

THE FRENCH 'NON' TO THE EUROPEAN
CONSTITUTION AND ITS AFTERMATH

2005 WAS THE centenary year of British director Michael Powell and in Paris last summer they were playing many of his films. One thought was particularly appropriate in suggesting the French state of mind at the moment. *I Know Where I'm Going* is about a woman who is resolutely certain that she is marrying a Scottish Lord until she gets on the boat which will bring her to his island estate and meets an ordinary shipman in which case she changes her vote, er, boat. Anyway, you get the analogy. Apologies for repeating masculinist clichés, but, likewise, France is a country which had proposed, promoted, and indeed for the most part *written* the European Constitution, but which along the way listened to its people and rejected it outright in a vote which the alter globalist journal *La Monde Diplomatique* described as the most serious blow yet to the neo-liberal order.¹ An entire continent, it seems, is in the process of rejecting that order, at least as it is inscribed in the Constitution.² The vote in both France and the Netherlands, the first two countries to take a popular vote on the Constitution, was negative not because the people rejected the idea of European unity but because they explicitly rejected the idea of that unity as organized under a neo-liberal hegemony. The no vote has opened a chasm in French political life, dramatically demonstrating the gap between a financial and political elite, including both the parties of the right (minus the far right) and the Socialist Party, and the mass of the people.

This article will look at both, as Marx would say, the form and content of the vote, analyzing both the formal processes of democracy and of elite dictatorship (of what the French political analyst Andre Bellon terms “post-democracy”³) at work in eventually producing the No and the prospects for a renewal of a democratic spirit in France in light of the vote

¹ Raomonet, Ignacio, 2003. “Espoirs.” *Le Monde Diplomatique*, June: 1.

² Luxembourg has subsequently ratified the Constitution thus provoking talk of a revote in France and the Netherlands but with the Scandinavian countries opposing the Constitution because they see it as an attempt to destroy their particular brand of state socialism and tough right wing battles facing it in Britain, passage, which means that at least 20 of the 25 EU members must ratify, still seems a remote possibility.

³ Bellon, Andre. 2003. “Votez bien, ils feront le reste. ’ *Le Monde Diplomatique*. July : 6.

as well as the content of the various left and alternative positions for or against the constitution. These viewpoints are not simply positions on the Constitution but also on how Europe is to be organized and governed. They will, and have already, resurfaced in both the immediate characterization of the meaning of the No and in subsequent attempts by the corporate globalists to continue the neo-liberal process by other means, most strikingly, through the 'reforms' Tony Blair has proposed in the year of the British leadership of the EU.

LET A THOUSAND INTERNET SITES BLOOM: DEMOCRACY IN A 'POST-DEMOCRATIC' WORLD

The No vote itself, this outpouring of democracy, followed not from an ingrained democratic process but, in this era where elites decide and the people ratify, from the whim of the French President Jacques Chirac. He decided that, though in the legislature the constitution was sure to pass, he would instead open the vote to the people. The early polls were solidly in favor of the Yes. Chirac's popularity ratings were suffering from the continual inability of the state to address an unemployment rate that hovered around 10-12 percent. His reasoning was that he would use his former popularity, plus the solid support of the institutional 'democratic' organs, including the press, to once again prove his popularity among the people and position himself against Nicholas Sarkozy, the free market rival to his right, for yet another successful run at the presidency in 2007.

As the campaign advanced an imposing armada was arrayed against the Non. Mainstream politicians, from both the left and right, except for the Communist Party (PCF), all favored it. Particularly troubling in this respect was the Socialist Party (PS) leadership, exemplified by its head Francois Holland which, in its full-throttle support for the Constitution, was the at great pains to distinguish its center-left Yes position (good), from Chirac's center-right Yes (bad). Pressure for the Yes also came from other European countries. During the French campaign, Italy, Germany and Spain all approved the Constitution, not by popular vote but by votes in the legislature and, on the center-left, Spain's Socialist President Rodriguez Zapataro and Germany's Gerhard Schroeder actively campaigned in France for the Yes, despite the fact that in those three countries as well, the legislative Yes also concealed a good deal of discontent with neo-liberal policies, particularly in Germany where Schroeder's economic 'reforms' eventually caused his party to lose the election.

