

How France's referendum caught fire

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Dominique Strauss-Kahn, former finance minister in Lionel Jospin's 'plural left' government, no doubt spoke for most of the Socialist party leadership when he remarked in January 2005 that, 'This referendum is bloody stupid. We were bloody stupid enough to ask for one and Jacques Chirac was bloody stupid enough to call it'.¹ By 29 May, when nearly 55 percent of the electorate voted to reject the new constitutional treaty for the European Union, virtually the entire political class in France must have felt the same way. All the mainstream parties – the Socialists and the various components of the ruling right-wing UMP coalition, along with the Greens – had taken a position in favour of the constitution. They all expected opposition to come predominantly from the nationalist and fascist right. Such illusions were to be brutally uprooted by a dynamic, informed and relentless whirlwind of a campaign organised by the anti-neoliberal left.

Mainstream complacency was graphically illustrated by a photograph which appeared in March on the cover of *Paris-Match* magazine (an upmarket version of *Hello!*) showing Socialist Party leader François Hollande and his Gaullist counterpart Nicolas Sarkozy besuited and smiling like two smug provincial bank managers after a particularly good lunch. The sub-heading, 'Hollande and Sarkozy face the angry French', spoke with unwitting eloquence of the gulf the campaign had exposed between the arrogance of a pro-market political establishment and the simmering rage of those whose lives had been pulled apart by two decades of neo-liberal rule. The radical left's reaction was scathing. The global justice association Attac reproduced the photo on a leaflet with the words, 'OK... I understand. For a democratic and social Europe I'm voting No'. 'The neo-liberal twins,' ran the editorial in *Politis*.²

This was the pattern of the whole campaign. The broad consensus around neo-liberal values shared by mainstream parties of right and left found itself under attack on every front. Against all expectations the future of the constitution was put in jeopardy. The debate lurched to the left. Everyone, from the president down, began wringing their hands about the effects of unfettered competition. 'Ultra-liberalism,' Chirac told fellow heads of state at the March EU summit, 'is as great a menace as communism in its day'.³ The Socialist Party leadership found its embrace of the market subject to the most serious challenge it had faced in over 20 years. A decade after the public sector strikes of December 1995 had signalled a deep-seated rejection of neo-liberalism in French society, and three years after the Trotskyist left had won 10 percent of the poll in the presidential elections, the anti-neoliberal left – its trade unions, grassroots associations and parties – had found the means to punch its weight. This article is about how and why the left was able to take on the neo-liberal orthodoxy and win.

The campaign

On New Year's Eve 2004, when Chirac announced that France's referendum on the draft constitutional treaty for the EU would be held the following spring, few could have predicted how different the debate on its ratification was going to prove in comparison with the dreary and stale discussions that took place around the 1992 vote

on the Maastricht treaty. True, the campaign may have begun with the media assuming that figures like Jean-Marie Le Pen and the nationalist aristocrat Philippe de Villiers would have a role to play in the debate. And discussion did focus for a while on right wing opposition to Turkey becoming part of the EU. But by March it was clear that the real debate was elsewhere, with the left and its 'joyful' No. As it unfolded the campaign, in its optimism and thirst for ideas, was more like the European Social Forum than the Maastricht debate: its significance made most sense in the context of the Seattle protests against the World Trade Organisation (WTO) in 1999, the anti-capitalist movement's defence of José Bové in Millau in 2000, and the derailment of the WTO's Cancun ministerial conference in 2003. By May those involved in the campaign were reaching for other comparisons: the historic Socialist election victory of 1981, the May 1968 revolt, the birth of the Popular Front. What is certainly true is that the depth and breadth of the campaign can only really be understood in the context of the mass uprising against neo-liberalism underway in France since the mid-1990s.

The draft constitution was first published in June 2004 and signed by the 25 EU member states in October. On 1 December, the Socialist Party held an internal vote on the question. Once the leadership had won its mandate to back the constitution it was expected that the 41 percent of members who voted against it would lie low. But there was more at stake than just the constitution. In April 2002 the party's candidate in the presidential election, Lionel Jospin, had been beaten into third place by Le Pen. Many felt that this debacle had been caused by Jospin's embrace of the market (he had privatised more public services than both preceding right wing governments) and by his failure to campaign on a socialist platform. Those who had campaigned hard within the party against the constitution realised the stakes were very high. Even before Hollande's photo shoot with Sarkozy it was clear what kind of bed the leadership was making for itself: the same one as in 2002.

