the same nature.}
\]

\[
\textbf{M. the President.} \text{ What is the opinion of the government?}
\]

\(^3\)This link was already present in the French Revolutionary period, but has been camouflaged since the First World War, as the forfeiture of nationality came to be inscribed in the Civil Code. During the French Revolution, criminal law was the framework of the new public order, its primary objective being to defend the institutions and new Republican values (Simonin 2008: 39). While the structure of new political and juridical institutions believed to be capable of delivering a universalised society, criminal law was the means to get rid of the ‘bad citizens’ by means of the new penalty of civic degradation, which struck by inflicting temporary indignity on the citizen who had dishonored himself (Simonin 2008: 40). In effect, the political link between denaturalisation and the Penal Code has never fully been broken, denaturalisation being this instrument for the state to make foreign (both literally and politically) those who are perceived as a threat; from nationals by acquisitions born in an enemy nation for the period of the First World War, to Communists in the 1930s, to Jews and political dissidents in the Second World War (Beauchamps 2015).
M. the Minister of Justice. I support this amendment because it does not constitute a novation of principle – it is indeed already registered in article 25 of the Civil Code – but simply a mere extension.

M. the President. I put the amendment number 7 to vote.

(The amendment is adopted.)

(France, Journal Officiel n° 34(1) AN (C.R.) Ven 19 Avr. 1996: 2422) [my translation]

Next to the fact that M. Marsaud reiterates the divide between born nationals and new nationals in his presentation without giving it any specific attention, the argumentative line is further problematic for several reasons. First, the amendment finds its legitimacy in a mere rhetorical trick: if the provision legislates for an extension of the scope of article 25, it certainly brings in something that was not yet into place, hence something new; this is the nature of an amendment. Saying that the provision should be adopted based on the fact that it is nothing new is thus a rhetorical aberration. Secondly, the extension the rapporteur is talking about is not even an extension, but rather a completely new formulation of cases in which denaturalisation is justified by law. Indeed, the word ‘terrorist’ had up to that moment never figured in article 25. Where the rapporteur claims that denaturalisation was already legislated ‘for terrorist crimes leading to a sentence of 5 years of imprisonment or more’ (my emphasis; my translation), the law enforced at that time reads: ‘for an act that qualifies as a crime by French law and that leads to a sentence of five years or more in prison’ (my translation). Clearly, the notion of ‘terrorism’ did not initially figure in article 25, and there is no indication whatsoever that the crimes or offences cited must be interpreted as acts of terrorism.

This argumentative slippage in the rapporteur’s report is at the least surprising in the context of the 1996 parliamentary Bill pertaining to the repression of terrorism. The Bill precisely aimed to refine the juridical distinction between common crimes and offences and acts of terrorism; it was precisely because there was a political will to further distinguish between ‘an act qualified as a crime by French law’ and ‘acts of terrorism’ that the Bill was put forward (Masson Rapport N°178; Marsaud Rapport N°2406). Hence, not only is Marsaud’s argument cited above misleading because it is based on distorted information, it also contradicts the parliamentary Bill and consequently raises even more questions about its legitimacy.

I suggest that the insertion of the concept of terrorism into article 25 of the Civil Code is an expression of the discursive and performative power bound to the concept of terrorism. In the following sections, I substantiate this point while I closely examine some relevant moments in the governmental debates that lead to the definition of ‘terrorism’ as a juridical category in the French justice system, expressed in the law of 9 September 1986 (France, Loi n° 86–1020 du 9 Septembre 1986).

4Performativity is here primarily understood in the sense that language works to generate that which it apparently names (as opposed to merely naming something that already exists) (Ahmed 2004a: 92). Such an approach to performativity hence goes beyond Austin’s thesis of performatives combusts and speech act theory (1976 [1962]), in which performatives are described as words that do something, as opposed to words that are merely descriptive (for instance, the content of a will can literally transfer certain rights from one person to another). Furthermore, although primarily focused on the power of texts and the working of language, my approach to performativity also entails the recognition that the texts at hand belong to a broader social and political context in which power relations have their share in the semantic contingency of words.
**Defining the concept of ‘terrorism’ in French jurisdiction**

In France, the creation of a juridical category defining the notion of an ‘act of terrorism’ was a direct response to a series of bomb attacks targeting France, and Paris in particular. Claimed by Action Directe (a French revolutionary group that considered themselves libertarian communists) and by the Hezbollah (a Shi’a Islamic militant group and political party based in Lebanon), the attacks took place between February and September 1986, the bomb attack on the Rue de Rennes on 17 September 1986 in front of the Tati store being the most remembered. The point of this essay is not to review the details of these attacks, but instead to focus on the politics of the concept of ‘terrorism’, paying particular attention to its effects on governmental techniques (in the Foucauldian sense of the word) that both shape and control the divide between people who are desired and those who are not.

