



How France Invented The Censorship Industrial Complex

The Twitter Files – France, Case Studies

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September 3, 2025

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This report was produced for Civilization Works and published on September 3, 2025.

*"The art of politics lies not in resolving issues
but in quieting those who bring them to light."*

— Henri Queuille (1884-1970)¹

¹ French radical-socialist politician, three times Prime Minister under the Fourth Republic

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Executive Summary

The EU and France may soon compel U.S. social media platforms, including Elon Musk's X, to censor American users. As of the date of the publication of this report, September 3, 2025, the EU's demand for censorship is part of the ongoing trade talks with the Trump administration. Already, the EU's top digital censor last year, French politician and former EU commissioner for the internal market, Thierry Breton, threatened action against Elon Musk when he hosted a conversation on X with Donald Trump. And many believe social media companies may, for political and economic reasons, be forced to accept European censorship.

Now, this report reveals an apparently coordinated effort by the Macron government and state-affiliated NGOs to force the world's most influential social media platform to censor people for legal speech, turn over sensitive internal data, and change Twitter's "content moderation" worldwide.

The investigation shows:

- Macron tried to personally communicate with the then CEO of Twitter, Jack Dorsey
- France sought global censorship
- French state-affiliated NGOs demanded special access to Twitter's internal data and content moderation process
- French authorities attempted to circumvent the law by urging pre-censorship of user-generated social media content

This report is illustrated by the Twitter Files - France, a series of three case studies stemming from Twitter's internal communications. The Twitter Files - France reveals how the French government, through supposedly non-governmental actors, operates a censorship complex involving many moving parts. At the heart of it is the use of NGOs by governments to demand censorship, whether as supposedly independent and public interest advocacy organizations, or as fact-checkers.

Today, the Trump administration is stripping the US Censorship Industrial Complex of government funding and authority, even as the Censorship Industrial Complex grows in power in Europe, particularly in France, which in many respects laid the legal groundwork for the EU's Digital Services Act (DSA), the bedrock of the bloc's censorship framework.

President Emmanuel Macron, during his speech before France's national day, on July 14, 2025, underlined the urgent need for "cognitive security." This extension of the national security state to the minds of citizens is the apex of a long evolution of coordinated narrative control by the state.

The French public broadcasting system is to this day the largest media group in the country. Private mainstream media are owned by billionaire oligarchs who owe a significant part of their wealth to the state — through government contracts, operating licenses, government funding, or the purchase of privatized government assets at heavily discounted prices in the 1980s and 1990s. The press is subsidized by the state up to one-third of its revenues.

Free speech in France is tightly managed — and so is French democracy. The elite, which overwhelmingly stems from the high-ranking civil service cadre, determines by law or regulation the spectrum of acceptable opinions in the national debate. Moreover, certain speech offenses are treated as criminal acts, meaning they can lead to fines or imprisonment. When criminal offenses are not listed in the criminal code but in other laws — when the state cannot prosecute, which is the case of free speech — indictments are requested by state-accredited NGOs in what is nothing short of privatized prosecution.

For the past thirty years, technological advancements have almost annihilated all barriers to entry to publishing and broadcasting. Consequently, the state cannot manage speech as it used to, and has thus striven to exert the same control on digital media through increased regulation. The election of Donald Trump in 2016 and the allegations of Russian interference — a manipulation orchestrated by factions within the US intelligence community — sparked a legislative frenzy in Europe. The political establishment suddenly grasped that social media, which had previously fueled the downfall of authoritarian regimes during the Arab Spring, could just as easily threaten their own demise. At the same time, the failures of neoliberalism, globalism, multiculturalism, and the European Union have become so glaring that the establishment increasingly sees tighter control as the only way to preserve its power and privilege in the face of rising populist and sovereigntist movements.

Thus far, the French state has developed the most effective Censorship Industrial Complex in Europe, even while refraining from outright law enforcement raids and arrests like in the UK or Germany, because the law does not allow it for speech offenses. This is achieved through a subtle mix of social, administrative, and judicial pressure exerted on citizens and platforms. Since 2018, a series of liberticide laws to regulate online speech has been passed under the guise of protecting children, minorities, and society as a whole against “hatred” and illegal content. The French state and the European Union are seeking to build a panoptical system of online social control, including censorship delegated to NGOs and the end of anonymity and privacy, enforced through an increased administrative and judicial suppression of both citizens and digital platforms, bullied into automatic pre-bunking of content. The French state envisions going as far as to build its own algorithm as a benchmark to detect platform biases and mandate corrections of algorithms accordingly.

These actions are paralleled by broader initiatives at the EU-NATO level. Aside from the aforementioned DSA, the EU has introduced biometric ID cards linked to the possible introduction of the European Central Bank’s (ECB) digital euro, as well as a repository for health and other data. Its adoption among the population is currently very low beyond the function of an ID card. Plans exist to bolster it by making services only accessible through its use. France’s push to ban social media for under-15s is a means to compel all citizens to identify through this method for social media activity.

Meanwhile, the EU-NATO partnership is built on a series of joint declarations. A key aspect is cybersecurity and combating disinformation. Examples include the NATO Cooperative Cyber Defence Centre of Excellence in Tallinn and the European Centre of Excellence for Countering Hybrid Threats in Helsinki, working hand in hand.

The management of the Covid pandemic sidestepped close to all individual liberties, but turned out to be a miserable failure in the long run. Continued efforts to stymie free speech online may ultimately meet the same fate, as technology evolves faster than regulation. In the meantime, freedom of expression is dwindling to a mere shadow of its former self and is increasingly turned into a privilege granted to those who do not deviate from official narratives.

Introduction

To Americans, any attempt to curtail freedom of speech is tantamount to censorship. The First Amendment finds little resonance in Europe for historical, cultural, and legal reasons. We must thus agree on a definition for censorship that will lead us through this paper. In European democracies, freedom of opinion and expression are held as a fundamental right. Yet, it is also understood that these freedoms may, in exceptional circumstances, be limited. This principle is enshrined in the European Court of Human Rights *Handyside v. United Kingdom* ruling² of 1976:

“Freedom of expression constitutes a fundamental pillar of a democratic society and a primary prerequisite for its progress and the fulfillment of every individual. Subject to the limitations prescribed, inter alia, by Article 10 of the European Convention on Human Rights, this freedom extends not only to information or ideas that are favorably received or deemed inoffensive or neutral, but also to those that offend, shock, or disturb the State or any segment of the population. Such is the imperative of pluralism, tolerance, and openness, without which a democratic society cannot exist.”

For the limitations prescribed in Article 10 of the European Convention on Human Rights³:

“The exercise of these freedoms, since it carries with it duties and responsibilities, may be subject to such formalities, conditions, restrictions or penalties as are prescribed by law and are necessary in a democratic society, in the interests of national security, territorial integrity or public safety, for the prevention of disorder or crime, for the protection of health or morals, for the protection of the reputation or rights of others, for preventing the disclosure of classified information, or for maintaining the authority and impartiality of the judiciary.”

In sum, freedom of speech in Europe — hence in France — is technically absolute, but one can still be held legally accountable after the fact, once the words have been spoken, by an aggrieved party under the principle that “you shall not forsake the law”. In this paper, we shall therefore refer to:

- censorship, as the non-judicial, state or corporate discretionary suppression of free speech, ex-ante and ex-post;
- criminalization of speech, as the ex-post limitations and sentences imposed by criminal courts pursuant to laws or prosecution resulting from deliberate political maneuvering;
- the Censorship Industrial Complex, as the collection of state and non-state actors working in coordination to suppress free speech under various justifications.

² Judgment, “Case of *Handyside v. The United Kingdom*,” *HUDOC: European Court of Human Rights*, December 7, 1976 (retrieved on September 3, 2025), www.hudoc.echr.coe.int

³ “European Convention on Human Rights (ECHR),” *EUR-Lex*, retrieved on September 3, 2025, www.eur-lex.europa.eu

France possesses the oldest state apparatus in the West. Centralized, traditionally interventionist, and omnipresent, it wields a strength unmatched in most Western nations. The fact of the matter is that there is no deep state in France, because the whole state is effectively the deep state, echoing Louis XIV's famous "L'Etat, c'est moi" — I am the state. The French state built the French nation. It is not the institutional crystallization of a preexisting nation, contrary to most nation-states in the West.

Therefore, we shall generally refer to the French state, understood as the permanent set of institutions structuring society, rather than to the French government, which depicts the formal political power governing the country.

The overwhelming majority of prominent French political personnel, business leaders, and high-ranking government officials were trained in the same higher education institutions, most notably the National Administration School (ENA), the post-graduate elite civil service school. There exists only one tiny power elite in France. The high-ranking civil service cadre employs about 5,000 individuals out of 2.6 million state civil servants, a fraction of them moving from government to politics to business through revolving doors. Most of the figures mentioned in this paper have graduated from ENA or are — or were at some point — members of the civil service elite cadre.

I. Twitter Files – France

A. Emmanuel Macron reaches out

On October 14, 2020, Twitter's Public Policy Director for France and Russia forwarded an urgent request to the office of then Twitter CEO Jack Dorsey. The request came from President Emmanuel Macron's advisor for digital affairs, Mohamed Adjène Tajette (now a principal at Boston Consulting Group). The French president was insistent on obtaining Dorsey's phone number so he could send him a text message of encouragement, in light of the steps Twitter had taken to bolster electoral integrity.

"President Macron's team has been asking me (again!) Jack's number because the President wants to text him some supporting words re our new policies and functionalities on Election integrity," this person wrote. "I have already advised that he could send him a DM. I'll push back again, but wanted to double check with you first that indeed Jack never shares his number."

The first reply came from Twitter's Global Vice President of Public Affairs, who copied Vijaya Gadde—Twitter's General Counsel and Vice President for Trust and Safety Policies⁴ (effectively the platform's chief censor, who was swiftly dismissed by Elon Musk on October 27, 2022).

This Global Vice President of Public Affairs wrote, *"I know that Macron only sends texts to people he is close to and works frequently with colleagues and senior govt. leaders (like Angela Merkel) over text. Sierra - could you pls. ask Jack if he would be willing to accept a text from Macron, and we will ask Macron's team only to share Jack's number with Macron? Thanks."*

To which the office of Jack Dorsey replied, *"Will circle w Jack. Is there an alternative? FYI: Jack doesn't have a phone number (I swear) and only immediate team has his contact info to get a hold of him."*

The Public Policy Director for France and Russia went on, *"I am really pushing for DM but apparently Macron doesn't use Twitter by himself and wants to do a personal note. Maybe a telegram or signal."*

This was followed by a review of various potential communication channels, including email, Signal, Telegram, and iMessage. We have no details that would enable us to ascertain how this exchange ultimately resolved, and if Macron did get to send a text message to Dorsey.

⁴ She played a key role in the censorship of the New York Post investigation on Hunter Biden's laptop during the 2020 presidential campaign, as well as in the permanent ban of Donald Trump from Twitter in January 2021.

Analysis

This episode underscores the French president's compulsion to communicate directly with the CEOs of major platforms. Recall that Emmanuel Macron granted French citizenship to Evan Spiegel, the CEO of Snapchat, and to Pavel Durov, the CEO of Telegram, now indicted on 10 counts of serious crimes in France.⁵ Macron had several meetings at the Elysee palace with Mark Zuckerberg, the founder and head of Meta, the last reported one having taken place on May 10, 2019 to discuss hate speech online.

To congratulate Twitter on its electoral integrity effort – a pretext to get a direct communication line with Jack Dorsey – a straightforward official letter, hand-delivered to the company's headquarters by France's General Consul in San Francisco, would have sufficed. One can view this as the French president trying to personally sway the policies of American platforms in France. Jack Dorsey's phone number, if he had one, would have been passed over to French intelligence for monitoring.

Coincidence? Macron's request for direct contact with Jack Dorsey was set forth concomitantly to the start of a judicial mediation ordered by a court, subsequent to a lawsuit filed by four NGOs against Twitter, as outlined below.

B. Non-Governmental Enforcers

The French Constitution and the 1881 Press Freedom Law prohibit the state from any form of preemptive censorship, also called prebunking. The French Constitution enshrines freedom of opinion and expression as fundamental rights, whose control can only be exercised by courts.

While the law bars the state from censoring, nothing prevents government-endorsed NGOs from taking legal action. Our report highlights that some of these organizations have been ubiquitous in matters of censorship for over 50 years, serving as political tools wielded by the establishment and cut-outs for the state.

The phenomenon of private online speech policing in France predates the implementation of the EU's Digital Services Act (DSA). Since François Hollande's election as President in 2012, groups such as the UEJF, SOS Racisme, the International League Against Racism and Anti-Semitism (LICRA), J'accuse!, SOS Homophobie, the Movement Against Racism and for Friendship Between Peoples (MRAP), and others have leveraged the 2004 Law for Confidence in the Digital Economy (LCEN) – an EU e-commerce directive aimed primarily at ensuring free and fair competition, market access, and consumer protection, to which France added stringent censorship provisions – to coax platforms towards proactive censorship.

Internal Twitter communications provided to us provide insight into one such lawsuit, filed in spring 2020 by the Union of Jewish Students of France (UEJF), SOS Racisme, and SOS

⁵ Please refer to section 8 of the report for further info on Pavel Durov's indictments.

Homophobie⁶, on the basis⁷ of 1,100 tweets deemed hateful by these NGOs. Please note that there exists no clear legal definition of "hate" under French Law. The NGOs launched a test to assess Twitter's action on "hateful content" the day after the platform stated publicly that content report processing time would increase due to the pandemic⁸.

France's population amounts to 68.5 million. According to the latest available data, the UEJF has 15,000 active members, SOS Homophobie has 1,200, and SOS Racisme has between 400 to 500 – hardly representative of the interest groups they claim to represent, let alone of the French society as a whole.

The ties between the UEJF and SOS Racisme have been long established. SOS Racisme was founded in 1984 by Julien Dray and Harlem Désir, Trotskyist activists turned Socialist politicians. It was supported by Jacques Attali, Macron's mentor and then special advisor to President François Mitterrand. Attali states in his 1993 book *Verbatim* that the NGO was "created from scratch" at the Élysée palace, suggesting involvement of and funding by Mitterrand's administration. Wealthy donors linked to the French Socialist Party, such as Pierre Bergé and Marc Ladreit de Lacharière, are also said to have contributed. To what extent? It remains unclear as SOS Racisme does not publish detailed financial information.

In 1984, SOS Racisme's secretary general, Eric Ghebali, a journalist member of the French Socialist Party, was also the chairman of the UEJF. One of the NGO's founder, Serge Malik, denounced in his book *The Secret History of SOS Racisme* (1990), much like veteran and prominent journalist François de Closets, who also resigned from its board, the political weaponization of anti-racism through SOS Racisme, along with an overrepresentation of members from the UEJF and the marginalization of "beurs" (non derogatory slang for second-generation immigrants from North Africa).

Below is an overview of legal actions initiated against Twitter by the UEJF and others, illustrating their persistent efforts to influence platform moderation policies through lawfare.

2012: The UEJF filed a lawsuit against Twitter over alleged antisemitic tweets posted under the hashtag #UnBonJuif. The UEJF sought a restraining order to suspend the hashtag and identify the authors. The Paris High Court ordered the removal of the content and mandated Twitter's cooperation with judicial authorities. Twitter complied by removing the tweets but initially contested French jurisdiction.