Another vital promoter of the Yes was the press, whose support was nearly unanimous and extremely vociferous. Of the mainstream dailies, this support was to be expected of the right wing business organ *Le Figaro*. To its credit, the center-left *Le Monde* practiced a modicum of fairness until the election was in doubt in April. It then swung 100% behind the Yes, practically eliminating all but negative coverage of the No. The worst offender in the campaign though was *Liberation*, the supposedly left independent daily, once edited by Jean-Paul Sartre. As the campaign heated up, the paper was bought by the Rothschild's, one of the wealthiest families in France, and it went all out from the beginning for the Yes, barely tolerating any opposition. (Sample headline: "La Constitution europeenne ou le chaos."⁴) One report at the conclusion of the campaign estimated that 73% of the mainstream press coverage was devoted to the Yes. Henri Emmanuelli, a dissident PS leader, denounced the one-sided coverage, using the vocabulary of a contemporary catastrophe, as a "tsunami mediatique."⁵

Yet despite this barrage of opposition, not only did almost 55% of the French voters reject the constitution, but, perhaps even more remarkably in this era of post-democracy, characterized, as Bellon notes, by 'experts' telling voters that they know best and thus discouraging them from even going to the polls, slightly less than 70% of the French voted. No American election has ever had that kind of turnout and even in France, which generally does have a high voter turnout (meaning that more people believe that going to the polls may actually change things), this was the highest total since the anti-Le PEN run-off presidential election of 2002.⁶

One factor contributing to the No was that there was an alternative network of information in place to confront the mainstream media. Internet sites were deployed to provide information, a tactic in the alter-globalist movement used in force by the Zapatistas and by the various Social Forums which became rallying centers in the wake of Seattle in 1998. In addition two newspapers were adamantly against the constitution, *L'Humanite*, the former Communist Party house organ which has been trying to establish a quasi-independence from the party as of late and *Le Monde Diplomatique* which provided trenchant criticism of the neo-liberal agenda inscribed in the Constitution and of the press role in trumpeting it.⁷

⁴ Headline in *Liberation*, March 10, 2005, 7.

⁵ "Le CSA A Temps Compte." 2005. *Le Monde*. May 31 :20.

⁶ "La France Crie Son Non Au Traite Europeen." 2005. *Liberation*, May 30 :2.

But by far the largest factor in the changing of the Yes to a No was what capitalist demographers refer to as “word of mouth,” and what used to be more quaintly termed ‘revolutionary struggle.’ In the month of March, unions, students, working class ‘consumers’, and even lawyers took to the streets in a wave of protest that rocked the nation and recalled the mass protests of 1995. With each demonstration the No vote grew until by the end of the month it was solidly ahead. The issues in these demonstrations taken as a whole involved a deepening view of France as a country that just like any victim of the IMF was losing control over its destiny and whose working people were being asked to bear the brunt of relentless EU structural adjustment. *L’achat*, the problem of low purchasing power that was often seen as accelerated by the adoption of the Euro,⁸ the defense of public services which the Constitution would put in direct competition with private services, continuing high unemployment, the systematic defunding of public high school education so that fewer students would be able to advance to the next level, and the handcuffing of defense attorney’s ability to represent their clients each brought wave after wave of demonstrators into the streets and kept them there. They demonstrated and talked about their disenchantment not over EU unity which most favored but over the way that unity seemed to leave them out.

The unions especially were important in the mass mobilization. Unions in France, as elsewhere in the western industrialized countries post-Thatcher/Reagan, account for only about 10% of the workforce, but in France rather than being seen as a special interest group, they are often viewed as that part of the workforce that most dramatically struggles for the rights of all the workers, including the majority who are in private employment and non-unionized. The CGT, the PCS-influenced union, took the lead in opposing the Constitution, but the Force Ouvrier (FO), a union originally founded with CIA money after World War II, transcended its reformist past and likewise helped lead the struggle. Elsewhere, the CFDT was the union darling of the press; its leader, who had also opposed the strike movement of 1995, was a vocal proponent of the Yes. The vote, with 67% of the left opposing the Constitution, highlighted the gap both between membership and leadership of the CFDT, and between the CFDT and the other more militant unions.⁹

⁷ See, for example, Halami, Serge. “Medias en tenue de campagne europeene. ’ 2005. *Le Monde Diplomatique*. May :1.

