



**Democracies
Under Pressure**

**Authoritarianism
Repression
Struggles**

Democracies Under Pressure
Authoritarianism
Repression
Struggles

PASSERELLE

www.ritimo.org

The Passerelle Collection

The Passerelle Collection was created in the framework of the Coredem initiative (Communauté des sites de ressources documentaires pour une démocratie mondiale – Community of Sites of Documentary Resources for a Global Democracy), which aims at presenting current topics through analyses, proposals and experiences based both on field work and research. Each issue is an attempt to weave together various contributions on a specific issue by civil society organizations, NGOs, social movements, media, trade unions, academics, etc.

All issues are available online at: www.ritimo.org
And can be freely downloaded: www.coredem.info

Ritimo, the Publisher

Ritimo is the organization in charge of publishing the Passerelle Collection. Ritimo is a network for information and documentation on international solidarity and sustainable development. In 75 locations throughout France, ritimo opens public information centers on global issues, organizes civil society campaigns and develops awareness-raising and training sessions. Its editorial work focuses on disseminating a plural and critical information, focussing on civil-society led, alternative and independent media and organizations.

Introduction

It seems a fairly unanimous assessment that for several decades, social struggles and solidarity movements have had to take a defensive stance rather than one of progress or of conquering new rights. Even in regions of the world that seemed a source of hope for rights and liberties, there has been a painful retreat: after the rising “pink tide” of the 2000s in Latin America, the subcontinent has experienced a conservative and (extreme) right-wing ebb; Arab Springs have not brought their hoped-for social progress. Everywhere democracy seems to be in retreat, to be under threat, to default on its promises of political equality and guaranteed liberties. On the contrary, authoritarian, conservative governments, “populist” or far-right, are on the rise; those who fight for a fairer world increasingly subjected to violence by the State’s repressive apparatus. Undeniably, from a global perspective, democracies are under pressure.

Much ink has been spilled regarding the concept of democracy. How can it be defined? And what criteria define a regime as more or less democratic? Without returning to issues exhaustively discussed by political scientists, the so-called “liberal” democracies of today may be characterized by certain key elements: a guarantee of human rights and fundamental liberties, a legal system limiting the power of political deciders, the pursuit of the general interest through majority rule, and alternation in the exercise of power with representatives elected on the principle of one citizen / one vote. This established, many contradictions remain, even at the conceptual level: representative vs. direct democracy, political vs. economic democracy, formal democracy vs. informal democratic practices... A fortiori, the contradictions in the implementation of the idea of democracy are many and varied. In this increasingly difficult context for social and ecological movements, new concepts attempt to arise to collectively name unsatisfactory situations: democracy in crisis, demagogue (Potemkin democracies, halfway between democracy and dictatorship), soft dictatorship, shrinking democratic spaces...

This issue of the Passerelle collection has no intention of entering into theoretical debates as to what democracy is or is not. Rather, it takes as its starting point the multiplication of social movements over several years, the global expression of a genuine malaise regarding how our societies are organized, and the increased

repression confronting them. Fundamental human rights and freedoms (of expression, association, demonstration, the press) are increasingly under attack, and collective expression increasingly restricted and stifled. We must take stock of the obstacles and limits confronting movements: analyzing them will facilitate surmounting them and reestablishing spaces from which a more just and sustainable world may be constructed.

The subject is vast: we had to pick and choose the themes to be examined in this publication. It seemed unavoidable to begin with economic issues in relation to democratic processes, as this has been at the heart of social conflict over the past decade. Occupy Wall Street versus bank bailouts, Gilets Jaunes for fiscal justice, Chilean protests triggered by increased public transportation fares and ending in the declaration of the death of neoliberalism¹... The difficulty of concretely influencing policies toward greater redistribution and social justice is palpable; neither advocacy nor social movements seem capable of influencing the decisions taken by heads of State, as though the increased power of multinational corporations had supplanted political power, “dispossessed” of its decision-making ability. To consider democracy in 2021 necessarily involves examining the relationship between private interests and political power: the neoliberal trope of presenting the economic dimension as independent because it is “technical” and “apolitical” must be fundamentally challenged. The various contributions to the first part of this publication attempt to provide some answers to the question of the relationship between political sovereignty and globalized capitalism.

With the increasingly widespread recognition of economic orientations that do not correspond to the general interest, we are seeing the rise of repression and surveillance in order to maintain an increasingly unjust order. Authoritarianism assumes many guises: criminalization of social movements and activists, even of acts of solidarity, constitutional coups d’état, extraordinary legislation (anti-terrorist or sanitary), expansion and broadcast of far-right ideas and tactics in every society, Internet surveillance and censorship, assassinations of human rights activists... Although the State’s repressive abilities are not new, they are more and more widely deployed as social unrest grows. How else can we understand the increasing recourse to surveillance technologies worthy of the East German Stasi in countries that claim to be democracies? Why is it that officially democratic countries have seen the most human rights activists murdered? From Palestine to Bolivia, from Canada to Brazil, as well as France and Tunisia, the authors of articles in the second part of this publication offer elements of comprehension to better understand the mechanisms that contribute to “locking down” democracy.

But, even in the face of repression and authoritarianism, the struggle does not weaken: it draws itself together anew. The third part of this publication explores

[1] The slogan “Neoliberalism was born in Chile and it will die there” flourished during the October 2019 protests in the Chilean capital.

modes of resistance emerging in this admittedly stifling context. What new paths must be constructed to reverse the trend, defend ourselves in the face of repression and fight back, organize and progress in achieving rights, impose change and social transformation? Once again, without claiming to have exhausted all possibilities, militants, scholars, and representatives of social organizations lay out several approaches to an answer. Physical, digital, or legal self-defense; abolition of the police; debtors' unions; municipalism as a way to rebuild democracy from the bottom up... All these practices, initiatives, political horizons, demands, experimentations, that are a sources of hope and inspiration – so that we can open up democratic spaces again, go back on the offensive, re-empower people to build the world we aspire to...

The coordination of this issue of the Passerelle collection took place in a difficult context, that of the year 2020, marked by the Covid-19 health crisis, with major restrictions in access to public space and face-to-face collective organization. The resulting social and economic crisis threatens to reinforce the mechanisms of maintaining an unjust and violent order upon the majority of citizens. It is all the more urgent to better understand the world in which the struggle is developing in order to adjust individual and collective strategies for winning our new battles.

Contents

Introduction	5
ECONOMIC DYNAMICS AND DEMOCRATIC SETBACKS	12
Reimagine Democracy ASTRA TAYLOR	13
Austeritarianism Reveals the Limits of Neoliberalism GUSTAVE MASSIAH	19
When Trade Agreements Undermine States' Ability to Respond to Ecological and Social Emergencies MATHILDE DUPRÉ – INSTITUT VEBLEN	26
Equality: a Thwated Passion XAVIER RICARD LANATA	34
No More Business as Usual: The Rise of the Coalition Between State, Corporations and Human Rights Under Authoritarian Neoliberalism (in the Times of Corona) ADORACIÓN GUAMÁN AND GUILLERMO MURCIA LÓPEZ	38
<i>Box: The 1970s and the Counteroffensive of Authoritarian Liberalism versus Democracy. Regarding Grégoire Chamayou's "La société ingouvernable"</i>	48
Regulating Corporate Political Influence on Public Opinion RENAUD FOSSARD – SPIM	50
Citizen Associations in Social Movement: Taking Back the Offensive JEAN-BAPTISTE JOBARD – CAC	59

Can Twenty-First Century Fascism Resolve the Crisis of Global Capitalism?	67
---	----

WILLIAM I. ROBINSON

THE RISE OF AUTHORITARIANISM: FROM REPRESSION TO SURVEILLANCE	74
--	----

The 2010s: the Rise of Authoritarian and Ultraconservative Governments	75
--	----

CAROLINE WEILL – RITIMO

The Sad Banality of the Antiterrorist Exception	81
---	----

VANESSA CODACCIONI

Law and Order in France: a Cocktail of Colonial Violence and Neoliberal Restructuring	85
---	----

MATHIEU RIGOUSTE

How and Why Calls to Boycott Israeli Products Became Criminalised in France	92
---	----

GHISLAIN POISSONNIER

With the Rise of Hypercapitalism and Strongman Politics, Human Rights Defenders are Increasingly at Risk	101
--	-----

MICHELLE FOLEY – FRONT LINE DEFENDERS

A Putschist Attack on Our Continent	110
-------------------------------------	-----

RICARDO GEBRIM

The Deep Rifts in Bolivia's Electoral Crisis. <i>Reflections upon 14 years of a "progressive" government, social movements, conflict and power struggles</i>	115
---	-----

SUZANNE KRUYT

Capitolo-Technocracy: Fifty Shades of Surveillance	128
--	-----

KHRYS – FDN

Protecting Civic Spaces	137
-------------------------	-----

PRIVACY INTERNATIONAL

Police Repression and Criminalization of Indigenous Resistance in Canada	144
--	-----

ANDREW CROSBY

Democratic Spaces and Telecommunications Infrastructure: Internet Operators as Political Figures	153
ORIANE PIQUER-LOUIS – FÉDÉRATION DES FDN	
Freedoms of Civic Organisations Under Threat. <i>Findings, consequences and strategies</i>	160
ANTONIO DELFINI, ADRIEN ROUX AND JULIEN TALPIN – L.A. COALITION	
HOW CAN WE KEEP UP THE FIGHT IN AN ADVERSE BALANCE OF FORCES?	168
Digital and Legal Self-Defence Against Repression	169
CAROLINE WEILL – RITIMO	
<i>Box: Open letter from Chile's First Line (Primera Línea)</i>	175
LA PESTE	
Reinventing our Militant Communities: Political Identity and Forms of Action	178
JULIETTE ROUSSEAU	
Could the Police be Abolished? A Hot Topic in the USA	185
GWENOLA RICORDEAU, JOËL CHARBIT AND SHAÏN MORISSE	
<i>Box: Feminism and Abolitionism: Political Perspectives</i>	191
GWENOLA RICORDEAU	
"Protest Democracy": How African On-going Social Movements are Redefining Democracy and (Re)inventing the Future	193
AN INTERVIEW WITH ZACHARIAH MAMPILLY	
The Challenges of Fighting Authoritarianism in Africa	197
BRIGITTE AMEGANVI AND LAURENT DUARTE – TOURNONS LA PAGE	
Is Another World Still Possible?	205
NICOLAS HAERINGER	
Debtors of the World Unite	212
ASTRA TAYLOR	
Can Municipalism Breathe New Life into Democracy?	217
ELISABETH DAU AND CHARLOTTE MARCHANDISE	

Authors	238
Bibliography	240
Sitography	242
Filmography	244
Previous issues of the Passerelle Collection	245

ECONOMIC
DYNAMICS
AND DEMOCRATIC
SETBACKS

Reimagine Democracy

ASTRA TAYLOR

After the fall of the Berlin Wall over thirty years ago, liberal democracy reigned triumphant. Understood as one person, one vote, exercised in periodic elections, constitutional rights, and a market economy, democracy [spread](#) around the world.

Today, the liberal democratic compact appears to be breaking down—democracy, we often hear, is in crisis. Recent research reveals that democracy, defined by the preceding attributes, has weakened worldwide over the last decade or so. According to the 2018 Freedom House [annual report](#), “seventy-one countries suffered net declines in political rights and civil liberties” in 2017, leading to an overall decrease in global freedom. During the Covid-19 pandemic, they found that the conditions of democracy and human rights had deteriorated in eighty countries including Belarus, Egypt, France, Sri Lanka, the United States, Uganda and many more – “exacerbating the 14 years of consecutive decline in freedom” worldwide.

Democracy, however, doesn’t retreat either of its own accord or by some organic or immutable process. It is undermined, attacked, or allowed to wither. It falls into disrepair and disrepute, thanks to the action or inaction of human beings who have lost touch with or, in some cases, sabotaged the tenets, responsibilities, and possibilities that a system of self-government entails.

In order to determine what a progressive agenda to repair and revitalize democracy should be, we need to understand what has gone awry. Unfortunately, conventional narratives too often get things wrong. Consider, for example, the common refrain that “populism” is to blame for our current predicament. We live in a “populist moment,” pundits including Yascha Mounk [tell us](#), and Brexit, the rise of ethno-nationalist movements and parties in Europe, India, and Brazil, and the United States lend credence to this view.

Under this view, the crisis of democracy is caused, in effect, by an excess of democracy. Such was the premise of a piece published in *New York* magazine in 2016 by Andrew Sullivan, who [argued](#) that “hyperdemocratic” society was eroding vital “barriers between the popular will and the exercise of power.” Regular people, we are told, can’t be trusted to appreciate and protect democratic principles and procedures.

Progressives need to push back against this explanatory framework. In contrast to what Alexis de Tocqueville long ago [dubbed](#) the “tyranny of the majority,” the threat today comes from a tyrannical minority. Hard-won democratic reforms are being eroded by an entitled, affluent elite, who are doing their utmost to stymie progressive reforms and suppress broadly shared democratic sentiments.

This is a global predicament. In the last few years, citizens all across Europe organize to take their governments to court for their lack of actions before the climate emergency. In Peru, during the massive protests of November 2020, young people were demanding the overthrow of the Fujimori-era Constitution, which strongly limits the ability of the state to take action in strategic sectors of the economy. In the United States, research shows that liberal positions on everything from [labor unions](#) to [gun control](#) to [public health care](#) to the [climate catastrophe](#) and the [Green New Deal](#) are held by the majority of Americans—with positions generally pushing [further left](#) the younger the demographic polled.

And yet, time and again, the will of the progressive majority subverted. As [studies in the US show](#), the agenda is set by oligarchs and well-organized special interests. The rest of us have virtually no impact on public policy.

Liberal democracy is in crisis not because the masses have suddenly become illiberal, as some claim, but because economic elites have abandoned any pretense of concern for the common good. This is the true crisis of democracy, and it is a problem with deep roots. The inequalities that plague us today are not an aberration or the result of whichever party happens to be in power but a logical consequence of our political systems’ initial design, which aimed to benefit a privileged minority. If democracy is to survive and thrive, global foundational inequities, between and within countries, must finally be redressed.

To do that, we must be clear: The primary threat facing democracy today is not one of populism but rather plutocracy. The solution involves putting equality—political and economic equality—at the center of the democratic project.

Over the course of human history, democracy sprung up in all sorts of places and times, taking a variety of forms: citizen assemblies in the ancient Middle Eastern city of Nippur, the Mesoamerican collective republic of Tlaxcalla, African village councils, the Icelandic Althing, Swiss cantons, and so on. The ancient Greeks, in other words,



In Washington DC, in front of the Capitole, a sign says : "No buying elections !".

did not invent the practice of democracy, but they did give us the word we use today, one made up of two component parts: *demos* and *kratos*. The people hold power.

In the fifth century B.C., the celebrated Athenian statesman Pericles famously [praised](#) the political structure of Athens: "It is true that we are called a democracy, for the administration is in the hands of the many and not of the few." Given the existence of slavery and the exclusion of women, Athens failed to meet the bar by modern standards. Yet, as Plato and Aristotle noted, the overwhelming majority of people who made up the Athenian *demos* were not wealthy. Rule of the people, they observed, by definition means rule of the poor, since citizens of modest means are bound to vastly outnumber the rich.

This basic insight has been negated in our time as neoliberal capitalism and the massive financial inequities it creates dismantle hard-won democratic gains. As historian Quinn Slobodian has [shown](#), one of the primary goals of neoliberalism is to insulate economic matters and financial decision-makers from democratic accountability, to cleave economics from politics. The result has been a system where markets, not people, rule, and where a lucky few amass almost unfathomable affluence.

According to [Oxfam](#), the [26 richest people on earth](#) in 2018 had the same net worth as the poorest half of the world's population, some 3.8 billion people. Year upon year, the vast majority of the income generated globally flows into the pockets of the top 1 percent of the world's population, while the incomes of ordinary citizens have [remained stagnant](#).

If the last fifty years have demonstrated anything, it is that formal political equality, exemplified by the right to vote, is not enough to ensure democracy, as the

wealthy have many avenues to exert disproportionate power within an ostensibly democratic system. Under a legal order where money qualifies as speech in the context of campaign spending and lobbying, the richest are able to purchase influence while everyone else struggles to be heard. In a system where the affluent can pass their assets to their offspring virtually untaxed, inherited wealth ensures the creation of an aristocratic class.

The single most urgent and overarching priority of any progressive democratic agenda must be to address this conundrum. While earlier generations focused on expanding suffrage, today we face an arguably more formidable task: saving democracy from capitalism. Extending democracy from the political to the economic sphere is the great challenge of our age, and also the only way to protect our current system of representative government from the concentrated financial power that is proving to be its undoing.

Political equality buttressed by economic equality must be the basis of any truly democratic system. The Greeks, for all their shortcomings, understood this basic fact, and they employed a variety of ingenious strategies to prevent wealthy individuals from dominating their poorer counterparts.

For example, it was illegal to profit from politics in Athens. Going further still, poor citizens were actually paid to participate in public affairs, receiving a day's wage for attendance at the Assembly, so farmers and artisans could afford to leave their fields and workshops and deliberate alongside the well-to-do.

Even more creatively, Athenians employed sortition—the random selection of citizens through lottery—for key roles in the city's administration, because they observed, rightfully, that the rich and well-born tended to win elections. (Elections are aristocratic, Aristotle famously observed, lottery democratic.) For the Greeks, democracy meant to govern and be governed in turn. Thus, working citizens had to have meaningful opportunities to get involved in civic life, and that meant accounting for and addressing underlying material inequalities.

If Athenians somehow came back and saw what our modern democracies look like, they would be aghast that the political class tend to be made of millionaires,



In October 2010, in Madrid, a sign demands more economic democracy.

GAELX (CC BY-SA 2.0)

who go back and forth between public office and private companies, while their constituents largely struggle to make ends meet. They would scoff at the idea that elections are widely regarded as democracy's apex, and would be dismayed that such a limited conception of democracy is guiding us today.

Without a doubt, this is an age of intersecting emergencies: racism and xenophobia, precarity and poverty, workplace discrimination, unaffordable housing, unaccountable corporate power, mass incarceration, mounting student debt, mass extinction, and rising sea levels—the list goes on. In one way or another, all these issues relate back to the fact that we do not live in a system where democratic popular will can be translated into policy change that is efficiently and effectively implemented.

To have any hope of addressing this disconnect, we need an agenda that connects the political and economic spheres and a strategy for building popular power. We must seek to democratize our electoral system and economy, and by doing so loosen the grip of monied elites and corporate interests on our lives and futures.

On the electoral front, we can take inspiration from the past. Like the ancient Athenians, we must work to protect our democratic processes from the corrosive impact of concentrated wealth.

On the economic front, reducing inequality must be a priority. We should do this by implementing a maximum wage. In Switzerland, the popular initiative “1:12 - Pour des salaires équitables” was pushed by leftists in 2013, demanding that within a company the highest wage couldn't be higher than 12 times the lowest wage. Although it was rejected then, the idea is worth taking up. [“Abolish billionaires”](#) has become a political slogan among young lefties; it would also be smart policy.

Closing the obscene gulf between the rich and the poor, however, is only the first step. We must also address issues of ownership and investment. Working people, not just the wealthy, should have a stake in the companies that employ them, and everyone should have a voice in determining investment. Indeed, that is the only way to rationally allocate capital.

Right now, corporate CEOs and shareholders are determined to prioritize the extraction of ecosystem-destroying fossil fuels or the creation of advertising-driven, privacy-violating digital platforms, even if they have devastating implications for the environment and for public discourse. Democratizing the economy—giving workers and the public as a whole more of a say—would mean we could invest in the things we all need, like solar energy and investigative journalism, not just the things that make a handful of people rich.

The task ahead is urgent. We need to roll back half a century of neoliberal austerity and restore the democratic rights that have been undermined. But we must also

reimagine democracy itself—setting our sights on a more robust, inclusive, and egalitarian system than has ever existed.

A growing number of people are doing just that. Since 2019, impassioned social movements have rallied against authoritarianism and exploitation: the Hirak in Algeria, the Primera Linea in Chile, the Umbrella Movement in Hong Kong, Black Lives Matter in the United States, the Gilets Jaunes in France, the list goes on. The global demand and agitation for economic justice and more democratic processes have been on the rise globally. The phrase *democratic socialism* is emerging as the name for this new political horizon. Remarkably, in the US, the country that brought the world Coca-Cola, Walmart, and Facebook, a majority of young people [report](#) preferring socialism to capitalism. Putting their ideals into action, socialists are winning office across the country.

This emerging insurgency is democracy's best hope. Only by building mass social movements and grassroots-powered electoral campaigns, locally and nationally, will we have any hope of advancing a democratic agenda that lives up to its name—that is to say, a society in which the people, not the plutocrats, rule.

This is an updated and adapted version of an article published in February 2017 on [The Progressive](#).

Austeritarianism reveals the limits of neoliberalism

GUSTAVE MASSIAH

This text takes the present situation as its starting point and considers the possible sequels to neoliberalism, understanding that it is possible to move beyond it and that the future is not predetermined.

Two major upheavals have occurred; they will have dramatic consequences. The financial, economic, and social crisis of 2008 shook the global system to its foundation; the current pandemic and climate crisis accentuates imbalances and opens a contradictory future.

The financial and social crisis of 2008 demonstrated the limits of neoliberalism; the response to it has been a return to the status quo with an evolution towards austeritarianism, combining austerity and authoritarianism. This response has been applied to the flood of protests and insurrections following that crisis, since 2011, in more than fifty countries.

The second upheaval is the crisis of the pandemic and climate, demonstrating the fragility of the system. It modifies perspectives. It puts forward imperatives, the issue of health and the climate and ecological emergency. It shows the scope of economic, social, geopolitical, and ideological contradictions. It modifies the system of contradictions that will characterize the future.

The austeritarianism imposed after the crisis of 2008 has been perpetuated as the only possible solution to the present crisis. It remains the dominant strategy for dominant forces to regain control. It is the first stage of the future. Austeritarianism is the historical endpoint of neoliberalism confronting this crisis.

To understand it, we will review the history of neoliberalism, bearing in mind the question of its crisis and of the possibility to move beyond it. To consider possible

futures, we will examine the development of the contradictions provoked by the crisis of neoliberalism.

The short 20th century, from 1914 to 1980, was characterized by two world wars, two revolutions (Soviet in 1917, Chinese in 1949), and a bipolar world from 1945 to 1989. It experienced various forms of capitalism. The end of the 19th century was characterized by the structuring of large economic and financial groups and the transition from competitive to monopolistic capitalism.

To respond to the 1929 crash, in 1934 Roosevelt established the New Deal, a Fordist and Keynesian development model. But this model was not applied until 1945, after WWII. It involved significant social concessions. After the war, it would be adapted to afford a place for newly independent countries. In the late 1970s a new phase of capitalism emerged: neoliberalism.

Neoliberalism is a response to decolonization and the social concessions of the Keynesian/Fordist model. After the mid-1970s economic recession, a new concept of development would emerge in the 1980s. The neoliberal model defines the policies of structural adjustment. It was first imposed, through the debt crisis, on the Global South, before being adapted and generalized for all societies.

Structural adjustment involves structurally adjusting every economy and society to the global market.¹ Free trade forbids restricting imports and emphasizes the need to export. Multinationals must be able to invest where and when they want, and are free to extract their profits. The logic is simple: the market is self-sufficient and no other regulation is needed, certainly not economic regulation by the State. Structural adjustment imposes a new philosophy of development. It reduces the State's role in the economy, prioritizes exports and thus brings about frenzied exploitation of resources, opens unregulated international trade, prioritizes international investment and privatization together with flexibility of and pressure on wages, reduces public systems of social security, reduces budget expenditures considered unproductive (i.e. health and education), and devalues currency. Lending to the Global South preceded the debt crisis. Debt management and structural adjustment were political weapons to bring the Global South "back in line." This economic offensive did not preclude military intervention. The crisis of decolonization—of its first phase, State independence—was opened.

The forty-year push of the right and far-right began with a battle for cultural hegemony around several offensives. The first offensive was against rights and particularly equality; against solidarity, by imposing racism and xenophobia; and upholding securitarian ideology as the only possible response to insecurity. The other offensives involve the police and military; multiplication of wars and instru-

[1] AITEC, "Le FMI ou comment s'en débarrasser", *Archimède et Léonard Cahiers N°1*, 1989. CADTM, www.cadtm.org

mentalization of terrorism; generalization of the gig economy; and the subjection of tech industry to the logic of financialization.

Starting in 1989, in the battle for cultural hegemony, Francis Fukuyama's "The End of History?" claimed that it was impossible to move beyond capitalism and that those who opposed it were deviants; Samuel Huntington's *The Clash of Civilizations* postulated a new necessary enemy: Islam. The attacks on New York and Washington in September 2001 accelerated the neoconservative turn towards securitarianism and xenophobia.

The financial crisis of 2008 and the imposition of austeritarianism

The financial crises of 2008 confirmed the hypothesis of the exhaustion of neo-liberalism and the fragility of financial capital. The United Nations established a commission suggesting a Green New Deal. Currently, a hardening neoliberalism has prevailed.

Starting in 2011, the popular response was to protest. Dozens of popular movements in dozens of countries sent millions of people into the streets. The Arab Springs of Tunis and Cairo; the Indignados in Spain; Occupy movements in London and New York; Chilean students; Taksim Park in Istanbul; the Carré Rouge in Quebec; umbrellas in Hong Kong; "ordinary people" in New Delhi ... Everywhere the same rallying cries: refusal of poverty and inequality, rejection of discrimination; freedom and refusal of repression, democracy to be reinvented; ecological urgency.



In Hong Kong, protesters' umbrellas face teargas and rubber bullet from the police.

STUDIO INCENDO (CC BY 2.0)

Everywhere, a new demand, refusal of corruption, rejection of the fusion of the political and financial classes, which voids the autonomy of politics and brings about popular mistrust of political institutions and actions.

In 2013, neoliberal arrogance rises again. The dominant policies of austerity and structural adjustment are reinforced. Destabilization, war, violent repression, and the instrumentalization of terrorism manifest in all regions. Reactionary ideological trends and far-right populism are more and more active. Radical racism and nationalism nourish demonstrations against foreigners and migrants. They take specific forms such as libertarian and evangelical neoconservatism in the United States, far right and national-socialist movements in Europe, armed jihadi extremism, oil-producing countries' dictatorships and monarchies, Hindu extremism, etc. In 2013, counterrevolutions began with the rise of racist, securitarian, and xenophobic ideologies. Neoliberalism hardened its domination and reinforced its securitarian character with repressions and coups d'état. Social and citizens' movements find themselves in a defensive position.²

It is crucial to fully understand the consequences of a period of counterrevolutions. This is a period of several conservative counterrevolutions: the neoliberal counter-revolution, the counterrevolution of old and new dictatorships, that of evangelical conservatism, that of Islamic conservatism, and that of Hindu conservatism. But there is another reason for the situation: the fear of an emerging new world. Trump in the United States, Bolsonaro in Brazil, Orban in Hungary, Modi in India, and Duterte in the Philippines are its snarling faces.

We must examine these new monsters and the reasons for their emergence. They are supported by the fear around two principal, complementary vectors: xenophobia and hatred of foreigners; racism in all its different forms. We must emphasize a particular offensive taking the form of islamophobia; after the fall of the Berlin Wall, "Islam" was cast as the principal enemy in the "clash of civilizations." This situation results from an offensive carried on consistently over forty years by the far right to conquer cultural hegemony.

Austeritarianism was imposed. Neoliberalism does not seek to persuade; it claims the conjunction of austerity and authoritarianism. It adopts the shock tactics so well described by Naomi Klein: go to the furthest extreme of violence to crush all resistance. Nearly twenty years after the fall of the Wall, neoliberalism abandoned its reference to freedom. It no longer seeks to convince, only to prevail. Austeritarianism establishes the limits of neoliberalism as a stable system.