Central to the arguments pertaining to the making of the juridical category of ‘terrorism’ was the idea that terrorism is by definition a criminal offence that should be punished accordingly, although it had never been defined as such before the law of 9 September 1986 (Limouzy Rapport N° 202; Marsaud Rapport N° 2406). These arguments betray a tendency to think terrorism as a self-explanatory term, which makes it arguably unproblematic to categorise in the law. ‘Terrorism’ is then commonly referred to as something that everybody intuitively knows, and as the result of an attack that was claimed as a terrorist act by the perpetrators (Limouzy Rapport N° 202).

However, the political debates around the 1986 Bill pertaining to the fight against terrorism also contain political disagreements regarding what must fall under the definition of terrorism. Terrorist infractions prove not to be solely those self-proclaimed acts of terrorism, as terrorism is not only that which is being defined by terrorists themselves but also that which legislators understand as terrorism.

If self-proclaimed acts of terrorism were already heterogeneous (ranging from assassination to hostage-taking and bomb attacks to name but a few), the political juridical understanding of the term proves to further complicate the meaning of the term, if not to push it to the point of vacuousness. So did a report by M. Paul Masson (senator and rapporteur of the commission of law to the Sénat) acknowledge that ‘the legislator of 1986 had to tackle the problem of the “missing/unknown definition” [l’introuvable définition] of terrorism’ (Masson Rapport N° 178: 10, my translation). Crucial here is the expression of ‘introuvable définition’ [missing/unknown definition]. Reading the report further, the expression does not so much refer to the fact that the concept of terrorism had not yet been defined in the law (hence it was missing). Rather, it points to the fact that the content of the definition was heterogeneous to such an extent that it made it impossible to express it in terms of a juridical definition. According to Masson, the disturbing heterogeneity was due to the fact that the unique term of ‘terrorism’ would have referred to extremely diverse facts (such as assassination, theft and arms dealing), which would put the hierarchy of penalties at risk (Rapport N° 178: 10). Furthermore, the creation of a new incrimination such as terrorism, which was not present in the conventions on extradition to which France adhered, could have hindered the execution of requests for extradition of those involved in a crime of terrorism (Rapport N° 178: 10).

---

5For a thorough analysis of the attacks, I refer to Didier Bigo’s 1991 article ‘Les attentats de 1986 en France’.
These two criteria are interesting in themselves, but the juridical solution that was found for the problem of heterogeneity might say even more regarding what the notion of terrorism is about. Indicative of the discursive and performative force of the term ‘terrorism’, the solution was found in a definition of ‘act of terrorism’ (as opposed to the concept of ‘terrorism’ tout court) (Masson Rapport N° 178). ‘Act of terrorism’ was defined according to the following two criteria: (1) it refers to a determined crime or offence (such as assassination, hostage-taking or destruction), and (2) it is related to an individual or collective enterprise whose aim is to cause a grave disturbance of the public order by means of intimidation or terror (Masson Rapport N° 178: 10).

In the first place, this solution suggests that there is a genuine distinction between ‘terrorism’ and ‘acts of terrorism’, because the concept of ‘terrorism’ would not be definable by law whereas the notion of an ‘act of terrorism’ is. According to the rapporteur’s statement, the distinction between ‘terrorism’ and ‘acts of terrorism’ would be their degree of heterogeneity. The more heterogeneous a concept, the less it is suitable for a juridical definition.