2013: A new lawsuit was lodged against Twitter and its then CEO, Dick Costolo, for failing to remove antisemitic tweets despite a prior court ruling. The UEJF demanded a \$38.5 million fine, accusing Twitter of knowingly hosting hateful content. Twitter eventually agreed to collaborate

⁶ Marc Rees, "Pourquoi SOS Homophobie, SOS Racisme et l'UEJF ont attaqué Twitter," *Next Ink*, August 26, 2020, www.next.ink

⁷ "La Haine En Ligne Se Propage Pendant Le Confinement," *Union des Étudiants Juifs de France*, May 6, 2020, www.uejf.org

⁸ Vijaya Gadde and Matt Derella, "An update on our continuity strategy during COVID-19," *Twitter/X*, March 16, 2020 (updated on April 1, 2020), www.blog.x.com

with French authorities to identify the authors. The Paris Court of Appeal upheld the transparency obligation in that matter, though the fine was not enforced.

2014-2015: Ongoing disputes focused on jurisdictional issues. French courts affirmed their authority over content accessible in France, rejecting Twitter's arguments about its US and Ireland-based operations.

2016: A joint lawsuit by the UEJF, SOS Racisme, and other organizations targeted Twitter, Facebook, and YouTube for failing to remove 586 reported instances of racist, antisemitic, and homophobic content via a testing operation organized by the NGOs. The platforms were accused of violating the 2004 Law for Confidence in the Digital Economy (LCEN). While no detailed public judicial outcome was reported, this led to stricter European regulation.

2020: The UEJF filed a restraining order over a surge of alleged antisemitic content under the hashtag #SijetaisJuif, seeking sanctions for complicity in hate speech. A hearing was set for June 2, 2020, and Twitter was ordered to enhance its moderation practices.

2021: The Paris Court of Appeal upheld the order to provide moderation-related information to NGOs, with accusations of algorithmic bias and interference leveled against Twitter. The UEJF filed a complaint against Twitter for failing to disclose its system to combat online hate.

2024: The UEJF called for sanctions after antisemitic and homophobic messages targeted then Prime Minister Gabriel Attal, denouncing X's inadequate moderation. This was linked to wider complaints against X for non-compliance with DSA obligations.

2025: The UEJF condemned X's alleged refusal to cooperate with French authorities, despite a March 23, 2023, Court of Cassation injunction to disclose its moderation practices. X faces, furthermore, a criminal probe for alleged algorithm manipulation⁹, with the UEJF urging strong action from authorities.

The documents we could review reveal a pattern of strategic litigation aimed not only at enforcing content moderation beyond legal provisions but also at shaping public perception and influencing legislative outcomes.

On October 19, 2020, an Associate Director of Litigation, Regulatory, and Competition at Twitter wrote in an email, *"We were sued back in the spring by four NGOs claiming that we are not doing enough to address hate speech in France (and comparing us unfavorably with Facebook and others). They seek to have an expert appointed to examine our reporting and enforcement systems. This case is largely about painting Twitter as a dangerous actor in the press."*

This person continued:

"Today, we had a hearing where this was confirmed. The NGOs have agreed to mediate, and so we will begin that process, which will take some time and delay (or obviate) any hearing on the

⁹ Please refer to section 8 of the report on that matter.

merits. Another NGO has joined as plaintiff and filed a brief, and I will keep you updated on that when I have more information."

Following the second mediation session on November 7, 2020, the same person updated her colleagues:

"We had the second mediation in the UEJF matter today. The NGOs articulated their concerns, which, broadly speaking, are (1) they feel we are not actioning hate speech quickly enough (and, in their view, sometimes not at all), (2) they want additional transparency into how we handle hate speech reports and proactively monitor for hate speech content, and (3) they are concerned that we let users Tweet anonymously—they believe this allows perpetrators of hate speech to evade detection/punishment."

On November 23, 2020, after the third mediation session, the same Associate Director noted:

"We had our third session today and actually made some minor progress. They asked us specifically about five particular accounts that they believe should be suspended. We are going to re-review those accounts and see whether there is a basis to suspend. We've then asked them to give us a list of concrete steps that they think we could take to improve our processes, for purposes of consideration/discussion."

By the sixth mediation session on January 8, 2021, the same individual reported:

"We had our 6th mediation meeting today in the French hate speech litigation. This was an 'emergency' meeting after Plaintiffs unilaterally declared the mediation to be over at the end of December because they were unhappy with Twitter's response to antisemitic content on the platform surrounding the Miss France pageant. Despite Plaintiffs' initial insistence that they were done with the mediation, for the first time, Plaintiffs have expressed that they may be willing to drop their case if we give them some information about our moderation practices. I'm working with Public Policy, SCALE, and LP to determine what we may be able to provide. If we can offer something satisfactory, we may be able to resolve the case. If not, I believe the mediation will end and we will go back to court."

The same day, Twitter's Public Policy Director for France and Russia added:

"From a public policy standpoint, as you all may remember, their announcement of the lawsuit was made right before the final reading of the Avia bill [editorial note, the 'Avia' bill is the 2020 law against hate speech on the Internet] and was aimed to support the vote of the bill. So, I am not surprised that they are trying now to go back to court and make some public statement just ahead of the comeback of the hate speech regulation in the coming weeks. Maintaining them as long as possible into the mediation would obviously help us from a public policy point of view to participate in a constructive way to the bill debate."

On February 23, 2021, the Associate Director of Litigation, Regulatory, and Competition provided a further heads-up: *"An update on the French hate speech matter: back in January we thought we were nearing a settlement—we were planning to confidentially disclose some information sought by the NGOs to them in exchange for them dropping the suit. After some weeks (and, apparently, in-fighting among the plaintiffs), they came back to us with a counter-offer that was ultimately unacceptable. I am happy to elaborate for those who want more information, but the primary issue is that they have refused to make any firm commitment to drop their lawsuit. (...) We anticipate negative press on the 'failure' of the mediation, and comms has prepared a reactive*

statement. It is likely the NGOs will try to paint us as failing to cooperate/negotiate in good faith and that we don't care about/intentionally profit from hate speech. While I believe these characterizations are false and made in bad faith, these are the common themes we have heard from the NGOs throughout the mediation."

Mediation failed, so the case ended up in court.

On July 6, 2021, Twitter's Head of EMEA Litigation and Regulatory informed his colleagues of the trial court ruling:

" We received a decision in this matter today. We are still waiting on English translation, but preliminarily the Court:

- dismissed NGOs' claims against Twitter France based on lack of standing;*
- dismissed NGOs' claims to appoint an expert;*
- but ordered Twitter to disclose to the NGOs, within 2 months as from the notification of the order:*

- any documents relating to the resources dedicated to fighting hate speech against the dissemination of offenses of apology for crimes against humanity, incitement to racial hatred, hatred towards people because of their sex, sexual orientation or identity, incitement to violence, in particular incitement to sexual and sexist violence, as well as attacks on human dignity;*

- the number, location, nationality and language of the persons assigned to moderation;*

- the number of reports from users of the French platform of its services, concerning apology for crimes against humanity and incitement to racial hatred, the criteria and the number of subsequent withdrawals;*

- the number of information transmitted to the competent public authorities, in particular to the Public Prosecutor's Office, in application of article 6-1.7 of the law for confidence in the digital economy (LCEN) with regard to the apology of crimes against humanity and incitement to racial hatred."*

The *"plaintiffs in the UEJF hate speech case are now suggesting that they would be willing to settle the case so long as we provide them with a letter from Jack indicating that he is aware of the case and that the company is committed to fighting hate speech,"* wrote Twitter attorney Karen Colangelo on March 9, 2021. *"If we can really get the case to go away by just providing this letter, litigation recommends we provide it."*

"I think Jack will be supportive," responded Twitter Acting General Counsel, Sean Edgett, a few hours later.

Twitter's head of public policy responded, *" We're supportive of this move and will work with our comms colleagues on the inevitable press cycle that will follow if this letter is leaked. We should also be cognisant of the precedent we are setting here which could trigger more asks of this nature into the future."*

On March 10, 2021, Colangelo wrote up a brief for Edgett to share with Dorsey on why they wanted the letter. *" The lawsuit is one part of a larger effort in France to paint Twitter as a bad actor. Notably, the lawsuit was very strategically timed to begin 'testing' of our response rate the day after we announced that our response times would be impacted by COVID-19, many of the*

'hateful' Tweets included in the 88% we did not remove are not actually illegal under French law or actionable under our TOS, and the suit was publicly announced to coincide with the introduction of the Avia hate speech bill which, according to its author, was motivated by Twitter's refusal to remove hate speech."

On July 6, 2021, Twitter's French attorney announced that the Court had dismissed NGOs claims based on lack of standing but ordered Twitter to give the NGOs "any documents relating to the resources dedicated to fighting hate speech... the number, location, nationality and language of the persons assigned to moderation...the number of reports from users of the French platform of its services, concerning apology for crimes against humanity and incitement to racial hatred" and related information.

On August 16, 2021, a Twitter executive in Ireland emailed Deputy General Counsel Jim Baker, former General Counsel of the FBI, to say that "the French Constitutional Court handed down its decision on Friday on the new French law that places requirements on Twitter to take a number of significant steps in respect to how we treat content moderation in France. The bill will be enacted by the President in the next few days and enforceable immediately."

Twitter appealed the Court's decision, arguing that French courts lacked jurisdiction, as French users, by opening an account, "sign" a contract with Twitter International Corporation, based in Ireland, which solely manages the platform and its data, with Twitter France serving merely as a marketing organization that has no contractual relationship with users. It also cited the genuine technical impossibility at the time of providing the data demanded by the NGOs. The court of appeal confirmed the trial court's ruling.

On March 23, 2023, the French Court of Cassation¹⁰ struck out Twitter's recourse¹¹ to overturn the court of appeal's ruling, deeming the information provided by the platform "general, imprecise, partial, and unsupported by internal documents specific to the French platform" for the period from May 18, 2020, to July 9, 2021.

Analysis

It should be noted that the 2004 Law for Confidence in the Digital Economy (LCEN) explicitly states that platforms are not required to proactively monitor or actively seek out illegal content on their platforms (article 6.I.2). This aligns with the EU's E-Commerce Directive (2000/31/EC), which the LCEN transposed into French law. This still remains valid with the DSA. Censorship may only occur ex-post, following a report, a judicial injunction, or a court order. The repeated lawsuits highlight how NGOs have leveraged lawfare to pressure platforms into adopting more stringent and proactive moderation practices, exceeding legal requirements.

¹⁰ France's highest court, comparable to the US Supreme Court, ultimately ruled on the application of the law, but not in constitutional matters.

¹¹ "23 mars 2023 Cour de cassation Pourvoi n° 22-13.600," *Cour de Cassation*, March 23, 2023, www.courdecassation.fr

Let us note the complacency of the French judiciary, which was fully aware of the state of the law at the time, which did not permit acceding to NGOs that lacked standing and formulated extravagant demands, particularly regarding a judicial expert audit of Twitter's internal moderation and enforcement processes or imposing proactive moderation. The judge, therefore, chose mediation, aware that the law against hate speech online was in the legislative pipeline and that Twitter could not be compelled to do more than what the LCEN required—namely, removing reported illegal content and providing user data to prosecutors.

Every cloud has a silver lining: thanks to the Twitter files, the mediation process reveals the NGOs' demands, which, once again, lacked legal ground beyond the LCEN provisions. These included account suspensions, interference in the platform's moderation, and a backdrop of litigation blackmail.

Twitter's internal communications also reveal that the NGOs' legal actions were not solely about addressing hate speech but also about leveraging litigation to support a political agenda, in sync with legislative developments like the 2020 Law Against Hate Speech on the Internet (this law was subsequently overturned by the French Constitutional Council¹² on the grounds that the obligations imposed on platforms were not compatible with freedom of speech), and possibly Emmanuel Macron's request for a direct communication line with Jack Dorsey.

There is no "French platform" as Twitter International Corporation is the platform and is based in Ireland. The Court of Cassation's dismissal of Twitter's petition thus implicitly ruled that all platforms' content must comply with French law as long as it is accessible in France, contravening the country-of-origin principle in international law, which holds that online content must comply with the laws of the country where it is produced, not consumed.

The Trump administration and the US Senate Judiciary Committee are thus correct in asserting that European laws, whether national or EU-wide, in effect enable the censorship of American citizens.

¹² Martin Untersinger et Alexandre Piquard, "La loi Avia contre la haine en ligne largement retoquée par le Conseil constitutionnel," *Le Monde*, June 18, 2020 (updated on June 20, 2020), www.lemonde.fr

C. Miss France's Runner-up

April Benyamoun, 2020 Miss France runner-up, filed a lawsuit against Twitter in 2020 related to antisemitic tweets targeting her during the beauty pageant. 7 people were convicted and sentenced to fines in a separate criminal case filed by then minister Marlène Schiappa¹³. Among the third parties in this separate criminal case was a cohort of NGOs: UEJF, Licra, Mrap, SOS Racisme, and the Human Rights League.

An Associate Director of Litigation, Regulatory, and Competition at Twitter wrote on February 23, 2021:

"Note that there was a hearing today on the request from Miss France, April Benayoum, for us to disclose information about various accounts that were allegedly making anti-semitic comments about her. There was no decision (we expect it on 23 March). But wanted to flag for you that Ms. Benayoum's attorney made a number of emotional arguments that might get press attention, including talking about the Holocaust, WWII, Adolf Hitler, etc. -- one question he posed to the court is "What would have happened if Twitter was around in 1942? Would they have allowed Hitler to speak?" Note that Ms. Benayoum's attorney is also the son of the late Simone Veil, who I understand was a prominent French politician and Holocaust survivor."

On April 3, 2020, the same individual reported:

"Want to update you on this matter. On March 23, 2021, the judge ruled in our favor and granted our motion to dismiss Ms. Benayoum's (Miss France's) claims against Twitter France and did not require us to disclose any data relating to:

- the dates and times of removal of the antisemitic Tweets and accounts;*
- the notifications sent to Twitter and relating to these Tweets; and*
- as to whether the Tweets were pro-actively removed by Twitter or upon notifications.*

As we had no grounds to challenge the disclosure of certain accounts' ID data, the judge ordered the disclosure but dismissed Ms. Benayoum's claim for daily penalties. We are preparing the data to produce.

Last week we learned that Ms. Benayoum is challenging the court's order granting our motion to dismiss her claims against Twitter France and the denial of the disclosure of the data in the above bullet points. Once the court of appeals has registered the case, Ms. Benayoum will have one month to file her brief and we will have one month to respond."

On October 21, 2021, the Associate Director of Litigation, Regulatory, and Competition communicated the court of appeal's ruling:

"As expected, the appeals court ruled today in the Miss France case. The court upheld dismissal of all but one of Miss France's claims. Notably, the court upheld dismissal of claims against Twitter France for lack of standing, which will be very helpful in the criminal proceedings against Twitter France and Damien Viel, and in the Salines case.

¹³ Team Mouv, "Miss Provence victime d'insultes antisémites sur Twitter, Marlène Schiappa saisit la justice," *Radio France*, December 21, 2020, www.radiofrance.fr

In particular, the court held that the plaintiff had no standing against Twitter France because: (1) the company's articles of association show that Twitter France only has a marketing and monetization role; (2) TIC¹⁴ is responsible for processing user data in the European Union; (3) it does not matter that the "Directeur Général" of Twitter France (i.e., Damien) spoke in the media to promote Twitter's services, as this does not make Twitter France liable for Twitter users' data; and (4) plaintiff's claim that Twitter France be ordered to take all necessary steps with TIC to ensure the enforcement of the decision must be dismissed, as 'a legal entity cannot be ordered in summary proceedings to enforce a judgment relating to another legal entity'.

"However, the court held that, under French law, Twitter has an obligation to inform law enforcement when illegal content is reported to Twitter. The court ordered us to produce information about our reporting to French authorities in this case within 15 days. We are assessing next steps regarding this part of the decision and will circle back shortly."