The battle for cultural hegemony goes on. The situation is not confined to the rise of far-right positions; it is marked by the permanence of contradictions. The structural

[2] Gustave Massiah, "Stratégie des mouvements et projet d'émancipation", *Le Monde Diplo Brésil*, March 2016.



GIGI IBRAHIM (CC BY 2.0)

Place El Tahrir, an urban graffiti shows Samira, an activist turned heroine of the Egyptian revolution in 2011, facing the military.

crisis includes five major contradictions: economic and social, with social inequalities and discrimination; ecological, with the destruction of ecosystems, limited biodiversity, climate change, and the endangering of the planetary ecosystem; geopolitical, with decentralized wars and the trend towards a multipolar world; ideological, with the questioning of democracy, and xenophobic/racist outbreaks; political, with the corruption arising from the fusion of politics and finance, which nourishes mistrust towards politics and abolishes its autonomy, challenging the forms of representative democracy.

The pandemic and climate crisis

The pandemic crisis is not a parenthesis, it is a rupture.³ It is clear that recurrent pandemics are in store for us. What we have experienced is no accident. The pandemic is only one aspect of the rupture. COVID-19 is not merely the cause of the rupture and major discontinuities. It is more than revealing. It is linked to the ecological emergency, the climate emergency, and dwindling biodiversity; it has accentuated our awareness of ecological rupture. Climate, biodiversity, and species coexistence put in question the relationship between the human race and Nature. This is a resetting of philosophical parameters.

Climate and pandemic indelibly set out several major contradictions. They reset our way of considering all the dimensions of social transformation. First, from lockdowns to surveillance, the response to the pandemic has confirmed austeritarianism: autho-

[3] Gustave Massiah, "Le rôle des pandémies et du climat dans la crise de civilisation", *Revue Les possibles*, June 2020.

ritarianism in State health management, renewed austerity with the acceptance of an explosion of social inequality. The conjunction of the COVID-19 health crisis and the climate emergency demonstrates the global system's loss of resilience.

We must be aware that we are at the beginning of a long transition, which will experience accelerations and will not be linear. The situation revealed by the pandemic impels us to reflect on historical ruptures and continuities. The hypothesis of discontinuities cannot be set aside. A crisis of civilization leads to upheavals that some may call collapse; this term characterizes processes and does not imply succumbing to millenarian fears. The fall of the Roman Empire was not the end of the world. What some today call collapse may also be the preparation for a new civilization. It is not the end of the world.

Possible futures

Possible futures include at once the strengthening of austeritarianism, the generalization of wars, and alternatives leading to emancipation. Two great possibilities will therefore coexist and confront each other.

The first is the strengthening of austeritarianism, regaining control through shock tactics. We will see more of the same, or worse, that is, the rise of regimes based on racist, xenophobic, and securitarian ideologies supported by one part of the population which, out of fear, give in to conservative, reactionary rhetoric. Authoritarian neoliberalism will probably come out of this stronger than ever, with the risk of the triumph of dictatorial neoliberalism.

But, on the other side, resistance will be equally strong. Protests will multiply, demonstrations, uprisings. In 2019, a study found that forty-seven countries, a quarter of the world total, had had large-scale, often insurrectional, social movements that year. Iraq, Algeria, Sudan, Hong Kong... The changes that sustained these movements were already underway before the pandemic hit. The movements of 2011, filled with hope and change, were stifled by repressions beginning in 2013. But they reemerged with new movements like HIRAK (Algeria). They were restrained by the pandemic, but they did not disappear. They are only waiting to reemerge.

And then, there is what Antonio Gramsci said. In his Prison Notebooks, he wrote: "The old world is dying, the new world struggles to be born, now is the time of monsters." There we are: there are the monsters, the old world is dying, where is the new world?

There are at least five major changes preparing the new world.⁴ The first is the revolution in women's rights, which challenges thousand-year-old social rela-

[4] Gustave Massiah, "Un nouveau monde qui tarde à apparaître", October 2016.

tionships. Like all revolutions, it has produced violence. The second great shift is the ecological rupture, which goes far beyond the question of climate alone, and includes biodiversity and endangered species. It is a philosophical revolution overthrowing completely the way we understand the world. The third great shakeup is digital and biotechnological. With the online world, the health issue, and biotechnologies, new forms of domination and exploitation appear, such as Big Tech and Big Pharma; but there is also a revolution in spoken and written language. The fourth revolution has to do with planetary demographic change, which raises the question of aging population and intergenerational coexistence, education and societies, and the structural role of migrations.

It is worth emphasizing the fifth revolution, that of the second phase of decolonization, one of the structuring elements of the evolution to come.⁵ The hypothesis already laid out is that decolonization is not complete and that it is one of the key questions for the future. In Bandung, in 1955, the demand was loud and clear: “States want their independence, nations their liberation, and people their revolution!” The first phase of decolonization, State independence, has been achieved. It has shown its limits. The shape of the world map is moving, but the core issue is the evolution of the nature of States. The relationship between States and nations is to be examined. In several countries the question of multinational States has been raised. The question of multiple identities as they relate to national identity is being considered. The question of incomplete decolonization remains central in the questions of racism and discrimination. Also under consideration is the nature of States, through the debate over decoloniality, which puts into question the permanence of forms of formerly colonial States, and the nature of societies, through the debate over intersectionality, which examines the nature of relationships between classes, races, and genders.

The battle against the cultural hegemony of neoliberalism, financial capitalism, and austeritarianism is underway and with it the reexamination of individualism, inequality, and discrimination. This rupture will not be easy. The alternatives will take different forms in different regions. The conjunction of the pandemic and the climate crisis validates, in a way, the alter-globalist movement; it also pushes for a renewal of the movement so as to take into account the evolution of the situation. The alter-globalist movement emphasizes that the response to neoliberal globalization must unfold at every level; local, national, in each geo-cultural region, and worldwide. The answer is not nationalism. It is internationalism and alter-globalism. It is the construction of a possible and necessary other world, in the full meaning of the term, which must be the object of worldwide consideration.

[5] Immanuel Wallerstein, *L'universalisme occidental, de la colonisation au droit d'ingérence*, Éditions Demopolis, 2008.

When Trade Agreements Undermine States' Ability to Respond to Ecological and Social Emergencies

MATHILDE DUPRÉ, Institut Veblen

Through multilateral and bilateral trade agreements, States have agreed to reduce, inordinately, their regulatory abilities. The progressive expansion of the agenda of trade negotiations has meant more and more disciplinary measures to which they have willingly submitted. And so-called "new generation" agreements may make matters even worse. Not only do they introduce new arrangements that make them "living," i.e. subject to evolution after signature, but many of them also include a rider on investment protection, guaranteeing exorbitant rights to transnational businesses. By ratifying these agreements, States consent to further limit their ability to act when they should, on the contrary, seek to increase it to confront current civilizational challenges, and impose regulations guaranteeing the general interest in a democratic framework.

Social movements are on the rise to demand responses to the many ecological, social, and democratic crises we are facing today and to challenge, in particular, the way we produce and consume. But our trade modalities, and the commercial policies governing them, are still broadly speaking ignored in today's ecological and social transition, as is evident in the planned European Green Deal.

But commercial regulations play a structuring role in the organization of international economic activities. Failing to efficiently integrate the social and ecological dimension, they promote an unsustainable model and favor the development of activities that are polluting and harmful to human rights. Even worse, the dis-

ciplinary regulations to which States subscribe through trade agreements limit their ability to act to respond to democratic aspirations and make the economic changes demanded by increasingly prominent social movements, and which are imperative for our societies.

Autonomization of commercial policy and inversion of priorities

The Havana Charter of 1948 aimed to establish an international trade organization in relation with the Economic and Social Council of the United Nations, whose mission would be promoting employment and development. But the United States' refusal to sign this instrument had the effect of promoting, through the GATT,¹ the autonomization of international trade in relation to other fields of international policy, in particular social and environmental.

To facilitate trade and promote investment, States adopted constraining international trade regulations, defined in multilateral agreements. Specifically, this means that States may be penalized if they adopt, for instance, regulations considered incompatible with their free trade commitments. Since the World Trade Organization was created, the multiplication of regional or bilateral trade agreements covering wider and wider domains² contributes to consolidating and strengthening this legal edifice. At the same time, environmental, social, and fiscal regulations remain essentially defined at the national level. And States hold back from establishing ambitious and genuinely restrictive international regulations in these domains. This is why it is still an open question whether the Paris Climate Agreement and other multilateral environmental agreements, or the international standards of the International Labor Organization and the United Nations, will be effectively respected. Under the assumption that economic growth would be the *sine qua non* to fight poverty, promote human rights, and protect the environment, States created a kind of inverted hierarchy of regulations. This is why the international community has systematically sought to limit the impact of social and environmental norms upon economic activity. Thus States, starting with those of the European Union, voluntarily abstained from making any kind of commitment in the Paris Agreement that might have a negative effect on trade, for fear of negative effects on economic activity. Mireille Delmas-Marty speaks, on this subject, of a “*dyschronia*”³ of different branches of international law. Alain Supiot notes a “*schizophrenic*

[1] General Agreement on Tariffs and Trade, signed in 1947 to promote trade in goods; ancestor of the WTO (World Trade Organization).

[2] For example, services, investment protection, public markets, and intellectual property rights.

[3] “*Dyschronia, or asynchronia, is based on dysfunctions between normative spaces functioning at different speeds, such as the “human rights” space and the “world trade” space. The “human rights” space is older, but moves slowly; the “world trade” space is more recent (creation of the WTO in 1994), but has progressed rapidly. Several elements manifest these dysfunctions: human rights cannot be cited before the WTO; social rights, unlike trade, have not been globalized.*” Mireille Delmas Marty, Honorary Law Professor in the Collège de France, in “*La justice environnementale*”, Chaire Gilles Deleuze, Université de Bordeaux, 2014. Available here: <http://www.fondation.univ-bordeaux.fr/wp-content/uploads/2016/09/2015-04-DELEUZE-syntheses-M-DELMAS-MARTY.pdf>

international legal order whose economic hemisphere discourages the ratification or application of the norms that its social or ecological hemisphere proclaims to be necessary and universal."⁴ This asymmetry of instruments gives trade regulations primacy over other domains of international law.

Social and environmental issues are not easily taken into account in trade policy today, because multilateral regulations have been developed precisely so as to nullify them. Trade goods, for instance, cannot be treated differently unless they present different characteristics. Differences in processes or production methods that are not evident in the final product are almost impossible to invoke. This rule greatly reduces States' ability to impose specific norms regarding ecological impact, product life cycle, or working conditions, even though these are the subject of increasing democratic attention. Certainly, international trade regulations theoretically allow for a few exceptions to liberalization agreements in the interest of protecting health, life, and non-renewable natural resources. But the States that have tried to use them have almost never succeeded. And European public policies based on the precautionary principle that have been challenged by our partners (such as banning hormone-treated beef or GMOs) have been ruled contrary to trade law.

In light of these pitfalls, the EU has not sought to reform international trade regulations in a reinforced multilateral framework to correct the original flaws and their impacts on development and the planet. On the contrary, it has multiplied the negotiation of bilateral agreements presenting the same flaws and eroding the power of States even more, in a kind of headlong advance aiming at ever-increasing trade liberalization to boost the continent's economic growth.

Endless expansion of trade policy

The first characteristic of the "new generation" trade agreements negotiated by the EU since the mid-2000s is to go far beyond mere trade issues.

Customs duties, the principal barriers to trade in the past, have been considerably reduced, except for certain sectors such as agriculture. Nearly three quarters of EU imports are already exonerated of customs duty or subject to reduced duties. This is why trade negotiations now address other types of regulation, which are presented by negotiators as "non-tariff barriers" to trade: production standards, but also health, social, or environmental standards. Pascal Lamy, former WTO director, said this about the stalled negotiations for a transatlantic trade partnership: *"The TTIP [or TAFTA]⁵ attempts to challenge non-tariff barriers, i.e. the differences between the various precautionary standards protecting consumers against various*

[4] "Quelle justice sociale internationale au XXI^e siècle ?", Opening address, XXI^e Congrès de la Société internationale de droit du travail et de la Sécurité Sociale (Le Cap, September 15-18, 2015).

[5] The Transatlantic Trade and Investment Partnership (TTIP), also known as the Transatlantic Free Trade Agreement (TAFTA) is a proposed trade agreement between the European Union and the United States.

types of risk. Today they constitute 80% of the obstacles to trade between the two economies. [...] It is because consumer rather than producer protection is at stake that these negotiations are creating such upheaval.”⁶ This broadening of the trade negotiation agenda presents certain difficulties; it tends to treat democratically-defined regulations from the perspective of their impact on trade, to the detriment of their protective role for health, working conditions, or the environment. While the EU may promise that there will be no impact on Europe’s collective preferences and that these agreements, like the CETA (global economic and trade agreement between Canada and the EU), will not lower or freeze our standards, this is sadly far from the truth.

The European or national regulations that our trade partners are examining involve many sensitive issues. The United States’ annual report for 2020 specified, for example, European regulations on chemicals (REACH), renewable energy and fuel quality, GMOs, growth hormones and antibiotics for livestock, and the Commission’s action against tax evasion.⁷ This haggling over standards is not one-way, of course; the EU also has certain goals in these negotiations. But the very nature of a negotiation implies accepting concessions to obtain advantages on issues identified as priorities. And the risks of weakening protective regulations are multiplied with the extension of negotiations after the agreement is signed.

Opacity and capture of trade policy

This broadening of the field of trade policy was not accompanied by a real movement towards democratization. Despite a few limited attempts at transparency, the opacity that always surrounds negotiations deprives elected representatives, civil organizations, and citizens of their ability to contribute effectively to the development of these agreements. The CETA, JEFTA (trade agreement with Japan), and EU-Mercosur agreement have all released information on their content only after negotiations were finalized. The public has not had access to the negotiation mandates issued by the member States, nor to the interim proposals made by the EU, still less to the consolidated negotiation texts. While trade negotiations have traditionally been held behind closed doors for strategic reasons, such a practice seems increasingly difficult to justify given the expansion of the subjects covered by the agreements. This is not to mention the great imbalance in stakeholder input.

Studies published by the Corporate Europe Observatory show that consultations carried out by the European Commission, whether for the Transatlantic Agreement, that with Japan, or Brexit, privilege the representatives of big businesses over all other actors (small and medium businesses, farmers, consumer organizations,

[6] Pascal Lamy and Elvire Fabry, TTIP, *Une négociation d’avant-garde, stratégique pour les PME*, CCE International, n°583, December 2015/January 2016.

[7] Inquiries opened to reclassify as illegal State aid a certain number of transfer price agreements..



© MATHILDE DUPRÉ

In front of the European Parliament, protesters hold letters saying "STOP CETA"

unions, NGOs, etc.).⁸ Unsurprisingly, the unequal access of different actors to the negotiations is reflected in the unequal ability to influence their content. Some of the subjects covered by trade agreements do not derive directly from free trade measures, but contribute, on the contrary, to giving additional income or rights to certain economic actors, through investment protection rules or the extension of intellectual property rights, etc.

"Living" agreements

The real impact of agreements on States' ability to regulate is all the more difficult to evaluate when there is no time limit. These new generation agreements are, indeed, now designed to be "living" agreements. They establish committees and dialog mechanisms whose role is to oversee the implementation of the agreement, but also to continue to negotiate.

The CETA has created a joint committee and a dozen specialized committees on biotechnologies, health and phytosanitary standards, financial services, a regulatory cooperation forum, etc. Their power is significant because some may even change parts of the agreement after its signature, without submitting to effective mechanisms of democratic control, such as demanding a new Parliament vote in the event of amendment of the parts in question. The objective is to facilitate the convergence of standards and regulations and reduce businesses' costs of observing them. This mechanism also seeks to ensure that all existing and future laws of the countries concerned are in line with the treaty and will not have a negative impact on trade.

[8] "JEFTA : An Exclusive Trade between EU Negotiators and Big Business," Corporate Europe Observatory, May 28, 2018.

In practice, this means that with the CETA, Canada will be informed in advance and consulted on any proposed ban on glyphosate or endocrine disruptors in the EU or its member States. According to the Commission Schubert, assigned by the French government to evaluate the health and environmental impacts of the agreement, this arrangement could involve a risk of “*bypassing internal democratic processes*” and “*private interests (Canadian or European industry) intruding in the regulatory processes of the parties.*”⁹

This was indeed the desired effect, as testified by Mark Camillieri,¹⁰ president of an association cofounded by the former Canadian ambassador, David Plunkett, and member of the CETA negotiating team: “[*regulatory cooperation*] institutionalizes the opportunity for Canadian businesses to take full advantage of the CETA by playing a role in decision-making at the EU level.”

As a matter of fact, during the first years of temporary implementation of the CETA, Canada has already expressed its criticism of the EU and member States regarding issues in relation to a possible ban on dangerous pesticides and what is perceived as excessive strictness of the maximum limits of pesticide residue allowed in imported products, which prevents, for example, Canadian exports of potatoes treated with neonicotinoids banned by the EU.¹¹ In July, then in November 2019, Canada, together with 18 other countries (among them several with which the EU is negotiating new agreements)¹² also wrote to the WTO to express their objections to the same dossier.

Increased rights for multinationals, including over law

Finally, the majority of these new agreements include a section dedicated to protecting investments, involving the establishment of a mechanism to resolve disputes between investors and States (ISDS). This arrangement gives foreign investors the ability to sue the EU or member States and challenge any public policy contrary to their interest before special courts and according to regulations highly favorable to them.

This mechanism is not new. It was designed in the context of decolonization to give ad hoc protection to the activities of investors from rich countries against the risk of expropriations or arbitrary decisions in countries whose legal systems were

[9] Katheline Schubert et al., *Rapport au Premier ministre. L'impact de l'Accord Économique et Commercial Global entre l'Union européenne et le Canada (AECG/CETA) sur l'environnement, le climat et la santé*, p. 52, 17/09/2017.

[10] Julius Melnitzer, “New Boots-on-the-Ground Trade Association to Boost Ties between Canada, EU,” *Financial Post*, September 12, 2018.

[11] Mathilde Dupré, “Pourra-t-on encore interdire le glyphosate avec le Ceta ?”, *Alternatives Économiques*, 17/04/2018 and “Accord Ceta : ça part mal pour l'Acte II du quinquennat”, *Alternatives économiques*, 21/06/2019.

[12] Such as Argentina, Australia, Brazil, Malaysia, Paraguay, the United States, and Uruguay. <https://docs.wto.org/dol2fe/Pages/SS/directdoc.aspx?filename=r/G/C/W767R1.pdf>



© FRIENDS OF THE EARTH EUROPE

In front of the European Parliament, protesters hold a banner that states: "Rights for people, rules for corporations. Stop ISDS".

considered lacking or corrupt. But the EU is generalizing it even while the number of cases is exploding (3 known cases in 1995, 1061 cases as of late 2020). This arrangement has been used, for example, by Cargill against Mexico to challenge their taxing sodas to fight obesity,¹³ but also, repeatedly, against environmental measures, such as a moratorium on shale gas in Quebec, a ban on offshore drilling in Italy, the phasing out of nuclear energy, or the standards applicable to coal-fired plants in Germany.

For a number of years, the EU has sought to include this arrangement in as many agreements as possible, including those with countries whose legal systems are efficient and the headquarters of multinationals habituated to cases against States, such as Canada, the United States, or Japan. It is even promoting the creation of a multilateral investment court to foster the extension of investor rights.

In the CETA, this section will not be applicable unless all member States ratify the agreement. Its form has been slightly adjusted, in response to unprecedented grassroots activism, but the problems of its content remain. *"Nothing in the treaty guarantees that future environmental measures necessary to pursuing France's objectives for energy transition and sustainable development will not be challenged before this jurisdiction,"* the Commission Schubert's evaluation report emphasized, despite growing societal pressure in favor of climate protection.¹⁴

Beyond the EU, many States have been burned by litigation or threatened litigation and have decided to try to exit this arrangement or limit its applicability. Bolivia, Venezuela, and Ecuador have withdrawn from the World Bank's International Center for the Settlement of Investment Disputes and have not renewed certain agreements. South Africa, India, and Indonesia had also announced their desire to return primacy to their national jurisdictions to examine this type of dispute. New Zealand is now developing a much more restrictive à la carte approach. And even the United States and Canada, who were the first developed countries to establish a mechanism to settle disputes between investors and States between themselves,

[13] "Le Commerce à tout prix", Foodwatch, February 2018. https://www.foodwatch.org/uploads/tx_ab-downloads/files/trade_at_any_cost_french_okHD.pdf

[14] Op cit. On this subject, also see "Doit-on autoriser les multinationales américaines à traduire les États européens devant des tribunaux supra nationaux?", panel of twelve legal experts, in *La Croix*, March 10, 2016. <https://www.asso-sherpa.org/on-autoriser-multinationales-americaines-a-traduire-etats-europeens-devant-tribunaux-supra-nationaux%E2%80%89>

with NAFTA in 1994, have decided to put an end to it. *“This has cost Canadian taxpayers more than 300 million dollars in fines and legal fees. The ISDS puts the rights of businesses above government sovereignty. By removing it, we reinforce the right of our governments to rule in the general interest, to protect public health and the environment,”* declared the Canadian minister of foreign affairs. So, in 2019, for the second time, the number of new investment protection agreements signed was lower than the number of agreements put to an end. In this context, the EU’s seeking to conclude several new protection agreements with economic powers, including China, seems difficult to justify.

Conclusion

The European Union bears prime responsibility for promoting a genuine reform of international trade rules and giving States back their ability to act in light of social and ecological emergencies. Given its ability to act in the name of all its member States, it was still, before Brexit, the greatest trade power in the world, with the greatest volume of goods and services exported and of imports, as well as the principal provider and beneficiary of direct foreign investment.¹⁵ Additionally, its 450 millions consumers, with their high purchasing power, represent a significant opportunity for investors and businesses worldwide. But will the EU step up? No one knows. It certainly set about in 2020 to revise its European trade policy to *“respond to various new challenges arising on a global level and drawing upon lessons learned from the coronavirus crisis.”* But for the moment, reforms announced as part of the European Green Deal and by the new trade commissioner, Valdis Dombrovskis, seem timid in light of what is at stake. And trade and/or investment agreements on the CETA model are on the rise (EU/Mercosur, EU/Mexico, EU/China ...), setting the framework of economic exchange for decades to come. But according to the “trilemma” described by economist Dani Rodrik, it seems impossible today to reconcile hyperglobalization, democratic functioning of our institutions, and respect for a national space of political decision.¹⁶ We have already gone too far in imposing restraints on governments through international trade regulations. This movement contributes to weaken the bases of democracy and the bond of trust between citizens and deciders. It is therefore urgent that trade rules be completely transformed to allow States and local governments to recover their ability to define the rules of the economic game and implement policies for social protection, local development, and environmental preservation to which a growing share of citizens aspires. This presupposes a moratorium on agreements in the process of ratification or negotiation in order to draw up a complete evaluation of past agreements and redefine, on this basis, the outline of a new democratic, just, and sustainable trade policy.

[15] “Statistical Guide,” DG Commerce, June 2018.

[16] Dani Rodrik, *Straight Talk on Trade. Ideas for a Sane World Economy*, Princeton University Press, 2018.

Equality: a Thwated Passion

XAVIER RICARD LANATA

“Men are born and remain free and equal in rights. Social distinctions can be founded only on the common good.”¹

Despite the now-general recognition of the continued increase of income and property inequality in most countries, and reiterated promises by left-wing parties to counter it by redistributive policies, the latest round of elections has everywhere shown that these parties are unable, once in power, to apply the proposed reforms. This phenomenon may be seen in the North as well as the South, and incites great disillusion. How can we explain this generalized powerlessness?

It has become commonplace, in most documents produced by multilateral institutions, to call for a “regulated globalization” to correct the effects of free trade, and particularly the constant increase of inequalities within countries. Free trade has indeed reduced inequalities between countries (this statement is true only if China is taken into account, that country representing nearly 15% of global GDP; China aside, inequalities between countries have hardly decreased at all). Inequalities within countries constantly increase, especially if we consider absolute rather than relative inequalities.²

For some, this phenomenon may be explained by free trade itself, which forces participating countries to increase their competitiveness. In a context where investment

[1] Declaration of the Rights of Man and of the Citizen, article 1.

[2] The difference between the poorest and the richest decile, for instance. In relative (proportional) terms, this difference may remain stable. However, if the poorest decile grows richer, the distance separating it from the richest decile increases in absolute value. Everywhere in the world, differences in absolute value are constantly increasing.

is chronically weak and gains in productivity very small, business competitiveness increasingly depends on labor costs: by shrinking wages, businesses, or countries, retain the competitiveness that is threatened by competition with extremely low-wage countries (particularly in the South). This competition is all the fiercer when production involves low-skilled labor (the textile sector, for instance, or toy manufacture). And yet we see that the specialization of Southern countries in low-skilled, low-paying activities (while Northern countries specialize in high value added activities requiring highly skilled labor... the famous “up-market stretch”) is giving way to “full-spectrum” production, going from factory work (textile, industrial) to innovation in domains as varied as aeronautics, space, automobile, pharmacy, and advanced technologies (specialized steels, robotics, etc.) once exclusively Northern. This “catching up” puts pressure on Northern economies, facing competition that makes light of traditional assignments.

Under these conditions, cost competitiveness, especially labor cost, is the only card to play. In other words, lowering wages, particularly of less-skilled workers, who are competing most closely with generally less-skilled Southern workers. In Europe, wage deflation is encouraged by the “structural” reforms promoted by the European Commission as part of the responsibilities laid out for it by such treaties as the Stability and Growth Pact and the European Semester reform (the Sixpack and Twopack of 2011 and 2013 respectively),³ allowing Brussels to place States “under programme,” of which wage deflation is an essential point.

What “regulation” can States use to correct the negative impact of globalization and fight inequality, or at least limit its growth, in such conditions? The OECD, WTO, and IMF call upon States and redistributive policies to correct the deleterious effects of free trade. The attentive reader will immediately grasp the fallacy: in a free-trade world, any “expense,” direct or indirect, raising production costs, whether a tax on production (investment or fixed capital included in revenue), on profits, or social security payments raising labor costs, reduces economic competitiveness and may thus be counterproductive. A wealth tax or inheritance tax is thought to have a deterrent effect. Only general taxation, distributed [indifferently] over the entire population, remains. VAT or any other social security payment on the order of the CSG (*contribution sociale généralisée*, introduced by France’s Juppé government in 1995 to finance national healthcare expenses through taxation).

These policies have their limitations, because they weigh relatively more heavily on poorer households and their return may be weakened when their rate increases (they have a directly depressive effect on consumption, and particularly on the

[3] These are reforms giving the European Commission the right to formulate an “opinion” (favorable or unfavorable) on the proposed finance law of year N+1 before this proposed law is sent to the national parliament. The government may decide not to observe this opinion, but it is then subject to sanctions, specifically being put “under programme,” whereby European civil servants are assigned to the government to validate expenditures and monitor very closely the development and application of a program of structural reforms to reduce public spending.

consumption of poorer households, which save little and consume at home: their spending behavior is thus absolutely essential to national economies). To these remarks, we must add that VAT is very difficult to collect in countries whose economy is essentially informal: merchants who are supposed to collect and return it to the tax administration are rarely registered and do not fulfill the obligations incumbent on the formal sector. In such countries, wealth inequality is often considerable, and taxes weigh heavily on wage-earners and civil servants. Most tax revenue comes from taxes on multinational businesses' exports—but such businesses benefit from a very favorable tax rate, and even that may be avoided by strategies such as transfer pricing or tax havens. Often multinational businesses are concentrated in the primary sector (extraction of primary materials, such as minerals or hydrocarbons) and employ little local labor. Capital flows caused by activity in the sector most exposed to competition allow financial intermediaries (banks, investment funds) to derive income from capital. This sector is followed by a cohort of small service suppliers (particularly in real estate). Except for the latter, mining or financial businesses employ little available labor. The formal sector most often employs, in Southern countries (low or intermediate revenue), only 10 to 15% of the economically active population (i.e., those employed or potentially employable). Taxation is often considered illegitimate by the population, for the simple reason that it rarely sees any benefit from it (failing public services, corruption). Redistribution involves only a small number of people, salaried employees and those entitled to certain rights (a social security card, for instance), from which most of the population is excluded.