However, there is little reason to think that the obvious difference tied to the formulation (the notion of ‘terrorism’ would not necessarily refer to a concrete act, whereas the notion ‘act of terrorism’ is, in principle, based on a well-defined act) is a genuine difference that solves the problem of the term’s degree of heterogeneity. As the following section demonstrates, the semantic field expressed in the juridical definition of ‘act of terrorism’ is in itself extremely heterogeneous. Furthermore, the expression appears to be caught in an affective economy of fear, which both makes use of the heterogeneity at stake and intensifies it.

**The affective economy bound to the concept of ‘terrorism’**

According to the juridical definition of the notion of an ‘act of terrorism’, terrorist infractions are not necessarily understood as new forms of violence, since their natures (such as assassinations, theft and hostage-taking) were already known and codified as crimes before ‘acts of terrorism’ came to be codified as a criminal infraction. What is new, according to the law, is their goal and their means, identified as ‘to cause a grave disturbance of the public order’ by means of ‘intimidation or terror’. The juridical solution to the problem of the ‘introuvable définition’ of terrorism is thus more a camouflage for the law’s incapacity to define the concept of terrorism than a real solution. For the *act* in the expression ‘act of terrorism’ is not that which is terroristic. Terrorism is that which surrounds the act.

This was made explicit by M. Jacques Limouzy, deputy and rapporteur for the commission of law to the Assemblée Nationale in 1986. He wrote: ‘It is not in the constitutive elements of the infraction that we can grasp the notion of terrorism, but in the criteria concerning the aim pursued, the consequences of the act, and the means employed’ (Rapport N° 202: 7, my translation). Accordingly, terrorist acts differ from common crimes and offences in the sense that their effect is more than the mere nature of the act. That is, if assassination were involved, the effect would not solely be the death of an assassinated individual, but also a grave disturbance of the public order accompanied by intimidation or terror. This means that it is not the assassination in itself that is being understood as an act of terrorism, but that which surrounds it in terms of affective effects. Hence, terrorism is not about a criminal infraction, it is not necessarily about an act, but about the affective economy surrounding those acts.
Further characterised by a poor discursive clarity when it comes to what turns a criminal infraction into a terrorist act, the juridical definition of ‘act of terrorism’ reads: ‘When they are related to an individual or collective enterprise whose aim is to cause a grave disturbance of the public order by means of intimidation or terror’ (France, Penal Code. Book IV, Title II, Chapter I: ‘Acts of terrorism’. Article 421–1; my translation).

All the main terms in the definition are terms with relative value. For instance, when would an act be considered ‘related to’ an individual or collective enterprise? And what is being understood by ‘enterprise’? Furthermore, what is the degree of disturbance understood as ‘a grave disturbance of the public order’? And what is precisely understood by ‘public order’? Finally, how do we assess feelings such as ‘intimidation’ or ‘terror’? Clearly, all those aspects rest on a common idea of what it means to be intimidated or terrified, or on what it means to be related to somebody else’s activities. Depending on a subjective and contextual appreciation of what they stand for, none of those aspects can be said to be objective criteria.6

Such discursive ambiguity is already a sign of the presence of affective values, as it enhances the circulation of emotions in the sense that it broadens the heterogeneous space of language according to which the meaning of words must necessarily remain plural. Furthermore, it resonates with Ahmed’s work on affective economies, in which, based on her analyses of the international response to 9/11 and of the British politics of asylum, she offers a vocabulary that helps identify the trajectory of emotions in symbolic and normative discursive formations. Insisting on the fact that ‘emotions are not “in” either the individual or the social, but produce the very surfaces and boundaries that allow the individual and the social to be delineated as if they are objects’, Ahmed further states that ‘it is the very failure of affect to be located in a subject or object that allows it to generate the surfaces of collective bodies’ (2004a: 10; 2004b: 128).

Clearly, the ambiguous definition of ‘act of terrorism’ cited above does not locate any specific object (nor any specific subject) as that which can be defined as terrorism. As Julie Alix explains it in her critical study of terrorist incriminations, the penal definition and qualification of terrorism neither targets an act nor a plurality of acts, but an entire criminal phenomenon (2010: 11). It is accordingly up to the legislator to express what ‘terrorist crime’ means, which implies that the definition of terrorism is political by nature; defining ‘terrorism’ is not a systematic enterprise based on objective criteria, but instead responds to the pursuit of efficiency (2010: 19). This impossibility – or refusal – to define acts of terrorism according to fixed criteria has a particular effect: it turns the notion of terrorism into a discursive formation whose meaning remains intentionally malleable. Consequently, the lack of definition provides a general direction along which the meaning of terrorism can be formed. In turn, such discursive formation contributes to the materialisation of a collective body that is aligned against those being labelled as terrorists.