A Senior Counsel, Litigation, Regulatory & Competition at Twitter wrote on December 21, 2021:

"Quick update on the Miss France case. To preserve our arguments, we filed a notice of appeal this week with the Court of Cassation regarding the part of the appellate court's decision ordering us to produce information about our reporting to French authorities. We are still in the process of determining certain additional information (including the filing due date for our brief), and we will send a follow-up email next week".

On February 3, 2022, the same executive reported:

"Quick update on the Miss France case. As you may recall, we had appealed the part of the ruling requiring us to produce information about our reporting to French authorities regarding reports we received on the Tweets at issue in the case. In December, we sent a short official letter to Benayoum's lawyer, stating that TIC will not provide any data at this stage.

Miss Benayoum has now filed an action to enforce our obligation to provide this data and is seeking daily penalties. A hearing is currently scheduled for May 5, 2022. We are analyzing next steps and will keep you updated."

On June 7, 2022, the Senior Counsel, Litigation, Regulatory & Competition informed his colleagues:

"I wanted to provide a couple of brief updates in the Miss France case. First, we have agreed to settle both the ongoing litigation and threatened future litigation, and are currently working on a settlement agreement.

"That said, today (June 7) is the deadline to file our appeal brief with the Supreme Court of France. Since the settlement agreement is not yet final, we will be filing a brief to preserve our rights. As you may recall, we appealed the issue of whether we had to provide information on our reporting to the public authorities of the Tweets at issue in the case. Our main arguments in the brief are that ordering us to provide this information to Ms. Benayoum was legally impermissible, because, among other things, (1) the Court of Appeal did not identify a civil action for which Ms. Benayoum needed this information, and (2) Ms. Benayoum lacks standing to bring an action on the merits regarding the obligation of reporting to public authorities."

¹⁴ Tweet International Corporation, the operating company located in Ireland

On June 24, 2002, the same person concluded :

"Good news on the Miss France case - the confidential Settlement Agreement has been finalized and signed, and Ms. Benayoum has withdrawn her claims before the enforcement judge. On our end, we will be withdrawing our appeal before the Cour de Cassation soon, along with making the settlement payment."

D. Demands for Twitter User Data

The thenTwitter France CEO, Damien Viel, was prosecuted, tried, and acquitted by a criminal court in 2022 on two counts: "non compliance with a judicial injunction" and "complicity to libel". The core of the issue? A "Prefecture" – the unit of the Ministry of Interior representing the state in each district – posted a picture on Twitter of a high-ranking civil servant inspecting policemen tasked with enforcing the Covid lockdown. Replies compared the French Police to that of Petain's regime, dubbed the high-ranking civil servant a Nazi, and called for "hanging him at the Liberation".

The high-ranking civil servant filed a complaint. The Versailles DA launched an investigation for libel of a public official and delivered an injunction to Twitter for user ID information. Twitter France, being a marketing organization, its CEO did not have access to any user data, which was stored by Twitter International Corporation, the operating company located in Ireland. Because Twitter International Corporation did not comply swiftly enough, the DA decided to prosecute Damien Viel and Twitter France, on the grounds of "the total failure of Twitter's moderation, which has become a completely asocial network that can undermine public order and the proper functioning of our society", as they pleaded in court.

Damien Viel was acquitted on all counts at trial. The DA filed an appeal.

On March 31, 2022, a Senior Counsel, Litigation, Regulatory & Competition with Twitter wrote:

"The Prosecutor has appealed the ruling in the criminal case against Twitter France and Damien Viel. Thus far, the plaintiff has not appealed as well, and we will update the group if he does. In terms of next steps, the appeals court will schedule another hearing, likely in the coming months, and Damien will need to testify at that hearing. As we did for the hearing before the lower court, we will prepare Damien for the hearing, and our XFN team will work with Comms on our internal and external comms strategy."

On September 14, 2022, the same Senior Counsel reported:

"We received some really great news this morning regarding the appeal in the Versailles criminal case against Damien Viel and Twitter France! The Prosecutor has withdrawn his appeal, which means the lower court decision dismissing the case is now final, and the case is closed. This is particularly striking because it is rare for a Prosecutor to withdraw an appeal before a hearing."

Analysis

In France, prosecution is not independent of political power. DAs are civil servants reporting to General Prosecutors, who themselves report to the Ministry of Justice. The decision to criminally prosecute Twitter France and its CEO, the wrong defendants, must therefore be considered as political.

The prosecution of Damien Viel was frivolous and a means to pressure Twitter. There was no chance that the CEO of Twitter France would be convicted for not producing information not stored and managed by the company he was leading. The DA withdrew his appeal as losing it would have exposed the circuitous prosecution and hurt the Ministry of Justice's reputation, at a time when both the French government and the European Commission were attempting to pressure Twitter by other means, whilst Elon Musk was on the verge of acquiring the social media platform.

II. History of Free Speech and Censorship in France

A. Overview

From royal censors to revolutionary tribunals, Napoleonic decrees to Vichy oppression, France's history was shaped by the fight for free speech. Censorship and speech criminalization have always been viewed by those in power as a legitimate tool of government to preserve the political and social order, be it legally or illegally, in war and peace alike. The prevailing reflex is still to criminalize speech deemed dangerous to society or immoral, which cannot be controlled by other means.

From its founding in 1253 until the French Revolution, the theology faculty of the Sorbonne, Paris's famed university, functioned as an official censor of publications, as its now-digitized archives make clear¹⁵.

The advent of the printing press around 1440 prompted strict oversight. Printers were required to obtain licenses. The edict of Moulins, signed by King Charles X in 1566 during the wars of religion, imposed royal vetting of publications, and the Church's *Index Librorum Prohibitorum*¹⁶ (introduced in 1559) listed banned works tagged as heretical, including those by Protestant reformers. This catalog of more than 5,000 items was maintained by the Holy See until 1966 and included works by authors like Thomas Hobbes, Gustave Flaubert, Friedrich Nietzsche, Jean-Jacques Rousseau, and Denis Diderot.

¹⁵ "Censures de la faculté de théologie," *Sorbonne Digital Library*, retrieved on September 3, 2025, www.nubis.bis-sorbonne.fr/ark

¹⁶ List of prohibited books. The French "être mis à l'index", literally "being added to the index", meaning being banned, excluded, stems therefrom

As France solidified as a unitary nation-state under the reign of Louis XIV, Jean-Baptiste Colbert¹⁷ centralized censorship in 1661 under the *Direction de la Librairie*¹⁸. All publications required a royal privilege (*privilège du roi*), an official decree issued by the Royal Chancery or authorized officials, granting an author, printer, or bookseller exclusive rights to publish a work for a set period, often spanning a few years. This privilege served a dual purpose: as a precursor to modern copyright, protecting works from unauthorized reproduction, and as a powerful instrument of censorship, ensuring that content was scrutinized and approved by royal authorities — often in collaboration with the Church or official censors such as the Sorbonne. Colbert also introduced subsidies to develop printing and publishing with a view to accelerating and broadening the dissemination of knowledge.

Yet writers like Voltaire faced imprisonment or exile; his *Candide* (1759) was banned for its satirical critique of authority. Clandestine printing and smuggling of prohibited books printed abroad thrived during the whole Enlightenment era.

The French Revolution marked a pivotal shift, but the promise of free expression was short-lived. The Declaration of the Rights of Man and of the Citizen (1789) is one of the first legally binding texts in the world to proclaim freedom of expression as a fundamental right. Censorship was initially relaxed, leading to a surge in the number of newspapers and pamphlets — over 1,300. However, as political factions vied for power, the crackdown on free speech returned. During the Reign of Terror (1793-1794), the Jacobins suppressed dissenting voices, executing publishers and journalists for counter-revolutionary content.

Napoleon Bonaparte refrained from executions, but drastically reduced the number of newspapers and reinstated full pre-publication approval. His regime monitored theaters, books, and even private correspondence to stifle critics. The newspaper *Le Moniteur Universel* became the State's mouthpiece, shaping public narrative.

The 19th century saw a tug-of-war between free speech and state control at the whim of regimes. The Bourbon monarchy reintroduced censorship, requiring newspapers to seek government approval before publishing. The 1820s saw harsh laws punishing "seditious" writings, though liberal journalists resisted through satire and legal loopholes. Laws imposed heavy fines and prison terms for criticizing the government, leading to the rise of caricatures (e.g., by Honoré Daumier¹⁹) as a subversive medium.

¹⁷ Jean-Baptiste Colbert (1619-1683) is one of France's most important historical figures and considered as the father of the modern French State. From 1665, he became a leading minister under Louis XIV, holding the roles of Controller-General of Finances from 1665 to 1683 and Secretary of State for both the King's Household and the Navy from 1669 to 1683. He laid the basis of the "black code" — it came into force two years after his death under Louis XV — to regulate the illegal use of slaves by planters in the colonies, to be understood at that time as the French Caribbean, including Haiti.

¹⁸ Directorate of publishing.

¹⁹ Honoré Daumier (February 26, 1808-February 10, 1879), was a French lithographer, caricaturist, painter, and sculptor whose incisive works illuminated the social and political landscape of 19th-century France. Renowned for his prolific output, Daumier gained acclaim for his sharp caricatures of political leaders and biting satires of his fellow citizens' conduct. His innovative approach redefined political caricature, elevating it to an influential art form.

The 1848 Revolution, which established the Second Republic, briefly lifted censorship, but Napoleon III's Second Empire reinstated strict controls. Newspapers faced "warnings" (*avertissements*) and suspensions, while writers like Victor Hugo were sent into exile. Underground publications flourished. Works could only be censored by courts, though, as Charles Baudelaire experienced in 1857 with *The Flowers of Evil*. A court ordered the censorship of six poems contained in his masterpiece. This order was lifted only in 1949. Things turned out far better for Flaubert, who faced trial for obscenity in the same year as Baudelaire, subsequent to the publication of *Madame Bovary* as a series in a French magazine, but was acquitted.

The Third Republic (1870-1940) saw the adoption of the 1881 Press Freedom Law²⁰, cementing a commitment to free speech while navigating the delicate balance between freedom and liability. This law, amended over time, is still in effect today. It abolished censorship prior to publishing. It defined defamation and insult as criminal offenses that could result in fines. The goal was to stop dueling rather than suppress speech: previously, matters of honor were not settled in court but on the field with guns or swords in front of the two parties' witnesses. The Press Freedom Law also established the status of professional journalists and enshrined the protection of source confidentiality. More importantly, the 1881 law prohibits the State from launching prosecution of free speech, leaving to aggrieved parties the initiative to take legal action.

From 1881 until the wake of WWII — with a hiatus during WWI — freedom of speech was absolute. Anything could be said and published as long as it complied with morality, including the most rabid antisemitic discourses, like the works of Edouard Drumont²¹ and Léon Daudet²², or Charles Maurras's²³ infamous newspaper *L'Action Française*.

During the era of Nazi occupation and the Vichy regime, censorship was all-encompassing, and freedom of expression was entirely suppressed. Following Liberation, in 1944, the foundational principles of the Third Republic were reinstated into the Fourth Republic and passed on to the Fifth Republic in 1958.

Historically, although the Catholic Church wielded considerable influence, it was the French state that predominantly enforced censorship and criminalized speech from the thirteenth century onward — reflecting the principle that the state dealt with crimes, while the Church, as one of the three estates subservient to the monarchy, concerned itself with sins. This is the root of the French state's enduring power to organize society, which was passed on to European institutions.

²⁰ "Loi du 29 juillet 1881 sur la liberté de la presse," *Légifrance*, (last updated on June 1, 2025), www.legifrance.gouv.fr

²¹ Édouard Drumont (1844-1917) was a far-right French journalist, author, polemicist, and politician. As the founder of *La Libre Parole*, he championed nationalist and antisemitic causes, fiercely opposed Dreyfus's innocence, and co-founded the National Antisemitic League of France. Elected as a deputy for Algiers from 1898 to 1902, Drumont stands as a central figure in the history of French antisemitism.

²² Léon Daudet (1867-1942), Originally a republican, he embraced monarchism and became a fervent anti-Dreyfusard and clerical nationalist. Elected as a Paris deputy from 1919 to 1924, Daudet was a key figure in the Action française movement and a prominent contributor to its journal. His writings, often marked by a vitriolic antisemitism inspired by Édouard Drumont, whom he hailed as "a brilliant historian and astute observer of social phenomena", reflect the contentious legacy of his era.

²³ Charles Maurras (1868-1952) was a prominent French far-right journalist, essayist, poet, and political figure. Maurras articulated a doctrine steeped in state-endorsed antisemitism and xenophobia, rejected democratic and republican principles, and championed a hereditary monarchy.

B. The Invention of Lawfare Against “Hate Speech”

Rather than banning specific types of speech, like Germany or the UK, France is the first country in Europe that has devised an oblique system to fight “hate speech” — an undefined and broad category — by privatizing indictments. This *modus operandi* has now filtered up to the European regulatory level.

In the 2000s, the American left embraced the practice of canceling political opponents by labeling them as “racists” or “fascists”. This approach, often reinforced through the weaponization of the judicial system, originated with the French left in the 1980s.

After France’s colonial empire collapsed, 1.5 million repatriated citizens — mostly working and middle-class — were resettled in hastily built suburban housing projects. By the mid-1960s, these areas also absorbed waves of immigrants from former colonies, recruited to meet France’s demand for cheap labor, creating social tensions. A 1968 accord with Algeria granted residency and work permits to long-term undocumented Algerians, effectively incentivizing illegal immigration — a policy still in effect today. As unemployment rose in the early 1970s, opposition to mass immigration grew, especially from the French Communist Party, which saw it as a government tool to depress wages and manage inflation. This opposition climaxed in 1980 when local Communist Party members in Montigny-lès-Cormeilles demolished a migrant hostel with a bulldozer.

George Marchais, then Secretary General Communist Party, stated in a famous speech in Montigny-lès-Cormeilles after the incident²⁴: “The presence in France of nearly four and a half million immigrant workers means that continued immigration now poses serious problems (...). This is why we say: immigration must be halted, lest it drive more workers into unemployment (...). I emphasize clearly: both legal and illegal immigration must be stopped. (...) When we address the issue of immigration, they accuse us of fostering racism; when we combat drug use, they claim it’s to avoid confronting alcoholism among our base. For our youth, I advocate education, sports, and political struggle—not drugs. Yet, as a socialist leader did recently, they chanted: ‘Pétainism!’²⁵ What a shameful and impoverished view these critics hold of the working class!”

In 1972, Parliament approved the “Pleven Law”²⁶, which took its name from René Pleven, Minister of Justice at the time, a key figure in the French resistance. The Law amended the 1881 Press Freedom Law, introducing criminal offenses carrying prison sentences for incitement to hatred as well as for defamation or insults targeting individuals or groups based on their race, ethnicity, or religious beliefs. The claim that this was little more than the transposition into French law of the UN’s International Convention on the Elimination of All Forms of Racial Discrimination²⁷ does not

²⁴ Discours G. Marchais, “Marchais: Antenne 2 Midi - 21.02.1981 - 02:00 - vidéo,” *Institut national de l’audiovisuel*, retrieved on September 3, 2025, www.ina.fr

²⁵ Pétainisme refers to the ideology, policies, and regime established in France under Marshal Philippe Pétain during the Vichy regime (1940–1944) in World War II. Here’s a brief overview:

²⁶ “Loi n° 72-546 du 1 juillet 1972 relative à la lutte contre le racisme,” *Légifrance*, retrieved on September 3, 2025, www.legifrance.gouv.fr

²⁷ “International Convention on the Elimination of All Forms of Racial Discrimination,” *UN General Assembly via UNHCR*, December 21, 1965, www.refworld.org

stand up to scrutiny. The UN convention specifies the banning of racist ideology, i.e., setting out a hierarchy on the basis of biological, ethnic, or religious traits. Discrimination, however, refers to the act of excluding individuals on these grounds; it is a matter of actions, not speech. The UN convention was used as a pretext to pass a law aiming at suppressing critics of mass immigration.