Governments are not eager to expand their tax base, because they benefit from the informal economy, including sectors with very low hourly productivity (small shops, etc.), to obtain a kind of general consent to low or zero-value tax rates, which apply to individuals as well as to juridical persons. This is a general mindset that accepts as legitimate tax exemptions benefiting the rich and big businesses. Meanwhile, informal employment, untaxed and not subject to social security payments, supplies cheap services to the elite.

Generalized fiscal competition is intrinsically related to free trade: unable to protect its production against imports of products whose production cost is low, and on condition of being able to export, in return, equally cheap products, taxes on production, social security contributions, or any other form of taxation (of revenues or inheritance) are seen as handicaps. High revenues, on the other hand, are considered necessary to the national economy according to "trickledown economics." Despite economists' denials,⁴ this fairytale is still maintained by international institutions (WTO) and liberal economists (eg. Hernando de Soto). The WTO attributes inequality to technological innovation (which deprives low-skilled labor of work): automation certainly contributes to this general trend, and argues for a

[4] Eg. Gaël Giraud, Thomas Piketty, Steve Keen, and James Galbraith.

taxation system adapted to capital. Given the increasing share of automation and algorithms in value creation and production processes, it would be reasonable, from our point of view, for robots to pay a universal contribution to a “lifetime salary” to each individual, without correlation to salaried employment, which is destined to extinction. Provided that measures are adopted in order to allow flow control (of capital, goods, and services) and protection of those economic spaces which will be the first to implement such reforms. Redistributive policies cannot be reestablished and expanded unless they are part of a strategy of protection for internal markets wherein collective preferences (for saving, consumption, redistribution, etc.) translate onto the economic level, without having to be justified or requiring economic partners to adopt identical policies. Protections of this nature must be extended as cultural specificities which, without being exclusive, require coordination and mutual assistance. Perhaps one day redistributive policies will be part of every society, in the name of a universal notion of acceptable levels of economic (income and inheritance) inequality. In the meantime, nothing must prevent more egalitarian societies (like ours⁵) from protecting the bases of their social cohesion, so that in fact “social distinctions—and particularly economic inequalities—are based only on general utility,” as the founding fathers of our Republic wished.

[5] In the long run, French society has a distinct preference for equality, deriving from the social structures of the Ancien Régime. In this regard, our country differs from the United States or most Latin American countries (Brazil, for example), which accept levels of inequality far greater than ours. It is true that these differences are disappearing as the “tropicalization of the world” progresses, bringing former metropolises to the “tropical condition” once reserved for the countries of the South. (cf Ricard Lanata, *La tropicalisation du monde*, Paris, PUF, 2019).

No More Business as Usual: The Rise of the Coalition Between State, Corporations and Human Rights Under Authoritarian Neoliberalism (in the Times of Corona)

ADORACIÓN GUAMÁN and GUILLERMO MURCIA LÓPEZ
University of Valencia

Everyone knows the story. In the 80s, liberalism began to mark the pace of political discourse and became deeply entrenched into economic paradigms; rising as the favourite contender for leading the new world order. Fittingly so, liberalism was rechristened by adding the prefix neo and encouraged to expand its reign over every facet of daily life. Soon enough, this encouragement didn't just limit the State's role in upholding the rights of social majorities; it went as far as to secure neo-liberalism's stronghold on all that could contribute towards further capital accumulation. From *Atlanticist* foreign policy and predatory trade policy, to protecting the rights of transnational corporations (TNCs) and enforcing the legal framework that governs capitalist property relations; the State had begun to maintain the new status quo.

In effect, it was Friedrich Hayek who—in his seminal work, *The Road to Serfdom*—asserted that “the more the state ‘plans’, the more difficult planning becomes for the individual”¹. A few decades later in the 80s, he was invited to the White House as a guest of Ronald Reagan. The former United States president went on to cite Hayek

[1] Hayek, Friedrich (1976). *The Road to Serfdom*, Alianza Editorial, Madrid. p. 109.

as one of his greatest intellectual influences. In the meantime, Hayek was appointed a Companion of Honour in the United Kingdom, on the advice of Margaret Thatcher. By 1991, Hayek was conferred the Presidential Medal of Freedom, one of the highest civilian awards in the United States, by George H. W. Bush. The ruling elites among the most powerful States in the world openly celebrated intellectuals like Hayek, who claimed that the role of the State should be diminished. This presumes that reducing State power was to have no effect on the elites, since that which benefits the elites would not be affected by the State's increasingly limited role.

To assert that a new era has begun, one that is distinctly different from a previous era in history, is a matter of great delicacy. And yet, at the dawn of 2021—just twelve years after a global recession—the world that has been engulfed by a pandemic of momentous proportions. Millions of people sit expectantly, waiting for their State to take action and save not even the economy, but their fellow citizens. This is very much feels like the mark of a new era, one that remains radically different from the one that preceded it. Political turmoil is no longer a question of coup d'états or *proxy* wars between the great world powers, in far flung countries. Turmoil has now taken over the electoral processes of the world powers, reverberating right down through their constitutional status or even dictating the level of influence power-players may exert on peripheral economies; all through an increasingly refined *Lex Mercatoria*.

Now, the foremost world powers—particularly those within the European Union—are racing to address the crisis that followed the COVID-19 pandemic through a return to the central State. This renewed centrality is quickly consolidating and displays a willingness to meddle in the economy under the premise of guaranteeing social rights. At times, this move is managing to surpass the previous standards set by the three consecutive post-war decades characterized by breakneck economic growth. In the meantime, across peripheral economies, attempts to manage the pandemic fundamentally continue to rely on individuals' own ability to financially support themselves while unemployed, to avoid contracting the virus. This, in turn, infers that social majorities remain largely exposed to transmission and consequently, the ensuing health complications.

The State is back, they say, but the COVID *syndemic* that has forever marked the year 2020 and likely those to follow, has taken an incalculable toll on the health sector, the economy and the labour market. The shockwaves will be felt for years to come, severely impairing people's livelihoods and the fundamental right to live with dignity, particularly across the Global South. While the labour market still reeling from the previous crisis, current data indicators reveal that it is time to brace for an unprecedented impact on overall employment.

While the previous scenario was already particularly precarious for the most vulnerable workers worldwide, the COVID crisis has only served to exacerbate

the already existing inequalities. This is due to several factors that are traditionally concentrated within peripheral economies, but that have already begun to spread to core economies: the existence of a broader informal sector coupled with a limited public sector, obstacles to teleworking, and the scarce resources (or their scarce provision) that governments allocate towards the implementation of income compensation schemes.

Against such a backdrop in dire and urgent need of local solutions, is the ‘return of the State’ truly possible? Are States endowed with a broad enough scope for action to undertake far-reaching decisions and jumpstart a ‘new normal’, as they have so quickly proclaimed?

The answer is no. This stance is free of pessimism and rather relies on a much-needed dose of realism. The evidence is found in the alliance forged by the State, TNCs and their approach to human rights.

On 24 April 2013, an eight-story building collapsed in Dhaka, Bangladesh, killing 1,129 textile workers who were dutifully at the service of major international fashion brands². Could the State have prevented it?

Reprehension and disgust were the most prevalent reactions to this event; not just on moral grounds, but also political ones. Critics readily asserted that a lack of safety measures coupled with fragile labour rights were to blame. Initially, all fingers pointed towards the State; in principle, it acts as the regulatory body endowed with the legislative authority to enact legal frameworks that would presumably anticipate and prevent such risks. It is further implied that within this role, the State would uphold workers’ rights in such a manner that, for example, workers would not have felt compelled to accept risky working conditions and potentially lethal outcomes.

But, does Bangladesh have the power to chaperon the production process of large corporations flocking to Dhaka for cheap labour? After all, TNCs manage global value chains, and Bangladeshi companies are just the suppliers; the first of many links in an intricate chain. Further to that, TNCs violating human rights throughout their entire global value chain is not news; this phenomenon was already well established prior to the Dhaka incident. What’s more, this tragedy continues to repeat itself, even after this incident. In most instances, TNCs continue to enjoy impunity; and in the worst of cases, they resort to paying off victims and their

[2] For further reference, see: <https://cleanclothes.org/ua/2013/rana-plaza> and additional campaign reports. The ILO has also released multiple related reports, mainly within the framework of the “Improving Working Conditions in the Ready-Made Garment Sector” programme, co-financed by Canada, the Netherlands and the United Kingdom, that was launched in October 2013. For an academic stance on the case, refer to Reinecke, J., Donaghey, J., (2015) “After Rana Plaza: Building coalitional power for labor rights between unions and (consumption-based) social movement organizations”, *Organization*, 22, No. 5.



RLUANS (CC BY-SA 2.0)

Collapse of the Dhaka Savar building, also known as Rana Plaza, Dacca, Bangladesh, in 2013.

families through private mediation and by doing so, they successfully avoid any form of legal action or punishment for their actions³.

However, TNCs behaviour has been enabled by a broad set of national and international legal frameworks and institutions, established to meet the needs of transnational capital. A legal framework that not only guarantees full impunity for them, but also growing political power. This iron-clad framework is composed of trade and investment agreements; memorandums of understanding between the International Financial Institutions and the State; and even labour, fiscal or environmental legislation reforms implemented to attract foreign investment.

Thus, the deaths of hundreds of textile workers in Dhaka can be attributed to a specific pattern of “development”, rehashed in Bangladesh and many other nations in the Global South. Since structural adjustment policies —patently endorsed by the International Monetary Fund⁴— were implemented in the 80s, the country has followed a neoliberal trajectory. This prioritized their insertion into global value chains, the promotion of Export Processing Zones and the expansion of the garment manufacturing sector (known as the “ready-made garment industry”). This so-called “development” subsisted from meagre wages

[3] For further reference, see: Report of the United Nations High Commissioner for Human Rights, *Improving accountability and access to remedy for victims of business-related human rights abuse*, A/HRC/32/19, of 16 May 2016. Report of the Special Rapporteur on Contemporary Forms of Slavery, Urmila Bhoola, A/HRC/30/35, of 8 July 2015.

[4] Refer to: Saxena, S., Labowitz, S. (2015) *Monitoring working conditions at factories won't stop future tragedies*, The Globe and Mail. Available at: <https://www.theglobeandmail.com/report-on-business/rob-commentary/monitoring-working-conditions-at-factories-wont-stop-future-tragedies/article25898737/>

and weak labour rights; fundamentally only benefiting a small elite, in Bangladesh and overseas⁵.

De Sousa Santos claims we are in the midst of what he dubs “a stage of disorganized capitalism”, where many of the previous forms of organization have caved in, or are teetering on the brink of collapse. This includes mechanisms originally put in place to protect and uphold human rights. The market is thus presumed to have reached an unprecedented level of intensity, one that actively colonizes the original principles of State and community⁶. De Sousa Santos implies that the market’s role and functions were reorganized due to the nature of the power relations (or capture) regimenting political and economic spheres. This, in turn, endows international financial institutions and TNCs with inordinate power and continues to sustain the concentration of wealth among certain sectors of society.

Ultimately, this phenomenon would presumably lead to the collapse of the State’s sovereignty and powers; namely the State’s capacity to uphold, promote and protect human rights. Other authors, such as the political scientist Ian Bremmer, have referenced the rise of a new form of capitalism. This new iteration, brought to light by the 2008 global recession would, in their view, be qualitatively different from previous ones⁷. Already dubbed “State capitalism”, this new form purportedly differs from the idiosyncratic nature of its free market counterpart that bestows favour upon the Western Bloc, in that the State’s role is limited to solely acting as an arbiter to enforce the existing rules and discourage harmful behaviour at the collective level. In Bremmer’s version of “State capitalism”, the leviathan rises aided by specific policy tools in the political and the economic spheres that will serve to attain its objectives. Among these tools, we find: government control over strategic sectors, public companies, support for private companies and sovereign investment funds (such as the Abu Dhabi Investment Authority in the United Arab Emirates). For Bremmer, this model of capitalism does not represent a level playing field for free-market capitalism; on the contrary, it ultimately poses a serious threat to global stability.

However, the concept of “State capitalism” actually precedes Bremmer. A different perspective, perhaps more complementary to De Sousa Santos’ approach, would be the one coined by Raya Dunayevskaya⁸ (1964, 1967) and further developed by

[5] As Banerjee and Alamgir put forth, towards the late 70s “the country’s military regime, introduced large-scale political and economic reforms and launched major infrastructure projects. A key element in the country’s industrial policy was private sector development and export-oriented growth and as a result the RMG sector grew rapidly over the next few decades”. Banerjee, S. B. and Alamgir, F. (2018), *Contested Compliance Regimes in Global, Production Networks: Insights from the Bangladesh Garment Industry*. Human Relations. Available at: <https://openaccess.city.ac.uk/id/eprint/19471/1/HRfinal.pdf>

[6] *Ibidem*.

[7] Bremmer, Ian (2010). *The End of the Free Market: Who wins to war between States and Corporations?* Portfolio, New York.

[8] Dunayevskaya, Raya (1964). *Marxism and freedom: From 1776 until today*. Twayne Publishers, New York and Dunayevskaya, Raya (1967). *State Capitalism and Marx’s Humanism*. News & Letters, Detroit, Michigan.

Andrew Kliman: a phase where the State protects capitalism as it stands on its last legs, nudging it forward⁹. This analysis, that can be applied to explain measures such as the United States' New Deal and is now circumstantiated by the bank bailouts handed out during the Great Recession, would imply a new stage of capitalism, where the State's role in containing the collateral damage of the recession as it upholds human rights, becomes clouded. However, the State's efforts to protect, correct and sustain its economic ecosystem have not diminished, but actually accelerated. The State's pantomime of the 'benevolent protector' merely looking after its own citizens would have come to an end the moment it was forced to step in and save capitalism from itself — through stimulus packages, liquidity injections and financial assistance for *entrepreneurs*. The cover up soon followed: rebranding capitalism under slick new initiatives, cynically exhibiting concerns over rampant inequality, and going as far as to engage in public debates on hot topics such as Universal Basic Income — previously relegated to the turf of social democrats.

Projections by the World Bank and the International Monetary Fund —hardly suspect of harking catastrophism when faced with the consequences of the capitalist mode of production— have predicted another recession in the near future. The overall global economy is expected to shrink by about 5.2%, according to the World Bank¹⁰. Another matter is that, of course, eventually it becomes tempting to blame any crisis —economic or otherwise— on *deus ex machina*: external shocks. It is far easier to point fingers than to consider that modern capitalism might be operating on faulty premises. The COVID-19 pandemic is a prime example of this. However, the recession that is already hounding certain countries and lurking on the horizon for many others, is understandably exerting pressure and molding the public's expectations for the role of the State in safeguarding citizens' health, protecting their livelihoods and looking after their safety. And so, the question remains: is the State capable of fulfilling these expectations?

The State has not addressed these issues over the last few decades; at least not in a manner that could be deemed satisfactory. Even defenders of the free market such as Bremmer, blame the emergence of “populist” movements that challenge the free market on “globalism” and its neglect or disdain for the well-being of the majority of the population in developed countries¹¹. But that does not mean that the gears of the State —or rather, States— have stopped spinning. On the contrary, the State has redirected its efforts to impose market authoritarianism; a new legal-economic order bolstered by a vast body of international law. The

[9] Kliman, Andrew (2008). *Trying to Save Capitalism from Itself: The New Face of State Intervention in the Midst of Financial Crisis and Recession*. The Hobgoblin: a British Journal of Marxist-Humanism, 2008. Available at: http://web.archive.org/web/20081227133152/http://www.thehobgoblin.co.uk/2008_11_AK_Economy.htm

[10] Refer to: <https://www.worldbank.org/en/news/press-release/2020/06/08/covid-19-to-plunge-global-economy-into-worst-recession-since-world-war-ii> and <https://www.imf.org/en/Publications/WEO/Issues/2020/06/24/WEOUpdateJune2020>

[11] Bremmer, Ian (2018). *Us vs. Them: The Failure of Globalism*. Portfolio/Penguin, New York.

new rule was reinforced through a comprehensive network of national legislation, geared towards promoting international trade and protecting the interests of foreign investors¹².

This new body of law, denominated the *Lex Mercatoria*, traces its roots back to the “Washington Consensus”: a set of policies implemented throughout Latin America in the 80s. However, the Consensus’ foundations date back to the 70s, when a series of military dictatorships engulfed the Southern Cone nations¹³. Through the “Consensus” —a misnomer from the very beginning— Latin America was beset with the International Monetary Fund’s strategic guidelines. These reins were eventually also latched on the European Union amid the so-called “euro crisis”, through what is now sometimes referred to as the “Brussels Consensus”¹⁴.

The *Lex Mercatoria*, a “Code of Capital”¹⁵, has several components. On the one hand, it integrates the legal provisions as well as the adjustment and conditional lending policies of International Financial Institutions (IFIs). Particularly, those derived from the International Monetary Fund’s (IMF) operations and its development guidelines for state actors. However, the “Code” also assembles trade and investment agreements that comprise tariff reductions; the gradual liberalisation of certain services, the opening of markets to new products and the granting of extraordinary privileges that enable foreign investors to sue the State¹⁶. Also noteworthy are the so-called mega-regional trade agreements, or the “new generation” of Free Trade Agreements (FTA) that boast a brand-new mechanism: regulatory cooperation¹⁷. In short, trade and investment liberalisation provisions. However, they also dictate dispositions that extend beyond State borders incorporating them within domestic legislation. The latter is conditioned by two salient features: a “freeze” effect that follows the implementation of investor-State dispute settlement mechanisms¹⁸ and

[12] Hernández Zubizarreta, J. and Ramiro, P. (2016). *Contra la Lex Mercatoria* (Barcelona: Icaria); Guamán, A., González, G. (2018), *Transnational Companies and Human Rights*, Albacete, Bomarzo.

[13] Nemiña, P., Larralde, J. (2018). “Etapas históricas de la relación entre el Fondo Monetario Internacional y América Latina (1944-2015)”. *Lat. Am. Hist. Econ.*, Jan-Apr, 2018, pp. 275-313; Puello-Socarrás, JF (2015), “Neoliberalismo, antineoliberalismo, nuevo neoliberalismo. Episodios y trayectorias económico-políticas suramericanas (1973-2015)”, in Rojas, L., *Neoliberalismo en América Latina. Crisis, tendencias y alternativas*, Buenos Aires, CLACSO, Rosa Luxemburg Foundation, BASE.

[14] On the “Brussels Consensus”, refer to: Guamán Hernández, A., Noguera Fernández, A. (2015), *Derechos sociales, integración económica y medidas de austeridad, la UE contra el constitucionalismo social*, Albacete, Bomarzo.

[15] Pistor, K. (2019). *The Code of Capital. How the Law Creates Wealth and Inequality*, Princeton University Press, Oxford

[16] On this topic, reference is made to bibliography reviewed in previous works, such as: Guamán, A. (2015) *TTIP: el asalto de las multinacionales a la democracia*. Akal, Madrid.

[17] Regarding the new generation treaties and in line with the European Union classification system, for the purposes of this analysis, the following are assessed: EU-Korea; EU-Peru, Colombia, Ecuador; EU-Central America; EU-Canada; EU-Singapore; EU-Vietnam and EU-Japan. The aforementioned EU classification system can be found in the *Report from the Commission to the European Parliament, the Council, the European Economic and Social Committee and the Committee of the Regions on Implementation of Free Trade Agreements* (2018). Available at: <https://op.europa.eu/es/publication-detail/-/publication/1bbb43a4-f540-11e9-8c1f-01aa75ed71a1/language-es>

[18] Olivette, C., Mühler, B., Ghiotto, L., (2019) *ISDS en números, Impactos de las demandas de arbitraje de inversores contra estados de América latina y el caribe*. 3rd Edition, April 2019. TNI. Amsterdam.

establishing gradual commitments towards harmonizing regulatory standards — to the detriment of the various State parties of international trade agreements.

TNCs both originate in and give shape to the *Lex Mercatoria*, as they both promote and benefit from it. Their transnational structure, as such, allows them to evade sanctions from the State, based on the principle of territoriality for judicial systems. The State is hence, impaired from bringing parent companies to justice for any incidents taking place along their enormous transnational production chains. In addition, TNC's ability to shift production across State borders —always in search of legal frameworks with lax human rights standards (*lato sensu*)— forces States into a never-ending race to the bottom as they compete to attract foreign investment.

Today, TNCs have turned into veritable decentralized offshore networks. While in the past they resorted to spreading the different stages of production across various factories or production centres, today TNCs are able to disperse them throughout different countries; while holding loose ties to the territory, local markets or even communities. The locations are selected solely based on the incentives offered by local governments and communities, who compete with each other for the privilege of hosting TNCs¹⁹.

The State —unable to guarantee social, economic, political or even human rights when confronted by the evasive nature of TNCs— has no other choice than to submit to the will of international financial institutions and implement the *Lex Mercatoria*, relying on the vague hope of attracting foreign investment and spurring the economy forward. It is a vicious cycle that ultimately benefits only one party: TNCs, who no longer have to manoeuvre around a State that limits their actions or potential for revenue, since the State becomes powerless to uphold basic rights and standards.

The relationship between the State and capital is, as evidenced, quite complex and historically influenced by numerous cross-cutting factors. On the one side, there is the State's inability to guarantee basic labour, social and economic standards and rights; those that previously fell under the State's purview and balanced out the uncertainties, inefficiencies and outright injustices of the market economy. On the other hand, the States have played a pivotal role in implementing a liberal framework that erodes any future possibility for these rights to be recovered or upheld. As Jessop²⁰ remarks, neoliberal capital requires State intervention, but simultaneously undermines States' sovereignty and territorial integrity. In turn,

[19] Barañano, M., "Contexto, concepto y dilemas de la responsabilidad social de las empresas transnacionales europeas: Una aproximación sociológica", Labor Relations Notebooks, vol. 27, No. 1. Baylos, A., "Códigos de conducta y acuerdos-marco de empresas globales: apuntes sobre su exigibilidad jurídica", Lan Harremanak/12 (2005-I). Cairola, E., *Volver a los fundamentos: sindicación, negociación colectiva y promoción de un marco de trabajo decente en las cadenas de suministro globales*, International Journal of Labour Research, *Trabajo decente en las cadenas mundiales de suministro*, Geneva, International Labour Office, 2015.

[20] Jessop, B. (2016). *The State: Past, Present, Future*. Cambridge, UK. Polity Press, p. 210.

the State becomes increasingly unable to advocate for its own interests within the established fora (NAFTA, the EU, G8, etc.).

Is there any glimmer of hope ahead? A sombre mural in the working district of Falls Road in Belfast, Northern Ireland depicts a scene from 1970; a neighbourhood marching in protest after a new curfew was imposed. The inscription reads: “Oppression breeds resistance, resistance brings freedom”. Similarly, the victims of the prolific and widespread implementation of the *Lex Mercatoria* do not remain indifferent. Wherever there were attempts to impose this code, an array of alternatives has spawned. Examples abound: from the “Occupy Wall Street” movement and the Spanish 15M protests (2011), to the “Arab spring” (2012-2013), the “Yellow Vests” protests in France (2018) or even recent acts of popular resistance in Argentina (2017), Ecuador and Chile (2019).

The latter protests across Latin America represent a prime example of the global resistance movement, one that is still in full swing. The International Monetary Fund returned to Latin America after a sway in the dominant political discourse, marked by the rise to power of politicians such as Macri, Temer/Bolsonaro or Moreno. Data reveals that, despite the IMF’s mistakes in nations such as Greece, the Fund is now back in Latin America imposing eerily similar policies with little concern for the local context, and continues to repurpose its failed economic policies²¹.

As Nancy Fraser observes, the sweeping wave of popular resistance movements serve to highlight the incompatibility of the marriage between neoliberalism and democracy; as well as people’s growing awareness of this mutual incompatibility²². The *Lex Mercatoria*’s mechanisms are notoriously hard to pass through the filter of public approval, whether it be at the ballot box or in the form of parliamentary measures. Political, social and economic unrest never truly went away. It perhaps remained dormant after the decline of capitalism’s main alternative in the early 90s, but it is now again rearing its head in the form of unexpected electoral or constitutional turns-of-events. Political party systems in seemingly established democracies are being shaken up, while the increasingly complex game of geopolitics is rattled by new military confrontations or trade shocks. Ultimately, it is safe to say that popular struggle and protest have paved the way towards new proposals, different from those chosen so far.

[21] In the same vein, refer to: Ugarteche, O., *Arquitectura financiera internacional*, Akal, Madrid, 2018; Ne-miña, P. Larralde, J. “Etapas históricas de la relación entre el Fondo Monetario Internacional y América Latina (1944-2015)” *Am. Lat. Hist. Econ.*, Jan-Apr, 2018, pp. 275-313; Lehdorff, S., *El triunfo de las ideas fracasadas: modelos de capitalismo europeo en la crisis*, Madrid, La Catarata, 2015

[22] Fraser, N., “The end of progressive neoliberalism”, in *Dissent*, January, 2017. In a similar vein, refer to: Pastor, J., “La deriva oligárquica del constitucionalismo occidental y su viejo topo”, *Papeles de relaciones ecosociales y cambio global* Nº 122, pp. 27-36; Ramírez, F., “La pendiente neoliberal: ¿Neo-fascismo, post-fascismo, autoritarismo libertario?”, in Guamán, A. et al. *Neofascismo la bestia neoliberal*, Madrid, Akal, 2019.

A prime example these protests prominent role in upholding human rights, is the “Binding Treaty” process. Its objective is to establish an international legal framework –and the necessary mechanisms– to ensure that TNCs observe human rights in their full range of activities, regardless of where they operate; and would extend their responsibility throughout the entire global supply chain. This petition, at the heart of numerous social movements throughout the last few decades²³, was finally championed by Ecuador and South Africa and adopted by the UN Human Rights Council in 2014 through Resolution 26/9. This led to the formation of an “open-ended intergovernmental working group on transnational corporations and other business enterprises with respect to human rights, whose mandate shall be to elaborate an international, legally binding instrument to regulate, in international human rights law, the activities of transnational corporations and other business enterprises”²⁴.

Is there an alternative to the *Lex Mercatoria*, to democratic criteria being overlooked in order to favour capital? Or is there at least an alternative in the works? Do processes like the “Binding Treaty” show that it is indeed possible to overturn the dominant economic model? Or are these processes doomed to be buried under the avalanche of a world quickly falling apart — in social, economic, health and environmental terms? Is the State’s attempt at reasserting itself in its battle against COVID-19 the sign of gradual change towards a Keynesian renewal? Or are we witnessing political posturing and empty promises of change?

Only time will tell. But what is clear is that we remain immersed in an unprecedented global pandemic with multiple social, political and economic ramifications. As the hopes of millions of people that their health, dignity and economic well-being will be secured by the State are being dashed, citizens are increasingly seeking out options, exploring ways in which these needs can be met elsewhere; somewhere safe from the whims of the market. There might not be another chance like this one to prominently showcase those alternatives.

[23] What led to the adoption of Resolution 26/9 were the actions taken on the part of social movements, through the Permanent Peoples’ Tribunal. The EU-LAC Bi-Regional Network paved the way with “Linking Alternatives”, an initiative that led to the launch of the Global Campaign and a call to action. This document was signed by more than 150 movements and organizations, outlining the need for a code or binding instrument that superseded the voluntary nature of other instruments in international law. As well, one that demonstrates that TNC’s human rights violations are not isolated events, but rather part of “capitalism’s systemic injustice”. Building a legal framework —as outsiders to the process and from the ground up— was a challenging process, equally important as the International Peoples Treaty.