⁸ The March 10 one-day strike to call attention to lowered purchasing power seemed particularly sophisticated in terms of mass actions. (See ‘Greve: Les salaires en rade.’2005. *Liberation*. March 10: 1, 4-5.) At the time of the strike, an older female worker told me, “They tell us our wages are the highest in Europe. But prices are the highest also.”

⁹ *Ibid.*, *Liberation*, May 30.

The last crucial factor in the process was the role of the political parties. The No campaign got a boost from two uncharacteristic sources. First, the PCF leadership, and especially their remarkably conciliatory number one Marie-George Buffet, acted in the election as an organizational beacon bringing all of the forces of the left together under its expansionist tent. Thus Socialist Party dissidents, the PCF membership itself, the Trotskyite LCR, anarchists, and the two crucial left think tanks and action centers came together. The left think tanks were Attac, which in its analysis of the danger of the Constitution far exceeded its sometimes-mild position of simply taxing corporate profits¹⁰ and Fondation Copernic, which sees the belief in the everlasting dominance of the market as equivalent to the belief in its namesake's time that the earth revolved around the sun.¹¹ Both combined forces against a mutual antagonist under the PCF banner.

The second factor in terms of party politics was the not insignificant split in the Socialist Party. The number two in the party, Laurent Fabius, a former Prime Minister, became the highest ranking member in any party in Europe with a legitimate chance at winning a national election to break with the neo-liberal consensus and oppose the Constitution as it was written by European professional politicians and business elites. The pundits claimed Fabius was merely taking the only route open to him to revive his flagging presidential chances and in the end he also pandered to the far right isolationist No, but regardless of the reasons, his opposition contrasted glaringly with the sad compliance of the Spanish Socialists and the German Greens and SPD. The opposition which his stance instituted subsequently has contributed to a profound chasm in the party between leadership and cadre. Party members voted 59% against the constitution¹² and afterwards, rather than recognizing the vote and acknowledging the decidedly anti-socialist position that the leadership had taken, Holland accused Fabius of being a traitor to the party and had him stripped of his number two rank.

Finally what must also be acknowledged and analyzed is the No of the far right; the La Penists went 96% for the No.¹³ While it is true that the No in this case was often sold as an anti-immigrant, nationalist position, it is

¹⁰ For an excellent, scholarly, extremely detailed but at the same time easily digested analysis of the Constitution, see the Attac tract, *Cette 'Constitution' qui piege l'Europe*. 2005. Montreuil-sous-Bois, Editions Mille et Une Nuits..

¹¹ For information see www.fondation-copernic.org.

¹² Ibid. *Liberation*, May 30.

¹³ Ibid.

likewise also important to note that the disaffected French working class nationalists were just as upset over the rate of unemployment and this result may yet produce some effort to dialogue with these groups as also anti-liberal, something that previously was not done in France.

HOW DO I RESIST THEE: LET ME COUNT THE WAYS

The number one reason cited for voting against the Constitution was *le chômage*, unemployment. Thus, the implication was that voters felt that a neo-liberal Europe would be one with no guaranteed income, with as Toni Negri characterizes it, an increase in precarity. But the No meant many different things to the different parties. A review of the arguments behind the Yes and No, with the plethora of opinions coming predominately from the left, is in actuality a barometric reading of the multiple positions which corporate liberalism has engendered. It is also important to note that in almost all cases, the controversy is about the third part of the Constitution, that is, that section that spells out corporate rights and sanctifies them over governments. The other three sections on governance, which have drawn some fire for codifying a technocratic, centralized European leadership and for limiting democracy, still are for the most part uncontested and without Part Three, the Constitution would easily have passed in France. The Constitution was written by a committee chaired by ex-French president Valéry Giscard d'Estaing, but Part Three, which had heavy input from the European financial community was not shown to the European Council at the time the rest of the Constitution was presented. Containing 322 of the 448 total articles, it is the largest part of the Constitution and its overall thrust is summed up in sections 156 and 157, where it states that "All restriction on the movement of capital is forbidden either between member states or states outside of the Union." As for even the supra governing bodies of the European Parliament and Council, they have no choice: "They must enforce the realization of the objective of the circulation of capital."¹⁴

The most basic rationale behind a vote for the Yes is along the lines of what Adorno described in *Dialectic of the Enlightenment* as the essential lure of the entertainment industry, the fear of being left behind, of being left out.¹⁵ If Europe does not follow the dynamic process of liberalization, which has

¹⁴ *Cette 'Constitution.'*: 36.