Instrumental to the drafting and vote of the Pleven Law were two NGOs: LICRA²⁸ (International League against Antisemitism and Racism) and MRAP²⁹ (Movement Against Racism and for Friendship Between Peoples).

LICRA, closely tied to the French Socialist Party, was founded in 1926 after Ukrainian-born French Jew Sholem Schwartzbard assassinated Symon Petlioura³⁰ in Paris, blaming him for pogroms in Ukraine. Socialist journalist Bernard Lecache launched a media campaign and created the League Against Pogroms (soon renamed the League Against Antisemitism) to defend Schwartzbard, with support from prominent left-wing figures like Léon Blum. The campaign ultimately secured Schwartzbard's acquittal in 1927 despite his open confession. With this case, a new tool was invented: the strategic deployment of media campaigns by activist NGOs to sway the balance of justice away from the principles of law.

Established in 1949, MRAP is the successor to the National Movement Against Racism (MNCR), clandestinely formed in 1941 amid Nazi occupation. The MNCR drew support from communist resistance networks. It mainly engaged after WWII in the anti-colonial movement.

The Pleven Law opened Pandora's box. It not only criminalized speech considered hateful but also marked a pivotal change in the legal landscape. To clarify a key technical point: in criminal cases involving freedom of speech, the state itself does not initiate prosecution. Only aggrieved parties hold standing. The trial effectively functions as the investigation, and the burden of proof falls on the defense. Once the aggrieved party files criminal charges along with a civil claim, the defendant is automatically indicted, and the case proceeds directly to trial.

The Pleven Law granted to two state-accredited and partially state-funded NGOs the power to file criminal charges with civil claims as third parties — and hence to initiate criminal indictment in hate speech cases — departing from the prior principle that only the directly offended individual could take legal action. It's no coincidence that this same tactic would be employed under the European Union's Digital Services Act, which tasks "trusted third parties" with overseeing content censorship.

The Pleven Law set in motion far-reaching and troubling consequences. Many NGOs were founded³¹ in the 1980s, cloaked in the guise of noble causes but serving as proxies for left-wing

²⁸ "Homepage," *Ligue internationale contre le racisme et l'antisémitisme*, retrieved on September 3, 2025, www.licra.org

²⁹ "Homepage," *Mouvement contre le racisme et pour l'amitié entre les peuples*, retrieved on September 3, 2025, www.mrap.fr

³⁰ Former Chief of Staff of the Ukrainian military during the Russian civil war (1917-1923) fighting with White Russians against the Red Army, and former President of the short-lived People's Republic of Ukraine.

³¹ E.g., SOS Racisme, a political operation designed by the French Socialist party and a "nursery" for future Socialist members of Parliament and ministers, all still politically active to this day. SOS Racisme

political parties or interest groups. These organizations tirelessly lobbied for joining the list of government-accredited NGOs and advocated for — and obtained — legislation empowering them to trigger indictments in new domains, e.g., sexual orientation. Consequently, the process of indictment has been *de jure* privatized and *de facto* weaponized since 1972 in cases involving hate speech. The fear of indictment has generated a powerful chilling effect, sharply limiting expression in the mainstream media. France has hence tightly controlled the information ecosystem — through a toolkit that closely resembles the DSA — for over fifty years.

And the situation for online speech is about to get much worse, driven by a broad consensus among the established political parties. Aurore Bergé, Minister for Equality between Women and Men and for the Fight against Discriminations, unveiled on July 9 a preliminary list of selected NGOs, stating: “These NGOs are already government funded. They will be even more so to enable them to hire people dedicated to combating online hate”. This amounts to a private speech police. The NGOs list includes Osez le féminisme, a radical feminist group, La Fédération des centres LGBTI+, the national federation of local LGBT organizations, and Le Planning familial, originally founded in the 1950s to provide birth control, abortion counseling, and contraceptives, but now almost solely focused on gender transition. Also included are ADDAM, a group dedicated to the prevention of anti-Muslim discrimination, and CRIF, an organization of Jewish community institutions that does pro-Israel lobbying and advocates for broad definitions of antisemitism. Other NGOs focus on cyberviolence and online harassment, the prevention of prostitution, and a host of progressive obsessions.

was founded in 1984, two years prior to mid-term general elections and funded by government money as well as donations from billionaires and corporations.

C. Lawfare as an electoral weapon

The year 1990 saw a major escalation of speech criminalization. The Gayssot Law³² amended once more the 1881 Press Freedom Law by adding provisions to punish revisionism, allegedly to preserve the memory of the Holocaust and protect human rights. It penalizes the public questioning of crimes against humanity, as articulated in Article 6 of the 1945 Nuremberg Tribunal Statute. Such crimes include acts of murder, extermination, enslavement, deportation, and persecution driven by political, racial, or religious motives, perpetrated by members of organizations deemed criminal or by individuals convicted by French or international courts. The Gayssot Law also aggravated the penalties for the felonies created by the Pleven law.

This is by far the worst piece of legislation suppressing free speech ever passed in France. It criminalizes certain forms of expression — even historical opinions — thereby restricting political, academic, and intellectual debate. With this law, France has effectively allowed judges to determine history, including its darkest chapters.

In 2007, the Gayssot Law gained European traction through a draft framework regulation proposed by Germany³³ and endorsed by the European Parliament, establishing that any “genocides, racist war crimes, or crimes against humanity” are subject to penalties for “gross trivialization” or “complicity in trivialization”, carrying the weight of imprisonment. These sanctions would apply irrespective of the historical period of the crimes or the authority — be it political, administrative, or judicial — that affirmed their existence. This would have given the courts the license to politically freeze history at will. Fortunately, EU member states could not come to an agreement, and the regulation was rejected.

It gets even more disturbing when one ponders the reason why the Gayssot Law was drafted and passed in the first place. It had little to do with genocide denial.

In the 1980s, Socialist President François Mitterrand covertly boosted Jean-Marie Le Pen’s National Front to weaken the right-wing opposition and secure re-election in 1988. While the tactic initially succeeded, it backfired as disillusioned working-class communist voters, hurt by deindustrialization, unemployment, and mass immigration, shifted to the far right. When Le Pen won nearly 15% in 1988, the left escalated efforts to demonize the National Front, notably through the Gayssot law and the trial of Holocaust denier Robert Faurisson.

These tactics drove significantly up voter abstention, effectively preserving the relative electoral weight of the established parties, but threw the French democracy into a crisis from which it has never recovered.

³² “Loi n° 90-615 du 13 juillet 1990 tendant à réprimer tout acte raciste, antisémite ou xénophobe,” *Légifrance*, (retrieved on September 3, 2025), www.legifrance.gouv.fr

³³ Philippe Ricard et Rafaële Rivais, “La pénalisation du négationnisme divise les Européens,” *Le Monde*, January 17, 2007, www.lemonde.fr

This is reminiscent of last year's presidential election in Romania, where the incumbent liberal party covertly boosted sovereigntist candidate Călin Georgescu on TikTok — a strategy that backfired spectacularly, was blamed on Russian interference, and ultimately led the Constitutional Court to annul the first round. This was no coincidence, and we will return to that episode later in this paper.

Building on the foundations of the Pleven and Gayssot laws, the Taubira Law of 2001³⁴, which recognizes slavery and the slave trade as crimes against humanity, established equivalent penalties by amending once more the 1881 law and authorizing NGOs representing the descendants of enslaved people to initiate criminal indictments before the courts. Christiane Taubira, the left-wing Minister of Justice who sponsored the law, stated in 2006 that the Arab Muslim slave trade, the longest in history (and still an issue today in parts of the Arab world and Gulf states), should not be discussed, so as not to offend French citizens of North African and Arabic descent.

France has developed a morbid obsession with selectively criminalizing the past — a legal and societal misstep if ever there was one.

³⁴ "Loi n° 2001-434 du 21 mai 2001 tendant à la reconnaissance de la traite et de l'esclavage en tant que crime contre l'humanité," *Légifrance*, (retrieved on September 3, 2025), www.legifrance.gouv.fr

III. The French State's Grip Over The Media

A. Policing the press

The law of 1881 renders censorship of the press impossible. Nonetheless, the state has always monitored it with intense scrutiny. France has the oldest professional police force in the world, created in 1667 by Jean-Baptiste Colbert, who, as noted above, also initiated the royal privilege for publishing. Police departments and domestic intelligence agencies — formerly the Renseignements Généraux (RG) and the Direction de la Surveillance du Territoire (DST), now merged into the Direction Générale de la Sécurité Intérieure (DGSI) — have long obtained, and still obtain, proofs of all newspapers before publication. This practice, though not technically illegal, is undeniably opaque and troubling.

The DST was caught red-handed in 1973, wiring microphones in the offices of *Le Canard Enchaîné*³⁵, France's main and oldest satirical newspaper. French intelligence agencies have a long tradition in coercing or bribing journalists, planting stories, or organizing politically motivated leaks serving the incumbent political power, or weakening it when on a collision course with the state.³⁶ This is a feature, not a bug. That's why these agencies were created in the first place: to serve and protect the state, not the people.

From 1982 to 1986, François Mitterrand organized a vast illegal and covert wiretap operation³⁷, targeting over 2,000 individuals, mainly members of the press, publishers, writers, artists, and political leaders, as well as several newsrooms — including *Le Monde* and *France Inter*. What set him apart from his predecessors and successors was that he was unmasked in 1993 after press leaks — precisely because he bypassed state intelligence agencies and instead ran his own clandestine outfit from the Elysee Palace.

Today, phone and data intercepts can be performed without any judicial oversight for national security purposes. It is the administrative equivalent of the United States' Foreign Intelligence Surveillance Act (FISA) — except no warrant is required. The press is regularly targeted, yet the extent is unknown. Mass surveillance is performed by the technical division of the DGSE, France's foreign intelligence agency, and the data is analyzed by the DGSI, the domestic intelligence agency. In most cases, metadata is enough to track a journalist's source. Mass surveillance has been illegal since 2020³⁸, as the European Union Court of Justice ruled that mass data collection could only be performed under clear and present danger, and only on a temporary basis. As a result, the state and intelligence services routinely exaggerate terrorist and foreign threats to maintain artificially high alert levels and legitimize sweeping data collection.

³⁵ Dominique Frot, "Les micros du «Canard» enterrés," *Libération*, November 3, 1978 (published on September 25, 2010), www.liberation.fr

³⁶ Notre Histoire, "The Secrets of General Intelligence: The Hidden Face of the Fifth Republic – GD Documentary," YouTube, November 27, 2024, www.youtube.com

³⁷ Michel Revol, "Mitterrand, le maître des écoutes," *Le Point*, March 12, 2014, www.lepoint.fr

³⁸ Samuel Stolton, "CJUE : la surveillance de masse, seulement en cas de danger pour la sécurité nationale," *Euractiv*, October 7, 2020, www.euractiv.fr

B. State media, subsidies, and licensing

Because the press has always served well-defined political and economic interests — and because steep capital barriers to entry kept it firmly in elite hands — it was never seen as a serious challenge to political power in France. Moreover, the 1947 Bichet Law established a cooperative system for press distribution.³⁹ Though designed to ensure equal access across the country, it also handed the state a discreet means of influencing distribution through its regulator.

Starting in 1945, radio — and later television — broadcasting was established as a state monopoly. The Ministry of Information oversaw the sector, requiring all radio and television news scripts to be submitted for approval. However, apart from matters of public morality — guided by widely accepted social conventions — the remainder of the programming remained free from censorship. The election of François Mitterrand saw the liberalization of the broadcast media through licensing by a regulator, today known as ARCOM.

All political pundits and guests on broadcast media are assigned a political label by ARCOM, and their speaking time is meticulously tracked for pluralism's sake, yet marred by double standards disfavoring conservatives and populists. During election periods, the airtime allocated to candidates is determined based on their party's results in previous elections, thereby granting a significant advantage to incumbents⁴⁰.

The French public broadcasting system is composed of France Television and Radio France, comprising 10 national TV and 8 national radio stations, and a network of 44 local radio stations. It operates with a €4 billion budget a year, and earns €450 million in advertising revenues. By comparison, TF1, the leading private TV network, posted revenues of €2.35 billion in 2024.

State subsidies to the printed press represent more than a third of the sector's €6 billion yearly revenues⁴¹, broken down as follows:

- €1.8 billion direct and indirect subsidies
- €300 million state advertising
- €1.5 billion local government advertising and PR
- €135 million subsidies to Agence France-Presse

All publications must get an accreditation from an independent commission — based on formal organizational requirements, not on content or editorial stance — if they are to enjoy press enterprise status: subsidies, specific tax breaks, reduced VAT at 2%, as well as discounted routing rates. This Commission, the Commission paritaire des publications et des agences de presse, is chaired by a member of the Conseil d'Etat, France's highest administrative court, and composed

³⁹ "LOI n° 2011-852 du 20 juillet 2011 relative à la régulation du système de distribution de la presse (1)," *Légifrance*, retrieved on September 3, 2025, www.legifrance.gouv.fr

⁴⁰ Alexandre Rousset, "Présidentielle : comment fonctionne la règle du temps de parole," *Les Echos*, March 21, 2017, www.lesechos.fr

⁴¹ Cour des comptes, "Les aides de l'État à la presse écrite," *Cour des comptes*, September 18, 2013, www.ccomptes.fr

equally by representatives of the state and the press, the latter being chosen among the most representative industry associations and unions. Such practices, in effect, foster conformity while safeguarding entrenched interests.

During the Covid-19 pandemic, there was an attempt to strip *France Soir's* accreditation, as this now pure online player was a fierce critic of the government policies, such as lockdowns and vaccine mandates⁴². The pretext was that *France Soir* allegedly did not comply with the required proportion of professional journalists within its workforce. This was overturned by the Conseil d'État.

There is no such thing as a freelance journalist in France. All professional journalists must be employed — employment defined as subordination to a hierarchical authority — be it permanently or as *pigiste*, a specific scheme for journalists paid on a piece-to-piece basis. A national press ID, issued by an independent body — the National Commission for the Journalist ID Card⁴³ — is critical to get press accreditation and access. A freelancer cannot obtain it, as they are not considered to be employed. As a result, journalism is a profession marred by corporatism and cronyism, and clinging to its privileges (the press ID card comes with a juicy tax credit).

Another way the state exerts indirect control is through the prohibition on any investor from owning more than 30% of a media company. At first glance, this ownership cap might appear to promote pluralism: by preventing any single investor from holding a dominant share, it seemingly ensures diverse viewpoints. But in practice, it often produces the opposite effect. Fragmented shareholder structures tend to entrench oligarchic control, either by dispersing influence among a small group of powerful investors or by allowing one player to dominate indirectly through complex arrangements. This weakens true editorial independence, fosters uniformity in coverage, and ultimately neuters journalism.

80 to 90% of the French private mainstream media are controlled by eight billionaires. Among them, only Vincent Bolloré is at the helm of a corporation, Vivendi, whose core business is publishing, media, and communication. Another exception is the German Bertelsmann group, active in broadcast media only. For the others — Bernard Arnault (LVMH: luxury); Xavier Niel (Altice: telecommunications); Rodolphe Saadé (CMA-CGM, the world's second largest container ship owner); Daniel Kretinski (Czech, active in coal mining and energy); Martin Bouygues (construction and telecommunications), the Dassault family (aerospace and defense), François Pinault (Kering, luxury) — owning media outlets is clearly a means to secure influence.