[24] Resolution A/HRC/RES/26/9 *Elaboration of an international legally binding instrument on transnational corporations and other business enterprises with respect to human rights*: adopted by the UN Human Rights Council (HRC) on 26 June 2014. Available at: <https://documents-dds-ny.un.org/doc/UNDOC/GEN/G14/082/55/PDF/G1408255.pdf?OpenElement>

The 1970s and the Counteroffensive of Authoritarian Liberalism versus Democracy Regarding Grégoire Chamayou's "La société ingouvernable"

Grégoire Chamayou's work analyzes "authoritarian liberalism" as a counter-attack against the multiple social revolts of the early 1970s, and shows how the democratic ambitions of civil society have been progressively diminished to guarantee corporate economic interests. Contrary to popular belief, the rise of neoliberalism does not correspond to a pure and simple retreat of the State from the economic sphere, but rather to the emergence of a State authoritarianism capable of guaranteeing the capitalist social order without meddling in private affairs. Chamayou gives a bird's eye view of the genesis of this movement, laying out its concepts and way of understanding problems as found in managerial literature, economic reviews, and other documents produced by the intellectual elite of the liberal right. Thereby he analyzes the new modes of governance advocated within and outside of companies, to counter the era's spirit of revolt.

Simply put, if rebellion threatens, instilling fear is the key to reversing the power relationship.

Within companies, behind the introduction of the notion of "governance," – which hasn't ceased to expand since then – lurks the reinforcement of the disciplinary regime challenged by civil society and labor unions in the 1970s. Counter-insurrectional and information-gathering tactics combine to exert pressure on unions, as well as an emerging vocabulary that clearly favors companies: self-regulation (without external intervention), voluntary adoption of rules and codes of conduct (non-binding), individual responsibility (clearing companies from overseeing their own activities)... This new vocabulary depoliticizes governance and favors the refinancialization of corporations, creating (or favoring) a semantic slippage not unlike marketing's "rebranding." Meanwhile, the insistence on individual responsibility is an essential stalking horse to impose this change of political paradigm (for instance, rather than addressing polluting corporations, citizens are now blamed for their consumer choices and waste management).

Outside of the corporations, economic and social insecurity is fostered: fear of unemployment forces workers to accept increasingly unfavorable working conditions. The idea arises, also, that democracy itself is a source of instability because it allows criticism and opposition to emerge, provoking a “crisis of governability.” Here the State makes its entrance: its role, according to the theorists of this counterrevolution, is to ensure the permanence of capitalism in the face of its own “self-destructive tendencies,” but without “touching the fundamental economic relationships that determine them.” And if this means dictatorship, like that of Pinochet in Chile, well, so be it.

Thus, beginning in 1970, discipline is the strategy implemented then reinforced, within companies and outside of them, to fight the expansion of unions which, at that time, was on the rise. The liberty of corporate governance (i.e. the non-intervention of the State in managing the corporate world) must be defended, while at the same time the role of the State in managing social upheavals that might threaten the freedom of the market must be reinforced. To do so, it is crucial to depoliticize the terms in which economic and democratic relationships are considered.

As Alexandre Klein concludes in his notes on Chamayou’s work: “with neoliberalism, economics has conclusively dethroned politics.”

Regulating Corporate Political Influence on Public Opinion

RENAUD FOSSARD, SPIM (Système publicitaire et influence des multinationals / Advertising System and Influence of Multinationals)

It is an established fact that a few thousand corporations are the dominant oligopolies in many economic sectors.¹ These actors, obviously powerful on the industrial, commercial, and financial level, are also structures developing wide-ranging influence activities, seconded by an industry specializing in communication and public relations.

They deploy large-scale influence activities on the commercial level, getting rid of stocks of obsolescent products, sustaining a situation of overproduction, and maintaining double-digit ROI.² They also use influence activities on the political level, to protect their business model: limiting regulation of their activities and the markets in which they operate. These activities, aimed precisely at the actors of the political and normative decision-making process, are generally grouped under the term “lobbying.”

For members of the profession, lobbying is merely sharing expertise in consultation with public authorities. But no one doubts that corporations influence decision-makers much more proactively and establish eminently political strategies, including “revolving door” hiring of former decision-makers and high-ranking civil servants to benefit from their connections.

[1] The 2011 reference study by the Institut Fédéral de Zurich shows that among some 50,000 highly interconnected multinational corporations, some 15,000 generate 95% of the sector's total revenue. Stefano BATTISTON, James B. GLATTFELDER and Stefania VITALI, “The Network of Global Corporate Control,” *PLoS ONE* 6(10): e25995, 2011.

[2] Big business spent over 1.3 trillion dollars globally in 2019 for promotional products and marketing. The methods of short-circuiting the consumer's critical intelligence and the macroeconomic impact of commercial communication are well documented. Source: Big Corpo. See : Les Amis de la Terre, *Communication Sans Frontières, Résistance à l'Aggression Publicitaire, Big Corpo. Encadrer la pub et l'influence des multinationales : un impératif écologique et démocratique*. May 2020; Chapters 2 and 6.

In any case, the way lobbying is perceived remains focused on political influence directly targeting government institutions. And yet, in the process of making political decisions, some dynamics go well beyond the institutional microcosm, in which media, science, social movements, and public opinion play a significant and even decisive role.



LUCIEN LEDAN / WWW.COMMUNICATION-UTILITE-PUBLIQUE.FR
© OSAMA JELJELI

Illustration from the report “Big Corpo. Encadrer la pub et l’influence des multinationales : un impératif écologique et démocratique”. RSE and lobbying.

Over the past few years, the public has become aware of corporations’ aggressively manipulative strategies, whether by casting doubt on science or by impersonating NGOs to engage with decision-makers. But the analysis of contemporary corporate methods of political influence must be broadened to include strategies directed towards public opinion through the manipulation of journalists but also, more or less explicitly, through advertising. According to Joshua Adel, former head of the lobbying department of the TBWA advertising group, *“For us, advertising is a standard means of political lobbying whose aim is to win the ‘culture war’—and not merely through amendments.”*³

Beyond specific influence campaigns, and considering all the tools of corporate communications and discussions of corporate social responsibility (CSR), isn’t big business engaged, more fundamentally, in a permanent culture war against any kind of regulation of its activities? Shouldn’t the financial importance of advertising to the media be considered another significant lever of political influence?

Enhancing the diagnosis of contemporary corporate political influence campaigns was one of the purposes of the report *Big Corpo. Encadrer la pub et l’influence des*

[3] Joshua ADEL, “La publicité, l’autre pays du lobbying”, *Médiapart*, blog post published April 16, 2013.

multinationales : un impératif écologique et démocratique, published June 2020, from which the following developments are drawn.⁴ This analysis aims at envisioning reforms to draw up appropriate limitations on corporate political communication.

Aggressive strategies to manipulate science and NGOs revealed at last

The Merchants of Doubt, published in the United States in 2010,⁵ as well as the Monsanto Papers of 2017, played a decisive role in revealing to a mass audience the strategies used by corporations to build up scientific controversy. As it happens, when high-risk products are central to their economic model, companies invest in operations aimed at falsifying scientific evaluation by the government in order to obtain or retain authorization to sell them.

The issue recently inspired a Hollywood drama, *Dark Waters*, recounting how DuPont covered up the danger of Teflon, whose toxic perfluorooctanoic acid molecule (PFOA) may now be found in 99% of human bodies.

Conglomerates from every scientifically contentious sector are involved, far beyond the infamous example of Big Tobacco.⁶ Powerful operations like the International Life Sciences Institute, funded by Monsanto, Coca-Cola, Nestlé, and others, have offshoots in dozens of countries and annual budgets in the millions. But the methodology is now commonly recognized: basically, “in-house science” is produced, biased but conforming to “standard clinical practice”; its results are then published in a sufficient number of articles, signed by strawmen, until it manages to shatter consensus in the “regulatory science” on which political decisions are based.

These strategies, aiming to distort decision-makers’ perception of reality, are not limited to the scientific field. There is also “astroturfing”: the creation of fake grassroots organizations to defend corporate interests in the name of citizens (and “consumers”).

Sophie Boulay, who has spent the last ten years researching the subject, explains that these tactics are “doubly harmful to democracy, not only because they undermine the credibility of genuine citizens’ speech, but also because, ultimately, they succeed in influencing public opinion and [...] a law, a regulation, a budget, or a project.”⁷

[4] This report, also known as the “Big Corpo report” (see below) and its conclusions, are freely accessible online at sp-im.org.

[5] Erik CONWAY and Naomi ORESKES, *Les Marchands de doute* (Paris: Le Pommier, collection “Essais et documents”, 2012).

[6] The many investigations of the subject identify Dow Chemicals and Bayer-Monsanto for chemicals, pharmaceuticals, and pesticides; Coca-Cola and Nestlé for food and sugar; L’Oréal for cosmetics; and Exxon, Mobil BP, and Total for fossil fuels.

[7] Pierre-Etienne CAZA, “A bas l’astroturfing !”, *Actualités UQAM*, article published March 31, 2015. Link: <https://www.actualites.uqam.ca/2015/astroturfing-identite-citoyenne-Sophie-Boulay>

Developed in a small way during the 1970s by the tobacco, oil, and pharmaceutical industries, which created citizens' coalitions (sometimes lavishly paid-off, sometimes merely deceived), astroturfing has become a recognized influence tactic in marketing literature since the 2000s. The phenomenon assumed a new scale with the rise of social media. The sociologist Sylvain Laurens, who studied the influence of astroturfing in the European Union's decision-making centers in Brussels, warns against companies' financial investment in these strategies, which will *"quickly favor the rise of new techniques imitating even more cunningly the militant activism of classic NGOs."*⁸

Astroturfing by media or advertising to influence public opinion

Directly targeting decision-makers through institutional lobbying or astroturfing limited to the Brussels sphere may prove insufficient, if political roadblocks are due to disinterest or opposition by public opinion. In this context, corporate spin doctors, i.e. strategic communicators, depend on media manipulation to send messages to decision-makers or directly influence public opinion through stealth advertising campaigns.

Some may remember the media impact of demonstrations by peasants from developing countries during the 2002 Earth Summit, making Johannesburg ring with slogans such as *"Say no to Eco-imperialism," "Greens: stop hurting the poor,"* and *"Biotechnology for Africa."* The role in these movements of GMO industries, headed by Monsanto, was not revealed until later...⁹ The operation facilitated direct influence of decision-makers *in situ* using international media, while at the same time opening a long-term campaign on international public opinion.

In France, more recently, the same method was used in the issue of Sunday store openings, which institutional lobbying had failed to push through. Don't forget the mobilization of "Sunday DIYers" in 2013, when Leroy Merlin and Castorama employees demonstrated for the "freedom" to work Sundays. The role of the influence agency leading this operation, presenting a neoliberal reform as a blow for freedom, was documented later, but the main television news programs seized upon the subject immediately, and the government was not slow to respond. Two years later, a liberalizing reform of Sunday working hours was implemented.

Astroturfing strategies to influence public opinion may also use advertising — buying space — when the real identity of the advertiser is concealed. In 2018, seven advertising campaigns funded by the American Petroleum Institute were

[8] Sylvain LAURENS, "Astroturfs et ONG de consommateurs téléguidées à Bruxelles. Quand le business se crée une légitimité « par en bas »", *Critique internationale* 2015/2 (N° 67), 2015, p. 98.

[9] Jonathan MATTHEWS, "Biotech's Fake Persuaders," in *Thinker, Faker, Spinner, Spy: Corporate PR and the Assault on Democracy* (London: Pluto Press, 2007): 117-137.

published on Facebook and Twitter under the names of shell groups such as Energy4us, Energy Nation, and Explore Offshore Coalition. They targeted Internet users individually, arguing that natural gas could combat the effects of climate change, that offshore extraction did not affect tourism, that a vote for energy was a vote for jobs, etc.¹⁰

Political advertising, a basic tool in “360° lobbying”

In political influence, advertising does not need to go undercover —or at least, not completely. Buying advertising space is costly, but it offers a guarantee of total control over the message, which may thus be precisely calibrated and fully claimed by the corporation.

Some advertising campaigns are explicit as to the political dimension of their message: wide public distribution of specific points, as in a position paper, pressures the decision-makers who oppose the interests of those who commissioned the campaign. In October 2012, two fast food giants influenced public opinion with advertising campaigns of this type, launched only a few days apart. McDonald’s, with an advertisement entitled “Encore un petit effort M. Thévenoud,” pressured a deputy who resisted lowering restaurant VAT, while the Ferrero group, with its “Nutella, parlons-en” campaign, appealed to public opinion in opposing a bill on palm oil surtax.

In fact, the phenomenon is more common than it appears. Just recently, in France, the advertising industry itself did not stop at institutional lobbying to fight a bill relative to the Citizens’ Convention on Climate, with its possible bans on advertisements for SUVs and other polluting products. In early October 2020, the main advertising lobbies bought full pages in the influential *Journal du Dimanche* and other daily papers to publish their “editorial” entitled “Avant d’interdire” [Before Banning].

The legitimacy of these “360° lobbying” operations, based on explicitly political advertising campaigns, must be discussed. But these overt episodes should not blind us to another, more subtle reality of corporate political influence: their public discourse, permanently engaged in an ideological and cultural war.

The permanent culture war: corporate communication and CSR versus government intervention

Corporate communication, of which corporate advertising is one aspect, is different from commercial communication (which sells products); its messages concern the identity and values of the company itself. Corporate discourse is mostly focused on the concept of Corporate Social Responsibility (CSR), the social and environ-

[10] Jeremy B. MERRILL, “How Big Oil Dodges Facebook’s New Ad Transparency Rules,” ProPublica, article published November 1, 2018. Link:

mental commitments made regarding their products, chain of production, and entire economic model.

After influence struggles around the concept of sustainable development in the 1990s, CSR was structured as an alternative, communicational in nature, to the possibility of genuine corporate legal responsibility for harm caused by corporate activities.¹¹ In other words, the public expression of (non-binding) commitments to respect human rights, labor, and the environment would avoid governmental (and binding) oversight of these issues. Thenceforth, big business multiplied its commitments in “codes of conduct” and invested in communication towards the public and decision-makers on these matters.

In this context, around the turn of the millennium, corporate communication was born: a far-reaching internal reorganization of big business’s communication operations. Marketing departments, with their creative staff and large advertising budgets, were consolidated with public relations and lobbying into super-divisions, headed by communication directors with seats on company boards. Corporations integrated commercial and political influence strategies directed to all publics, from consumers to government decision-makers.

Certainly, corporate communication, and, at its heart, CSR discourse, entails a highly political dimension.¹² Putting their social and environmental initiatives (including philanthropy) in the limelight, corporations seek not only to appeal to “consumers as actors,” they also aim to influence the terms of debate for public opinion in order to disqualify in advance any future government interventions to regulate their activities. Corporate advertising may take a central place in strategies of deeper-seated ideological influence, strikingly illustrated by Total’s recent “Committed to Better Energy” campaign.¹³

Launched a few days before COP20 with an event-based strategy entitled “Total University,” the petro-giant initially publicized its “in-house science” (indicating that energy transition would be long and fossil fuel use would continue), while at the same time publishing a heartwarming photo of its CEO beside Christiana Figueres, an important figure in the UN’s climate change effort. Then, for a year and up to the last weeks of COP21 negotiations in Paris, several waves of advertising campaigns were launched throughout G20 countries targeting, in particular, “decision-makers and opinion leaders.” An in-depth analysis of campaign materials

[11] In the beginning, “sustainable development,” described in the 1987 report *Our Common Future* and officialized at the 1992 Rio Earth Summit, prioritized present and future populations and their environment over business. After ten years of a war of influence, at the 2002 Johannesburg Earth Summit it was translated into French as *développement durable* (durable [not sustainable] development) and referred merely to the “harmonious” development of the 3 Ps: “People, Planet, Profit.”

[12] Irina LOCK and Peter SEELE (2017a), “Politicized CSR: How corporate political activity (mis-)uses political CSR,” *Journal of Public Affairs*, 2017.

[13] See Renaud FOSSARD, *Le rôle de la communication corporate dans les stratégies de communication et d’influence. Le cas de Total et la campagne “Committed to a better energy”*. Master’s thesis, CELSA, 2016.

shows Total presenting itself as a leader in solar energy and positioning “natural” gas, a fossil fuel, as a solution for energy transition.

In March 2019, the NGO Influence Map published a report indicating that the five largest publicly-traded oil and gas majors (including Total) had spent a billion dollars on lobbying and “climate-branding” activities since the COP21 summit.¹⁴ Nearly 200 million dollars were invested in communication campaigns “aimed at convincing stakeholders they are on board with ambitious action on climate” through “messaging deemphasizing climate regulation while stressing voluntary action and low-carbon investments.”

These politically-targeted corporate advertising campaigns generally buy space in traditional media. Therefore, the broader question of the role of these media in the culture war must also be addressed.

The issue of media funded by advertisers

If a powerful advertiser controls, through purchasing space, a significant part of mass media’s financial resources, that may constitute an additional means of political influence.

The more fundamental effects of advertising-based financial support of the media are worth examining further, given their impact on democracy.¹⁵ But, to focus on more direct political issues, major advertisers influence the handling of sensitive subjects through mechanisms of editorial censorship and, especially, self-censorship. Media blackmail through advertising budget, although its mention is taboo in the profession, is not uncommon.¹⁶

In France, during the last decade alone, the publication of investigative reports by *Le Monde*, *Libération*, *La Tribune*, and *M6* brought about the withdrawal of advertising funding by LVMH, EDF, McDonalds, and KFC. Additionally, *France Télévision* was threatened with such withdrawals in 2017 due to its hit program “Cash Investigation”; in 2015, local newspapers were similarly pressured by Volkswagen to withhold information on Dieseldgate.

These overt clashes, while rare, establish a more permanent kind of self-censorship among editors and journalists. In the United Kingdom, the *Daily Telegraph* lost

[14] Influence Map, 2019. “Big Oil’s Real Agenda on Climate Change. How the Oil Majors Have Spent 1 Billion Since Paris on Narrative Capture and Lobbying on Climate.”

[15] Research shows that financial support by advertising favors media concentration, content duplication, and buzz over analysis, as well as editorial orientation towards the middle of the political chessboard. Similarly, media dependency on advertisers normalizes joint operations between editorial staff and brands, ranging from “native advertising” (promotional content styled like an editorial article) to the insidious adaptation of media forms and practices to advertising, a phenomenon known in France as *publicitarisation*. For more information see “Big Corpo”, 2020. Chapter 5, Section 1.

[16] See “Big Corpo”: 75-76.

advertising funding from the banking group HSBC in 2012-13 after investigating one of its Jersey subsidiaries. In February 2015, the paper's star columnist resigned, stridently denouncing the "coverup" of Swissleaks to protect advertising budgets. A few days later, HSBC's chief executive publicly announced his intention to apply financial penalties for "hostile articles." In 2020, the influential British paper *The Guardian* renounced fossil fuel industry advertising in order to "expand its climate change coverage."

Towards regulation of corporate political communication?

The question of regulating lobbying activities is currently under examination by specialized organizations. The issue of transparency has been raised by recent political reforms in France and Brussels.¹⁷ But the way lobbying is approached, is still generally based on a narrow understanding of political influence.

In its 2018 report, *Corporate Capture in Europe*, the international network of NGOs monitoring lobbying shows, through eight case studies, the ability of certain companies to genuinely "capture" the process of institutional and political decision-making. We hope to contribute to this effort by analyzing the methods and role of influence on public opinion, particularly through advertising, and by discussing concrete proposals to better regulate these activities.

In the United States, where associations like *PR Watch* monitor a far wider range of influence methods than lobbying alone, the question of reporting on corporate soft power activities is included in legislation overseeing transparency in lobbying.¹⁸ Why, in France, are companies not required to include *all* communication activities related to political influence—press relations, corporate advertising, digital outreach, opinion studies, sponsorship, etc.—in their declaration of interest representation expenses to the Haute Autorité pour la Transparence de la Vie Publique?¹⁹

Any ambitious approach to regulating corporate political influence should also include measures against social or environmental image laundering. The progress awaited in the cases of Auchan and Samsung, now on trial in France for deceptive commercial practices due to the shortfall between their codes of conduct and their subsidiaries' human rights violations, will show whether the judiciary is able to adapt jurisprudence appropriately and/or whether it is necessary for the legislature to step in by establishing a more fitting legal apparatus.

[17] Current registers of "interest representatives" in France, maintained by the Haute Autorité de Transparence pour la Vie Publique (HATVP) since 2013, are insufficient, as are mechanisms to prevent conflict of interest, but these subjects are, in any event, the object of struggles to strengthen regulation.

[18] See the *Lobbying Disclosure Act* of 1995 and the *Legislative Transparency and Accountability Act* of 2007.

[19] The objective of campaigns, whether commercial or aimed at political decisionmakers and an effect on the normative framework, is determined by the company that commissions them, both internally and in a brief given to agencies. If a company tries to disguise this objective, it risks being taken to court by the HATVP and subsequent penalties.

At the institutional level, NGOs also demand an independent authority to regulate advertising and marketing in order to prevent their encouraging overconsumption and waste. This authority should specifically address CSR discourse regarding products. Could it not also regulate the corporate discourse of these companies? This could be a mandate, complementary to the judgment of the court, to penalize deceptive practices and ensure that multinationals whose parent companies are incorporated in France respect their duty of care.

Finally, the question of advertisers' political influence on media should be addressed. The cherished French system of government press subsidies offers significant opportunities, particularly the possibility—currently underexploited—of tying certain subsidies to ceilings on advertising revenue.²⁰ But the more specific question of mass media's dependency on certain major advertisers might be addressed by requiring that each publication's portfolio of advertisers be distributed in such a way that no single advertiser is of disproportionate financial or influential importance.

In a society where information and communication flows constantly increase and too often are indistinguishable, corporate communication, whether commercial or political, should be subject to solid normative oversight. The fight to regulate communication activities will be part of the general renewal of our democratic systems in the coming decade and, more directly, the multiplication of victories in the political and cultural struggle for climate justice.

[20] Currently, only *aide directe au pluralisme*—about 15 million euros out of 80 million in total direct aid—is based on this criterion, with a maximum of 25% of financing by advertising. Combined with the criterion determining the status of an *entreprise de presse*—requiring that no more than 2/3 of the publication's space be devoted to advertising, and which should be raised to the symbolic limit of 50%—the result should allow the concentration of overall advertising support to the press on more independent media.

Citizen Associations in Social Movement: Taking Back the Offensive

JEAN-BAPTISTE JOBARD, *Collectif des Associations Citoyennes (CAC)*

It is difficult to examine the strengths and limitations of citizens' movements— and thus to weigh, more specifically, the expectations that may reasonably be placed on how much associative action can contribute to ecological and solidaristic transition— without contextualizing the moment (especially when it is experienced as a “turning point”) in a long-term historical process. The format of the present article allows no more than a hit-and-run history, but this analysis only seeks to illuminate various association development scenarios that we will lay out in a second part.

To address the central question of how associations contribute to social progress in our neoliberal society, two elements of definition must be established. The first refers to Bourdieu's description of neoliberalism as a utopia (in progress) of unlimited exploitation (on a planet whose resources are limited) through a political program that aims at destroying any collective structures opposing pure market logic.¹ A simple project, summed up in two sentences by Margaret Thatcher: “*There is no such thing as society*” (in other words, there are and should be only atomized individuals, thus the collective is not in order) and “*There is no alternative*,” also known as T.I.N.A.

Where does collective opposition fit in the order established by the neoliberal political project? What role for counterfire from the organizational structures Bourdieu speaks of, such as the Nation (which, as the sociologist noted as early as the turn

[1] Pierre Bourdieu, *Contre-feux (propos pour servir à la résistance contre l'invasion néo-libérale)*, Liber-Raisons d'Agir, 1998.

of the twentieth century, “was less and less able to act,”²⁾ collectives defending worker rights, unions, associations, cooperatives, and even the family? We are concerned here more specifically with associations within social movements, a concept defined by Erik Neveu as “*movements expressing tensions, unease, problems, or questions, reflecting the voice of those who find it difficult to have their voice heard through the ballot, media, or political or administrative authorities.*”³⁾

The dawn of a sixth historical phase of associative action?

To understand, let us look back, not to 1901,⁴⁾ but 110 years earlier. In France, the history of freedom of association begins, strangely enough, by a pure and simple ban: in 1791, the *Loi Le Chapelier* prohibited forming associations of individuals because “*the principle of sovereignty resides essentially in the Nation. No body, no individual may exercise any authority which does not proceed directly from the Nation*” according to the very words of the Declaration of the Rights of Man and the Citizen. Inspired by the liberalism of the Enlightenment, the revolutionaries of the time thought that in the Republic, one and indivisible, citizens must not be separated from the Nation by intermediary bodies.

However, from the beginning of the industrial era into the 19th century, many informal groups and associations emerged.⁵⁾ If they were illegal until 1901, they were also extremely active in creating a particular form of practical solidarity as a simple matter of survival through mutual aid. Pierre Leroux defined it as a “democratic solidarity” based on citizen equality, as opposed to “philanthropic solidarity” (making a spectacular comeback these days) based on the principle of charity, with no desire to challenge the (inegalitarian) established order of things: the hand that gives always remaining above the hand that receives.

So, until 1848, this consubstantial bond between solidarity and democracy was under development; a bond that illuminates how, as our system of social protections is weakened (particularly associations and their part in it), our democratic system itself is endangered. The first half of the 19th century, described by Eric Hobsbawm as “the age of revolutions,” was also that of associationism: the common melting pot from which arose today’s world of activist citizens’ associations, but also syndicalism (*Loi de 1884*), mutualism, and cooperationism. Indeed, the bloody repression of the “people’s spring” in 1848 put an end to the notion of three things as indissociable from each other: institutional political action to convey demands and proposals; the power of economic citizenship (particularly through the appropriation of the

[2] *Ibid*

[3] Erik Neveu, *Sociologie des mouvements sociaux*, La Découverte.

[4] Translator’s note: 1901 marks the vote of a major bill in France history, laying the legal ground for “associations” as a type of non-profit organization publicly established and recognized.

[5] On this underrecognized history, see Michèle Riot-Sarcey, *Le procès de la liberté (une histoire souterraine du XIX^e siècle*, La Découverte. Also see Stan Neumann’s documentary mini-series, “Le temps des ouvriers” (particularly the first two episodes, “Le temps de l’usine” and “Le temps des barricades.”

means of production, or even of consumption and distribution); and social justice in its everyday, prosaic form.

After this pioneering solidaristic and popular associationism, the second great historical phase (towards the end of the 20th century) subordinated these various associative forms to the slow, gradual construction of the welfare State characterized by the rule of law.

There were two fundamental changes. First, citizens' social, political, and economic proposals conveyed through their associations (e.g. the claims, particularly economic claims, raised in the Canut revolts of the 1830s), started to be dissociated from one another. Indeed, social-democratic productivist logic is based on a sharp distinction between *the economy*, entrusted to capitalists and the for-profit private sector, on the one hand, and *social services*, entrusted to the State. In this view, social progress is achieved through economic growth, while the government should only act so as to enable market forces, while extracting and redistributing a portion of the produced wealth to reduce inequities and ensure a certain degree of social justice.

In this State-Market binary, associations become instruments complementing and extending the social State; and thus, its dependents. At that time, the deeply egalitarian principle of the first phase of associationism fades away. In fact, the social State does not conceive its action along horizontal relations and reciprocities between equal citizens, but rather in a vertical, top-down administrative design for redistribution, leaving little room for users or citizen initiatives of reciprocal solidarity.

After World War II, the Welfare State accentuated this phenomenon; evolution in the associative sector (especially salaried association staff) entailed an increased dependency on the government. A second crucial moment occurred, with a paradox. During the years of growth and reconstruction, associations' increased means for action came hand in hand with a decreased autonomy, in comparison with the first historical phase in the early 19th century.