In this context, Didier Bigo’s term of ‘governmentality of unease’ seems particularly helpful in further understanding the political and discursive constellation in which the concept of terrorism is ensnared. His analysis especially focuses on the politics of mobility

---

6The ambiguity of those questions finds illustration in the Tarnac’s case of terrorism labelling, a case in which a number of left activists were arrested in the rural French village of Tarnac in 2008 on a charge of ‘pre-terrorism’, an accusation linked to acts of sabotage on the France’s TGV rail system (Critchley 2011). As described by Simon Critchley, their arrest was part of ‘Nicholas Sarkozy’s reactionary politics of fear’ (2011: 171), and the labelling of ‘pre-terrorism’ followed a ‘surprising juridical imagination’ (2011: 172).
tied to contemporary debates on migration, denouncing the fact that ‘migration is increasingly interpreted as a security problem’ (2002: 63). His term, ‘governmentality of unease’, however, is not solely applicable to migration studies, as it refers to a sense of general unease that informs those governmental activities in charge of the management of risk and fear (2002: 63). ‘Unease’ thus stems from that which is perceived as a threat; it refers to those categories that have been associated with that which must be kept out of society – ‘terrorist’ being one of the most prominent and determinant ones.

Accordingly, the ‘governmentality of unease’ addresses processes of normalisation and abnoramlisation according to which the positions of individuals are ‘crossed (or pierced) by the rhizomes of power/resistance relations’ (Bigo 2011: 45). Moreover, Bigo’s term of ‘unease’ indicates the ways in which security logics play with ambiguity and uncertainty, criteria that result from governmental techniques that ‘work through everyday life’ and ‘[divide] the population into categories of those non-desirable, unwanted groups that are to be either integrated in a way of assimilation or to be banned, excluded, removed’ (Bigo 2002: 64).

Crucially, the governmentality of unease is also characterised by a lack of legibility when it comes to that which distinguishes the desirable from the unwanted groups. Constructed ‘through a series of actions at a dis-tance/dis-time’, technologies of power involved in processes of normalisation and abnormalisation both work at a geographical distance and operate at a distance in time (Bigo 2002: 45). Not only do they build on past practices of inclusion and exclusion, they also follow a logic of pre-emption that, as Marieke de Goede has carefully demonstrated (2008a, 2008b, 2009, 2012), is central to the fight against terrorism.

According to de Goede, pre-emption ‘does not endeavour to predict the future, but it pre-mediate[s] the future by mapping and imagining multiple future scenarios that are made actionable in the present’ (2012: 53). Furthermore, pre-emptive logics foster a climate of speculative security, which have come to operate as a technique of governing through suspicion, surprise and suppleness (2012: 53). This has important consequences: while prevention becomes ‘the new “doxa” of the solution against a global insecurity and all the different worst-case scenarios’ (Bigo 2011: 34), the attention in security logics is no longer concerned with a tangible reality. Instead, it is directed towards an imagined state of insecurity that causes the future to be folded into the here and now. Imagined as a potential threat, the unknown future becomes part of the mechanisms of normalisation and abnormalisation that define processes of inclusion and exclusion – of which denaturalisation is an example.

This obsession with preventive measures clearly resonates with those affective economies accounted for in Ahmed’s analysis of cultural and political emotions. Following Ahmed’s theory, the pre-emptive logic can now be expressed in terms of positioning the imagined futures as a void through which signs of fear and suspicion circulate in a metonymic slide, producing that which Ahmed calls the ‘rippling effect of emotions’ (2004b: 120). Such metonymic slides imply that the future is being connected to a sideways movement as well as to a backward movement, according to which emotions ‘stick’

---

7The terms of normalisation and abnoramlisation refer to Foucault’s terminology, which points at the relation between a system of norms and a system of law. According to Foucault, techniques of normalisation are not intrinsic to the law, but ‘develop from and below the law, in its margins and maybe even against it’ (2007 [2004]: 56).
through associations between signs, figures and objects, while they also connect to the “absent presence” of historicity (Ahmed 2004b: 120).