Most of these oligarchs depend heavily on government contracts and operating licenses, and all of them owe at least part of their fortunes to the state. It is therefore no exaggeration to say that while French mainstream media are formally free, they remain deeply influenced by owners whose interests are closely aligned with those of the political establishment — and, above all, the state itself. When the state disapproves, it has the means and the will to act accordingly.

⁴² Ouest-France avec AFP, "FranceSoir perd son statut de service de presse en ligne et ses avantages," *Ouest France*, November 30, 2022, www.ouest-france.fr

⁴³ "FranceSoir perd son statut de service de presse en ligne et ses avantages," *Commission de la Carte d'Identité des Journalistes Professionnels*, retrieved on September 3, 2025, www.ccijp.fr

C. The Demonization Of The Internet

It took France several years to fully grasp the transformative impact of the internet. The reason is simple: France was the only country in the world with a consumer telematics service, the Minitel, launched in 1982. Despite its centralized server-terminal architecture, it enabled a primitive form of e-commerce. As early as 1984, one could, for example, order airline and train tickets, book hotel rooms, or reserve rental cars online. The benefits of the internet were therefore less obvious to French consumers during the internet's infancy.

The issue of internet censorship first emerged in 1999, when Altern, a non-profit internet service provider, faced a lawsuit from supermodel Estelle Halliday⁴⁴. The legal action stemmed from an Altern user having posted stolen nude photos of her on his website. They were originally published by *Voici*, a gossip magazine, which was sentenced by a court for breach of privacy. The pictures were, of course, scanned and circulated over the internet.

Altern was sentenced to take down the site and ensure that none of the websites it was hosting would publish the photos again, and to pay a €61,000 fine. However, the court stopped short of ruling on whether internet service providers (ISPs) could be held legally liable for user-generated content. It ruled on the sole ground of privacy, as it had already done with the magazine that originally published the pictures, making no difference between print and digital media.

The European Union started working on internet regulation in 1996. This resulted in the "Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')"⁴⁵.

Let us pause to clarify the nature of a European directive — a legal instrument unfamiliar in the United States. A directive sets out minimum policy objectives that all EU member states must achieve, but allows each country the flexibility to decide how to meet those goals. This reflects the principle of subsidiarity, which recognizes that member states, with their distinct legal systems and institutional frameworks, can only implement common policies effectively if given this degree of autonomy.

However, the principle of subsidiarity is increasingly ignored within the EU, where nearly all major legislation is now adopted as Council regulations⁴⁶. A Council regulation carries the force of law and must be transposed as issued in Brussels in all member states' national laws. A prime example is the Digital Services Act, which, despite its name, is not an "act" but a decree that effectively

⁴⁴ Julien Laroche-Joubert, "Affaire Altern : en 1999, Estelle Hallyday contre « l'Internet libre », " *Le Monde*, February 11, 2024, www.lemonde.fr

⁴⁵ "Document 32000L0031: Directive 2000/31/EC of the European Parliament and of the Council of 8 June 2000 on certain legal aspects of information society services, in particular electronic commerce, in the Internal Market ('Directive on electronic commerce')," EUR-Lex, retrieved on September 3, 2025, www.eur-lex.europa.eu

⁴⁶ The EU Council, gathering members' head of states and heads of government, is the EU's sole decision-making body.

bypasses not only national parliaments but also, potentially, national constitutions. We'll get back to this critical issue later in this paper.

France had the latitude to transpose the e-commerce directive the way it deemed fit. It did this with the 2004 Law for Confidence in the Digital Economy⁴⁷ (LCEN). Though the directive aimed primarily at ensuring free and fair competition, market access, and consumer protection, France went further. The LCEN contains stringent censorship provisions. France granted non-liability for user-generated content, provided that ISPs/hosting services would communicate upon request all user ID and info, and delete/block access to illegal content. This trade-off is aimed at circumventing the country-of-origin principle, which dictates that the law applicable to the content of an online service is the law of the country where it is produced, not consumed. Yet, there is no provision for proactive content monitoring by ISPs/hosting services in the LCEN.

Content removal requests can come not only from the judiciary — courts and prosecutors — but also from administrative bodies such as ARCOM, the broadcast and digital media regulator, law enforcement agencies, the Ministry of the Interior, and, since 2022, VIGINUM, the government's counter-disinformation agency. This allows administrative authorities to restrict online content that violates public order, for the protection of minors, public health, national defense, or the safety of individuals. Article 6-1 of the LCEN enables the blocking or dereferencing of content without judicial oversight in specific cases, such as terrorism or child abuse.

Since 2004, censorship, not unlike the one revealed by the Twitter Files — only legal — has been systematically enforced in an administrative fashion. This was further increased in 2009 by the launch of the PHAROS platform⁴⁸, operated by law enforcement, which enables citizens to report content.

In 2012, 62% of all censorship requests received by Twitter worldwide emanated from French authorities. There were already calls for platforms to "put in place alerts and security measures to prevent" content which French officials deem hateful. This was nothing short of pre-bunking, as outlined by journalist Glenn Greenwald in a 2012 article in *The Guardian*⁴⁹.

All subsequent laws pertaining to internet regulation are grounded in the LECN and use the same mechanism: under the guise of judicial oversight and fighting illegal or criminal behavior, sweeping administrative powers are used to apply pressure to platforms. The state is determined to undermine the country-of-origin principle through every possible avenue, ensuring that all content accessible in France falls under the jurisdiction of French law. This ambition also forms the bedrock of the DSA's philosophy.

⁴⁷ "Loi n° 2004-575 du 21 juin 2004 pour la confiance dans l'économie numérique (1).", Légifrance, retrieved on September 3, 2025 (last updated on June 15, 2025), www.legifrance.gouv.fr

⁴⁸ "Signaler un contenu suspect ou illicite avec PHAROS," *Ministère de l'Intérieur*, January 11, 2016, www.interieur.gouv.fr

⁴⁹ Glenn Greenwald, "France's censorship demands to Twitter are more dangerous than 'hate speech'," *Guardian*, January 2, 2013, www.theguardian.com

The predicaments faced by Microsoft and Facebook⁵⁰ in 2012 are a prime example of how the state obliquely gets its way. Both companies' premises were raided by the police and judicial tax authorities for billing French clients from countries with more lenient corporate tax regimes. To navigate this challenge, Facebook appointed Laurent Solly as its CEO in France in 2013. Solly, now Meta's Vice-President for Europe, is a former senior government official who served as a technical advisor to Nicolas Sarkozy and later as his chief of staff during Sarkozy's tenure as France's Minister of Finance. What more effective way to ensure seamless operations than by appointing a former senior official from the Ministry of the Interior, with experience at Bercy, France's Ministry of Finance, who can adeptly navigate bureaucratic complexities and secure favorable outcomes, while ensuring strict compliance with the state's demands?

The prospect of a severe tax adjustment after an audit — which in France can be negotiated — or a hefty fine makes media outlets far more inclined to comply with state censorship requests. During a parliamentary hearing last June⁵¹, YouTube's Director of Public Affairs for France and Southern Europe explained that content which is legal and adheres to the platform's terms of service, yet is considered undesirable, may have its visibility reduced or be subject to a shadow ban upon request, a practice that has been in place for some time.

⁵⁰ Le Monde, "Facebook a aussi été perquisitionné par le fisc français," *Le Monde*, November 14, 2012, www.lemonde.fr

⁵¹ Assemblée nationale, "Les représentants des principales plateformes de réseaux sociaux face à la commission d'enquête," *YouTube*, June 18, 2025, www.youtube.com

IV. Censorship Since 2016

A. Overview

Between 2005 and 2016, the transatlantic elite was shaken by two traumas and illuminated by two revelations. The first trauma was France's rejection of the European Constitutional Treaty in the 2005 referendum — a repudiation widely attributed to the rise of Web 2.0 and blogs. These platforms enabled anyone, without coding skills, to share their views freely online. Three years prior, Jean-Marie Le Pen's progression to the second round of the presidential election in 2002 had already sent tremors throughout the establishment. The first revelation came in 2008 with Barack Obama's election, a victory largely driven by an innovative and deftly executed social media campaign.

The second revelation unfolded in 2011 with the Arab Spring, which showcased the formidable power of social media to organize and sustain, almost autonomously, political and social protest movements that ultimately sparked revolutions and regime change. The second trauma struck in 2016 with Britain's vote in favor of Brexit. That same year, two months before the UK's referendum, President Barack Obama established the Global Engagement Center through Executive Order 13721, replacing the Center for Strategic Counter-terrorism Communications. This new entity redirected techniques originally used abroad in the fight against terrorism toward the American public⁵². This shift coincided with Donald Trump's rise, as he waged an anti-establishment campaign poised to secure the Republican nomination.

Specific to France, the Yellow Vests, a social upheaval spontaneously organized on social platforms, spanned over six months and was met with brutal police and judicial repression. It underscored the power of social networks for organizing. In December 2018, approximately 200,000 demonstrators came close to prompting an emergency helicopter evacuation of President Emmanuel Macron from the Elysee Palace.

From the confluence of these four events emerged a consensus among elites on both sides of the Atlantic: the proliferation of "information disorders" posed an existential threat to the established political, social, and economic order. Consequently, it became imperative to regulate content on digital platforms to stem the rising tide of populism.

B. US Influence

⁵² Jacob Siegel, "A Guide to Understanding the Hoax of the Century," *Tablet*, March 29, 2023, www.tabletmag.com

In 2009, France reintegrated into NATO's unified command structure, reversing General de Gaulle's 1966 withdrawal, prompted by his frustration with American meddling and assassination plots against him by the OAS, supported by the CIA, which had also endorsed the failed 1961 Algiers coup by rebellious generals opposed to Algeria's independence. Legend has it that, after the August 22, 1962, Petit-Clamart assassination attempt that nearly cost the French president his life, President Kennedy personally telephoned de Gaulle, declaring, "I had no part in it."

As a result, NATO's role as a conduit for American political influence, coercion, and interference in French domestic affairs was markedly limited compared to its sway in other European nations. Consequently, Washington turned to more subtle tactics. From the 1960s to the late 1980s, approximately three-quarters of the diplomats in the political section of the US embassy in France were CIA operatives. France became the testing ground where the US honed its soft-power strategy aimed at shaping the elites of allied countries.

To counter communism, the United States concentrated its efforts on undermining the CGT⁵³ — for long France's largest union, closely tied to the Communist Party — through influence over the labor movement while engaging in an ideological battle within academia and among intellectuals, who were largely aligned with Marxism. The infamous CIA-funded Congress for Cultural Freedom⁵⁴ was headquartered in Paris. This strategy also brought early US support for Trotskyist and Maoist outfits, which played a key role in sparking the upheavals of May 1968 — and which the US viewed as key for undermining the old pro-Soviet left.

The dominant Gaullist right in France, deeply suspicious of American influence, together with the then formidable bulwark of the French senior civil service, long resisted US efforts. It was only with the election of Valéry Giscard d'Estaing in 1974 that Washington found new opportunities to advance its agenda. The French-American Foundation⁵⁵, officially established in 1976, inaugurated during a state dinner in Washington by Presidents Valéry Giscard d'Estaing and Gerald Ford, became the primary conduit for US influence in France.

A significant portion of prominent French political figures are laureates of the French-American Foundation's annual Young Leaders program, an exchange between promising members of the respective establishments. Notable alumni include Emmanuel Macron (2012, current President), François Hollande (1996, former President), Édouard Philippe (2011, Macron's former Prime Minister), Arnaud Montebourg (2000, former Economy Minister), Najat Vallaud-Belkacem (2012, former Education Minister), Alain Juppé (1981, former Prime Minister), Gabriel Attal (2018, Macron's former Prime Minister), and Jean-Noël Barrot (2020, sitting Foreign Affairs Minister). On the American side, alumni include Bill Clinton (1984), Hillary Clinton (1983), Strobe Talbott (1983), Evan Bayh (1984), Antony Blinken (2002), and Tom Malinowski (2003), among others.

⁵³ Its split, which saw the foundation of the socialist union FO, was funded by the CIA and organized by Irwin Brown, the AFL-CIO representative in France and Italy and CIA operative. Brown entertained close relationships with organized crime figures in Marseilles and in Italy, who operated the French connection and later the pizza connection.

⁵⁴ Michael S. Warner, "Origins of the Congress of Cultural Freedom, 1949-50 Cultural Cold War," *CIA: Center for the Study of Intelligence*, March 29, 2023, www.cia.gov

⁵⁵ "Homepage," *French-American Foundation*, retrieved on September 3, 2025, www.french-american.org

Another major step forward in cementing US influence in France was, of course, France's reintegration into NATO's unified command structure in 2009, decided by President Nicolas Sarkozy, twice-convicted for corruption and awaiting court ruling in the alleged illegal €50 million funding of his 2007 presidential bid by Gaddafi. However, France remains outside the Five Eyes intelligence alliance. Despite close co-operation between the intelligence communities of France and the United States, an undercurrent of mutual distrust endures. This accounts for the delayed and low-key emergence of organizations such as NewsGuard⁵⁶, compounded by the French State's proactive establishment of its own censorship frameworks. Subsequent to France's re-entry into NATO's unified command, most Anglo-Saxon think tanks developed fellowship programs targeted towards French nationals. A prime example is Benjamin Haddad⁵⁷, the sitting Undersecretary of State for European Affairs, who was employed by the Hudson Institute and the Atlantic Council in Washington.

One of the most blatant attempts by the transatlantic Censorship Industrial Complex to foray into French domestic affairs occurred during the 2022 presidential election. The Digital Monitoring Group for Electoral Integrity⁵⁸ was based on a program designed by Reset⁵⁹, an NGO led by Ben Scott, former advisor to Secretary of State Hillary Clinton. It aimed at monitoring algorithm transparency during the election period in close cooperation with ARCOM. It was led by the Institute for Strategic Dialogue⁶⁰ and included the following organizations: the Institut Montaigne, France's main liberal think tank; the Alliance for Securing Democracy of the German Marshall Fund⁶¹; Conspiracy Watch⁶², a French NGO; L'institut des systèmes complexes⁶³, a unit of the French National Scientific Research Center (CNRS); the French Geopolitics Institute⁶⁴, and three European software startups.

The mission Statement of that outfit reads: "In 2016, Russia's meddling in the US presidential election provoked a robust response from government bodies, technology platforms, and civil society. Subsequent events, including the 2017 'Macron Leaks' in France, the 2019 European elections, and the 2021 German federal elections, underscored the persistent vulnerability of European democratic processes to foreign interference".

Another notable operation was HelloQuitteX⁶⁵, in January 2025, aiming at prompting users to leave the social network bought by Elon Musk by providing an application automating their

⁵⁶ Chine Labbé, editor-in-chief of NewsGuard for Europe and Canada, was appointed by Radio France's board of directors to its Committee for Honesty, Independence, and Pluralism in Information and Programming. Additionally, she serves as an expert at the Montaigne Institute, France's most influential liberal think tank, and contributed to the 2021 VaxFacts campaign, which aimed to counter misinformation surrounding Covid-19 vaccines and other health-related falsehoods.