Starting in the 1970s with the weakening of Keynesianism, then the collapse of political systems claiming to be of Marxist inspiration, the rise of neoliberalism was first proclaimed in the intellectual sphere (by thinkers such as Hayek, Friedman, and the Mont Pelerin Society), then in politics (with the elections of Reagan and Thatcher, and the Washington Consensus⁶⁾). The tenets of neoliberalism would travel far and wide (to Chile and other South American countries, to Africa), confirming a thesis later expressed by Jürgen Habermas: that of a contradiction, or an intractable tension, between developing capitalism (which creates inequalities)

[6] The Washington Consensus of the 1980s put an end to the previous paradigm, established by the Philadelphia Declaration of 1944, which affirmed that a lasting peace could only be established on the basis of social justice and that, therefore, economic progress was worthwhile only if it served that objective.

and promoting democracy (which postulates equality), this aporia contradicting the very social-democratic logic described above.

The neoliberal project consists of reducing the State's scope of action, the public's field of action, and, fundamentally, limiting democracy. It sees associations as an obstacle to this rationalization; they must be corralled into a subsector of a competitive economy, becoming suppliers of a kind of low-cost public service (*"poor associations becoming poor suppliers... for the poor!"*^[7]). This is the very opposite of what Habermas describes, with his concept of autonomous public space (i.e. organizations arising from non-profit initiatives, certainly under private right, but seeking specifically to serve the public interest and thus participating in political work).

Like tectonic plates, great historical phases may overlap when they collide. At that time, the heritage of previous periods was still strong enough to retain a broad consensus that certain sectors should not and were not subject to the law of profit and maximization of gain: social services, cultural initiatives, education, humanitarian aid, and international solidarity... That consensus was shattered during the following phase of "second generation neoliberalism." This postulated that the market had not only an invisible hand but an "invisible heart,"^[8] and that therefore *"the world is on the verge of a revolution⁹ in the way society's knottiest problems are resolved."* Now *"doing well and doing good are no longer considered incompatible."*^[10] A revolutionary (in the etymological sense) neo-philanthropy is now ruled by the forces of finance, with investments *"benefiting from entrepreneurship, innovation, and capital, as well as market forces, to do good"*... Is this the modern logic of win-win? Not so for associations in any event, pushed into the market as they compete with corporations as well as among themselves (starting in the 2000's, there was not only a drop, but a shift in public funding; it is now based on government request for proposals (RFPs) and orders rather than subsidies, i.e. support for citizen initiatives. Associations are thus reduced to merely implementing public policy decisions... not made by them). The snare tightened even more with the tax reform of 1999, reversing the burden of proof: in contradiction to the terms of the Loi de 1901, associations are no longer considered *a priori* non-profit; they must prove that they are, or be taxed as businesses.

After the 2008 financial crisis, the situation grew even worse. The idea that *"the historical importance of the public subsidy approach entering an era of economic constriction requires major change"* has been advanced as a justification for France's new funding instruments for associative action: Anglo-American-style impact

[7] From interview with Julien Chandelier "Un monde associatif en alerte" (in preparation)

[8] Speech by Sir Ronald Cohen reproduced in the Sibille report "[Comment et pourquoi favoriser des investissements à impact social \(innover financièrement pour innover socialement\)](#)," 2014.

[9] See the very significant title of candidate Macron's book laying out his program.

[10] *Ibid*



© JEAN-BAPTISTE JOBARD (CAC)

Collectif des Associations Citoyennes taking part in a protest in Paris.

investment funds.¹¹ Despite their cost, lack of proven effectiveness, complexity, and opacity, they are widely implemented, with the well-turned argument: *“because we are in socio-economic transition, we are going to have to invent new social approaches, and shift from social spending to social investment while preserving public interest objectives.”*¹²

Social business for a start-up nation combines with the old idea of a program in which social entrepreneurs’ economic efficiency serves the public interest. In this perspective, associations are considered more or less pathetic anachronisms which have failed to solve social problems (even when “an insane amount of money” is spent on them, as Emmanuel Macron put it in June 2018). This is what Jean-Marc Borello, author of *Capitalisme d’intérêt général* (“Public interest capitalism”), clearly expressed: *“Like it or not, within 10 or 15 years, there will be 10 times fewer associations, but they will be 10 times bigger!”*¹³

This 2013 prediction has at least partly come true. Studies show a bipolarization of the associative world ([very] small and mid-sized associations have been disappearing or hanging by a thread, particularly after the mass layoff following the termination of subsidized employment contracts in 2017; meanwhile, “large” associations, operating increasingly by market logic, continue to grow).

[11] See many analyses by the CAC, for instance our roundtable in *Le Monde*, “Quand le social finance les banques et les multinationals,” on the SIB-CIS.

[12] Interview given to Youphil: “Jean-Marc Borello : trois idées pour sortir de la crise,” October 2011.

[13] Interview of JM Borello in [Politis](#), President of SOS, member of the executive office of La République En Marche. JM Borello has also been called the [“Bernard Tapie du social”](#).

In reality, given its double unsustainability (social and environmental), the system of “public interest capital” cannot prevail: in the face of the unbearable increase of social inequality, on one hand, and of ecological catastrophe, on the other, massive support for this political project is completely unrealistic. The time is ripe for the last historical phase to emerge: the phase of the authoritarian drift.

In Europe, the unease caused by the shrinking of the democratic space is such that a consortium of private foundations funds programs allowing actors from civil society to react. Thus, following the example of Italy, Poland, Great Britain, and Hungary, *L.A. Coalition Libertés Associatives* is a recently-created French organization that aims at documenting the obstacles, attacks, and repressions to which actors working in different sectors (social, health, culture, legal aid, youth, sport, environment, etc.) are subjected.

The weakening and destabilization of associations, their instrumentalization or even repression, their commodification, are no cause for fatalism or despair: things can still be turned around. But how?

Towards a 21st century associationism?

The first condition simply refers back to the previous section: writing its history. This means finding in the DNA of associations created two centuries ago, elements with the potential to remobilize the associative world to both bring social protection into today’s context and strive towards individual and collective emancipation. As history is written by the victors, *vae victis*, this isn’t an easy task, particularly in light of the double distortion (liberal and Marxist¹⁴) to which it has been subject. Nonetheless, this work is essential: historically contextualizing our heritage of social struggles restores our pride, which is a powerful weapon in political combats. If history has made us what we are, then we can make something out of what history has made us... To write one’s own history is also an attempt to define the future we want, as we lay out different desirable scenarios. This task invites a collective approach.¹⁵

The second condition is to begin humbly and to start with oneself. If we want to be the change we want to see in the world and if, as Gandhi put it: “*there is same inviolable connection between the means and the end as there is between the seed and the tree,*” let us then uphold the same consistency between our values, principles of action, and actions. It is a tremendous endeavor to translate this stringency into the internal functioning of associations, but it has one great advantage: it is immediately accessible and it is up to us to take it up. How are decisions made in an association? How can everyone be included and participate? Volunteer employers,

[14] See Chapter 1 of JL Laville and M. Riot-Sarcey in *Réinventer l’association (contre la société du mépris)*, Édition Desclée de Brouwer.

[15] See JL Laville, P. Coler, G. Rouby and MC Henry (eds.) *Quel monde associatif demain (des limites actuelles de l’action associative aux moyens de les dépasser)*, to be published May 2021, particularly C. Chognot’s “La prospective pour concevoir l’alternative.”

professional staff, what new ways of working together can be invented? In short, how far can we take associations and the “democracy labs” they represent?

In the early 1900s, Jaurès aspired to throw “the Republic into the workshop.” Within associations, our modern workshops, how can the “*res publica*”, the public affairs, be self-managed? Whether it be through already existing and available practices and uses (particularly from free/libre and opensource software [FLOSS] activists) or interesting concepts (for instance, the way stimulating considerations on cultural rights through the Fribourg Declaration interact with conceptual developments regarding the commons following Olstrom’s analyses), associations may still contribute to the actualization of the very notion of citizenship.

A third challenge: to increase associations’ ability to contribute in the wider context of public action, including public services. In other words, fighting for the associative world also means fighting for public services, particularly through pro-active efforts to define under what conditions co-construction dynamics can be most successful.¹⁶

Fourth issue, related to the above: to invent a new funding structure for associations. As mentioned above, today’s repression on freedom of association was fostered by an underlying structure established over the years, through the reduction and alteration of public funding. A logic of elites and clientelism, based on asymmetrical bilateral relations between funder and funded, has reached some extremes. With the pandemic and the utopias of “when all this is over,” other modes of association funding seek to emerge (attribution by joint committees, funding for public inquiries and citizen initiatives managed in new ways, etc.). In short, another way of funding associations is possible, including by challenging the existing fiscal frameworks.

The fifth condition is to maintain the very essence of associations: their non-profit nature. In other words, against the constant expansion of the market, there must always be a non-mercantile economy. The question is still, how to ensure non-profit initiatives have the means to match their ambitions without chasing profit, performance, and productivity. Part of the answer is collaboration, which is the main motivation for projects such as Transiscope (a shared digital initiative mapping tens of thousands of interconnected alternatives, updated in real time). Another way to raise the issue, is asking how, in two, five, or ten years, we could facilitate and fund an even greater number of locally-developed solutions to systemic crises. How could they be upscaled and become systematic?

If David doesn’t choose the right slingshot, he has no chance of beating Goliath... The sixth condition for reviving associations, then, is choosing the right weapons, modest though they may be. And, if there is no slingshot at hand, sometimes a

[16] See the research-action work done, particularly by the CAC with other organizations and universities on co-construction, particularly the FRAISSE report, “Co-construction de l’action publique: définition, discours, enjeux et pratiques.”

lucky grain of sand jams the machine. Then it's a matter of combining global analysis with local and/or practical solutions. For instance, when Framasoft, a French association, conceives digital tool substitutes to Google's, it highlights at the same time the political fight it is waging against the dominance of GAFAM (Google, Apple, Facebook, Amazon, Microsoft).

In this political and ideological struggle, a crucial battle plays out on semantic grounds; the seventh condition is to fully participate in this war of words, as has long been urged by popular education organizations and collective projects, such as the one led by Transrural with the publication of *Le pouvoir des mots* ("The Power of Words").

The eighth condition is to collectively find many other conditions: naming one's opponents, finding allies, ensuring autonomy in the ability to evaluate (giving value, i.e., etymologically, life forces) one's action, coordinating scales of intervention (e.g. helping migrants locally but, at the same time, thinking collectively, as with the États généraux des migrations¹⁷, on national or even international level, as with the [Dublin Regulation](#)), or inventing a thousand other ways to amplify resistance and alternatives to the acceleration of capitalist time¹⁸ and thus counter the groundswell of *ressentiment*¹⁹... And, as it is surely too late for pessimism,²⁰ as Daniel Tanuro might say, let us emphasize that tomorrow's associationism will depend on our ability to fulfill these conditions for success (whose identification must be continued and refined) to facilitate a renewal so as to overcome the danger of the current situation and what it may entail in terms of self-censorship and, especially, resignation.

[17] Translator's note: The États Généraux des Migrations is a French national platform of most of the organizations and associations working to protect and promote migrants' rights.

[18] Harmut Rosa, [Résonance \(une sociologie de la relation au monde\)](#), Édition La Découverte.

[19] Cynthia Fleury, *Ci-gît l'amer (guérir du ressentiment)*, Édition Gallimard.

[20] Daniel Tanuro [Trop tard pour être pessimiste \(écosocialisme ou effondrement\)](#), Édition Textuel.

Can Twenty-First Century Fascism Resolve the Crisis of Global Capitalism?

WILLIAM I. ROBINSON, *University of California at Santa Barbara*

Editor's note:

We republish this article several months after the November 2020 elections in the United States. Trump is no longer in office, thus putting an end to an 4-year administration with clear authoritarian tendencies. However, the analysis Robinson develops here goes far beyond the sole Trump presidency, and helps us understand and explain a global tendency, that of far-right political movement emerging all throughout the world, whether they are or not in power.

Prior to reading this article, it seemed important to define what we mean by “fascism”: in the United States and in France, the notion doesn’t bear the same historical and symbolic weight. It is often misleadingly used to delegitimize political personalities, narratives or tendencies contrary to one’s convictions. Ugo Palheta, a French sociologist, reminds us that “fascism can be traditionally defined as an ideology, a movement and a regime, all at the same time”, and that a “definition allows us to establish a continuity between historical fascism, which developed during the inter-war period, and what we’ll call here a neofascism, that is to say, the fascism of our time” without “being blind to the differences in context”¹. Standing as a reactionary project aiming at “regenerating” a fantasized national community, fascism claims to be a way of challenging the “system”: it is a profoundly contradictory project which combines subversive tendencies against an established order, with a sort of ultraconservatism aiming at preserving gender, class and racial hierarchies. William I. Robinson reminds us that beyond these differences in context, fascism involves “a triangulation of far-right, authoritarian, and neo-fascist forces in civil society, reactionary political power in the state, and transnational corporate capital, especially speculative finance capital, the military-industrial-security complex, and the extractive industries, all three of which are in turn dependent on and interwoven with high-tech or digital capital.”²

[1] Ugo Palheta, “Fascism, Fascisation, Antifascism”, translated and published on Historical Materialism blog.

[2] William I Robinson, “Global Capitalist Crisis and Twenty-FirstCentury Fascism: Beyond the Trump Hype”, *Science & Society*, Vol. 83, No. 2, April 2019, 481–509.



ABHISEK SARDAR (CC BY 2.0)

A protest sign states: "Wake up and smell the fascism".

"I can tell you that I have the support of the police, the support of the military, the support of the Bikers for Trump," warned U.S. president Donald Trump this past March, in defending his contrived declaration of a national emergency along the U.S.-Mexico border. "I have the tough people, but they don't play it tough – until they go to a certain point, and then it would be very bad."

The threat to use state violence against opponents should be lost on no one. The increasing influence around the world of neo-fascist, authoritarian, and rightwing populist parties and movements, symbolized above all by Trumpism in the United States, has sparked a flurry of debate on whether fascism is again on the rise.

Fascism, whether in its classical twentieth century form or possible variants of 21st century neo-fascism, is a *particular response to capitalist crisis*, such as that of the 1930s and the one that began with the financial meltdown of 2008.

Global capitalism is facing an organic crisis, involving an intractable structural dimension, that of overaccumulation, and a political dimension, that of legitimacy or hegemony that is approaching a general crisis of capitalist rule.

This unprecedented crisis of global capitalism has resulted in a sharp polarization around the world between insurgent left and popular forces, on the one hand, and

an insurgent far right, on the other, at whose fringe are openly fascist tendencies. The class character of fascism remains the same in the 21st century as it was in the 20th – a project to rescue capital from this organic crisis – but the particular historical character of world capitalism and of its crisis is substantially different at this time than in the previous century.

The crisis of global capitalism and global police state

Capital responded to the structural crisis of the 1970s by going global, which paved the way for a qualitatively new transnational or global phase of world capitalism characterized by the rise of truly transnational capital and a globally integrated production and financial system. By going global, an emerging transnational capitalist class (TCC) sought to break free of nation-state constraints to profit making and to shift the correlation of class and social forces worldwide in its favor.

Globalization may have resolved the crisis of the 1970s but it generated the conditions for a new, and deeper, crisis of overaccumulation in the new century. By freeing capital from nation-state regulation and redistribution, globalization resulted in unprecedented social polarization worldwide. According to OXFAM, in 2015 just one percent of humanity owned over half of the world's wealth and the top 20 percent own 94.5 of that wealth, while the remaining 80 percent must make due with just 4.5 percent.

This extreme concentration of the planet's wealth in the hands of the few and the accelerated impoverishment and dispossession of the majority means that the TCC cannot find productive outlets to unload enormous amounts of surplus it has accumulated. The Great Recession marked the onset of a deep structural crisis of overaccumulation, which refers to accumulated capital that cannot find outlets for profitable reinvestment.

Neo-liberal states have turned to several interrelated mechanisms in recent years to sustain accumulation in the face of stagnation. One is debt-driven growth. A second, closely related, is the reconfiguration of public finance through austerity, bailouts, corporate subsidies, and deficit spending as governments transfer wealth directly and indirectly from working people to the TCC. A third is an escalation of financial speculation. A fourth has been ongoing waves of investment in the over-valued tech sector, which is now at the cutting edge of capitalist globalization and is driving the digitalization of the entire global economy.

But none of these mechanisms can resolve the crisis of overaccumulation – and of legitimacy – in the long run. Many among the TCC and their political agents fear that the crisis will lead to an uncontrollable revolt from below. Unprecedented global inequalities can only be sustained by ever more repressive and ubiquitous systems of social control and repression. There is a convergence around the system's political need for social control and its economic need to perpetuate accumulation.

The TCC has acquired a vested interest in war, conflict, and repression as means of accumulation. The global police state refers to the ever more omnipresent systems of mass social control, repression and warfare promoted by the ruling groups to contain the real and the potential rebellion of the global working class and surplus humanity. But it also refers to how the global economy is itself based more and more on the development and deployment of these systems of warfare, social control, and repression simply as a means of making profit and continuing to accumulate capital in the face of stagnation – what I term *militarized accumulation*, or *accumulation by repression*.

The bogus wars on drugs and terrorism, the undeclared wars on immigrants, refugees and gangs (and poor, dark-skinned, and working-class youth more generally), the construction of border walls and immigrant detention centers, the spread of prison-industrial complexes, deportation regimes, and the expansion of police, military, and other security apparatuses, are major sources of state-organized profit making.

The TCC and state apparatuses at its disposal attempt to resolve both the economic crisis of overaccumulation *and* to manage the political conditions of that crisis, that is, the spread of global revolt and the potential – not yet realized – of that global revolt to overthrow the system. Hence there is a built-in war drive to the current course of capitalist globalization. Historically wars have pulled the capitalist system out of crisis while they have also served to deflect attention from political tensions and problems of legitimacy.

The global police state and 21st century fascism are interwoven. The global police state generates conditions propitious to the ascendance of fascist projects.

Twentieth and twenty-first century fascism

Fascism in the 20th century involved the fusion of reactionary political power with *national* capital. By contrast, 21st century fascism involves the fusion of *transnational* capital with reactionary and repressive political power in the state – an expression of the dictatorship of transnational capital.

In addition, the fascist projects that came to power in the 1930s in Germany, Italy, and Spain, as well as those that vied unsuccessfully to win power elsewhere, had as a fundamental objective crushing powerful working class and socialist movements. But in the United States, Europe, and elsewhere, the left and the organized working class are now at a historically weak point. In these cases, twentieth century fascism appears to be a *preemptive* strike at working classes and at the spread of mass resistance through the expansion of a global police state.

Moreover, the global police state is centrally aimed at *coercive exclusion* of surplus humanity. The mechanisms of coercive exclusion include mass incarceration and

the spread of prison-industrial complexes, pervasive policing, anti-immigrant legislation and deportation regimes, gated communities and ghettos controlled by armies of private security guards and technologically advanced surveillance systems, ubiquitous, often paramilitarized policing, “non-lethal” crowd control methods, and mobilization of the culture industries and state ideological apparatuses to dehumanize victims of global capitalism as dangerous, depraved, and culturally degenerate.

The social cases of 21st century fascism

The core social base of twentieth century fascism was the middle classes and the petty-bourgeoisie, a significant portion of the population that was experiencing a destabilization of their status and the threat of downward mobility into the ranks of the proletariat.

These strata were reduced in the cores of world capitalism to small pockets as proletarianization accelerated in the latter half of the 20th century and especially in the age of globalization. Twenty-first century fascist projects seek to organize a mass base among historically privileged sectors of the global working class, such as white workers in the Global North and urban middle layers in the Global South, that are experiencing heightened insecurity and the specter of downward mobility and socioeconomic destabilization.

As with its 20th century predecessor, the project hinges on the psychosocial mechanism of displacing mass fear and anxiety at a time of acute capitalist crisis towards scapegoated communities, such as immigrant workers, Muslims and refugees in the United States and Europe, southern African immigrants in South Africa, Muslims and lower castes in India, Palestinians in Palestine/Israel, or the darker skinned and disproportionately impoverished population in Brazil.

Far-right forces do so through a discursive repertoire of xenophobia, mystifying ideologies, an idealized and mythical past, millennialism, a militaristic and masculinist culture that normalizes, even glamorizes war, social violence and domination, and a contempt rather than empathy for those most vulnerable. The key to this neo-fascist appeal is the promise to avert or reverse downward mobility and social destabilization; to restore some sense of stability and security.

Twenty-first century fascism, like its 20th century predecessor, is a violently toxic mix of reactionary nationalism and racism. Yet there is a critical distinction to be made between the conjuncture of fascist projects in the last century and this century. Fascism in Germany and Italy arose at the height of nation-state capitalism and it did offer some material benefits – employment and social wages – to a portion of the working class through corporatist arrangements even as it unleashed genocide on those outside the chosen group. In this age of globalized capitalism there is

little possibility in the United States or elsewhere of providing such benefits, so that the “wages of fascism” now appear to be entirely psychological.

In the regard, the ideology of 21st century fascism rests on irrationality – a promise to deliver security and restore stability that is emotive, not rational. It is a project that does not and need not distinguish between the truth and the lie. The Trump regime’s public discourse of populism and nationalism, for example, bore no relation to its actual policies. In its first year, Trumponomics involved deregulation – the virtual smashing of the regularly state – slashing social spending, dismantling what remained of the welfare state, privatizations, tax breaks to corporations and the rich, and an expansion of state subsidies to capital – in short, neo-liberalism on steroids.

In sharp distinction to this fusion of German *national* capital with the fascist state, Trumpism has sought to open up vast new opportunities for profit making inside the United States (and around the world) for *transnational* capital. The Trump White House has called for transnational investors from around the world to invest in the United States, enticed by a regressive tax reform, unprecedented deregulation, and some limited tariff walls that would benefit groups from anywhere in the world that establish operations behind them.

Finally, an essential condition for 20th and now for any 21st century fascism is the spread of fascist movements in civil society, as we are seeing around the world, and their fusion at some point with reactionary political power in the state. Twenty-first century fascism and global police state involve a triangulation of far-right, authoritarian, and neo-fascist forces in civil society, reactionary and repressive political power in the state, and transnational corporate capital.

Trumpism and twenty-first century fascism

In the United States, fascist movements expanded rapidly since the turn of the century in civil society and in the political system through the right wing of the Republican Party. Trump proved to be a charismatic figure able to galvanize and embolden disparate neo-fascist forces, from white supremacists, white nationalists, militia, and neo-Nazis and Klans, to the Oath Keepers, the Patriot Movement, Christian fundamentalists, and anti-immigrant vigilante groups.

These groups began to cross-pollinate to a degree not seen in decades as they gained a toehold in the Trump White House and in state and local governments around the country. Paramilitarism spread within many of these organizations and overlapped with state repressive agencies.

Trumpism and other far-right responses to the crisis of global capitalism are a contradictory attempt to re-found state legitimacy under the destabilizing conditions of capitalist globalization.

Nation-states face a contradiction between the need to promote transnational capital accumulation in their territories and their need to achieve political legitimacy. As a result, states around the world have been experiencing spiraling crises of legitimacy that generate a bewildering and seemingly contradictory politics of crisis management that appears as schizophrenic in the literal sense of conflicting or inconsistent elements.

This schizophrenic crisis management also helps explain the resurgence of far-right and neo-fascist forces that espouse rhetoric of nationalism and protectionism even as they promote neo-liberalism. In the United States, the TCC is delighted with Trump's neo-liberal policies but divided over his brash, buffoon-like conduct and his neo-fascist political inclinations.

To paraphrase the great Prussian military strategist, Carl von Clausewitz, who famously said that "war is the extension of politics by other means," Trumpism, and to varying degrees other far-right movements around the world, were the extension of capitalist globalization by other means, namely by an expanding global police state and a neo-fascist mobilization.

Yet Trump's populism and protectionism has no policy substance; it is almost entirely symbolic – hence the significance of his fanatical "build the wall" rhetoric, symbolically essential to sustain a social base for which the state can provide little or no material bribe.

There is indeed a mounting backlash against capitalist globalization among the popular and working classes and more nationally-oriented sectors of the elite, as well as from right-wing populists, as evidenced in the 2016 Brexit referendum and the rise of right-wing populist movements throughout Europe that call for a withdrawal from globalization processes. But neo-fascist groups in civil society by themselves do not amount to fascism as a system. For fascism to emerge, these groups must fuse with capital and the state, yet the TCC has no interest in economic nationalism.

A fascist outcome to the crisis of global capitalism is not inevitable. Whether or not a fascist project manages to congeal is contingent on how the struggle among social and political forces unfolds in the coming years. To fight back against the global police state and 21st century fascism to be successful, we need to build a united front against fascism. But any strategy of broad anti-fascist alliances must foreground a revitalized critique of global capitalism and its crisis.

This article is a slightly adapted version of an article published on Marxist sociology blog. Theory, research, politics, in april 2019. <https://marxistsociology.org/2019/04/can-twenty-first-century-fascism-resolve-the-crisis-of-global-capitalism>

THE RISE OF
AUTHORITARIANISM:
FROM REPRESSION
TO SURVEILLANCE

The 2010s: the Rise of Authoritarian and Ultraconservative Governments

CAROLINE WEILL, *ritimo*

On 22 October 2020, 35 countries from throughout the world met virtually for the international signing ceremony of the Geneva Consensus Declaration (Geneva being the planned site of the meeting before it was canceled due to COVID-19). The four cornerstones of this pact were promoting women's health, preserving human life, reaffirming the family as the fundamental unit of society, and protecting national political sovereignty, particularly in regards to legislation on abortion.

No women's rights activist was fooled: this was a conservative internationale, joining hands in opposing the right to safe and legal abortion, as well as a conception of women considered first and foremost as mothers, their place being in the home. The Spanish trans philosopher Paul B. Preciado reflects in a *Mediapart* article: "How is it that States who defend white supremacy signed a declaration with 15 African States? It is not Islamic/Christian opposition that divides the blocs of this new hot war. On the contrary, theologico-political States—whether Catholic¹ or Muslim—that clash in other domains find common ground in misogyny, homophobia, transphobia, and the expropriation of women's reproductive labor."

It comes as no surprise that the six countries co-organizing the event were Bolsonaro's Brazil, Sissi's Egypt, Duterte's Indonesia, Orbán's Hungary, Trump's United

[1] Editor's note: We would add evangelicals and Christians in general.

States, and Rugunda's Uganda. These countries have attracted much international attention in the past few years due to their increasing authoritarianism in addressing social protest. A number of common characteristics have also been pointed out: implementation of ultra-liberal economic policies despite a discourse claiming to defend the popular interest; promotion and political instrumentalization of ultra-conservative forms of religiosity; overt, unabashed, and even proud sexism and LGBTphobia; racism structuring political priorities, whether explicit or implicit. What are the global conditions contributing to the rise of so many ultraliberal, ultraconservative governments? They each have their own characteristics. Here is an overview of the most representative instances of these new authoritarian governments as of late 2020.

In Turkey, the party of Recep Tayyip Erdoğan (Justice and Development Party [AKP]) has been in power since 2002. However, after a decade of relative stability, during which he seemed a kind of "enlightened reformer," a drift towards authoritarianism began in 2009–2010, [manifesting in Erdoğan's personalization of power](#). Brutally repressed demonstrations (particularly in Taksim Square and Gezi Park in 2013) and mass arrests to discourage opposition; [repeated trials](#) to "purge" institutions (courts, army, civil service, media) and ensure their loyalty; iron-handed imposition of ultraconservative morality; intimidation and censorship of journalists and the press; and [increased attacks on Kurdish movements](#)... On 16 April 2017, a referendum he won by a slim margin on the strengthening of presidential powers, gave Erdoğan [exclusive executive power](#) and assured his stranglehold on the legislature and judiciary. In this situation, feminists are on the firing line, confronting the [State masculinism embodied by Erdoğan](#).