Ahmed’s notion of stickiness primarily refers to the performative effect of a history of articulation and repetitions, according to which a sign comes to evoke other words ‘which have become intrinsic to the sign through past forms of association’ (2004a: 92). It builds on Judith Butler’s theory of performativity (1993), understanding performativity as that which ‘relates to the way in which a signifier, rather than simply naming something that already exists, works to generate that which it apparently names. Performativity is hence about the power of discourse to produce effect through reiteration’ (Ahmed 2004a: 92). Furthermore, stickiness involves ‘a transference of affect’ (Ahmed 2004a: 91). That is, it is about ‘what objects do to other objects . . . but [in] a relation of “doing” in which there is not a distinction between passive or active’ (Ahmed 2004a: 91). Accordingly, stickiness is an analytical tool that helps identify how the contingency of discursive elements is in itself performative (such as with ‘terrorism’ and ‘new nationals’ in article 25 of the Civil Code): it produces a new reality based on the past associations of signs, which is not necessarily visible but nevertheless participates in the effects of the sign at stake.

Terrorism being the unknown and unknowable threat follows a narrative of uncertainty and crisis that aligns those being labelled as terrorists against the community. While the law proves unable to define it objectively, ‘terrorism’ remains the ultimate category for deciding who needs to be removed from the national environment. Caught in an affective economy of fear and suspicion, the notion of terrorism disseminates beyond the law. To follow Ahmed’s arguments further, the terrorist could be anywhere and anyone, as a ghostlike figure in the present, who gives us nightmares about the future, as an anticipated future of injury. We see ‘him’ again and again. Such figures of hate circulate, and indeed accumulate affective value, precisely because they do not have a fixed referent. (Ahmed 2004b: 123)

‘Act of terrorism’: strategy or perverse tactic?

Crucially, as the law has become the space where the notion of an ‘act of terrorism’ is defined, terrorism can no longer solely be understood as those acts claimed as terrorist acts by those who committed them. Instead, it is now especially defined as those acts which the legislative (and the judiciary) recognise as acts of terrorism following their own definition of it. Sliding across the juridical definition of terrorism, the goals and intention of an act travel from the perpetrators of the act to the legislators: terrorism has become a concept with an affective economy, which is being channelled through the law. First, perpetrators of teroristic acts directly relate to the state and its values as expressed in the law, as they challenge the fundamental interests of the state, or its existential conditions. Besides, the affective value of the notion of terrorism, as defined by the state, moves in a very specific way: it now travels from state representatives to political social subjects, and not the other way around.8 In this economy, denaturalisation law amplifies the performance of ‘terrorism’ and its metonymic slide: it constructs new

---

8 Some may argue that the same may be said of robbers with respect to the state’s ambiguous definition of ‘property’ as ‘the right to enjoy and dispose of things in the most absolute way’ (France, Civil Code. Book II, Title II: ‘Property’, Article 544; my translation). The specificity of the affective economy of an ‘act of terrorism’, however, lies in its influence on the public and the collective, as opposed to the personal sphere.
nationals as particular citizens and ensnares the notion of nationality and citizenship in the political, juridical language that addresses terrorism.

Accordingly, the juridical definition of terrorism revolves around two different kinds of affective economies: one intrinsic to the semantic content of the law, the other intrinsic to the legislating power. I propose to further the discussion by aligning these affective economies with de Certeau’s understanding of ‘tactic’ and ‘strategy’, which he extensively discusses in *The Practice of Everyday Life* (1984). I argue that the affective economy intrinsic to the legislating power answers from a strategic logic. In turn, the affective economy intrinsic to the semantic content of the juridical definition of ‘act of terrorism’ operates as a tactic, albeit in a perverse manner.

According to de Certeau, the difference between strategy and tactic ‘corresponds to two historical options regarding action and security’ (1984: 38):

> strategies pin their hopes on the resistance that the establishment of a place offers to the erosions of time; tactics on a clever utilisation of time, of the opportunity it presents and also of the play that it introduces into the foundations of powers. (De Certeau 1984: 39)

In this respect, strategies answer from a territorial logic. They are bound to a structural definition of power relations, and fastened to a will to secure the territory at stake. Enabling state representatives and the juridical body to control the allocation of terror to those activities that they deem threatening to the public order, the definition of ‘act of terrorism’ is perfectly in line with de Certeau’s notion of strategy. Being the legislative response to a certain feeling of insecurity, it establishes a surface of power that helps define and control the national territory.