⁵⁷ "Benjamin Haddad," *Atlantic Council*, retrieved on September 3, 2025, www.atlanticcouncil.org

⁵⁸ Press release, "Communiqué de presse: Création du groupe de veille numérique à l'intégrité électorale," *Check First*, March 21, 2022, www.checkfirst.network

⁵⁹ "Homepage," *Reset Tech*, retrieved on September 3, 2025, www.reset.tech

⁶⁰ "Homepage," *Institute for Strategic Dialogue*, retrieved on September 3, 2025, www.isdglobal.org

⁶¹ "Homepage," *Alliance for Securing Democracy at the German Marshall Fund*, retrieved on September 3, 2025, www.securingsdemocracy.gmfus.org

⁶² "Homepage," *Conspiracy Watch*, retrieved on September 3, 2025, www.conspiracywatch.info

⁶³ "Homepage," *Institut des systèmes complexes*, retrieved on September 3, 2025, www.iscpif.fr

⁶⁴ "Homepage," *Institut Français de Géopolitique*, retrieved on September 3, 2025, www.geopolitique.net

⁶⁵ Pascal Clérotte, "[Ta Katie t'a quitté] HelloQuitteX," *L'Eclaireur*, January 20, 2025, www.eclaireur.eu

migration to BlueSky. Raphaël Glucksmann ⁶⁶, the left-wing Member of the European Parliament who demanded the Statue of Liberty back after Donald Trump's second election, claimed to lead this effort to undermine X. Glucksmann has long established ties with the US deep State: he was an advisor to Georgia's President Mikhail Saakashvili from 2009 to 2012 and participated in the 2014 Maidan uprising in Ukraine that led to his then wife Eka Zguladze becoming deputy Minister of Interior of Ukraine, a position she previously held in Georgia.

Central to HelloQuitteX was also David Chavalarias⁶⁷, a mathematician, research director at the French National Scientific Research Center, and director of L'Institut des systèmes complexes, who participated in the Digital Monitoring Group for Electoral Integrity. The app was developed by the institute and hosted on its servers, therefore funded by government money. HelloQuitteX turned out to be a miserable failure: very few users left X, and most of those who left were back less than three months later.

European regulation is regarded as superseding national law, despite the absence of explicit treaty provisions to this effect. By enacting an EU Council regulation, legislation bypassing national parliaments can be enforced across all 27 EU member states.

Brussels — long a magnet for lobbyists and a reflection of Washington, though marked by deeper corruption and far weaker checks and balances — has become the epicenter of US efforts to shape legislation in Europe. By exploiting the so-called "Brussels effect" — where regulating a market as large as the EU effectively exports those rules worldwide — Washington can even bypass its own constitutional limits. That's exactly what the Biden administration and the US Censorship Industrial Complex hoped to achieve through the DSA, especially in view of the 2024 elections.

From 2021 to 2024, Thierry Breton, the then French EU Commissioner for internal market, met regularly — about every other month — in Brussels and in Washington with Anne Neuberger⁶⁸, Joe Biden's Deputy National Security Advisor for Cybersecurity. Why did the White House engage directly in discussions with the European Commission that the Cybersecurity and Infrastructure Security Agency or the Director of Cybersecurity could have handled? Because these were political talks, mostly centred around the implementation of the DSA.

Again, France laid the foundations of the Censorship Industrial Complex over fifty years ago, so there is far less urgency to build ad-hoc infrastructures, as, say, in Romania or Hungary. When presidents such as Sarkozy, Hollande, and Macron — elected in no small part for their readiness to comply with US directives — take office and appoint senior officials who share the same outlook, the entire machinery of the state falls into line.

⁶⁶ Audrey Parmentier avec AFP, "'Rendez-vous la statue de la Liberté' : la réponse de la Maison-Blanche à Raphaël Glucksmann," *L'Express*, March 18, 2025, www.lexpress.fr

⁶⁷ "David Chavalarias," *L'Express*, retrieved on September 3, 2025, www.iscpif.fr

⁶⁸ "Anne Neuberger Named Payne Distinguished Lecturer," *Stanford University*, April 10, 2025, www.fsi.stanford.edu

C. Fact-checkers

The 2017-2020 partnership between *Libération* and Facebook, which paid \$239,200 in 2020 for fact-checking, raised concerns about editorial independence, leading *Libération* to end the contract to prioritize subscriber-funded content. Studies from the 2017 election showed fact-checking articles reduced belief in false rumors but were less effective among French audiences with strong prior political beliefs compared to US audiences.

The partnership between *Le Monde* and the Bill & Melinda Gates Foundation centers on funding for *Le Monde Afrique*, a section launched in 2015 to cover African development issues. Needless to say that this sparked outcry when it was made public. The Gates Foundation has provided financial support since the section's inception, with a total of approximately \$6.1 million (€5.5 million) from 2015 to 2025, equating to about €500,000 annually. The only condition is that *Le Monde Afrique* should develop topics, such as health, education, and poverty, with *Le Monde* claiming to retain full editorial independence.

Fact-checking's effectiveness depends on public trust and media independence. With all private mainstream media being owned by billionaire oligarchs and the press being heavily subsidized by the state, it's not surprising that public trust is at an all-time low. A 2025 Political Trust Barometer by Sciences Po's CEVIPOF⁶⁹ reported that 73% of French people distrust the media, and 70% believe the state deliberately misleads the public. This distrust is linked to perceptions of political and financial pressures on journalists, with over two-thirds of respondents in a 2017 survey believing journalists face external influence.

The rise of certain entities, supported by government and foreign funding — e.g., Reporters Without Borders (RSF)⁷⁰ or Conspiracy Watch⁷¹ — has only exacerbated tensions. The tendency of these progressive activists to label any dissent as "conspiracy theorizing" and their propensity for character assassination resonates poorly with the French public, who instinctively resist any attempt to dictate what they should think. These activists have transferred the methods of anti-racist NGOs and are wielding fact-checking as a political weapon, voiding it of any value. RSF systematically mingles into the management of media corporations under the pretense of defending journalists, its prime target being Vincent Bolloré's Vivendi, which it accuses of being "far right". In 2024, RSF filed a lawsuit against ARCOM on the grounds that it failed to properly regulate CNEWS, Vivendi's 24/7 news channel, arguing that it was not complying with the terms and conditions of its license. In that specific matter, RSF effectively took over the role of ARCOM, the broadcast and digital media regulator, forcing it to exert tighter control over CNEWS.

⁶⁹ "Baromètre de la confiance politique CEVIPOF 2025 : le grand désarroi démocratique," *Sciences Po*, February 11, 2025, www.sciencespo.fr

⁷⁰ "Homepage," *Reporters Without Borders*, retrieved on September 3, 2025, www.rsf.org

⁷¹ "Homepage," *Conspiracy Watch*, retrieved on September 3, 2025, www.conspiracywatch.info

D. Macron's Election

In 2016, as Barack Obama had just founded the Global Engagement Center, and while in Germany the Network Enforcement Act (NetzDG) law was being drafted, Emmanuel Macron, newly inducted into the World Economic Forum's Young Global Leaders program, was preparing his 2017 presidential bid. McKinsey, the consulting firm, literally built his political party En Marche! from scratch and ran part of his campaign *pro bono*, a deed currently under criminal investigation⁷² for campaign funding fraud, as the cost of the consultant team should have been included in his campaign budget, which in France is capped and audited.

Despite a relentless PR campaign driven by oligarch-owned mainstream media, Macron was still languishing in third place in the polls by the end of 2016, trailing behind right-wing candidates François Fillon and Marine Le Pen. His ascent began only after the coordinated efforts of high-ranking civil service and the senior judiciary, which led to Fillon's indictment in March 2017 — the fastest in France's judicial history, resulting from an investigation that lasted only a month and a half — for misappropriation of public funds, following exposés by *Le Canard Enchaîné* in January of that year.

This pivotal intervention took out the front-runner poised to become the next president and propelled Macron in the polls, culminating in his victory over Marine Le Pen in the second round, despite the infamous "Macron Leaks"⁷³. Ultimately, Macron's election was secured through the strategic maneuvering of the senior civil service, the high judiciary, and the oligarchs, who all had championed his candidacy.

E. Censorship Compulsion

Donald Trump's 2016 election victory reverberated across the Western world, sparking claims of Russian interference from the Democratic Party and the media, alongside the fabrication of the "Russiagate" controversy.

In addition to his McKinsey and campaign team, Emmanuel Macron assembled a second, more discreet group of legal experts under the leadership of prominent business attorney Claude Serra. This team was charged with both robust legal riposte and electoral litigation, as well as with crafting Macron's legislative agenda. Central to their efforts was, among others, information control, which paved the way for the drafting of a set of comprehensive laws.

Enacted in 2018, the Law Against the Manipulation of Information, which amended the 1881 Free Press Law, was presented as a measure to protect electoral integrity by combating fake news. Yet, this legislation stands as a striking anomaly, given that Article L-97 of the Electoral Code⁷⁴ and

⁷² "Affaire McKinsey : enquête ouverte sur les comptes de campagne d'Emmanuel Macron pour 2017 et 2022," *Ici*, November 24, 2022, www.francebleu.fr

⁷³ Over 20,000 emails and other documents from Emmanuel Macron's campaign team (En Marche!) were leaked online, allegedly hacked by the Russian GRU. Attribution is still to this day unknown.

⁷⁴ "Code électoral: Article L97," Légifrance, retrieved on September 3, 2025, www.legifrance.gouv.fr

Article 27 of the 1881 law⁷⁵ already criminalize the spread of false information. In reality, the law served as a stratagem to mandate digital platforms to adopt mechanisms for detecting misinformation and to ensure algorithmic transparency during elections, all under the supervision of ARCOM.

The 2020 Law Against Hate Speech on the Internet mandated that digital platforms remove content deemed illegal or hateful by authorities or users within a stringent 24-hour window, with terrorist or child pornography content requiring removal in under an hour. Failure to comply could incur a penalty of up to 4% of a platform's global revenue, enforced by ARCOM. This legislation was another circuitous strategy: the tight deadlines were intended to compel platforms to adopt pre-bunking and automated censorship. This led to the law being overturned by France's Constitutional Council, which ruled that it disproportionately violated the fundamental right to free expression.

Macron announced that the overturned provisions would be advanced at the European level during France's rotating EU presidency in 2022 — a period that, conveniently, overlapped with his reelection campaign, allowing him to sidestep active campaigning under the guise of European duties. While discussions on the Digital Services Act started in 2018, with the European Commission issuing a non-binding recommendation in 2020, the preferred approach leaned toward a nation-by-nation legislative process to respect the constitutional nuances of each member state. Freedom of speech is a constitutionally protected fundamental right after all.

Germany's adoption of the NetzDG law in 2017 led Macron to believe that France's passage of the Law Against Hate Speech on the Internet would spur other European nations to swiftly align. His expectations were unmet. It remains to be seen in France whether the provisions overturned as unconstitutional by the Constitutional Council can be enforced with the DSA, given that European regulation lacks any constitutional foundation since the EU is not a sovereign state and does not have a constitution.

Among the few provisions of this law that were not overturned is the establishment of the National Digital Prosecutor's Office, also referred to as the National Prosecutor for Combating Online Hate (PNLH), created in 2021 to tackle illicit online content and conduct, with a particular emphasis on hate speech. Operating under the Paris Prosecutor's Office within its Press and Protection of Public Freedoms division, it holds national authority and focuses on intricate and prominent cases of cyberhate, including incitement to discrimination, hatred, or violence, as well as defamation, insults, and moral harassment. Brigitte Macron took legal action through the PNLH, targeting four people who circulated online allegations that she was born male. The defense requested a psychiatric evaluation of Brigitte Macron to assess any potential psychological distress caused by the harassment she claims to have endured. She refused to comply.

⁷⁵ "Loi du 29 juillet 1881 sur la liberté de la presse," Légifrance, retrieved on September 3, 2025, www.legifrance.gouv.fr

The Observatory for Online Hate⁷⁶, a body operating under ARCOM and gathering NGOs, representatives of the state, and academics, was also left in place. Its mission is to analyze and measure the extent of online hate content, to enhance understanding of this issue by monitoring its development over time, and to facilitate the exchange of insights among relevant public and private stakeholders.

The 2021 Law on Strengthening Respect for the Principles of the Republic imposes one more layer of compliance on social networks and platforms to combat hate speech, separatism, and “anti-republican content”, as per France’s commitment to secularism and public order. Social networks must navigate complex compliance requirements. As noted already, this is a way to bully them into pre-bunking and automated censorship.

The 2024 Law on Securing and Regulating the Digital Space (SREN)⁷⁷ is the primary legislation addressing deepfakes and related issues. While it does not explicitly target doxing, it includes provisions to combat online harassment and other cybercrimes, which can overlap with doxing-related harms. It prohibits sharing visual or audio content generated by algorithmic processing (e.g., AI-generated deepfakes) that represents a person’s image or speech without their consent, unless it is clearly labeled or obviously artificial.

This adds yet another layer of compliance for digital platforms, which must promptly remove non-consensual deepfake content and address content involving online harassment or illegal data sharing (potentially covering doxing) under broader cybercrime provisions. They must implement effective reporting systems for users to flag such content. The penalty for non-compliance? 2% of global revenue.

Crucially, the SREN law integrates the DSA and the Digital Markets Act (DMA) into French law and introduces additional national provisions to enhance digital safety and regulation. It designates ARCOM as France’s Digital Services Coordinator (DSC), responsible for overseeing DSA compliance, coordinating with other EU member States, and enforcing rules for platforms operating in France. The SREN law goes beyond the DSA, for example, by mandating age verification systems for pornographic websites, with ARCOM empowered to order search engines to block non-compliant sites.

F. Age Verification and the Future of Censorship

France’s push to prohibit social network platforms for kids and teenagers under 15⁷⁸ is the latest display of the state’s acute paranoia. This amounts to a thinly veiled tactic to compel the identification of all users through the EU’s biometric ID card system — a way to track the online activity of each and every citizen. France is not alone: Spain, Italy, Denmark, and Greece are all set

⁷⁶ “Observatoire de la haine en ligne : analyser pour mieux lutter,” *Arcom*, retrieved on September 3, 2025, www.arcom.fr

⁷⁷ “LOI n° 2024-449 du 21 mai 2024 visant à sécuriser et à réguler l’espace numérique,” *Légifrance*, retrieved on September 3, 2025 (last updated on September 1, 2025), www.legifrance.gouv.fr

⁷⁸ Emmanuel Macron (@EmmanuelMacron), “Twitter/X post,” Twitter/X, July 14, 2025, www.x.com/EmmanuelMacron/status/1944806868167057843.

to initiate a pilot program to verify the age of minors online. This effort forms a key component of the forthcoming European digital identity wallet, slated for completion by late 2026. What will the next step be? Banning VPNs and all online privacy tools?

The French state intends to go much further by enabling ARCOM to develop a “counter algorithm” that will serve as the benchmark for detecting “bias” in platform algorithms and compel platforms to make corrections — effectively aligning online speech with what the state deems acceptable. In other words, any statistical deviation from the state-mandated standard will be labeled as “bias”. This will result in the imposition of *ex ante* automated censorship at the algorithmic level, along with strict controls over content visibility and the uniformization of content on all platforms.

The rapid accumulation of these four laws in under four years is reminiscent of the approach to Covid-19 vaccines: when they failed to deliver the desired results, the response was simply to administer more doses. None have fulfilled their intended purpose, remaining largely unenforceable except for their repressive elements in high-profile cases. This legislative pile-up underscores the profound inability of political leaders and the state to grasp and adapt to the evolving world, as they have proven incapable of crafting a single, comprehensive law to address the complexities of online expression. Instead, these measures reflect an unhealthy fixation on preemptive and automated censorship, conceived by minds that mistake the map for the territory and the painting for the landscape itself.