Viktor Orbán has been Prime Minister of Hungary since 2010. A [close associate of the far-right U.S. ideologue Steve Bannon](#), spouting racist, anti-European rhetoric, he confirmed his turn to authoritarianism with his 2010 media law, which practically put audiovisual media under the control of his party; then, by the [coming into effect of the Constitution](#) on 1 January 2012, introducing an electoral reform that would almost systematically ensure his party's victory. Dóra Papp, a Budapest activist, [explains](#) that his government "*campaigns on two subjects; anti-immigration and the family,*" in particular, "*protecting Christian families from multiculturalism,*"² which is supposedly imported from abroad through the "interference" of the European Union. In fact, this [fervent defense of Christianity](#) is a cover for both sending women back to the kitchen, restricting at the same time their sexual and reproductive rights in the name of the national birthrate; and rejecting immigrants, a theme on which he [endlessly contributes to the polemic](#) in the European arena. Additionally, organizations that provide aid to immigrants are attacked, libeled,

[2] Rachel Knaebel, "Natalité, famille, patrie: comment Viktor Orbán renvoie les femmes hongroises au foyer," *ritimo*, June 3, 2019.



STOERER DRESDEN (CC BY 2.0)

A mural in Dresden shows Erdogan, Trump and Putin.

labeled “enemies of the country,” and have their ability to act restricted.³ In 2018, mobilizations against the Orbán government did not lack for motives: labor code reform, stranglehold on the courts, attacks on progressive universities, rampant corruption⁴... His proud State illiberalism is still wildly controversial in Europe.

In India, the Hindu nationalist party (Bharatiya Janata Party [BJP, Indian People’s Party]) won the majority in the general election of 2014, making Narendra Damodardas Modi prime minister. He enjoys an [“image of a strong leader, guiding and protecting the nation against the Muslim external enemy”](#); many observers explain his reelection in 2019 by his fueling [resentment, violence, and “fake news.”](#) Indeed, there is [increasing manipulation of social media](#) in India, whether supporting the government, attacking the opposition, or arousing division. While his promises to fight corruption and encourage development (his slogan was “*Sabka saath, sabka vikas*” [solidarity with each, development for all]) do not seem to have been fulfilled, Modi has, on the contrary, launched massive hate campaigns against the country’s Muslim minority, with a background of xenophobia against Bangladeshi immigrants, labeled “infiltrators” and “termites.” In December 2019 an amendment of the Citizen Amendment Act (CAA) was adopted, establishing religion as a criterion for obtaining Indian citizenship. This new wave of State islamophobia [caused an uproar](#) to which the government responded by violence: mass arrests with extremely harsh sentences for students and activists, and discourse associating them with terrorism—helping to delegitimize them in public opinion—[threats, intimidation, even torture and murder by the police](#)... Repression was particularly savage in Uttar Pradesh. Meanwhile, [unfulfilled economic and social promises](#) continue to roil India, which is particularly affected by famine after the COVID-19 epidemic.

[3] La Cimade, *Dedans, dehors: une europe qui s’enferme*. June 2018 report. Available at: https://www.lacimade.org/wp-content/uploads/2018/06/La_Cimade_Schengen_Frontieres.pdf

[4] See the work of K – monitor, an organization fighting corruption in Hungary. www.k-monitor.hu/

Rodrigo Duterte, former leader of a popular uprising, was elected president of the Philippines in June 2016. Perceived as an outsider and nonconformist, he presented himself as the “new strongman of the Philippines,” [exploiting a wave of anger and discontent](#) to raise himself to the heights of power. His vulgar, violent, sexist comments and “man of the people” style appealed to many. Already when he was mayor of Davao, he had turned to a militia supported by the army and businessmen, causing hundreds of deaths. When he took power, Duterte announced his “war on drugs.” What happened, in fact, was a [wave of attacks](#) on journalists, union leaders, activists, and other defenders of human rights, particularly members of indigenous communities defending their territories. For instance, on 29 May 2017, he said to human rights defenders: *“I’ll kill you along with drug addicts. I’ll decapitate you.”* A [February 2019 FIDH report](#) says that *“President Duterte’s violent rhetoric has created a climate in which attacks against human rights defenders are acceptable and perpetrators are never punished.”* Thousands have already paid with their lives for this belligerent and toxic rhetoric. Legal repression is equally vicious, with criminal accusations (often false) against political opponents, particularly against women, with open calls for sexual violence. The Duterte government, with its close ties to the provincial oligarchy, has [consistently reaffirmed the neoliberal paradigm](#): reduced public services; erosion of food sovereignty and ever-limited access to natural resources for peasant communities for the benefit of extractive industries; limitations on labor rights to ensure profits for the elite... A combination of ultra-liberal economic policies, indiscriminate use of verbal and military violence, and tighter control of the three branches of power: Duterte seems the very embodiment of the new authoritarian governments that have flourished in the past few years.

The year 2016 was also marked by the election of Donald Trump in the United States. The man needs no introduction: he embodies the racism, antisemitism, misogyny, and xenophobia that enchant some electors. With a strong evangelical fanbase, he campaigned on limiting access to abortion, building a wall to stop Latin American immigration, and fighting “rampant corruption in Washington.” And yet, he constantly hired the very figures who represented corruption in the eyes of many (e.g. Betsy DeVos, the billionaire businesswoman he made Secretary of Education) and his public policies also continued to favor the economic elite. Furthermore, his encouragement of violence among his supporters, often armed to the teeth, against U.S. minorities (Black, Latinx, Native American, LGBTI, etc.) grew particularly strong and dangerous in the last years of his presidency. In 2017, he refused to condemn the killing of a young woman protesting a rally of the KKK and neo-Nazi groups in Charlottesville, granting a kind of legitimacy and impunity to far-right violence. When Black Lives Matter protests began in June 2020, [militias sprang up](#) to attack protesters virtually unhindered. On the international level, Trump will be remembered for his trade war against China, nuclear tensions with Iran, withdrawing from the Paris Climate Agreement, moving the U.S. embassy from Tel Aviv to Jerusalem in May 2019 (which did not help peace processes in the region), and pulling troops from Northern Syria, thus allowing



R4V1 (CC BY-SA 2.0)

During a protest against presidential candidate Jair Bolsonaro, a banner says: "Brazilian women against fascism. #EleNao".

Erdoğan to crush the Kurdish People's Protection Units (YPG) and other Kurdish opposition in October 2019.

Jair Bolsonaro in Brazil is another flagrant example of the convergence of ultra-conservatism, violence, and capitalist interests. Elected in 2018 on a groundswell of fake news on social media, anti-corruption talking points, and resentment of Lula and Rousseff's Workers' Party, he led the union of "Beef, Bible, and Bullets" (large-scale landowners, [evangelicals](#), and the military). As soon as he was in power, he commemorated with great pomp the military coup d'état of 1964; called for an ideological "housecleaning" of public administrations (against what he called "cultural Marxism"); threatened freedom of speech by attacking journalists and [placing the main media outlets under government control](#); and promoted the interests of agrobusiness and extractive industries by facilitating expulsions of indigenous communities, massive pesticide use, and [curtailing worker rights among public servants](#). Increased use of armed forces in public security operations under the Guarantee of Law and Order decree, as well as the trying of civilians by [military tribunal](#), reflect the intensified [militarization](#) of the favelas and working class neighborhoods. There are also direct or indirect attacks on Brazilian activists, even political assassinations like that of Marielle Franco in 2018: although her actual killers were tried, investigation of those who ordered the attack showed [many suspicious connections to the Bolsonaro family](#). Gilmar Mendes, Federal Supreme Court justice, described as "genocide" against indigenous and Afro-Brazilian

communities the response of Jair Bolsonaro's government to COVID-19 in 2020, coming as it did in addition to his inaction on the Amazon rainforest wildfires of 2019. Many legal experts consider that [all critical elements are gathered to qualify this as a crime against humanity](#): intention, plan, and systematic attack.

Xenophobia, racism, sexism, violence, impunity, ties with the military and collusion with business: these governments seem to harness popular rage and anti-corruption rhetoric, managing to stay in power through exciting resentment, political polarization, and violence against minorities of all kinds. The rise of these neoliberal governments, allies of multinational corporations, ultraconservative and often associated with fundamentalist religious groups, may doubtless be explained by the convergence of factors specific to each society and its sociohistorical and political context: the corruption and political blunders of Lula and Rousseff's Workers' Party in Brazil; a kind of blindness of part of the progressive sector of the United States regarding structural racism, particularly after the progress and limitations of civil rights movements; difficulties linked to the post-USSR period in Hungary... However, global factors must not be underestimated, particularly the crisis of globalized capitalism and widespread and increasing precarity in societies throughout the world.

The Sad Banality of the Antiterrorist Exception

VANESSA CODACCIONI, *Université Paris 8*

After the Trèbes attack¹, some far-right but also rightwing political leaders demanded an even harsher crackdown and even more exceptions to general law to fight terrorism. The same old overcompensation, whose ineffectiveness and dangers have already been demonstrated.

French governments have always reacted to terrorism by adopting exceptional legislation. The list is long and goes back to the late 19th century: anarchist attacks led already then to the adoption of *lois scélérates* (“scoundrel laws”) and, especially, to the emergence of the penal infraction of *association de malfaiteurs* (“association of evildoers”), now a key concept. Later on, the far-right terrorism of the *Algérie française* (“French Algeria”) movement in 1958 encouraged General de Gaulle to create numerous special courts, including the Cour de Sécurité de l’État (“State Security Court”) (1963–1981), which indicted more than 5,000 activists over 18 years. This continued with the plethora of attacks in the 1980s committed by Action Directe or the Popular Front for the Liberation of Palestine. These attacks inspired the first specifically antiterrorist laws, particularly those of 1986 which (re)established many exceptions to general law (extended period of police custody, criminalization of specific new offenses, specialized magistrates, juryless Assize Court [criminal courts], etc.). In the 1990s, after the GIA (Armed Islamic Group of Algeria) attacks, the augmented antiterrorist arsenal constituted a sharp break with earlier approaches to terrorism by adopting, in particular, two laws: that of 22 July 1992, which introduced terrorist actions in the new Penal Code of 1994 to make them separate and more serious infractions; and especially that 22 July 1996, which criminalized many “accessory” behaviors, particularly support of terrorism, creating the crime of association de malfaiteurs in regard to a terrorist undertaking.

[1] Translator’s note: On 23 March 2018, there was a series of Islamist terrorist attacks in the towns of Carcassonne and Trèbes in southern France. Two occupants of a car in Carcassonne were shot, then two people were killed and others wounded in a supermarket in Trèbes by the same man, Redouane Lakdim, a French-Moroccan supporter of the Islamic State.



Riquet Street, in Paris: a mural says: "State of Emergency, #stopsharkfinning".

JEANNE MENUJOLET (CC BY-ND) 2.0)

From that moment on, antiterrorism has been less reactive than preventative (the idea being to prevent actions from being carried out, to repress "terrorist intentions," then to discover indications of "radicalization"). This has gradually embodied a kind of "justice exception", belonging less to the courts than to administrators and police. The sequels to the murderous *Charlie Hebdo* attacks—the adoption and accretion of successive antiterrorist laws after tragic incidents, and the introduction of the exception into general law—are thus part of the French history of legal exceptionalism.

Antiterrorism is very distinctive in that it seeks out, in every situation, the justification of its own reinforcement. The foiling of an attack is described as proving both the effectiveness of the repressive system and the need to go further to adapt to the terrorist threat. "New" modes of operation are systematically emphasized, as well as the persistence of danger, which justify the adoption of "new" exceptional arrangements and then their institutionalization. Similarly, an attack that proves fatal demonstrates the cracks in the system and the urgency of further legislation. Any security incident justifies the strengthening of the punitive apparatus, in a constant cycle that nothing seems able to stop: neither opposition parties, nor the institutions that should serve as checks and balances, like the Constitutional Council or the Council of State which are not real brakes on legal exceptions; nor resistance movements (political, intellectual, activist, etc.) which, certainly, are increasingly numerous but cannot turn back the tide, much less sway public opinion, generally supportive of the securitarian ideology. A recent poll shows,² for instance, that 48% of those questioned were in favor of unlimited detention without trial (i.e. the creation of a Guantanamo à la française); that 25% were "all right" with arresting passersby at random in the street; and, more generally, that 80% were ready to restrict their freedoms.

[2] Pierre Bréchon, "Sécurité : qui en veut plus ?", *The Conversation*, 28 March, 2018.

This popular legitimization of exceptional measures is surprising only in its proportions. It may be partly explained by fear of attacks and by the discriminatory nature of antiterrorism, which does not induce the great majority of the population to fear repression by this exception. It is therefore not so much the restriction of their freedom that the 80% would accept, but the restriction of the freedoms and fundamental rights of *others*: of “suspects.” But, on the other hand, this acceptance of the equation “less liberty = more security” results from the incessant political use of attacks by various agents of power and, particularly, leaders of rightwing and far-right parties.

The case of the state of emergency is a fine example, illustrating three “scope creeps” or dangers of the exception: its length (nearly 2 years); the integration into general law of some of these measures (searches and house arrests, for instance³), and thus their normalization, their institutionalization, and their emancipation from the critical events that justified their adoption, in this case the fatal attacks of November 13, 2015; and, last but not least, the transformation of a specific provision into an “option” for later reuse. In fact, when an exceptional measure has been perceived, at a given moment in history, to be effective in combating radical violence, some will always demand its return. This is why the Vichy regime or the Algerian war, the two most repressive moments in French history, now provide politicians with a pool of experiences from which to draw “ideas” on antiterrorism. The same holds true for loss of nationality, unlimited detentions, or administrative internments, which, although they have always existed, have been used to excess in these years of crisis.

On this last point, the political sequels to the Trèbes attack, and the subsequent polemic on the *fichés S*⁴, show how the state of emergency has become, for the right and far-right, the minimum exceptional repression to be established to combat potential attackers. Indeed, some of these instruments, as noted above, have already been introduced in our punitive apparatus. What we have here is the establishment of a double state of emergency: that already present in law, and that which may possibly be reactivated, a securitarian demand motivated by the idea of the unique effectiveness of a state of emergency that would further protect citizens and prevent terrorist attacks.

But bear two figures in mind. 23 is the number of cases opened by antiterrorist courts, while 4,500 administrative search warrants were issued. 11 is the number of terrorist attacks committed on French territory between 13 November 2015, and November 2017, while the state of emergency was in full effect, including the attacks on Magnanville (13 June 2016), Nice (14 July 2016), Saint-Étienne du Rouvray (26 July 2016), and the Champs Élysées (20 April 2017). And although ter-

[3] See: *LOI n° 2017-1510 du 30 octobre 2017 renforçant la sécurité intérieure et la lutte contre le terrorisme* (1).

[4] Translator’s note: “In [France](#), a *fiche S* is an indicator used by [law enforcement](#) to flag an individual considered to be a serious threat to [national security](#). The S stands for *Sûreté de l’État* (“state security”).” Wikipedia.

rorist attacks were foiled during those two years (32), it was indeed *during* rather than *due* to the state of emergency; intelligence services, police, and the courts naturally continued to function without the provisions deriving from this special situation. But the idea that “ordinary” antiterrorism, already extremely repressive and dominated by exceptional measures, can continue to foil terrorist attacks, no longer seems plausible, speakable, or comprehensible, as though only exceptions to general law could provide an effective defense against terrorism.

This may be the intrinsic strength of exceptionalism: inducing the belief that the radicality of the provisions embodying and shaping it, is the only way of addressing violence that itself is radical. And yet, demanding the restoration of the state of emergency boils down to wanting to return to a regime of aggravated repression, whose ineffectiveness was demonstrated over two years, and which, in reality, fulfilled objectives other than those officially stated: showing a high number of cases and highlighting a mass repressive action to demonstrate that the executive branch took the terrorist threat seriously (a deluge of administrative search warrants, for instance); discriminating against and stigmatizing a part of the population (Muslims); and annihilating political opposition. One needs only to remember the house arrests of environmental activists during COP 21 or the hundreds of travel restrictions during period of the El Khomri labor law (2016), effectively preventing demonstrations.

But this is not the most disturbing aspect of this securitarian electoral posturing, whose aim is above all to distinguish oneself from political adversaries. By insinuating that all has not been done to prevent attacks, this stance attributes deaths to the laxity of the executive and police/legal institutions (an old refrain of the right and far-right). This may excite conspiracy theories, as well as maintain a distorted image of the security situation. The next step is to govern by fear and feed an ever-increased sense of insecurity in part of the population ready to accept any measure presented as capable of preventing attacks. This is indeed what the right and far-right constantly repeat, and what certain media outlets amplify: if dispositions are taken that are hostile to freedom, discriminatory, and contrary to fundamental rights—such as loss of nationality, expulsion of foreigners, or detention of suspects—there will be no more attacks. Of course, it’s not very politically profitable to say that there is no such thing as zero risk, that French antiterrorism is the strongest and most comprehensive in Europe, that it is already extremely coercive, intrusive, and hostile to freedom, or that it is possible to foil attacks without these measures. That is why this narrative, and the political courage that goes with it, are rare among those who make constant political use of terrorist attacks.

This article was initially published (in French) on 30 March 2018, on the webpage AOC. We republish it here with permission of the author as well as the publisher: <https://aoc.media/opinion/2018/03/30/triste-banalite-de-lexception-antiterroriste/>

Law and Order in France: a Cocktail of Colonial Violence and Neoliberal Restructuring

MATHIEU RIGOUSTE

Mathieu Rigouste's work is essentially focussed on highlighting the colonial ideology that has shaped the French police force. Although it's well known that France carried out violent repressive measures in Algeria during the Algerian Revolution, it's less known that the same violence also took place in "mainland France". Yet this is what defines the current stance of the French police towards the French population that has roots in the "Empire's" former colonies, as illustrated by the massacre of between 40 and 100 Algerians in Paris on 17 October 1961.

France's law and order system has several historical roots. My research is focussed on the restructuring of the police and security apparatus which has taken place alongside the neoliberal restructuring of contemporary capitalism: French imperialist society, and its system of control, surveillance and repression, systematically integrates methods and mechanisms which can be traced back to colonial and military contexts. Military-style management systems designed to control the colonised population were initially developed in Algeria – the biggest settler colony and experimentation site for such systems. Since 1830 these systems have been continually passed down and have influenced the restructuring of population control on France's own soil, which involve, primarily, implementing these military tactics upon the people designated as the heirs of the indigenous Algerian population of the colonial era, i.e, mainly Arabs in Paris. Specific management approaches and violent police regimes were implemented upon colonised peoples in "mainland France", involving coercion, humiliation, roundups, killings, and torture, all of which were the norm well before the Algerian War. In the 1930s, the North African Brigade (*Brigade de surveillance des Nord-Africains* – BNA) was created, a

fundamentally racist police force in charge of monitoring French people with North African roots. Such approaches would be passed on. The continuity of the French state also means the continuity of staff, administrations and bureaucracies. As police units were restructured, certain narratives, fictions, ideologies, practices and systems continued to be disseminated.

Counter-insurgency: a history of targeting colonised peoples and anti-capitalists that continues today

On the day of 17 October 1961, all law enforcement staff (police officers, riot police and flying squad) had spent time in Algeria either for training purposes or on duty, as most available soldiers and police officers had been deployed there at some point during the war. Many police officers and *gendarmes* had waged war against the colonised people and appropriated the counter-insurgency model: the model of state terror. And then, the contingent, those who were “called to serve”, a whole generation of young men would be shaped (a minority of which would oppose it) by the Algerian War; all the psychological economy involved in this war, based on fear and cruelty, would be engrained in a whole generation that would then sit at the helm of France’s Fifth Republic. Maurice Papon, for instance, a specialist in purges, who was responsible for the deportation of Jews from Bordeaux, was, as could be expected, appointed super chief of police in Algeria, in charge of crushing the Algerian Revolution. He thus trained in counter-insurgency strategies and experimented with introducing military and colonial counter-insurgency tactics into the police and administration. He was fascinated by this doctrine, which focusses on capturing “the enemy within” as a means of pacifying the population. According to this doctrine, the *guerrillero* or the partisan is like a fish in water, the water being the general population; which is why the population as a whole must be targeted. This ideology and approach was to become a state doctrine and became hegemonic in French military thinking from 1956 onwards. From then on, the doctrine of “(counter) revolutionary war” fuelled the restructuring of the domestic defence strategy: in other words, great plans for a militarisation of French territory in the event of a Soviet invasion. This was, of course, going to sow seeds throughout the Fifth Republic, which was founded on a military coup that brought de Gaulle to power in 1958, including through all the ideological rhetoric that portrays Arabs and communists as the “enemy within”, who must be captured in order to protect France and the “free world”.

Even before the colonial period, the state itself was being built as a counter-revolutionary force: a machinery that would enable the dominant classes to shut down either the revolutionary movement or the time and space for war, so as to establish their domination. All states are thus built on counter-insurgency machinery. But with the advent of the modern nation state, capitalism and its imperialist version, counter-insurgency will itself take on an industrial, modern form. It will also become globalised, technologised, rationalised and evolve alongside technological systems.



© FELIPE BARRIENTOS

During a protest, a member of the police forces holds an LBD.

During the last decades of his life, Maréchal Bugeaud, who was Governor General of Algeria between 1841 and 1847, maintained that he established a counter-insurgency doctrine that could be applied to the workers' movement in mainland France. He also spent much time pointing out the supposed parallels between the 19th century revolutionary process in mainland France – what he called the “insurrections” – and the revolts in the French colonies. At the end of his life, he even wrote a book (which remained unpublished) entitled *La guerre des rues et des maisons* (*The War of Streets and Houses*) in which he suggests that his counter-insurgency method for war should be applied to the city, in mainland France, against the working classes. He expounds an architectural theory that intersects with the “Haussmanisation”¹ of French buildings, which essentially consists of applying the Industrial Revolution to the capitalist city. Military and colonial doctrines thus entered into the policing strategy as Haussmann sketched out the wide avenues that would enable the police or the army to stampede workers' barricades.

With imperialist restructuring, the great powers of the Western world would constantly give each other reports and feedback on their experiences. There is evidence of this as early as 1917 after the Russian Revolution when the police and armies of the Western world produced reports and supplied each other with summaries of their experiences, and this continued throughout the 20th century. We know that special envoys from the Israeli army (and perhaps also the police) were in contact and were probably also trained at the Centre d'Instruction à la Pacification et à la contre-Guérilla (Pacification and Counter-Guerrilla Instruction

[1] Translator's note: Haussmann was a French official chosen by Emperor Napoleon III to carry out a massive urban renewal programme of boulevards, parks and public works in Paris.

Centre – CIPCG). French and Israeli counter-insurgency specialists were thus exchanging tactics on the most effective way to crush their respective internal enemies as early as the Algerian War. Revolutionary and counter-revolutionary texts were being constantly passed around.

We know, for example, that the Zapatistas regularly show and use the film *La Bataille d'Alger*, which makes sense given that the Mexican and French armies are close collaborators. The French police trained the Mexican police in crowd management and on how to use the weapons that France sold them just before the Mexican police killed teachers in Oaxaca in June 2016.

Restructuring the repressive machinery: the 1970s and police state capitalism

Today, France's anti-crime units (*Brigade Anti-Criminalité* – BAC) embody this idea of police state capitalism fairly well in that they are the result of a fusion of endo-colonial police forces and neoliberal state restructuring. Established in the early seventies, these police forces draw on the staff, ideologies, toolboxes and practices of endo-colonial police forces (the North African Brigade – [BNA], which became the Aggression and Violence Prevention Brigade [*Brigade Agression et Violence* [BAV], which used colonial socio-racist methods and strategies on immigrant populations living in France). Because imperialist society has to assert over-domination over the racialised working classes and exploit them as much as possible – a specific police force was required. After 1945 and the hypocritical condemnation of the collaboration of the French police in exterminating European Jews, the Gaullist bourgeoisie invented “resistant France” and attempted to convince the world that this kind of racist policing had been tossed onto the garbage heap of history. But the same sorts of methods were being reproduced, often by the same people. This time it was called the Aggression and Violence Prevention Brigade: it was the same socio-racist machinery hidden behind the smoke and mirrors of a new name. Today's “anti-crime” unit is yet another name, as is the “war on crime”, terms that are used to conceal social apartheid systems of production behind legalistic myths.

Very early on in the 1970s – just after 1968 (because the leftist also featured among the “enemies within” as a new incarnation of the figure of the revolutionary always associated with the Fellagha) – the state decided that it needed modern police forces in working-class neighbourhoods to establish and enforce this new rational, optimised and neoliberal society. It was no coincidence the first area selected to undergo this experiment was Seine-Saint-Denis,² and in 1973, a former BAV officer was put in charge of policing the working-class areas of this department, running what was called an “anti-crime unit” (*Brigade Anti-Criminalité* – BAC). He would make good use of everything he'd learnt at the *grandes écoles* of the new society, i.e., what would soon

[2] Translator's note: A poor department in Paris's outskirts with a high number of Black and North African immigrants.

be known as “neo-management”: implementing the same neoliberal restructuring on the state machinery that had first been implemented upon corporations. There was a new targets-focussed mentality in policing, what we now call a “results-driven policy”. The idea was to increase the output and the productivity of the policing machine. Getting results meant “cracking down” on as many individuals as possible – or getting as many “*bâtons*” (bars) as possible, i.e. ensuring a good “supply” (or “*mises-à-disposition*”, making individuals available to the law enforcement system, in the jargon) of cases to the system. This is known as “getting a deal”. It involves bringing someone in for questioning, handing the issue over to the *police judiciaire* [the criminal investigation division of the national police] and, if the issue is deemed serious enough to be referred to the District Attorney, the accused will go to court and to prison – this would constitute a “*bâton*” or a “win”. Careers are built on accumulating as many wins as possible, so a police chief who wants to “climb the ladder” has a vested interest in developing anti-crime units in their precinct. These units arrest many individuals as they work actively to catch people in the act. It is all based on a “proactive” approach: the police do nothing to stop the crime from happening, they oversee it, even encourage it, going as far as to suggest it outright or make it happen so that they can arrest the “offender” when they finally commit a crime. The anti-crime unit is thus an apparatus that relies heavily on creating the conditions that will allow its constant expansion. The easiest way to keep up the “supply” and fulfil this neoliberal mission is to arrest people who use cannabis for drug-related offences and undocumented immigrants for immigration-related offences. What’s the best way to find undocumented immigrants or people in possession of drugs? Arrest Black people and North Africans. Racial profiling is thus a tactic of anti-crime units: officers patrol working-class neighbourhoods in order to make arrests on people of colour.

After anti-crime units were established in the 1970s, they continued to be developed throughout the 1980s and early 90s, firstly with the Night Patrol Anti-Crime Units (*BAC de Surveillance de Nuit* – BSN). When Charles Pasqua (the most caricatural symbol of the Algerian War’s political, police and military mentality, whose political career was based on hunting down the “enemy within”) became Minister of the Interior, the use of counter-insurgency methods intensified and France’s law enforcement system was ramped up. It was Charles Pasqua who approved deploying anti-crime units in all of France’s cities. These units were equipped with a lot of gear and required an increasing amount of weapons – which came as good news for the security industry. Anti-crime units, for example, requested flash-balls fairly early on. They worked with arms manufacturers on new models, and it’s no coincidence that this is the type of ammunition that anti-crime units use most. The flash-ball weapon is used everyday in France’s working-class neighbourhoods. The same goes for tear gas. We typically see it used to control protests in city centres, but tear gas is used on a daily basis in working-class neighbourhoods.

The anti-crime unit therefore seems particularly representative of police state capitalism – both in terms of its brutality and its ultra-liberal, ultra-productive, ultra-

optimised and ultra-aggressive aspect. It is also extremely angled to media hype: anti-crime officers put on a sort of show, inspired by what they see on TV... The system that was designed to dominate and crush working-class neighbourhoods is even used to control other social movements, such as those fighting France's labour law reforms or the yellow vest movement. Generally speaking, anti-crime units are used to enter into crowds and capture and entrap individuals. These methods are increasingly combined with encirclement, confinement and constriction strategies, which usually involve the CRS police (*Compagnies républicaines de sécurité* – CRS), in charge of riot control, or the mobile *gendarmes*. The anti-crime unit is thus another example of the current rheostatic restructuring of everything: adaptability in the manner of the Toyota Production System, in other words, taking the most streamlined approach possible in order to meet demand instantaneously with the least possible stock and expense.