¹⁵ Adorno, Theodore and Max Horkheimer. "The Culture Industry: Enlightenment As Mass Deception," in *Dialectic of Enlightenment*. New York: Continuum, 1972. 120-167.

after all worked miracles in Britain and the US, it will become antiquarian. This is the line that Tony Blair, not to mention Donald Rumsfeld in naming Western Europe 'Old Europe' post-the No, is now pushing. Never mind that the British lower unemployment and the US economic upturn of the 1990s meant a series of menial jobs, an ever widening gap between rich and poor, and declining health and education services. The left variant of this argument was most strongly propounded by America's own Jeremy Rifkin, a Wharton School economist who even *Liberation* had to admit in its mostly magnanimous profile, published coincident with a book tour timed for maximum impact on the election, fell far short of a progressive. Rifkin in *The European Dream: How Europe's Vision of the Future is Quietly Eclipsing the American Dream*,¹⁶ describes Europe's neo-liberalism as kinder and gentler, a more caring neo-liberalism with a heart and with public services intact. The problem with this position, besides its blatant disingenuousness, is that the Constitution, which Rifkin was promoting as strengthening this bulwark, instead means to get rid of this Europe and move it into the Anglo-capital camp. A variant on this position is the view that an economically strong Europe is also a bulwark against US military aggression, as in the case of European opposition to the invasion of Iraq. However, the process of capital accumulation and the imperialist history of these countries may belie this assumption. 'Non-aggressive' France for example, has been very active of late in the Ivory Coast, and Tony Blair wants Europe to have a strike force ready to invade Africa on a moment's notice in an emergency. One wonders, for example, if African nationalization of oil resources would constitute such an emergency. If so, so much for kinder, gentler corporate Europe.

The next most powerful Yes position was the identity politics conformist position, trumpeted by *Liberation* and Bertrand Delanoë, the mayor of Paris who is openly gay. It is true the three non-economic sections of the Constitution do provide many safeguards for female, minority and gay rights, but support of this document in an era when identity politics in its progressive phase is now a part of the alter-globalist position, helping to develop a critique of global capitalism both as a whole and in its separate moments of inequality, can be seen as a reactionary moment of 'Who cares what happens as long as I get mine.' Again, the point is that the rights that are being granted in sections 1, 2 and 4 of the constitution are being taken away in section 3 where unemployment and other economic hardships are likely to impact these very groups the strongest.

¹⁶ Tarcher/Putnam, 2004.

Most support for the No grew out of the alter-globalist position. The defeat of the Constitution is a tribute to both the rapaciousness of the European elites and the power of this increasingly virulent critique of corporate capital developed pre-and post- its eruption into the streets of Seattle, Davos and Genoa. The election signified the sanctifying of this position as now representing the majority European opinion. It is now being said the parliamentary votes in Italy, Spain and Germany concealed much popular dissent which was not registered in the airtight votes of the legislature. Likewise, the opposition in the Scandinavian countries and Finland centers on the potential loss of their form of the social welfare state that the Constitution would have occasioned.¹⁷ Elsewhere, at stake for the middle class, is a whole culture, a way of doing business where the interaction is a human one at the same moment it is financial. Marx may have called all commodity relations alienating, but in Europe there is an opinion that the Anglo-Saxon model of 'What are you doing for me, right now?' is cutthroat and unwarranted.