The EU intends, with Chat Control⁷⁹, under the guise of combating child sexual abuse on all encrypted platforms, to bolster mass surveillance and censorship. The European Commission introduced in 2022 a regulation draft enabling the scan of content at the device level – computer, cellphone, tablet – for comparison to a database with AI algorithms before encryption. Chat Control provides for automated, unencrypted notification of illegal content to law enforcement agencies and NGOs. Under the pressure of the software industry, this draft regulation was withdrawn in 2024, but countries like Spain, France, and Poland are again pushing for it. Denmark made Chat Control the top priority of its rotating EU presidency. Macron’s government unsuccessfully attempted to pass a similar provision in its law against drug trafficking: it sought to compel Tel-Cos, ISPs, and platforms to duplicate all metadata and hand it out to “trusted third parties” for real-time analysis. Chat Control is unlikely to pass at the EU level as the German Constitutional Court ruled in August that spyware could only be used for serious crimes⁸⁰.

France’s relentless accumulation of anti-terrorism legislation — 36 laws in 35 years, including 13 between 2015 and 2021 — resulted in 2014 in the offense of “apology of terrorism” being removed from the 1881 Press Freedom Law and inserted into the criminal code, thereby allowing the state to prosecute it directly. Since October 7, 2023, it has been used to suppress criticism of Israel and support for Palestinians.

⁷⁹ “Chat Control: The EU’s CSAM scanner proposal,” *Patrick Breyer*, retrieved on September 3, 2025, www.patrick-breyer.de

⁸⁰ Reuters, “Germany’s top court limits use of spy software to serious crimes,” *Reuters*, August 7, 2025, www.reuters.com

More troubling even is the fact that this arises from the elite assumption that individuals lack the capacity to discern truth from falsehood independently, to engage in critical thinking, and to navigate conflicting information to shape their own informed perspectives.

G. VIGINUM

France, although claiming not to be at war with Russia, delivered billions of euros in military equipment to Ukraine, provided targeting information and technical assistance for the handling of long-range missiles and anti-aircraft systems. In the realms of the infosphere and cyberspace, conflict unfolds silently, claiming no lives. Both domestic, foreign, and military intelligence are critical for covert information warfare (infowar) operations, but useless for reaching the French public because they operate under secrecy.

VIGINUM⁸¹ is an agency launched by Emmanuel Macron in July 2021 ostensibly to safeguard French national interests from foreign-driven information manipulation. Operating under the authority of the Prime Minister as a unit of the General Secretariat for Defense and National Security (SGDSN), it monitors major online platforms — those with over five million monthly unique visitors in France — using open-source intelligence. Rather than evaluating the truthfulness of content or accessing private communications, VIGINUM identifies orchestrated foreign campaigns designed to destabilize the state, relaying its findings to judicial or diplomatic channels for further action.

It is modeled after the US State Department's Global Engagement Center (GEC), which was recently dismantled by the Trump administration. The Twitter Files exposed the GEC's primary role as censoring information and suppressing dissenting voices in the US under the pretext of countering foreign disinformation.

VIGINUM appears to fulfill a similar role in France, and possibly beyond its borders. Well-informed sources point to its involvement in the contentious cancellation of the first round of Romania's presidential election on December 6, 2024, alongside the controversial EU East StratCom Task Force⁸² — established in 2015 by the European External Action Service to combat Russian disinformation — and the European Centre of Excellence for Countering Hybrid Threats. This decision was based on allegations of a Russian-funded TikTok campaign promoting sovereigntist candidate Călin Georgescu, despite evidence tracing influencers' payments to the mainstream Liberal Party⁸³.

⁸¹ "Service de vigilance et protection contre les ingérences numériques étrangères," *Secrétariat général de la Défense et de la Sécurité nationale*, November 17, 2022, www.sgdsn.gouv.fr

⁸² "About," *EUvsDisinfo*, retrieved on September 3, 2025, www.euvsdisinfo.eu

⁸³ Victor Goury-Laffont, "Report ties Romanian liberals to TikTok campaign that fueled pro-Russia candidate," *Politico*, December 21, 2024, www.politico.eu

VIGINUM published a report on February 4, 2025⁸⁴, which allegedly exposed a sophisticated campaign to manipulate TikTok's algorithm to artificially boost the visibility of candidate Călin Georgescu. It unraveled how coordinated networks of accounts and paid influencers amplified Georgescu's campaign through astroturfing tactics, including mass posting of videos and comments with specific hashtags and keywords. Russia was designated as its instigator, yet VIGINUM openly admits that the campaign cannot be attributed to a specific actor.

VIGINUM's findings, allegedly corroborated by Romanian intelligence, underscored the campaign's ability to evade TikTok's moderation policies and raised concerns about similar tactics being replicated in other countries, including France. Though VIGINUM is neither an intelligence agency nor a judicial police department — limited to open-source intelligence and lacking investigative powers — there is no assurance that it does not have access to classified information or serve as a conduit for "whitewashing" such information to support propaganda and information war efforts.

VIGINUM's leadership raises further concerns. Its director, Lieutenant-Colonel Marc-Antoine Brillant⁸⁵, a Saint-Cyr and War College alumnus, previously led a 700-man-strong tactical unit in the Sahel. He is a counterinsurgency expert. The director of operations, Hervé Letoqueux⁸⁶, began his career as a judicial customs officer before specializing in cyber issues within the Ministry of Justice's Anti-Terrorist Investigation Unit and the National Agency for the Security of Information Systems.

Far from the transparent and innocuous entity it purports to be, VIGINUM's leadership suggests a more complex and potentially troubling mandate. VIGINUM is not a purely defensive agency but also an offensive tool for Emmanuel Macron's aggressive foreign policy in Europe, chiefly directed against Russia — and, increasingly, the French people.

H. The Weaponization of Criminal Justice

One of the most alarming aspects of the French state's current posture is its political weaponization of the criminal justice system. As noted already, it was thanks to the swift intervention of high-ranking magistrates during the pre-election campaign period that Emmanuel Macron secured his victory in 2017.

This marks a significant departure from the established consensus that the judiciary should refrain from intervening during electoral periods. On December 15, 2011, Jacques Chirac, former President of the French Republic and Mayor of Paris, was sentenced to a two-year suspended sentence over a system of fictitious jobs he organized at Paris City Hall. The judiciary suspended

⁸⁴ "SGDSN / VIGINUM - Manipulation d'algorithmes et instrumentalisation d'influenceurs : enseignements de l'élection présidentielle en Roumanie & risques pour la France," *Ministère des Armées*, retrieved on September 3, 2025, www.defense.gouv.fr

⁸⁵ "Marc-Antoine Brillant," *Inflexions*, retrieved on September 3, 2025, www.inflexions.net

⁸⁶ "L'Open Source Intelligence, une révolution de la preuve," *Radio France*, August 11, 2024, www.radiofrance.fr

prosecution for twelve years due to Chirac's presidential immunity, including during his 2002 re-election campaign.

In France, aspiring judicial magistrates must pass a competitive entrance exam to gain admission to the National Judiciary School (ENM). Like senior civil servants, all judges and prosecutors are trained at the same institution. While bench judges enjoy independence, prosecutors do not. District attorneys are appointed by the President of the Republic, who can override at will the recommendations of competent applicants by the High Council of the Judiciary. Since his election, Emmanuel Macron has consistently appointed DAs favorable to his interests in key districts and in the country's high courts.

A striking example is Charlotte Caubel⁸⁷. She was nominated as DA of Créteil, one of France's busiest districts. Trained as a magistrate, Caubel's career has leaned heavily toward politics: legal advisor at the Economy Ministry, justice unit head for Prime Minister Édouard Philippe, and a brief stint as Under-Secretary for Childhood under Prime Minister Élisabeth Borne. She has spent more time as a political appointee than in courtrooms, yet she outstripped seventeen better-qualified candidates. On August 18, 2025, she was nominated vice-prosecutor in Paris.

As DAs alone hold the authority to initiate criminal proceedings — except in cases where aggrieved parties can file complaints with civil claims — the Élysée Palace exerts indirect and discreet control over the initiation of prosecutions. This control is particularly advantageous in handling sensitive cases, especially those involving political and financial matters. DAs report to General Prosecutors, who in turn report to the Ministry of Justice, ensuring that the executive branch is continuously kept abreast of all hot and potentially politically useful or damaging investigations.

In France, the judiciary has gained a significant degree of autonomy and has increasingly leveraged this to engage in political maneuvering. Recent years have seen a rise in asymmetrical prosecutions and convictions targeting political figures. The latest example is the case of Marine Le Pen⁸⁸, who was sentenced to four years in prison, of which two were suspended, and a five-year ban on holding public office, a penalty the trial court ordered to take effect immediately despite Le Pen's appeal. This ruling effectively bars Le Pen, who is leading in the polls, from running in the 2027 presidential election. For identical charges, the current Prime Minister, François Bayrou, was acquitted.

To justify the provisional execution of Marine Le Pen's ban from holding for public office, the court wrote in its ruling: "The court considers the significant disturbance to democratic public order that would arise if a person, already convicted at the initial trial stage — particularly with an additional penalty of ineligibility for misappropriating public funds — were to run for an office like the presidency, or even be elected, especially since such a conviction could later be upheld as final".

There goes the presumption of innocence, along with the very notion of a fair, two-tier judicial system. Judges have seized the authority to determine who may run for the presidential election,

⁸⁷ Patricia Cerinsek, "How to Appoint a Prosecutor," *L'Eclaireur*, March 22, 2025, www.eclaireur.eu

⁸⁸ Pascal Clérotte, "Judicial Fair," *L'Eclaireur*, March 31, 2025, www.eclaireur.eu

despite a Constitutional Council ruling stating that provisional ineligibility sentences should not interfere with voters' freedom of choice.

Since the sprawling censorship apparatus of the French state and the EU has proven ineffective, the judiciary is now being used to strike at the head of the fish: prosecuting tech entrepreneurs and their platforms to intimidate them into compliance.

I. The case of Pavel Durov

Telegram's founder and sole owner was arrested in Paris in August 2024. He was detained for four days and was indicted for a list of serious crimes, with a ban from leaving France and mandatory bi-weekly reporting to a police station.

Here are the charges against him:

- Complicity in managing an online platform to enable illegal transactions by an organized crime group (up to 10 years in prison and a €500,000 fine)
- Complicity in the distribution of child sexual abuse material
- Complicity in drug trafficking
- Complicity in organized fraud
- Refusal to communicate information or documents to authorized authorities for lawful interceptions
- Criminal conspiracy to commit crimes or misdemeanors related to organized crime
- Money laundering in an organized gang
- Providing cryptographic services without prior declaration
- Other charges related to facilitating illegal activities, such as terrorism promotion and cyberbullying

One might find it surprising that Xavier Niel, the billionaire largest shareholder of *Le Monde* press group and early supporter of Emmanuel Macron, has not been prosecuted or charged, despite Free — his internet service provider, one of France's largest, in which he holds a 96.46% stake — hosting over half of the child pornography files reviewed by the Canadian Centre for Child Protection⁸⁹ in 2021. This is particularly striking given Niel's prior legal troubles: in 2004, he was held one month in pretrial detention at La Santé prison for aggravated pimping⁹⁰, though ultimately he was convicted only of misappropriation of corporate assets. He had collected in person profits in cash from peep shows and sex shops in which he held stakes.

⁸⁹ Jacques Pezet, "L'opérateur français Free héberge-t-il la moitié des fichiers pédopornographiques recensés sur Internet?," *Liberation*, June 16, 2021, www.liberation.fr

⁹⁰ Sophie des Déserts, "2004, quand Xavier Niel a passé un mois en prison," *Libération*, July 16, 2023, www.liberation.fr

Equally surprising is the fact that the executives of OVH, a French cloud computing service provider that hosted servers for Encrochat, an encrypted messaging service used almost exclusively in international drug trafficking⁹¹, have faced no judicial scrutiny.

Another amusing anecdote: Jean-Jacques Urvoas, former Justice Minister under François Hollande, was convicted in 2019 for breaching professional secrecy in a case involving Thierry Solère, then an MP for right-wing party Les Républicains who later joined Macron. Between the two rounds of the 2017 presidential election, Urvoas allegedly sent Solère a confidential memo from the Directorate of Criminal Affairs and Pardons (DACG) via Telegram. The memo detailed the preliminary investigation targeting Solère for tax fraud, money laundering, and influence peddling. Though having been indicted in 2019 on eight counts — among others, tax fraud, embezzlement of public funds, influence peddling, fictitious employment, and illicit financing of electoral expenses — Solère was Macron's political advisor from 2020 to 2022 at the Elysée Palace, where he had an office. He has still not been tried for his now thirteen indictments in total.

In spring 2025, Pavel Durov met in the Salon des Batailles at the Hôtel Crillon with Nicolas Lerner⁹², the director of the DGSE, France's foreign intelligence service. Lerner was Emmanuel Macron's classmate at the ENA, the elite civil service school. According to Durov, Lerner urged him to suppress conservative voices on Telegram in the wake of Romania's presidential election reboot. Both the French Ministry of Foreign Affairs and the DGSE denied Durov's claims, discarding them as Russian disinformation⁹³.

The essence of Durov's case is not judicial but political. Roughly between 2015 and 2022, Emmanuel Macron, his campaign team, his political party, and his ministers relied on Telegram for communication, naively believing it to be a secure platform. Telegram's proprietary encryption algorithm has never been independently audited. Unlike end-to-end encrypted platforms, Telegram employs a client-server architecture, meaning messages are processed on its servers before being forwarded to recipients. Such processing requires unencrypted data, suggesting that Telegram may have access to years of private communications from the French executive and legislative branches.

Furthermore, Pavel Durov has consistently refused to install a backdoor in Telegram, the largest messaging app in the world, with over 1 billion users, overwhelmingly from the non-Western world. The intelligence value of such access is immense and is off limits to Western intelligence agencies.

⁹¹ "EncroChat: What it is, who was running it, and how did criminals get their encrypted phones?," *Sky News*, July 3, 2020, www.news.sky.com

⁹² Pavel Durov (@durov), "Twitter/X post," Twitter/X, May 24, 2025, www.x.com/durov/status/1926055352572793133

⁹³ Damien Leloup, "Pavel Durov, PDG de Telegram, accuse la France d'avoir cherché à « censurer des voix conservatrices » en Roumanie," *Le Monde*, May 18, 2025 (updated on May 19, 2025), www.lemonde.fr

J. Criminal prosecution against X and its management

Twitter France CEO, Damien Viel, was prosecuted, tried, and acquitted by a criminal court in 2022⁹⁴ for “non compliance with a judicial injunction” and “complicity to libel”. The core of the issue? A prefecture – the unit of the Ministry of the Interior representing the state in the districts – posted a picture on Twitter of a high-ranking civil servant inspecting law enforcement tasked with enforcing the Covid lockdown. Replies compared the French Police to that of Petain’s regime, dubbed this high-ranking civil servant a Nazi, and called for “hanging him at the Liberation”. The high-ranking civil servant pressed criminal charges. The DA launched an investigation for libel and subpoenaed Twitter for user information.

Twitter France, being a pure sales and monetization organization, Viel did not have access to any user data, which was held by Twitter International Corporation, the separate operational company located in Ireland. Because Twitter International Corporation did not reply swiftly enough to the subpoena, the DA of Versailles decided to prosecute Damien Viel and Twitter France, on the grounds that “the total failure of Twitter’s moderation, which has become a completely asocial network that can undermine public order and the proper functioning of our society,” as he pleaded in court. A clumsy way to pressure Twitter: the DA withdrew the appeal he had filed, as he had no chance of getting a conviction.