In turn, de Certeau understands tactics as the possibility to invest a certain freedom of action within the defined framework of power. As he views it, a tactic is ‘a calculated action determined by the absence of a proper locus . . . It must vigilantly make use of the cracks that particular conjunctions open in the surveillance of the proprietary powers’ (1984: 37). Furthermore, de Certeau describes a tactic as ‘an art of the weak’ (1984: 37); it is the space available for re-appropriation and resistance to those who are subjugated to the established power. In this sense, it is ‘the space of the Other. Thus it must play on and with a terrain imposed on it and organised by the law of a foreign power’ (1984: 37).

The juridical definition of the notion of an ‘act of terrorism’, however, reveals that tactics are not necessarily ‘an art of the weak’, as they can also be the manoeuvres of those individuals who are in power. Crucially, the discursive ambiguity proper to the definition of ‘act of terrorism’ remains in the hands of legislators and magistrates. That is, although the discursive ambiguous space identified in the definition provides a clear space where the allocation of meaning is renegotiated again and again, those who have access to those negotiations are precisely those who define the boundaries of power. Hence, while the form of the definition (that is, the structure of the law) shapes a surface and a frame of power, the discursive looseness of its content makes it possible for those in power to expand the surface’s boundaries at will.

**Conclusion**

Focusing on the juridical concept of ‘terrorism’ and its link with denaturalisation law, this essay intervenes in the debates concerning the securitisation of nationality and citizenship.
Although limited by international agreements against statelessness, denaturalisation is still practised today. Among the eight decrees of denaturalisation reported since 1996 in France (Houchard 2015), two cases that have particularly caught media attention were the case against Djamel Beghal (denaturalised in 2006) and the recent case against Ahmed Sahnouni, whose denaturalisation was validated by the Conseil Constitutionnel on 23 January 2015 amidst heated debates on new counterterrorism policies after the Paris attacks of 7–9 January 2015 (Décision n° 2014–439 QPC du 23 Janvier 2015 – M. Ahmed S).

What is striking is not so much the appearance of the juridical definition of the crime of ‘terrorism’ in French law; the quality of the 1980s attacks might well have justified such definition in light of the principle of legality in criminal law. The point of this essay is rather to raise questions about the link produced between the concept and definition of ‘terrorism’ and the realm of citizen rights. At the crossroads of the politics of security and citizenship, denaturalisation is a political tool used to ostracise citizens whose inscription within the national community is perceived as a threat against the interest of the state.

If the notion of citizenship has always rested on exclusion and divisions between insiders and outsiders, the quick and unreflective insertion of the concept of ‘terrorism’ in the language of denaturalisation – and hence in the Civil Code – reveals a tremendous and highly ambiguous increase in the state’s capacity to make foreign those who are prosecuted in the name of the nation’s security. Thereby, denaturalisation is no longer, as Patrick Weil states it, simply a ‘reserve of sovereignty that allows the state to intervene in exceptional cases’ (Weil 2008: 244). Instead, the affective economy bound to the concept of terrorism stresses the problem of having such a structural ‘reserve of sovereignty’ when the criteria for such a reserve are in themselves a way for governmental powers to revise the limit of their authority ad hoc. In other words, the criteria for defining the terms of an ‘exceptional intervention’ are in themselves another ‘reserve of sovereignty’. Such ‘reserves of sovereignty’ are therefore potentially infinite and betray the presence of a chronic ‘totalitarian infection’ (Arendt 1994) in French nationality politics.

Disclosure statement

No potential conflict of interest was reported by the authors.

Note on contributor

Marie Beauchamps is a researcher at the Amsterdam School for Cultural Analysis, and a lecturer at the PPLE College (Politics, Psychology, Law and Economics), Universiteit van Amsterdam. Her work investigates the prominence of denaturalisation within the politics of citizenship and nationality, combining research insights from history, legal studies, security studies and narratology.

ORCID

Marie Beauchamps http://orcid.org/0000-0002-7572-1676
References