Thousands of Socialist Party activists were members of Attac, the association originally set up to call for a 'Tobin tax' on financial speculation which had become a significant part of the movement for global justice. Many simply joined Attac's mobilisation around the No campaign. Nouveau Monde, a current on the left of the party led by former ministers Henri Emmanuelli and Jean-Luc Mélenchon, pitched into the campaign in defiance of the leadership. Mélenchon became the most active Socialist Party figure in the No camp. But it was the presence, discreet at first but more and more prominent as the campaign gathered momentum, of a third leading Socialist, former prime minister Laurent Fabius, which confirmed that it was not simply the fate of the European constitution that was at issue, but the future of the French left too.

According to one of Fabius' closest advisors, Claude Bartolone, the referendum had given rise to the biggest opposition movement on the left of the Socialist Party since the debate over the abandonment of the Mitterrand government's nationalisation programme in the early 1980s.⁴ But whereas in the 1980s most Socialist activists felt they had nowhere else to go, things were very different now. In October 2004 an anti-neoliberal think-tank, the Fondation Copernic, had launched a petition against the constitution in the name of left unity against neo-liberalism. The 'Appeal of the 200' was signed by figures from associations, trade unions and political parties from across the spectrum of the left. It ended with a call for its initiative to be followed up in

every town and every sector of society by the establishment of unity collectives. By early March, 150 such committees had been set up. By mid-April there were 500. When the referendum came around at the end of May, 1,000 committees had been established across France.

As Frédéric Lebaron of the left wing Raisons d'Agir association noted, there were three main elements to the No campaign: resistance, hope and collective action.⁵ Resistance took many forms. Throughout the spring school students continued their protests against the Fillon education reforms which they rightly saw as an attempt to impose a logic of profit and competition on schools. Public sector workers took the fight to employers over pay and conditions. In January postal, transport and electricity workers, civil servants, teachers and hospital staff took action. Over 300,000 demonstrated across France on 20 January. One postal worker summed up the mood, 'They're doing everything to turn the postal service into a business like any other. But it goes much further than just the post. We live in a society where only profits count. We can't go on like this'.⁶ The protests escalated. School students demonstrated in their tens of thousands all over France. Police repression – over 400 students were held in custody during three months of protests – further radicalised the movement.

Meanwhile, mobilisations were escalating in both the public and private sector over pay and conditions. With wages frozen since the Jospin government introduced the 35-hour week, Raffarin was now planning attacks on that as well. On 5 February half a million workers demonstrated in over 100 towns. On 5 March a national demonstration was held in Guéret, a small town in the Creuse department where 250 local councillors and mayors had resigned the previous year in protest at cuts in public services. When François Hollande turned up, demonstrators (many wearing No badges) pelted him with snowballs.⁷ Five days later a million workers, from public and private sectors alike, took part in marches across France in defence of their pay and conditions. When the European Trade Union Confederation (ETUC) demonstrated in Brussels against the Bolkestein directive on the deregulation of public services on 19 March, the 30,000-strong CGT contingent left no doubt that it was implacably opposed to the neo-liberal constitution, in marked contrast to the attitude of ETUC's own general secretary, John Monks.

Unlike the demonstrators, Chirac could not fight on all fronts. He urged Fillon to drop part of his education reform and opened talks with the unions on wages. At the Brussels summit of EU leaders at the end of March he made great play of his opposition to the Bolkestein directive, as if he had been unaware of both the directive's existence and his own support for it over the preceding 12 months. The directive sought to remove obstacles to free competition in the service sector across the EU. It would have allowed employees from a member state where wages were low to be employed in another at the same rate, simultaneously undermining whatever social legislation was in place and pitting workers against each other. Chirac's 'anti-neoliberal' performance at the summit was a tribute to the way the No campaign had put the government on the defensive. Resistance, then, was also highly political. Both Attac and the Fondation Copernic had produced lengthy analyses of the constitution, demolishing any notion that it could further a social Europe.⁸ *L'Humanité*, the Communist Party's newspaper, alone among dailies in calling for a No vote, was relentless in its coverage of the referendum and became an important tool of the campaign. The seriousness with which activists took the issue was underlined by sales

of the copies of the constitution produced by *L'Humanité*, which topped one million. As Yves Salesse of the Fondation Copernic remarked throughout the campaign, the No camp's first victory was in imposing a genuine debate on the mainstream media and politicians alike, neither of whom were prepared for the educated vehemence of their opponents.