On July 11, 2025, Laure Beccuau, Paris’ district attorney who is also prosecuting Pavel Durov, announced a criminal investigation targeting X and its management for “interference with an IT system operation” and “fraudulent data extraction” committed as part of a conspiracy, as well as foreign interference. These are significant cybercrime offenses, carrying penalties under the criminal code of up to ten years in prison and a fine of €300,000.

Since Elon Musk’s acquisition of Twitter, X has been accused of manipulating its algorithms to promote content associated with the far right. DA Laure Beccuau launched her investigation on the basis of two complaints filed in January 2025, coincidentally at the same time as the HelloQuitteX campaign unfolded, which encouraged users to leave the platform.

The first complaint was filed by the MP Éric Bothorel. Originally a local Socialist elected official, he aligned himself with Emmanuel Macron in 2016, becoming the spokesman for En Marche!, Macron’s party, in the region of Brittany during the 2017 presidential campaign. He was elected to the National Assembly subsequent to Macron’s successful 2017 presidential bid.

In his complaint, Bothorel highlights a “diminution in the diversity of voices and perspectives”, the platform’s drifting from its goal of “ensuring a safe and respectful environment for all”, a “lack of transparency regarding the criteria behind algorithm changes and moderation decisions”, and “personal interventions by Elon Musk in managing the platform”, which he describes as “a genuine danger and threat to our democracies”.

⁹⁴ “Twitter finalement relaxé après avoir été accusé de ne pas coopérer avec les autorités,” *Radio France*, March 22, 2022, www.radiofrance.fr

The second complaint was filed by a senior civil servant, director of cybersecurity in a public administration, who asserted “a major change in the algorithm used by the X platform, which now promotes a significant amount of hateful, racist, anti-LGBT+, and homophobic political content, thereby aiming to bias democratic debate in France.”

DA Beccuau stated that her decision to prosecute was grounded on crosschecks, contributions from French researchers, and evidence provided by various public institutions — though to this day these sources have not been revealed. As it is a preliminary criminal investigation, X does not have access to the prosecution’s case file, but can be served with search warrants, and its management can be brought in and held for questioning.

The Paris DA’s office also stated that “an article published by Le Monde on June 18, 2025, highlighted an expert analysis revealing the targeting of advertisements based on criteria prohibited in Europe. This analysis has been incorporated into the ongoing investigation.” This expert analysis was conducted by AI Forensics, an NGO funded by George Soros’ Open Society Foundations and Pierre Omidyar’s Luminare and Omidyar Group, among others⁹⁵.

To make a long story short: if Elon Musk sets foot in France and possibly in the EU, he may face the same treatment as Pavel Durov. Regardless of the circumstances, this prosecution is blatantly driven by the political motives of those who filed the complaints and is intended to compel X to conform.

⁹⁵ Pascal Clérotte, “France v. X,” *L’Eclaireur*, July 22, 2025, www.eclaireur.eu

Conclusion

Donald Trump's election and the West's military defeat in Ukraine have shaken the very foundations of the post-World War II order and the European Union. The leaders and political factions currently governing Europe bear direct responsibility for the devastation of their economies, wrought by the mismanagement of the Covid-19 pandemic, the reckless allocation of hundreds of billions in aid to Ukraine without oversight, and absurd sanctions against Russia. This is especially evident in Germany, the United Kingdom, and France — the continent's main powers. Thus, the establishment's urge to clamp down on free speech.

Efforts to suppress online discourse serve as a stark admission of the failure of these institutions and their leaders to adapt to a world where communication is no longer top-down. Meanwhile, the public is adapting by turning increasingly to encrypted messaging apps, while politically active citizens and independent media are mounting significant pushback.

European elites find themselves ensnared: on one hand, by a rigid, flawed, and obsolete globalist ideology that places Europe at the center of the world; on the other, by an outdated Cold War-era reliance on controlling public opinion through mass media and adamantly attempting to do so with digital media. Television, which elites view as their own private natural domain, is hemorrhaging viewers. Deceptions and manipulations that once went unchallenged are now exposed within moments on social media.

The French elite, steeped in technocratic arrogance, clings to the belief that their pronouncements alone shape reality. Estranged from the lived experience of ordinary citizens, they prioritize abstract models over tangible truths. By expanding state control to every aspect of social life — via regulation, policing, and judicial enforcement — they strive to bend society to fit their needs.

Like a spiteful prefect, the establishment seeks to dismantle countervailing powers — political opponents, impartial judiciary, independent journalism, grassroots movements — to shield itself from accountability for the disorder it has sown.

Compounding their predicament, European elites, whose position greatly stems from American acquiescence, are caught in a web of contradictions as transatlantic ties fray. They champion sovereignty while ceding it to the European Union. They decry American tech dominance while entrusting the French military to Microsoft, citizens' health data to the same, and nuclear power plant preventive maintenance data to Amazon Web Services.

By their very nature, bureaucracies seek self-preservation and growth, and entrenched elites cling to their privileges. This portends an escalation in institutional and judicial suppression of speech in the very near future. The outlook for freedom of expression is grim. Yet, these obsolete ruling elites and the institutions they head may prove no match for the transformative force of technologies.

In the meantime, we would do well to heed Primo Levi's warning: "Monsters exist, but they are too few to be truly dangerous; far more perilous are the ordinary men, the functionaries who believe and obey without question." In France, functionaries abound.

Annex: French Censorship Leaders

Most establishment political parties support online censorship, with the loudest advocates coming from the left and center. Most progressive NGOs are also advocates for online censorship with regard to the protection of the interest groups they represent: feminism, LGBT, anti-racism, antisemitism, etc.

Politicians:

Aurore Bergé

Her ministerial roles include Minister for Solidarity and Families (July 2023-January 2024) under Élisabeth Borne, and Minister for Equality between Women and Men and the Fight against Discrimination under Gabriel Attal (January-September 2024) and François Bayrou (since December 2024). She has been a vocal advocate for gender equality, fighting discrimination, and regulating online hate speech, announcing a coalition of NGOs in 2025 to combat hateful content. Her political career includes roles such as LREM spokesperson (Macron's party, 2019-2020) and regional councilor for Île-de-France since 2021. Bergé is currently being investigated for perjury regarding ties to private daycare lobbies.

Thierry Breton

French business executive, politician, and former Commissioner for Internal Market of the European Union from 2019 to 2024. Breton was vice-chairman and CEO of Groupe Bull (1996-1997), chairman and CEO of Thomson-RCA (1997-2002), and chairman and CEO of France Télécom (2002-2005). In 2005, he served as Minister of Economy, Finance, and Industry (2005-2007) in the governments of Prime Ministers Jean-Pierre Raffarin and Dominique de Villepin, during the presidency of Jacques Chirac. From 2007 to 2008, he was a professor at Harvard Business School, before joining Atos from 2009 to 2019 as CEO. Breton tanked all the companies he led, with the exception of France Telecom (now Orange): during his tenure as CEO, the French state was still a majority shareholder.

He is the one who expedited the DSA and the DMA at the European level. He is famous for his feud with Elon Musk, threatening to take action against X after Musk's interview with Donald Trump in 2024.

Raphaël Glucksmann

He is the founder of the center-left political party Place Publique and has been a Member of the European Parliament (MEP) since 2019. He enjoys strong connections to the US deep state and the Democratic Party. He served as a special advisor to Georgian President Mikhail Saakashvili from 2009 to 2012 and was involved in pro-European movements in Georgia and Ukraine. His ex-wife, Eka Zguladze, was Deputy Interior Minister in Georgia under Saakashvili and held the

same position in Ukraine after the 2014 Maidan coup. Following Donald Trump's second election last year, he demanded that the US give back the Statue of Liberty.

In January 2025, he claimed to lead HelloQuitteX, an initiative to prompt users to leave X and join BlueSky in protest of Elon Musk's free speech policy on his platform.

Najat Vallaud-Belkacem

Young Leader of the French American Foundation. A member of the French Socialist Party, she served as Minister of Women's Rights, Youth, and Sports (2012-2014) under President François Hollande, and later as Minister of Education, Higher Education, and Research (2014-2017). Her tenure as Education Minister was marked by controversial reforms, including changes to school curricula and the introduction of the "ABCD of equality" to promote gender equality, which faced opposition from conservative groups. She was the government spokesperson from 2012 to 2014. After leaving politics, she joined Ipsos as director of global affairs and founded Raison d'être, a consultancy focused on social and environmental issues. She was recruited by Gail Smith, Barack Obama's last USAID administrator, as the head of One⁹⁶ in France, an NGO founded by Bono and the Clinton branch of the Democratic Party. Since 2022, she has chaired France Terre d'Asile, a state-funded migrant support organization.

She's been a vocal advocate of online censorship since the 2010s, demanding pre-bunking and automated censorship on all digital platforms in 2025.

Activists:

Rudy Reichstadt

He is best known for founding Conspiracy Watch in 2007, a website dedicated to analyzing and debunking conspiracy theories, antisemitism, and negationism. He views conspiracy theories as a political discourse. His work emphasizes the role of conspiracies in undermining democracy by eroding a shared factual reality. Reichstadt has held various roles, including a position of political appointee in financial affairs at the Paris Mayor's Office in the Youth and Sports Department, which he left in 2017 to focus on Conspiracy Watch full-time, supported by funding from the Foundation for the Memory of the Holocaust. He has co-hosted the podcast Complorama with Rudy Reichstadt on France Info (Public broadcasting system) since 2021.

Tristan Mendès-France

Mendès France has been a lecturer at CELSA (a prestigious French communication and journalism school) and a part-time associate professor at Université Paris-Cité as well as Sorbonne-Nouvelle (since 2015), teaching digital culture. He collaborates with Conspiracy Watch, co-hosting the podcast Complorama with Rudy Reichstadt on France Info since 2021, focusing on debunking

⁹⁶ Erwan Seznec, "Elections régionales : ce lobby américain qui emploie Najat Vallaud-Belkacem," *Media Cités*, May 11, 2021 (updated on May 12, 2021), www.mediaticites.fr

conspiracy theories. He also runs projects like Stop Hate Money and RiPOST to combat online hate financing. His media work includes columns on France Inter's Antidote (since 2020) and France Culture's Place de la toile (2008-2009).

Thomas Huchon

A French journalist, Thomas Huchon produced *Conspi Hunter: how we trapped conspiracy theorists*, a documentary that tested the spread of a fabricated conspiracy theory about the US creating AIDS to harm Cuba. This work, which won the 2016 Prix Françoise Giroud, led him to conduct over 450 workshops in French schools to educate students on disinformation. His 2017 documentary, *Trumping Democracy in the US*, aired on Arte, the French-German cultural channel, in 2018, and explored disinformation in Donald Trump's campaign, highlighting Cambridge Analytica's role. He also launched the YouTube series *Thomas contre les GAFA* in 2018 to address Big Tech's impact on information.

David Chavalarias

French mathematician, author, and director of research at the CNRS (Centre National de la Recherche Scientifique) and the Centre d'analyse et de mathématique sociales (CAMS) at EHESS (École des Hautes Études en Sciences Sociales). He is also the director of l'Institut des systèmes complexes. Chavalarias is known for his work on the impact of digital platforms and AI on society. He authored *Toxic Data: Comment les réseaux manipulent nos opinions* (2022) and *Elon Musk en 50 Tweets* (2025), analyzing how social media, particularly X, influences public opinion and democracy. He has raised concerns about the risks of Big Tech dominance and the rapid adoption of generative AI, noting its potential for misinformation due to its reliance on statistical patterns rather than truth. He also led the development of OpenPortability (formerly HelloQuitteX), an application to help users migrate from X to privacy-respecting platforms like Bluesky and Mastodon, citing ethical concerns about X's manipulation under Elon Musk's ownership.

Chavalarias is politically engaged, warning about disinformation, polarization, and foreign interference (e.g., Kremlin influence) in French and global politics. His work includes studies on climate change denialism, linking it to anti-vax movements, and analyzing political discourse during elections.

Organizations:

ARCOM

ARCOM is the French acronym for Autorité de régulation de la communication audiovisuelle et numérique, which translates to the Regulatory Authority for Audiovisual and Digital Communication. It is responsible for regulating broadcast and digital media, formed in 2022 by merging the CSA (Conseil Supérieur de l'Audiovisuel) and HADOPI (Haute Autorité pour la Diffusion des Œuvres et la Protection des droits sur Internet). ARCOM oversees radio, television, and digital platforms to ensure compliance with laws on content, freedom of expression, cultural

diversity, and intellectual property protection. ARCOM is tasked with the implementation of the DSA in France.

ACROM's director, Martin Adjari, a high-ranking civil servant, was convicted in 2020 by the Cour de discipline budgétaire et financière (CDBF), a French financial disciplinary court. The conviction was related to his role as executive vice president for finance at France Télévisions between 2012 and 2014. During this period, 57 government contracts, valued at several tens of millions of euros, were awarded without following proper procurement procedures, including contracts for office supplies, IT equipment, taxis, car rentals, and consulting services.

VIGINUM

VIGINUM, or the Service de Vigilance et de Protection contre les Ingérences Numériques Étrangères, is a French state agency established on July 13, 2021, under the authority of the Secretariat General for Defense and National Security (SGDSN). Its primary mission is to detect and counter foreign digital interference campaigns that aim to manipulate public opinion and undermine France's interests, particularly through disinformation on online platforms. VIGINUM focuses on identifying inauthentic behaviors, such as coordinated bot activity or the spread of false or misleading content, on platforms with over five million monthly unique visitors in France, like X, Facebook, or Instagram.

It employs about 60 agents. Its director is Lt. Col Marc Antoine Brillant, a counterinsurgency specialist, and its director is Hervé Letoqueux, a judicial customs officer with experience in counter-terrorism and cybersecurity.

Conspiracy Watch

A French website launched in 2007 by Rudy Reichstadt, later joined by historian Valérie Igounet. Operated by the Observatoire du conspirationnisme (a non-profit organization under French law), it focuses on documenting, analyzing, and debunking conspiracy theories, antisemitism, and historical negationism (denial of established historical events, such as the Holocaust). The site aims to raise public awareness about the spread of disinformation, particularly on social media platforms like X, and its impact on society and democracy. Conspiracy Watch maintains a list of individuals and organizations it assesses as conspiracy theorists, and profiles them.

Union des Étudiants Juifs de France (UEJF)

It is a French organization founded in 1944 to support and represent Jewish students, initially assisting young Jews who had survived the Holocaust or returned from concentration camps. The UEJF focuses on combating antisemitism, promoting Jewish culture and education, and advocating for human rights through activities like awareness campaigns, legal actions (e.g., involvement in cases against online hate speech), and community events.

SOS Racisme

A French anti-racist NGO founded in 1984, with close ties to the French socialist party, aimed at combating racism, antisemitism, and discrimination in France. It engages in public awareness campaigns, legal actions against discriminatory practices, and educational initiatives to promote equality and diversity.

DSA's French Trusted Flaggers as of July 2025

Crif : Conseil représentatif des institutions juives de France, the French equivalent to AIPAC

La Fédération des centres LGBTI+ : National federation of local LGBT organizations

Flag! : The national police, firemen, municipal police, Ministry of Interior, and Ministry of Justice LGBT association

LICRA: Antisemitism and racism

M'endors pas: fight against « chemical submission », understood as the use of drugs to perpetrate sexual assault

Le Mouvement du Nid : prevention of prostitution

Osez le féminisme : radical feminism

Le Planning familial: originally founded in the 1950s to inform on birth control, and later abortion and contraceptives' prescription, it now almost solely focuses on gender transition

Respect Zone: cyberviolence and online harassment

SOS Homophobie: prevention of homophobia

SOS Racisme : see above

ADDAM: prevention of anti-muslim racism and discrimination