The 1970s was also the era when the capitalist city began to take shape. Urban planning played a key role in the restructuring of the police and security system. In the wake of over-accumulation crises, the capitalist city was restructured to accommodate masses of poor workers, concentrating them around capital accumulation centres. And in the working-class neighbourhoods or camps, the dominated and exploited constantly invented forms of self-organisation and empowerment, counterattack, cultures of disobedience and ways to throw off attempts to govern them. The state therefore needs both the constant presence of the police force, in charge of destroying the recurring forces of empowerment and survival – because in the end, people have no choice – and an urban planning strategy: these areas had to be segregated and invaded in order to destroy anything subversive that might emerge. But when aggressive police forces, such as anti-crime units, are deployed in working-class neighbourhoods, this produces police brutality, which in turn produces anger. Depending on the severity of revolts and repressive measures, as well as the way in which these have been covered by the media, city councils – in collaboration with the police and the media – are able to label certain working class neighbourhoods “unmanageable” or “irrecoverable”. This is a way to mobilise financial capital first and then industrial capital under the guise of “urban renewal”. Practically, this involves a restructuring of these neighbourhoods that can go as far as completely destroying them, pushing the poorest communities – or the most ungovernable – out to the fringes, and even completely out. Both the police and prison systems serve this purpose, but rent increases due to gentrification (expanded public transport systems that mean white collars take the place of working-class communities) also play a role. In the early 2000s, the French government invested heavily to support local authorities' urban restructuring policies. This money was immediately pocketed by construction and security companies: once the police, the media, the prison and the city council had managed to “clear the way”, the urban replanning was done in partnership with construction firms as well as with the surveillance technology industry, the design industry – the cliques of neo-urbanism – advertising, retail; in short, a whole system of companies that live around this

economy. As well as reinforcing social apartheid, the underlying logic is a form of internal colonisation by expanding the capitalist city and inventing new ways to control social life.

Social apartheid, violence and stigmatisation

Social apartheid involves keeping populations apart so that they don't intersect. Mechanisms that oppress working-class neighbourhoods can be completely invisible to the rest of the population. Islam and violence are used as a pretext to stage dramatic police raids: everyone is told to get on the floor with guns pointed at them, tear gas may be used in apartments, sometimes people are beaten up. This leaves families with serious trauma. There have been accounts of police raids in the middle of the night for which children, the mother, the grandmother seek psychological help several months later. And the effect on school-drop out rates is tragic: after children experience so-called "anti-terrorist" military-style police raids in their homes, they lose interest in school and fall behind. House arrest is another form of violence these communities are subjected to. It's difficult to grasp when you haven't experienced it, but the monitoring system is extremely tough, as individuals under house arrest are required to regularly report to their supervisors. It should be highlighted that, following investigation, most of these cases amount to nothing. The vast majority of these house arrests are completely unfounded; a number of individuals have chosen to take legal action and won. What stands out in these cases is that many of these individuals are reported for being "serious practicing Muslims" or potentially "radicalised". In other words, house arrests are based on random denunciations. These raids, house arrests and long, taxing lawsuits thus constitute severe acts of violence that ripple through these (primarily Muslim) families and are deeply exhausting. When people's names are published in the press, suddenly a whole town sees you as a likely terrorist.

State of emergencies exacerbate social apartheid, Islamophobia and racial profiling – which is a convenient way for imperialist France to manage and control working class neighbourhoods.

This article is a summarised and adapted version of an [interview](#) by Léopold Lambert on 23 September 2016, published in The Funambulist 8 (November-December 2016): "Police".

How and Why Calls to Boycott Israeli Products Became Criminalised in France

GHISLAIN POISSONNIER, magistrate and legal expert

On 9 July 2004, the International Court of Justice published its advisory opinion on the legal consequences of the wall which Israeli authorities were building on Palestinian territory.¹ The Israelis called it a “security wall”; the Palestinians, an “apartheid wall”. The UN General Assembly asked the Court, which is headquartered in The Hague, to decide. In its carefully worded advisory opinion, the Court refused to engage in controversy and recognised the right of any state to build a wall to protect itself, provided the wall be built on its own territory. However, it noted that the Israeli wall was mostly built on Palestinian territory and cut through entire sections of Palestinian land, which made it illegal. Furthermore, as the International Court of Justice pointed out, the route of the wall encompassed a number of Israeli settlements on Palestinian land – which was also illegal. The Court concluded that Israel should give up building the wall, dismantle the sections already built, abandon illegal settlements and compensate Palestinians. It added that member states of the international community had an obligation to put pressure on Israel to comply with the advisory opinion. For a moment, there was hope, but it was quickly dashed. There was no such pressure from other states, and Israel continued to build its wall as well as to establish new settlements on Palestinian land.

[1] Advisory opinion on the Legal Consequences of the Construction of a Wall in the Occupied Palestinian Territory, International Court of Justice, 9 July 2004: C. I. J. Recueil 2004, p. 136.

In response to this situation, on 9 July 2005, Palestinian civil society, represented by 170 trade unions and civil society organisations, asked international civil society to mobilise in order to get states to finally take action. It launched an appeal to demand compliance with international law. How could this be achieved? By launching a peaceful Boycott of Israeli companies and institutions, and through initiatives aiming at a Divestment from the Israeli economy and Sanctions against Israeli institutions.² The BDS movement was born, taking its inspiration from the anti-apartheid movement in South Africa.³ In 2009, about fifty French organisations, shocked by the Israeli military operation “Cast Lead” in Gaza,⁴ decided to respond to the call of Palestinian civil society and launched the BDS France campaign.⁵ Their preferred method of action is to organise gatherings outside shopping centres or shops, with activists appealing to customers to refrain from buying Israeli products.⁶ The rallies are often filmed by the activists, and the resulting videos are posted on social media and on the web pages of the campaign’s member organisations.

In short: a state is violating international law (although Israel is certainly not the only state to do so⁷). As the International Court of Justice itself points out, the main states of the international community are obliged to take action. However, these states fail to put any serious pressure on Israel. Consequently, a section of French civil society takes action by asking consumers to boycott products from Israel in order to put pressure on it. Is it not totally legitimate for civil society organisations and activists to mobilise through peaceful means for the application of international law? Is it not a form of civic duty?

Yet French public authorities launched a legal and judicial attack against the BDS France campaign. The method used to silence the campaign is to criminalise its actions. This is a powerful and effective method, because no citizen wants to face criminal justice for his or her activism. Legal risks are even less well accepted when the cause does not directly concern the citizen in his or her daily life, region or country. Palestine remains a distant horizon.

How and why did this attempt to criminalise calls to boycott Israeli products take place in France? Although the legal mechanism used to criminalise boycott campaigns has been widely documented (I), the reasons behind this strategy are little known (II).

[2] O. Barghouti, *BDS contre l'apartheid et l'occupation de la Palestine*, La Fabrique Editions, 2010.

[3] See: bdsmovement.net

[4] December 2008-January 2009: 1,380 Palestinians lost their lives during this Israeli military operation. More than half of them were civilians. Thirteen Israelis were also killed. In July and August 2014, the Israeli army launched a new military operation in the Gaza Strip, Operation Protective Edge: 2,200 Palestinians lost their lives, including over 1,500 civilians. 73 Israelis were killed.

[5] See: www.bdsfrance.org

[6] A list of Israeli products sold in France is available here: www.bdsfrance.org/que-boycotter-4/

[7] Nevertheless, there have been at least 78 resolutions from the United Nations Security Council condemning Israeli policy towards Palestinians since 1948.

I. The criminalisation mechanism

The criminalisation of the BDS campaign was initiated by the Ministry of Justice, at the request of organisations that support the State of Israel.⁸ Although the European Court of Human Rights ruled against this approach, French authorities do not seem to have given it up.

a. Circulars and ruling of the Cour de Cassation (French High Court)

When individuals disapprove of the political, economic or cultural practices of certain states, they are free to not buy their products. As individuals, they can boycott states through their own consumer choices. But do they have the right to publicly call for people to boycott the products in question? The strategy of French public authorities has been to make people believe that there is no such right and that legal provisions could prohibit citizens from making such calls under criminal law.

In 2010⁹ and 2012,¹⁰ Ministers for Justice Alliot-Marie and Mercier instructed their departments to issue two circulars addressed to public prosecutors, requiring them to prosecute people calling for a boycott of Israeli products. The reasoning was simple: criminal law – the 1881 law on press freedom – prohibits calls for discrimination against individuals, including discrimination on the basis of nationality. Both circulars are based on the claim that calling for a boycott of Israeli products has an impact on Israelis and therefore constitutes a call for discrimination on the basis of nationality, which is illegal.¹¹

There were two flaws in this legal reasoning: it confused “products and men”, to paraphrase Steinbeck, and it was based on an over-interpretation of criminal law, as French criminal law does not refer to the notion of boycott or refusal to purchase.¹² Its implementation also results in a violation of freedom of expression.

Subsequently, since 2010, some fifty BDS activists have been subjected to criminal investigations, often following reports by associations defending Israel. About fifteen criminal proceedings have been initiated. Several courts and appeal courts have refused to endorse the legal argument expounded in the circulars and found the BDS activists not guilty (Versailles, Mulhouse, Pontoise, Perpignan, Montpellier, Alençon, Bobigny, Créteil, Paris, Toulouse). However, the reasoning was taken up by two appeal courts (Bordeaux and Colmar) and eventually confirmed by the Cour

[8] For example, Conseil représentatif des institutions juives de France, Association France-Israël, Avocats sans frontières (chaired by Gilles-William Goldnadel), Bureau national de vigilance contre l'antisémitisme, and Union des étudiants juifs de France.

[9] CRIM-AP n°09-900-A4.

[10] CRIM-AP n°2012-034-A4.

[11] J.-C Duhamel and G. Poissonnier, “La tentative de pénalisation des appels au boycott des produits israéliens par les circulaires Alliot-Marie et Mercier”, *Revue des droits et libertés fondamentaux*, 2015, chron. n°5.

[12] M. Drillech, *Le boycott : histoire, actualité, perspectives*, Fyp Editions, 2011, pp. 40-43. The author remarks that “boycott is not banned as such” and that “French law does not address the subject”.

de Cassation (High Court) in 2015.¹³ France thus became the only country in the world to make calls for boycott of Israeli products a criminal offence, punishable in this case by one year's imprisonment and a fine of 45,000 euros.¹⁴

The convicted activists took their case to the European Court of Human Rights, with the support of the Association France Palestine, the International Federation of Human Rights and Ligue des droits de l'homme.

b. The ruling of the European Court of Human Rights (ECHR)

In a decision dated 11 June 2020, the European Court ruled against France:¹⁵ it found that calling for a boycott of Israeli products cannot in itself constitute a criminal offence because it is covered by freedom of expression. As France did not appeal, the ruling is final from a legal point of view, as of 11 September 2020.

It was expected that the French Ministry of Justice would take the necessary steps to repeal the Alliot-Marie and Mercier circulars.¹⁶ On 20 October 2020, however, the Ministry of Justice issued a dispatch to public prosecutors on "the repression of discriminatory calls for the boycott of Israeli products",¹⁷ which seeks to uphold the criminalisation of calls for boycott under French law. The dispatch (effectively, a penal policy circular) even claims that the Alliot-Marie and Mercier circulars are still valid and that actions calling for the boycott of Israeli products are still likely to constitute an offence. One cannot but wonder what France makes of the 11 June 2020 ruling in which European judges felt obliged to point out that they have "repeatedly emphasised that Article 10 § 2 leaves little room for restrictions on freedom of expression in the domain of political speech or matters of general interest".

A few lines earlier, European judges observed that calling for a boycott of Israeli products indeed touched on "a matter of general interest, that of compliance with public international law by the state of Israel and of the human rights situation in the occupied Palestinian territories, and are part of an ongoing debate in France as well as in the international community as a whole".

Clearly, French authorities are refusing to submit to the ruling of the ECHR and to European law, violating the hierarchy of norms. Worse still, the dispatch takes us back to before 11 June 2020, to the Cour de Cassation ruling that condemned calls for a boycott as discriminatory.

[13] J.-C. Duhamel, "L'appel au boycott des produits israéliens ne relève pas de la liberté", *Revue des droits et libertés fondamentaux*, 2016, chron. n°9; R. Médard, "Provocation à la discrimination et appel au boycott de produits étrangers : la Cour de cassation tranche le débat", *Revue des droits de l'homme*, 8 December 2015.

[14] Article 24 of the law of 29 July 1881 on press freedom.

[15] CEDH, 11 June 2020, Requêtes n° 15271/16 et 6 autres, *Baldassi*: France was sentenced to pay each of the claimants €380 in material damages and €7000 in moral damages, as well as €20,000 to all claimants for their legal expenses.

[16] See E. Pichet et G. Poissonnier, "Boycott des produits israéliens : la CEDH rebat les cartes des échanges commerciaux avec l'Europe", *The Conversation*, 15/06/2020.

[17] DP 2020/0065/A4BIS



During a protest for the BDS campaign, a sign demands the end of Israeli apartheid.

It's as if the “*summa divisio*”, reaffirmed by the European Court, did not exist. Yet the ECHR ruling explains in a very clear manner that a distinction must be made between, on the one hand, incitement not to buy certain products in order to challenge the policy of a state – which is lawful and protected by freedom of expression – and, on the other, calls for violence against persons (or racist and anti-Semitic statements targeting Jews as an ethnic-religious group) or for the destruction of property – which is hate speech and must be prohibited.

The dispatch plays upon what may at first glance seem like a grey area between these two situations, by deliberately blurring the difference between calls for a boycott of Israeli products and antisemitism, without clearly specifying what might tip the former towards the latter.¹⁸ Ultimately, the objective of the dispatch is clearly ideological: repress at all costs any call to boycott Israeli products as part of the BDS campaign.

II. The reasons for criminalisation

French authorities have never clearly explained their reasons for seeking to criminalise calls for boycott, which added to the concern about this stigmatisation of peaceful activism. The debate on the appropriateness of such an approach must take place within the relevant ministries (Interior, Justice, Foreign Affairs, Prime Minister), but it is not public, and ministers have always remained vague or evasive on the subject, even in their answers to written or oral questions from members of Parliament. Only Christiane Taubira, then Minister of Justice, dared to

[18] See F. Dubuisson, and G. Poissonnier, “Boycott des produits israéliens : la France persiste à y voir un délit en dépit de la décision de la CEDH”, [Actu-Juridique.fr](https://actu-juridique.fr), 12/11/2020.

speak publicly about the issue, declaring that calling for a boycott was a legitimate “activist act” in regards to the situation of apartheid South Africa, but ultimately condoning the notion that when it comes to Israel, things are different.¹⁹ We therefore have no choice but to make hypotheses, focussing on the weakness of French democratic tradition when it comes to boycotts and on the special status of the state of Israel in France.

a. The weakness of the French tradition of boycott

Several compounding factors played a role in France’s decision to criminalise calls to boycott products from a state because of the controversial policies of its government.

- In France, “citizen boycott”, initiated by civil society and consumer activists, is often confused with the boycott as a prerogative of the state in the context of international relations.²⁰ France has a history of strong centralisation, and the government is traditionally reluctant to allow for unwelcome initiatives by civil society or local authorities. There is even more reluctance when the citizen boycott deals with a subject that falls within the state’s field of competence, in this case, international relations and international trade. The French government has thus tried on several occasions to prevent local authorities from calling for a boycott of Israeli products or settlements. It has challenged the resolutions of certain French local authorities (Bondy, Ivry, Saint-Pierre-des-Corps, Clermont-Ferrand) in favour of such a boycott before administrative courts.²¹ The ideological boycott of a foreign state or of its institutions, although an important means of action in a democracy, is not considered a “noble” form of boycott in France, as a consumer boycott can be.²²

- In the French constitutional set-up, international relations issues have traditionally been the domain of the President of the Republic, with the Prime Minister’s office and the Ministry of Foreign Affairs responsible for implementing presidential decisions (except during periods of “cohabitation”, when the Parliament and ministers on the one hand and the President on the other are from different political sides). These issues are only occasionally debated in Parliament. Generally speaking, French public authorities are reluctant to discuss matters of international relations with civil society, especially when civil society advocates concrete action such as boycotts or sanctions. In the area of foreign policy, the conditions for a democratic, free and transparent debate involving civil society are still lacking.

- The business community remains hostile to citizen boycotts. They see it as a risk for French economic interests. Calls to boycott products of certain countries could prevent French corporations from setting up in these countries and lead to

[19] Interview with Christiane Taubira by Eric Fassin, *Mediapart*, 18 December 2013.

[20] Which takes the form of an embargo or a ban on imports, decided by the Prime Minister.

[21] See “Les conseils municipaux à l’heure du boycott des produits des colonies israéliennes : l’exemple de Clermont-Ferrand”, G. Poissonnier, *La Semaine juridique*, édition Administration et collectivités territoriales, 2019, p. 2002.

[22] I. Nyström, P. Vendramin, *Le boycott*, Presses de Sc Po, 2015.

a boycott of French products. The impact on the French economy would then be significant, particularly for countries such as China or Russia. While recognising that a democratic society must allow for debates on international affairs, business circles are not in favour of inciting citizen boycotts and civil society-led boycott movements, which involve commercial risks and possibly legal insecurity regarding their contracts with companies from the criticised countries.²³

- Consumer activism is a growing movement²⁴ but remains weak in France.²⁵ It is only recently that the National Assembly has spoken out in favour of boycott: "Calling for a boycott, as the ultimate weapon of responsible consumption, must be considered lawful when it is established by credible reports from international organisations and credible NGOs that a multinational corporation is deliberately and seriously violating international law"²⁶. The boycott of corporations such as Amazon or Airbnb because of their negative impact on employment and living conditions is only a recent development in France. Although public authorities never intended to prohibit calls to boycott the products of corporations because of their commercial practices or their social²⁷ or environmental²⁸ impacts, such calls have never been particularly successful in France, because unions (fearful of job losses) and political parties have never supported them. This is strikingly different from Anglo-Saxon countries, where the boycott of products, brands and businesses has generally been recognised and encouraged.²⁹ The great history of citizen boycott movements against discrimination, apartheid, colonisation and, more recently, French nuclear tests, has never really had much traction in France.³⁰

Most of the reasons cited above also existed in the 1970s and 1980s, and did not prevent calls to boycott South African products during the apartheid era. Nevertheless, the anti-apartheid boycott campaign has always been rather subdued in France and, on the whole, has had little effect. But no one ever imagined criminalising such calls for boycott. This naturally raises the question of how the matter at hand differs: the Israel exception.

[23] French business pushed for the adoption of Law n°77-574 of 7 June 1977, on diverse economic and financial matters. Under the French criminal code, this legislation prohibited French companies from boycotting foreign companies (the aim was to circumvent the obligation made by some Arab countries not to trade with Israeli companies).

[24] See for instance the movement: i-boycott.org

[25] S. Dubuisson-Quellier, *La consommation engagée*, Presses de Sciences Po, 2018.

[26] French National Assembly, *Rapp. d'information sur le rôle des compagnies pétrolières dans la politique internationale et son impact social et environnemental*, n° 1859, 1999, p. 134.

[27] See, for instance, the boycott of Danone products in the 2000s because of job cuts.

[28] For example, in the 1990s, the boycott of Total after the Erika disaster and that of Shell after the immersion of an oil rig.

[29] The word "boycott" first appeared in 1880 during an Irish agrarian revolt in Mayo County against an estate manager (Charles Cunningham Boycott) who was charging excessive rents. Citizen boycotts have since been successfully carried out in Britain, the United States, Canada, India, South Africa, Australia and elsewhere. They are used for activism purposes, against discrimination, against abuse, in favour of human rights, environmental protection, etc.

[30] O. Esteves, *Une histoire populaire du boycott*, 2 volumes, L'Harmattan, 2006.

b. The Israel exception

If one can speak of an Israel exception, it is because Israel is clearly treated differently from other states by French politicians and French public authorities. In spite of Israel's repeated violations of United Nations resolutions, especially since 1967 – the year when the occupation of Palestinian territories began – France has always maintained a cautious position in the Israeli-Palestinian conflict, which ultimately favours the stronger side. Along with other EU Member States, it has constantly reinforced its commercial and scientific ties with Israel,³¹ without ever demanding compliance with international law and human rights in return. This cautiousness originates in the French political class' (be it from the left, the centre or the right) long-standing fascination with Israel – a fascination that sometimes stems from a kind of nostalgia for the colonial era, sometimes from admiration for the militarisation of Israeli society, or for the establishment of an apparent democracy in a Middle East dominated, admittedly, by autocrats. Israel, in turn, has forged strong links with these public officials. On the other hand, what is known as France's Arab policy (*politique arabe de la France*) (which, since General de Gaulle, was somewhat sympathetic to the Palestinian national cause) has lost momentum, particularly since the 2000s when the fight against terrorism became a focal point. At the same time, parts of the French Jewish community, particularly the Conseil représentatif des institutions juives de France, mobilised very strongly in defence of the Israeli government's policies – including its most brutal aspects – while the French community of Arab or North African origin seemed to struggle to articulate a credible political response in support of the Palestinian public authorities or of the Palestinian population under the yoke of the occupation.

French foreign policy remains committed to compliance with international law in the Arab-Israeli conflict, with regular reminders of the need to respect the spirit of UN resolutions. However, at the same time, it refuses to take any initiative against or impose sanctions on the State of Israel, or even its components (military, settlers, politicians, companies involved in the colonisation, etc.) directly involved in violations of international law;³² this caution is also intended to avoid offending our American ally, Israel's main supporter, as well some of our European partners such as Germany.

It is not hard to understand why a large part of the political class does not want a debate on the boycott of Israeli products or on sanctions to be adopted against Israel, which might exacerbate divisions within French society. Some also see a danger to the harmony of our nation, given the presence of religious communities or communities of foreign origin on French soil, with the risk of creating disturbances to public order. But such restrictions on the right of citizens to participate in

[31] Euro-mediterranean agreement establishing an association between the European communities and their Member states and the State of Israel, signed in Brussels on 20 November 1995.

[32] See, for instance, the proposals developed in "Cesser toute forme de soutien à la colonisation israélienne", W. Bourdon, lawyer, M. Cerisier ben-Guiga, F. Dubuisson, legal expert, J.-C. Lefort, G. Poissonnier, magistrate, D. Vidal.

political debate hardly seem legitimate, when there are already laws and regulations in place that are precisely designed to prevent demonstrations that could generate disturbances to public order. The use of the authoritative argument of antisemitism to stigmatise calls for boycotts remains a permanent feature in the debate.³³ This powerful and intimidating argument is used to discredit the BDS France campaign and makes it difficult to take any initiative on the subject.

The BDS movement, whose goal is to ensure states comply with international law, is the target of a disinformation campaign aimed at depicting it as an antisemitic and illegitimate movement. In Israel, the “anti-BDS” law passed in 2011 and confirmed by the Supreme Court in April 2015 provides for a civil penalty against calls for boycott. In the United States, many states have approved anti-BDS legislation which provides for civil or disciplinary action against legal or natural persons who support the boycott of Israeli products. In Germany, the Bundestag passed a resolution calling BDS an antisemitic movement. In this regard, France, which has chosen the path of criminalising boycotters of Israel, is a laboratory in the fight against the BDS movement. The German Supreme Court, the US Supreme Court, and more recently the Court of Appeal of England and Wales and the European Court of Human Rights have all ruled in favour of the right to boycott, protected by freedom of expression. In reality, a “legal war” is a tactic used by this international disinformation campaign to discredit the BDS movement, scare off those who might be tempted to join it and persuade civil society that it has no role to play in the defence of international law. Just as all attempts to discredit the anti-apartheid movement have ultimately failed, it is safe to assume that current attempts to discredit the BDS movement will also fail. But how long will this take? That will certainly depend on the capacity of civil society organisations and activists to mobilise.

[33] See, for instance, P. Boniface, *Antisémitisme*, Max Milo Editions, 2018.

With the Rise of Hypercapitalism and Strongman Politics, Human Rights Defenders are Increasingly at Risk

MICHELLE FOLEY, *Front Line Defenders*

Around the world, human rights defenders (HRDs) are on the frontline of the fight for human rights and for more fair and equal societies. These defenders can be journalists, lawyers, bloggers, academics, environmentalists, indigenous peoples rights defenders, LGBTI+ or women's rights defenders. What they all have in common is that they work to realise the human rights of their communities and because of this work, they face tremendous risks. From losing their jobs to being subjected to travel bans, arrests and detentions, false or unfair accusations, smear campaigns, direct threats, physical attacks on them or their family, abductions, torture or in the most extreme circumstances, even assassinations. In addition, women human rights defenders and defenders working on LGBTI+ rights, face another layer of risk, as they are often the targets of misogynistic attacks and gender-based violence.

According to the 2019 Freedom in the World report by the NGO Freedom House, political freedoms and civil liberties have been on a steady decline around the world for 14 years straight, and at Front Line Defenders we would contend that we have seen a correlating increase in the number of attacks against defenders worldwide.

There are a number of phenomenon that have led to these increases – some global, worldwide trends and others, more local, regional or country-specific factors.

Global factors : hypercapitalism and far-right populist leaders on the rise

Firstly, at the global level we have a rise in hyper-capitalism, with its never ending thirst for profits and material gains, which pushes for a continual exploitation of natural resources and pits human rights defenders working on issues such as environmental rights, land rights and indigenous peoples rights against powerful economic interests.

We also have businesses and governments across the globe prioritising economic interests and returns, short term gains, which exacerbates the vulnerability of defenders on the ground.

We have seen a rise of strongman politics and populist rhetoric – Trump in the US, Bolsanaro in Brazil, Modi in India, Duterte in The Philippines – all democratically elected but displaying sometimes extreme authoritarian tendencies. All have invested in creating and compounding a popular narrative that human rights defenders are anti-development, anti-government, anti-national, foreign-funded, puppets of foreign-powers and this rhetoric ultimately results in the legitimate work of HRDs being delegitimised.

Coupled with these economic and political factors, a key component in the increase in attacks is the fact that impunity remains the norm in the regions where attacks and killings take place. So much so that the perpetrators can be confident of escaping justice.

In a recent report by Global Witness, for example, it is estimated that 89% of the murders of human rights defenders in Colombia don't end in a conviction, and in parts of the state of Pará in northern Brazil there is a 100% impunity rate in relation to the murders of rural workers in the last 40 years.

Even in the more high profile cases that have drawn international attention and condemnation, like that of Berta Caceres in Honduras, real justice continues to be elusive. Berta was a Lenca indigenous woman and human rights defender who spent 20 years fighting for the rights of the Lenca people and in March 2016 she was murdered in her home. After a hard fought battle, 7 men were found guilty of her murder, including men identified as employees of the company Desarrollos Energéticos S.A. and a member of the Honduran Army. However the trial of the alleged mastermind of the killing is still on-going, and major concerns have been raised by Berta's family and legal team regarding deliberate delaying tactics by the defence with the intention of releasing the alleged perpetrator on the grounds of exhausted pre-trial detention.

There are also other global factors at play. We have the recent MercoSur deal, the trade deal struck between the MercoSur countries, and the EU. Those operating in the human rights sphere believe this deal which will inevitably increase the



TROCAIRE (CC BY 2.0)

Berta Cáceres's grave: this Lenca leader (Honduras) was murdered in 2016 because of her environmentalist and indigenous activism. Her grave has become a memory space.

demand from EU consumers, can only lead to further destruction of the Amazon and further conflicts with indigenous peoples, and ultimately further attacks and killings of indigenous rights defenders.

Additionally, in the past 6 months as a result of the global Covid 19 pandemic, the world has moved online and while this increased connectivity is affording certain groups of defenders increased access to the protection mechanism available and international and national supports and actors, it is also exacerbating the divide between those who are connected and those who are not. Rural communities, peasant communities, indigenous peoples communities – these groups are out in the cold so to speak.