The sharpness of the campaign's political focus, combined with the militancy of the school students and the labour movement, made for a powerful combination. So much so that when millions of workers ignored the Raffarin government's cynical demand that they give up the Whitsun bank holiday Monday in solidarity with the old and infirm, the pro-constitution *Journal du Dimanche* complained that the outrage and militancy provoked by the government would require the remaining fortnight before the poll to be spent 'de-Whitsun-ising' the campaign.⁹

The unity forged among activists from the various currents of the left was crucial in building the movement for a No vote. Activist networks from previous strikes and protests were reactivated and plugged into the existing networks of the parties and associations participating in the campaign – Attac, the Ligue Communiste Révolutionnaire (LCR), the Green and Socialist left, the trade union movement, the Communist Party (PCF), and the myriad grassroots groups of the so called 'social movement'. As the LCR's Olivier Besancenot told a 6,000-strong meeting organised by the Communist Party in Paris on 14 April, 'We've come across each other so many times in struggle that it's only right we should work together now.' The unity committees, organised from below and open to all on an individual basis (as opposed to structures based on organisational affiliation) drew in significant numbers of people new to political activity. This was the fluid organisational shape of what PCF national secretary Marie-George Buffet referred to as the No camp's 'human chain'. This formed the core of a much wider word-of-mouth phenomenon, as millions defied what the establishment expected of them.

In the 20th arrondissement (district) of Paris, the call to form a unity committee was launched by a local Committee to Defend Public Services, itself set up on the back of the 2003 strikes against Raffarin's pension reforms. All the currents of the anti-neoliberal left participated in the group, but around a quarter of its 200 members were new to politics. A core of around 50 activists attended the committee's weekly meetings for three to four months, discussing the issues thrown up by the campaign before organising their activities for the week ahead. The committee drew up six or seven different leaflets during the campaign, and distributed 40,000 copies of them in the local area. Even taking into account the inevitable unevenness of the national campaign, the existence of around 1,000 such committees demonstrates the remarkable level of organisation and commitment achieved by the movement. The campaign in all its aspects can therefore be seen as the concentrated expression of the accumulated experience of more than a decade of struggle against the neo-liberal agenda of the mainstream.

The proposed constitution

One of the principal weapons at the service of the No camp was the constitution itself. The most powerful argument deployed against the document was that it would facilitate the dismantling of public services and the welfare state. Part I of the document sets out the values and functions of the EU, emphasising basic principles

like respect for freedom, democracy, equality, tolerance and justice. Article I-3-2 states, 'The Union shall offer its citizens an area of freedom, security and justice without internal frontiers, and an internal market where competition is free and undistorted.' This commitment to 'free and undistorted' competition is translated into concrete measures elsewhere in the document. Other commitments are less precise. 'Peace', for example, appears as an objective (rather than a value) of the Union, but the document also commits member states 'progressively to improve their military capabilities' (I-41-3). European defence is specifically aligned with NATO policy (I-41-2).

Part II of the constitution (the Charter of Fundamental Rights first adopted at the Nice summit in 2000), frequently cited by the Yes camp as a step forward in social and democratic terms, is similarly short on specific commitments to basic rights and values. Indeed, the Charter confirms that it does not 'establish any new power or task for the Union' (II-111-2). It grants the right to work, but not to a job. It grants the right to help with housing, but not to a home. It claims old people should lead a dignified and independent life, but has nothing to say about retirement rights. Likewise, the need to ensure equality between men and women is stated, but few concrete measures back this up. So the right to marry and to found a family figure in the Charter, but not the right to divorce. The right to life appears, but not the right to contraception or abortion. Workers are granted the right to strike, but so are employers. In contrast to most social legislation in force across Europe then, the treaty would make the lock-out a constitutional right.