The third and perhaps most interesting position to emerge from the campaign was the avowedly Marxist analysis of Toni Negri, an analysis that led him to support the Yes. Negri was very much a presence in Paris in the Spring Semester of the vote, organizing a seminar titled "Transformations of work and crisis of political economy," following on Negri's masterful essays in *Time For Revolution*¹⁸ which detailed from an economic and sociological perspective the changes being wrought in capital, changes which Negri collectively terms 'cognitive capitalism.' Negri argues that this cognitive capitalism, whose most predominant metaphor is the internet, is at its core collective, perennially approaching a single brain acting as one and that it will eventually burrow from underground and supplant the accumulation ethic. Thus Negri sees the Constitution as one more step in hastening the capitalist owners' organizing the world in a way that will eventually sound their death knell. This is the most interesting analysis of the moment and it has obvious and sustained parallels with Marx's own analysis of the contradictions of the capitalism of his time. However, when applied to the practical question of the Constitution there are two main problems. One is that it is overly determinist in such an application. Surely if there was ever a moment for agency, that is, a moment when people could begin to seize their destiny and make a difference, this was that moment and preaching inevitable social progress at such a moment seems defeatist. The other problem is that

¹⁷ Lefebvre, Alain and Dominique Meda. "Social: un modele scandivave a la francaise?" 2005. *Le Monde*. June 8 :1, 16.

¹⁸ New York: Continuum, 2003

sometimes it seems that Negri's own treatment, his long incarceration at the hands of the state, like the other famous Italian Marxist before him Antonio Gramsci, has fostered an at times irrational hatred of the nation state, even when it might in this case offer a momentary respite from which to think a next move.

LIFE AFTER DEATH

Les elus se passé
Les problèmes reste

Anarchist poster, Paris, July 2005

The defeat of the Constitution was supposed to sound the death knell for Europe, but the reports of its death are greatly exaggerated. One possibility which is beginning to appear on the agenda is a link between Europe or at least Western progressive Europe and the core of left-center governments in Latin America including Brazil, Argentina, Bolivia, Ecuador, and most compellingly, Venezuela. Despite Naomi Klein's protests about the supposed undemocratic nature of Hugo Chavez, detailed in the last issue of this journal, when the president of one of the world's richest oil countries, elected and supported by the poor, appears in front of the alter-globalist movement at Puerto Alegre and says, "It is necessary to surpass capitalism. However, capitalism cannot be surpassed in the context of capitalism itself, but must cross the path of socialism, a true socialism, with equality and justice,"¹⁹ this suggests a potential important link between a state and a movement. Chavez may favor the iconography of the strongman, but his is an elected leadership of a burgeoning continent that may yet dictate its own route to prosperity. France, in the wake of the election, has especially courted Brazil, with Lula appearing in Paris for Bastille Day to sign reciprocal treaties with the French. Lula was, however, due to the perils of party politics, also busy fending off charges of corruption at home. Still, these rapprochements are important for suggesting future economic blocks that really could challenge US hegemony in a more militant capacity than the Rifkin model.

A, or perhaps the, major problem, in going forward for the left and the alternative movements after the success of the No is the stifling weight of

¹⁹ "La Revolution au Venezuela: Chavez a Porto Alegre," in *Chavez a Porto Alegre*, La Riposte, 2005, 4.

electoral politics. It is more apparent or transparent than ever that the positioning of all the parties for the 2007 presidential elections is more a drain of energy and an institutionalized method for disrupting the fragile unity which has been forged in the No campaign than a moment of hastening change. In 1995, the tremendous hope engendered from the mass strikes led to the Socialist Lionel Jospin's election in 1997, and then to a disintegration of the movement when Jospin proved no better than the hated Rafferin at reducing unemployment.

On the other hand, post the No, the PCF held a discussion in which uncharacteristically only one speaker took the center podium. Marie George-Buffet was seated with a dissident socialist at her right, and attention was accorded equally to speakers from the audience ranging from anarchists to reformists and the less than featured political leaders at multiple tables in the front of the room. Clearly the mood and the attempt at this meeting was to promote a plural airing of opinions from which strategies might be forged. Thus: the spectacle of a genuinely democratic though militantly anti-capitalist Communist Party, not leading, but simply facilitating a variegated display of multiple radical positions. As an earlier dialectical analyst of colonial globalism, William Shakespeare, put it, not only is this a contradiction worth sustaining, it's also a consummation devoutly to be wished.