Nowhere in the draft constitution does the principle of 'public service' appear either as a value or as an objective of the Union. Where it does feature, it is almost invariably subordinated to the imperative of 'free and undistorted' competition. In Part III, the most controversial aspect of the constitution, the political and economic framework established for the EU by previous treaties is recapitulated. It is, to all intents and purposes, a neo-liberal manifesto for Europe.¹⁰ Restrictions on free enterprise, and on the free movement of capital are 'prohibited' (III-138, III-156). This would rule out, for example, measures to prevent or inhibit the relocation of industry or any kind of Tobin tax on financial speculation. Public services, renamed 'services of general economic interest', are subjected to EU competition rules (III-166-2). State aid which 'distorts or threatens to distort competition' is considered 'incompatible with the internal market' (III-167-1) and the European Commission is granted powers to abolish it (III-168-2). The text itself therefore gives the lie to Chirac's claims to oppose the principles behind the Bolkestein directive. Along with persons, goods and capital, the constitution also guarantees the free movement of services, abolishes restrictions on the freedom to provide services across the Union and calls on all member states to undertake the liberalisation of services beyond the extent outlined in the existing EU legislative framework, should the economic situation permit (I-6, III-144, III-148). Part III also confirms the independence of the European Central Bank along with the measures outlined in the EU's Stability Pact, which exert downward pressure on public spending and borrowing.

The treaty, in other words, enshrines free market capitalism as a constitutional principle.¹¹ Here, perhaps, was the most mendacious aspect of the Yes campaign. Its leading proponents frequently claimed that the measures contained in Part III were less important than the generalities outlined in Parts I and II. Valéry Giscard d'Estaing

himself, responsible for overseeing the drafting of the constitution, constantly attempted to downplay the significance of Part III, while the Socialist former Euro-deputy Olivier Duhamel was not alone in publishing a version of the constitution which omitted it altogether. Yet far from simply recapping previous treaties, Part III (along with the rest of the constitution) supersedes them, as the protocols outlined in Part IV make plain. The neo-liberal measures outlined in Part III are therefore much more than mere articles in a treaty: they become rights granted to corporations, guaranteed by a constitution designed to remain in place indefinitely (IV-446), with no revision possible unless all 25 member states vote unanimously to do so.

Not only does the constitution retain all the existing undemocratic features of the EU, it makes it virtually impossible to overturn them. The only EU body elected by universal suffrage, the parliament, would have no right to introduce legislation, this power remaining with the Commission, while the direction of policy would in any case be severely restricted by the provisions laid out in Part III of the treaty. The development of EU policy in a neo-liberal direction is itself a testimony to the influence brought to bear on EU decision-making by powerful lobbies of major European corporations. Privileged access to the European Council, the Council of Ministers and the European Commission by groups like the European Roundtable of Industrialists has long been a defining feature of the EU.¹² The opaque nature of negotiation between member states and the Commission, and the complex and undemocratic web of overlapping interests between EU institutions and corporate lobby groups is kept intact by the constitution, which does nothing to overcome what is quaintly referred to as the Union's 'democratic deficit'. The constitution does grant the right to propose legislation by petition, however, on condition that a million signatures be submitted to the Commission. Yet there is no obligation on the Commission to act on any petition it receives. As the campaign drew to a close François Hollande claimed that if the Yes camp emerged victorious the Socialists' first act would be to submit a petition requesting legislation on public services. If the constitution represented a compromise between neo-liberalism and social democracy, as the Socialists claimed, there could be no better indication of who benefited most from it than Hollande's belated and abject promise.

Winning is just the beginning

The referendum dramatically exposed the faultline running through European politics: millions of people reject the neo-liberal consensus shared by mainstream parties of left and right alike. The victory of the No vote is the most significant blow dealt against this consensus to date. During the campaign between 60 percent and 70 percent of television coverage was given over to representatives of the Yes camp.¹³ Chirac was given prime live television airtime on four separate occasions to plead the case for the constitution. But rather than mount a coherent defence of their neo-liberal agenda, establishment politicians of left and right endlessly repeated the same message: a No vote represented a nationalist, xenophobic, populist rejection of Europe. The No campaign's victory was a vigorous and glorious slap in the face for the mainstream's arrogance and dishonesty. It was the left's victory. Of those who voted No, 55 percent were supporters of left wing parties (19.5 percent were supporters of the FN), while 73 percent of the mainstream right's electorate voted Yes.¹⁴ Most of the left's electorate voted No (58 percent of Socialists, 95 percent of Communists, 64 percent of Greens), as did most young people and 81 percent of

workers.¹⁵ The vast majority of No voters remained favourable to European integration. Their overwhelming motivation in voting No was the social and economic situation in France (52 percent), closely followed by the belief that the project outlined in the constitution was too neo-liberal (40 percent).¹⁶ The exit polls, then, confirmed what the campaign itself had revealed to anyone who cared to see: the dynamic which propelled the No vote to victory was generated by the left.

The No campaign can be seen as the political expression of the ongoing struggles first opened up by the December 1995 strikes. In their aftermath Jospin's 'plural left' had prevented the emergence of a broad anti-neoliberal front by wedding elements of the radical left to his governmental coalition. The break-up of the 'plural left', and the subsequent failure of the Socialist leadership to hold the line on the constitution, are indications that the scope for such intermediary solutions to the crisis of French politics is narrowing. The centre cannot hold. The scale of the crisis facing France's rulers, the political elite's lack of solutions and the depth of opposition to neo-liberalism, mean that this will continue to be the case.

The defeat of the Yes camp was of course a defeat for Chirac, whose presidency was severely weakened, and his prime minister, Raffarin, who resigned soon afterwards. But it also dealt a major blow to the 'social liberalism' of the French Socialist Party, its compromises with the market. The campaign clearly showed that for now the principal dividing line in French politics is that which separates the neo-liberal mainstream from the rest of the population. Some failed to see this. Toni Negri cut a sorry figure in the company of former left-wingers Julien Dray and Dany Cohn-Bendit at a pro-constitution meeting in May, as he tried to convince a largely bemused audience that global capital could be defeated if workers made an alliance with the European ruling class and backed the constitution.¹⁷ Lutte Ouvrière decided to oppose the constitution (having abstained in the 1992 referendum), but took no significant steps to convince anyone else to do so. The campaign as a whole, however, gave a powerful demonstration of the possibilities opened up by the unity in action of an anti-neoliberal alliance stretching from Attac to the revolutionary left.

After the referendum, media speculation centred on various possible combinations between the left of the PS and the Greens, the PCF and the Trotskyist left. Much of this speculation focused on the role of Fabius, once an architect of compromise with the market, now a prospective presidential candidate on a more radical platform. One of the most important elements in the campaign, however, was the way it developed into a movement in its own right. During the fortnight that preceded the poll some of the biggest rallies held on the left for a generation were organised by the No campaign. Over 5,000 people met in Toulouse, 1,200 in Dijon, 3,000 in Rouen, 5,000 in Martigues and 15,000 in Paris. These meetings, along with hundreds of others organised throughout France during the campaign, were combative and angry but also hopeful, even joyful (as so many of the speakers noted). The defiant, optimistic mood of the campaign, articulated through the hundreds of unity committees that formed its organisational core, reflected a movement that was finding its voice, and the measure of its potential. Over the coming months, amid the clamour of those seeking to stifle the radicalism of the campaign, this voice is sure to be heard.

NOTES

- 1: Le Canard enchaîné, 21 January 2005.
- 2: Politis, 24 March 2005.
- 3: Newsweek International, 27 March 2005.
- 4: Libération, 11 March 2005.
- 5: L'Humanité, 12 May 2005.
- 6: Socialist Review, February 2005.
- 7: Murray Smith, 'A New Wave of Struggles', International Viewpoint, March 2005.
- 8: See, for example, Yves Salesse, Manifeste pour une autre Europe (Paris, 2004) ; Fondation Copernic, 'Dire non à la "constitution" européenne pour construire l'Europe', September 2004; Fondation Copernic, 'Contre la "constitution", nous proposons une autre Europe', January 2005; Attac, Cette 'constitution' qui piège l'Europe (Paris, 2005); Attac, Ils se sont dit Oui: Attac leur répond (Paris, 2005).
- 9: Journal du Dimanche, 15 May 2005.
- 10: R M Jennar, Europe, la trahison des ...lites (Paris, 2004), p93.
- 11: Paul Alliès, Une Constitution contre la démocratie? (Paris, 2005).
- 12: G Carchedi, For Another Europe: A Class Analysis of European Economic Integration (London, 2001), B Balany† et al, Europe Inc: Regional and Global Restructuring and the Rise of Corporate Power (London, 2003).
- 13: S Halimi, 'Médias en tenu de campagne', Le Monde diplomatique, May 2005; Le Monde, 29/30 May 2005.
- 14: <http://www.ipsos.fr/CanalIpsos/articles/1608>
- 15: Le Monde, 31 May 2005.
- 16: <http://www.ipsos.fr/CanalIpsos/poll/8074>
- 17: Another philosopher, Jürgen Habermas, made an equally embarrassing intervention, signing a patronising pro-constitution open letter in Le Monde (2 May 2005), which revealed that his desire to see a European citizenship develop on the basis of 'constitutional patriotism' had degenerated into 'My constitution right or wrong'.