On the other hand, in contrast to this doom and gloom and increases in attacks, today there are almost certainly more active human rights defenders, working on more rights areas, working in more countries than ever before.

So while the landscape they are working in continues to be high risk, there are more and more people becoming defenders and standing up and speaking out.

Region- or country-specific factors

It is worth noting that while the killing of a defender is the ultimate silencing of their voice – and the same countries in the Americas and Asia appear on the worst offenders list most years, including Colombia, Brazil, the Philippines, Mexico, Honduras, Guatemala - in other regions, like in the Middle East and North Africa

region, for example, it is much more common to arrest defenders on trumped up charges, try them in a sham court, and sentence them to long jail terms of 10 – 20 years. The end result, silencing the defender's voice and their work, is similar. Both methods are cruel, unjust and brutal assault on the defender's life and liberty.

If we look solely at the issue of killing defenders however, it's clear that the situation in the Americas and parts of Asia are particularly egregious.

While HRDs are at risk and can be killed across the globe, in recent years approximately 80% of the killings each year occur in Brazil, Colombia, Guatemala, Honduras, Mexico and the Philippines. This year, preliminary figures would also indicate that Nicaragua has seen a rise in the killings of defenders, and we have yet to collate concrete data on India, which has seen an increase in violence and attacks against defenders in recent years.

In these countries land, environmental and indigenous peoples' rights are undoubtedly the most dangerous sector of human rights defence due to the profit-driven exploitation of natural resources, combined with rampant corruption, weak governments and systemic poverty.

In the past three years as part of the Memorial project, we've documented the killing of 240 indigenous peoples' rights defenders, over a quarter of the global total of human rights defenders killed. A shockingly high statistic, given that Indigenous Peoples are estimated to make up only 5% of the global population.

In November 2016, Front Line Defenders initiated the Memorial Project (see at www.hrdmemorial.org). In coalition with over 25 international and national organisations, the project aims to create a dedicated resource which will give a true picture of the scale of killings of human rights defenders world wide, illustrate the extent of the wide spread impunity and facilitate national and international advocacy on cases. It also seeks to commemorate the lives and achievements of those who have been killed fighting for their rights and those of their communities. A tribute to the defenders, both as individuals and as member of their communities. It is a record of their work and legacy for their families and communities: if the intention was to silence them, it is a way to say they will not be forgotten and that their struggle will go on. Ultimately, we want to challenge those who think that human rights defenders are expendable people who can be eliminated without consequence, and the Memorial project provides a basis for effective advocacy and campaigning to increase the political cost of killing a human rights defender.

Why do these attacks and killings take place?

The vast majority of the killings take place in the context of land grabbing and land clearing for agribusiness or exploration and exploitation of natural resources by extractive industries.

Many indigenous communities live in territories that are rich in natural resources. In defending their rights and their territories, by resisting large scale land grabs, deforestation, mega projects and the extraction of natural resources, indigenous rights defenders play a key role in combatting climate change. However increasing pressure on the world's natural resources and unchecked corruption means they are often at odds with powerful actors including companies.

In the case of companies, as opposed to the situations of land grabbing in territorial disputes between paramilitary group or narco-traffickers, these companies are required to carry out consultations with the local communities to secure their “free and informed prior consent”, as well as to carry out environmental surveys to ensure that the natural environment, such as the water, air and plant life which the local communities rely on for their survival will be protected. However oftentimes, these consultations either do not take place, or they only take place with previously identified community members who have been bought-off by the company or by local officials who in turn are being paid off by somebody else.

In the context of Covid 19, and the restrictions on people's movement and gathering, there are preliminary reports of numerous consultations having been abandoned and work commencing or continuing in this vacuum.

Why is the situation so bad in the Americas?

Latin American countries have long been afflicted by weak state controls and pockets where the state is quite simply not present at all. Organised crime, militias and predatory businesses operate with impunity, and the region's governments have struggled to respond.

Additionally, there's widespread corruption which further endangers defenders, as security forces and justice officials are susceptible to bribery and intimidation by criminal enterprises that threaten, torture, and murder those in their way.

So long as this broader insecurity goes unaddressed and governments fail to prioritise the protection of defenders, they'll continue to work in a very risky environment.

There are often country-specific actors and dynamics at play. In Mexico, for example, perpetrators tend to be narco-traffickers, criminals and corrupt authorities operating at the local level. The killings of defenders take place with almost total impunity because the political and economic structures of the state have been infiltrated to such an extent by narco-traffickers and other criminal elements that the state is both unable and unwilling to take effective action in defence of human rights.

In Colombia while the signing of the 2016 peace accords was heralded as the beginning of a new era after over five decades of civil war, the promised progress and increased

security has been elusive. In the immediate years after the signing, the rate of general homicides decreased, but in contrast the rate of killing of defenders increased. In the rural areas, the territories formally controlled by the FARC are now being fought over by dissident FARC factions, a rival leftish guerilla group (ELN), the Colombian military, and drug cartels. In the middle of this violence and insecurity, you have human rights defenders – many of whom work solely at the local level, and do not have a national profile. They're working in defence of the right to land or to protect indigenous peoples. Many are members of ethnic minorities, peasant communities, indigenous peoples, people of African descent or local community action boards.

While the situation in these states is dire, these governments (Colombia, Mexico) have at least recognised their obligations to protect human rights defenders and have set up formal, though largely ineffective mechanisms and structures to protect defenders. They are largely ineffective because they are under-funded, under-resourced and the demand for these protection measures are so high. In Mexico for example, a staff of 35 people are tasked with overseeing the protection mechanisms for over 1300 journalists and human rights defenders, and the 2019 the mechanism saw an additional budget cut.

In the Philippines since the 2016 election of Rodrigo Duterte, there is evidence of an anti-human rights agenda in the form of explicit and undisguised direct attacks by the president on the rule of law, independent media and state institutions designed to protect human rights. In 2017 for example, the National Human Rights Commission, which is tasked with investigating the human rights abuses in respect to the infamous “war on drugs”, including the killing of HRDs, was granted an annual budget of just \$20. Now ultimately this was overturned by the Senate, but it gives you an idea of the hostile environment in which HRDs are operating in. Additionally, the president himself actively encourages the killing of members of the New People's Army (NPA), an illegal paramilitary group that operates primarily in the Philippine countryside, by putting a bounty on the members' heads. As human rights defenders are frequently and falsely branded with the tag of being members or sympathisers of the NPA, this makes them de facto targets with the highest levels of the state condoning their eradication.

Attacks on HRDs in democracies vs. in authoritarian regimes

It is worth noting that the countries where the most killings occur are in fact democracies. Yes, many have populist leaders and there are authoritarian strains but most were democratically elected.

While countries where there is totalitarian or hard authoritarian rule, such as in China, Russia, and Saudi Arabia, the killings of defenders are much less prevalent. Much of this of course is due to the fact that there is much less civic space for human rights defenders to operate in. In China for example there are persistent



Tania Carolina Hernandez (23), a young activist involved with COPINH, stands at a mural of Berta Cáceres in the Honduran city of La Esperanza.

state controls – freedoms of assembly and expression, are hugely limited, and defenders can be charged with broad offences include “picking quarrels and provoking troubles”. So, unlike in the Americas, there is much less freedom to organise and protest. Additionally, a number of years ago there was a huge crackdown on lawyers in China, many were arrested and others were disbarred, so now there are literally a handful of lawyers who are able and willing to defend human rights defenders cases.

In countries where there is more space for civil society, while there are many risks, there are also many human rights defenders, and extensive defender networks, sharing and learning. Human rights defenders by their very nature are incredibly resilient and determined.

Protecting HRDs : what can be done ?

FLD is primarily concerned with protecting defenders so that they can go about their work, and continue their fight for more fair and just societies.

This approach was instilled by its founder and now UN special rapporteur on the situation of human rights defenders, Mary Lawlor who recognised that defenders on the ground are the most effective actors for social change because they know the context on the ground, they are often directly affected by the inequalities, exploitation and discrimination and they know what has to be done to change it. Our job is to protect them, and to support them, so that they can continue their work. Generally Front Line Defenders endeavours to provide a tailored response, incorporating a selection of relevant tools and programmes when responding to defenders

needs. We provide security consultations and training, in order to help defenders to map out the vulnerabilities in their daily lives and work. We offer security grants to purchase the necessary equipment, such as scanners and shredders, to enable defenders to store their information safely (especially the kind of information that could put other people at risk) and also purchase equipment to make their offices and homes more secure, like CCTV cameras, or alarm systems. We help defenders with computer and mobile phone security, to enable them to protect their electronic devices from malware attacks and ill-intentioned hackers, or if their devices are confiscated by the authorities. We network with other organisations in the field, coordinate actions with national and international actors. When it comes to death threats, we can facilitate an emergency relocation, relocating defenders temporarily within the country or outside, in the region or further away, depending on the level of danger. We want them to continue their work, for which they need to be present on the ground, but sometimes they simply need to step out of a heated situation. We also provide a 24h emergency phoneline, accessible in 5 languages.

But ultimately, duty to protect human rights defenders lies with states – so first and foremost, states need to publicly recognise the legitimacy of human rights defenders. They need to regularly and publicly acknowledge defenders and the value of their work, and reverse the trend of toxic language used in relation to their work. They need to investigate crimes against defenders, and end the impunity, because as we’ve acknowledged, the levels of impunity are so high that perpetrators can be almost guaranteed to escape justice. Where national protection mechanisms exist, they need to be properly funded so that they can become more robust and more effective. Where they don’t exist, they need to be introduced.

For other actors in the area, Foreign Embassies on the ground need to act as allies for defenders, especially in countries where the government is hostile. EU Embassies already have a set of EU guidelines so these need to be actively implemented and countries that don’t have such guidelines need to adopt them.

Additionally, companies also have a responsibility to respect defenders under the UN Guiding Principles on Business & Human Rights. So, when threats or attacks linked to a company’s activities or supply chains are highlighted to them companies need to take action in support of defenders, which too many companies have been too slow to do. This is especially true because often their voice would be a powerful and listened to voice as national governments court these economic enterprises.

Similarly, the International Financial Institutes who are financing these companies, the consumers and the companies themselves have a responsibility to push for mandatory human rights due diligence in the supply chains.

And lastly, there needs to be more regulation of hate speech by social media companies. They need to establish a more effective and timely response mechanism to

requests to take down threatening posts and messages that endanger the lives of defenders, and support defenders to de-escalate the levels of threat.

There is so much that can be done to improve the situation and everyone needs to do more.

A Putschist Attack on Our Continent

RICARDO GEBRIM

"We know that as Brazil goes, so will go the rest of the Latin American continent," US President Richard Nixon is said to have told his Brazilian counterpart Emílio Médici in a private conversation, justifying his support for the coup and the consolidation of the military dictatorship.

Indeed, the 1964 Brazilian coup – which, it has been revealed, strategic US government agencies helped plan and were involved in – was the first in a succession of a putsches that took place the following year in Indonesia and in several countries across our continent. It was the USA's grand strategy, and it left deep scars, particularly in our region. Those who thought at the time that the military coup was merely a parenthesis and that the country would return to democracy in 1966 would pay dearly for their mistake. This was the case of many civilian supporters of the coup, such as Carlos Lacerda, Adhemar de Barros and Magalhães Pinto.

In all of these examples, the military was the state apparatus tasked with overthrowing democratically elected governments and unleashing a wave of repression which, even today, we are still fighting to shed full light on.

In his book *Os Estados Unidos no desconcerto do mundo* [The United States in a Disconcerted World], a Professor from Unicamp (Public University of Campinas, State of São Paulo) develops the concept of a US grand strategy which shaped all political decisions regarding international relations, irrespective of whether Presidents were Republican or Democrat. The military coups of the sixties, seventies and eighties were guided by a U.S. grand strategy based on the logic of the Cold War. For a long time, however, suggesting that the US might be involved was labeled a "conspiracy theory".

It was only in 1981, seventeen years after the military coup in Brazil, that a substantiated analysis was published that showed that the USA's involvement was

no mere conspiracy theory. René Armand Dreifuss's book, *1964: A conquista do Estado (Ação política, poder e golpe de classe)* [1964: The Conquest of the State – Political Action, Power and Class Coup], based on extensive documents, presents irrefutable evidence of the deliberate creation of institutes such as the Institute for Research and Social Studies (Ipes) and the Brazilian Institute for Democratic Action (Ibad); of lobbying activities and of the funding of putschists to get them elected in Parliament from 1962, all of which was instrumental in the campaign to isolate and destabilise President João Goulart. Since then, many other official documents have been released that provide us with an even more accurate picture of the intricate planning and involvement of US strategists in supporting military dictatorships across our continent.

The same coalition of economic forces, classes and subclasses involved in the coups of the 1960s and 1970s is still at work and fuelling the attacks happening today. But, in spite of many similarities (such as the use of the upper middle class as a social base and spearhead for the entire middle class, and corruption as a pretext to mobilise), today's attacks differ from the previous ones in terms of the state apparatus involved. It is no longer the military, but sections of the federal police, the Public Prosecutor's Office and the Judiciary that constitute the current "state wing" of the coup, which has at its centre a concentrated and powerful group of media.

Why is the military no longer involved? This is certainly a question that deserves to be studied in greater detail. For the time being, let us set out three main explanations:

1. The international backlash that a classic military coup would predictably give rise to, would result in international isolation, because it would force multilateral bodies to take a stand. It would also, in all likelihood, result in economic sanctions and reproving (although purely formal) declarations even from the United States themselves;
2. The USA's desire to reinforce its self-constructed image as a defender of democracy, and which it has used in all its foreign interventions, even those based on military force (Afghanistan, Iraq, Libya, Syria);
3. It was impossible to rely on the Brazilian military to carry out the program of privatisation and national dismantling that is the core interest of the classes and various sectors behind the putsch. In fact, some projects that were considered strategic by the military, such as the geostationary defence and strategic communications space satellite (SGDC) and the construction of nuclear submarines, have actually been halted.¹

[1] The Geisel government, at the height of the dictatorship, established the second National Development Plan (1975-1979), which boosted industrial production chains and expanded state-owned companies, particularly in the energy sector.

We are facing a new development that some are already calling “21st century coups” or neo-putschism. The model was tested in Honduras and Paraguay, and was able to draw on experience gained in Georgia and Ukraine. It is, however, in our country that it is taking its most advanced form. The armed forces have been assigned a secondary role, as a back-up and possible source of support, but no longer take the leading role. Understanding this neo-putschism – its social and structural dimensions and impacts, as well the way it usually unfolds – is fundamental to facing the new historical period it aims to usher in.

There is an increasingly visible and recognisable “modus operandi”, even in photographs of the “Arab Spring”, in Ukraine, Venezuela, and more recently in Nicaragua, which are reminiscent of the events that took place in our country in 2013. Indeed, the new coups are part of a large-scale strategic effort by the US to preserve its political, economic and military hegemony.

Some common features are already evident, such as the use of Gene Sharp’s putschist manual to undermine the economic, political and military strength and stability of states, the use of information gathered by the National Security Agency (NSA), agreements and partnerships signed between the Federal Bureau of Investigation (FBI) and the federal police (of which the Public Prosecutor’s Office was also party in Brazil) and the coordination of joint investigations through the American-Iberian Association of Public Prosecutors.²

Here, a parallel can be drawn with the dictatorships of the 1960s and 1970s: military personnel were sent to Fort Bragg (California), Fort Leavenworth (Kansas) or to the School of the Americas (Panama) for training. Today’s training and cooperation agreements, which are central to the procedures and of the alliance between public prosecutors and the police apparatus, serve the same purpose.

It’s important to recall that information disclosed by Wikileaks in 2013 revealed the NSA had been routinely spying on the Brazilian government. This was even their priority target over a certain period.³ Wikileaks also raised the alarm over the close cooperation between the federal police, the prosecutor’s office, the Ministry of Justice and US security and investigation agencies, which intensified from 2009 onwards.

It should be stressed that the neo-putschist use of the parliamentary system to validate the replacement of a government through a non-electoral route constitutes a decisive period, albeit a temporary one. The putschist process then continues with

[2] In his work *A Segunda Guerra Fria* [The Second Cold War], Moniz Bandeira stresses that Professor Gene Sharp’s manual was central to the US strategy under the Bush administration, and was circulated very widely, having been translated into 24 languages, and used by various putschist groups (Chapter V).

[3] According to Luis Fernandes, “The extent and the degree of surveillance were equivalent to those of nations considered a ‘grave security threat’ to the United States, such as Russia or China. As well as spying on senior officials of the Brazilian government – including the President herself – the main target was the national oil company Petrobras”, in *Lula and Dilma Governments: The Cycle Attacked* [Governos Lula e Dilma : o ciclo golpeado].



A Brazilian soldier salutes the flag.

the adoption of formal legal provisions that are aimed at annihilating electoral opposition and stifling social resistance. The main agents of neo-putschism are not parliamentarians, but sectors of the police force, of the public prosecutor's office and the Ministry of Justice, aligned with the media monopoly, which seek to defend the class interests of the neoliberal coalition. It is important to understand this particularity.

As the putschist forces manage to rally the majority of members of the highest Court of Justice, primarily through media pressure, they are able to enforce a partisan interpretation of the Constitution, and thus to consolidate their political control while evading democratic debate. They can also rely on the corporate interests of the judiciary itself, and on its class profile, to help them achieve their goal. As Liliانا Ayalde points out, "Political control of the Supreme Court is critical to politicians' ability to secure impunity for crimes committed. Having friends at the Supreme Court is worth its weight in gold." Ayalde was US Ambassador to Paraguay when the coup against President Lugo took place, and was then transferred to Brazil in December 2013, when Operation Lava Jato ("High Pressure Washing") was gaining momentum, and remained there until the coup against President Dilma Rousseff had her removed from office.

Current developments in El Salvador are particularly symptomatic of the tactics used, particularly that of "rewarded denunciations",⁴ as used in the Curitiba court. The Farabundo Martí National Liberation Front (FMLN) even speaks of "an attempt to trigger a Brazilian coup in our country".⁵

In today's putsches, political representation is of little importance. What is important is establishing a set of (mainly economic) policies that will benefit the classes and sectors that support the coup. If, in order to achieve this, some of the old heads representing rentier capitalism have to roll, it will be done without any qualms. What is important is to expand and reinforce the economic and political policies that we shall call, for didactic purposes, "the coup's agenda".

The US strategy no longer relies on robust governments to limit the advance of the socialist block, as was the case during the Cold War. The current coups are attempts

[4] Translator's note: "Rewarded accusations" are a legal mechanism that legitimise threats of massive prison sentences in order to pressure an indicted individual to accuse others.

[5] "The Constitutional Chamber [equivalent to the Brazilian Supreme Federal Tribunal] is seeking, in our opinion, to create a political situation favourable to oligarchy and its political party, creating an imbalance that is detrimental to the stability of our country and will predictably encourage electoral fraud. This will result in a disregard for the will of the people at the 2018 and 2019 elections." (FMLN Declaration, March 2017).

to create less space for political decision-making, so that the structural political and economic foundations can't be shaken. It wants fragile governments caught in the net of neoliberalism. This is enforced through new repressive mechanisms that tirelessly seek to criminalise all forms of insubordination.

This new pattern of repression, which is mostly deployed through judiciary agencies, does not involve charges directly related to social or political battles. Instead, it seeks to incriminate grassroots activists and their allies for common crimes, particularly corruption. The methods get increasingly sophisticated with each new Federal Police operation: exaggeration of the facts; selective treatment of defendants; coercive institutional mechanisms applied to witnesses and defendants; the concept of *domínio do fato*,⁶ damaging reputations; promoting a narrative of having dismantled “an immense corruption network that was bleeding the country dry”. These are the cogs of a powerful machine, constantly reinforced by the judicial system and fuelled by the media. Even after achieving its primary goals – ousting Dilma Rousseff and imprisoning Lula – this machine is allowed to keep churning away, in spite of being largely unpopular, while our usual methods of public denunciation (*escrachos*), protest, and demonstration give little or no results.

This new form of repression also involves measures designed to dry up the funding of the trade union movement, such as the abrupt decision to end mandatory contributions. Overnight, hundreds of trade union leaders have seen their organisations dismantled, and have had to fight desperately to survive, forced to give up resistance to the coup.

Of course, classic forms of repression will continue to be used, such as criminalising movements and activists, providing support to reactionary groups and even paramilitary action. These forms of repression, spurred by fascist hate speech and the ideological revival of the far-right, will force us to consider self-defence in the face of increasingly brutal violence.

If we fail to grasp the dynamics and scale of the current attack, we will continue to see this coup as something that can be overcome, as we did in the previous era, without fully appreciating the mutations at work.

This article was initially published in French [on ritmo's website on 8 January 2020](#).

[6] Translator's note: Refers to the possibility of convicting someone of a crime even when there is no evidence of his or her involvement in it, based on the notion that he or she must, in some way, be accountable.

The Deep Rifts in Bolivia's Electoral Crisis

Reflections upon 14 years of a "progressive" government, social movements, conflict and power struggles

SUZANNE KRUYT

On a Friday in November 2020, Bolivia's newly elected officials, economist Luis Arce Catacora and Aymara intellectual, David Choquehuanca, kneel in reverence. The president and vice-president have done their pilgrimage to the ancestral sacred site of Tiahuanaco, as many MAS elected officials have done before them since the party rose to power in 2005. Yet this year, something is poignantly different. The crowds are not there, fervently clapping for the newly elected heads of state, nor is the triumphant figure of Evo Morales present, vigilantly surveying the ceremony. Quite the contrary. The 2020 iteration of the traditional ceremony is performed modestly, almost in secret; as if any fanfare about it could cause discomfort to the ancestors. After two years of unrest —wherein violence, pain and a deep polarization of society scarred the entire nation— the MAS party has regained political power. But open wounds fester and future uncertainty hangs heavy in the air; enough cast a somber cloud over the event. A stark contrast from the triumphal ceremonies that marked previous electoral victories.

Just a year earlier, on 6 November 2019, Bolivia endured its most turbulent week in recent history; the one that upended Evo Morales' rule over the Andean nation. The denouement came a few days later on 13 November, when Bolivia welcomed its new interim president; a female politician who few had heard of before.

For many international media outlets, especially left-leaning ones, this crucial week was perceived as a coup against Evo Morales; the culmination of a conspiracy led by conservative elites, from within Bolivia and abroad. Yet, in those interpretations, the different factors that played a role in the breakdown of Bolivian democratic institutions across the years remain unaddressed. Nor is the complexity of the Bolivian political sphere taken into account — one that requires looking beyond the simplistic notions of “left vs right”, “the peoples vs the elite” or “the indigenous population vs the whites”.

The political crisis that erupted during the 2019 elections ultimately led to MAS’ return to power, but also served to highlight the deep and complex rifts that continue to divide the nation. This article does not aim to draw firm conclusions, but rather explore a series of elements that may help understand the underlying tensions/forces at play within Bolivia’s political sphere; as well as the multiple challenges that it has yet to overcome. The very same challenges that could easily lead to new conflict scenarios in the short and medium term; none of which can be easily resolved by any one party.

The article is based on my own experiences in Bolivia since 2005, reinforced by the work of Bolivian scholars who have begun the difficult task of making sense out of these changing currents; all equally weighed down by contradictions and ambiguities.

Fourteen years of MAS: the concentration and negotiation of power

It remains impossible to describe Bolivia’s history throughout the 20th century without addressing the fundamental role that social movements have played in mobilizing workers, miners, peasants, neighborhood councils, indigenous people, students and other sectors of society. These movements, massive in scale, often proved more impactful than any one action taken by a political party.

The same remains true for its more recent history, which saw a set of heterogeneous sectors from across the Andean nation banding together and taking to the streets in rejection of both the dominant neoliberal model and the endless cycle of political elites amassing power. This culminated with the Water Wars (in 2001 and 2005) and the Gas War (in 2003). The key players were autonomous social movements; unaffiliated with any political party, not even with traditional representative organizations such as trade unions.

The drawn-out protests and marches first led to the resignation of President Gonzalo Sanchez de Lozada (2003) and a few years later, of Carlos Mesa (2005). With those achievements, the electoral scene became wide open to a consolidation of the people’s power. Ultimately, it was the MAS-IPSP party (commonly abbreviated as

‘MAS’) that was deemed to be the most fitting political instrument to achieve this. Founded in 1997, and steered by the cocalero movement (the union of coca farmers, the charismatic Evo Morales Ayma emerged as its leader), the party received a majority of the votes during the national elections; a clear reflection of the nation’s need for deep change in the political spectrum. This change encompassed the recognition of Bolivia’s rich cultural and ethnic diversity, and structural modifications in the neoliberal economic model. Against this backdrop, the people chose Evo Morales as the president of Bolivia in a landmark election. The MAS party would go on to repeat their electoral victory, in 2009 and 2014. Meanwhile, the fragmented opposition parties —lacking both leadership and credible campaign promises— were unable to pose a major obstacle to MAS’ ongoing string of victories.

MAS’ ascent to power was marked by a profound change in the manner in which the low-income sector’s discontent and grassroots proposals were both channeled and addressed. Street protests ceased to be their prime medium for expression. As soon as the new government was formed, these communities enjoyed broad access to the legislative and executive branches — their voices could now be heard in a different way.

During its first few years in power, the MAS government established the Constitutional Assembly in response at the behest of the peasant and indigenous sectors, who sought the recognition of the country’s diversity and plurinationality. The Assembly became an arena for powerful debate and reform. It collectively laid fresh foundations for the country through the drafting of a new constitution, ultimately adopted in 2009. However, the Assembly was no longer an organized space for social movements to gather: the right to participation became linked to political party affiliation. This led to two specific outcomes. Firstly, the majority power held by social movements in Bolivia could solely be channeled through the MAS party; wasting an unprecedented opportunity to build a truly direct democracy. Secondly, the right-wing minority parties that had long lost their legitimacy suddenly gained a new platform, which they promptly took advantage of.

The final stage for the founding of the Constitutional Assembly in 2008 coincided with an offensive by the conservative sector. Widespread incidents resulting in casualties and injuries were reported nationwide, particularly within the departments of Santa Cruz, Beni, Pando and Tarija. The very same departments where economic elites actively resisted being governed by a socialist party, led by indigenous peoples. When confronted with the violence provoked by the conservatives, the MAS government opted for negotiation. The grounds for negotiation was to be the text of the country’s new Constitution.

And so, the MAS party leadership ceded to the demands of the conservative landowning class, brokering a deal behind closed doors; one that excluded social organizations from the discussions. More than 100 articles in the new Constitution

were amended, completely changing the essence of the document that had already been approved by the Constitutional Assembly. The ‘adjustments’ went as far as guaranteeing the continuity of the landowning class’ privileges; and in doing so, preserving the prevailing land-ownership regime in the eastern part of the country.

While the introduction of innovative concepts such as the Plurinational State and Living Well [Buen Vivir] into Bolivia’s new Constitution were celebrated across the world, various social actors within the country were left with a bitter taste in their mouth.

“Thus, what was left was the folklorization of the Political Constitution of the State of Bolivia. Its colonial and capitalist nucleus remained intact, while the deed was covered up with a smattering of rebellious Andean terms that would varnish it with a sense of legitimacy. Concepts such as Living Well or the very notion of a Plurinational State, were withered down to neutral gibberish and stripped from their transformative power.” (Salazar Lohman, 2020)

This deal marked the dawn of an alliance between the State, embodied by the MAS party, and the Bolivian economy’s power players. The latter stakeholder’s economic power relied on their control over the agribusiness sector in the eastern part of the country—specifically soy farming and livestock production—who constantly pushed for the expansion of their privileges. At the same time, the MAS party started to engage in clientelistic relationships with other sectors involved in capitalist and highly profitable activities; such as mining cooperatives, coca farmers and hauliers.

As Luis Tapia and Marxa Chavez (2020) point out, these alliances were primarily consolidated during Evo Morales’ second term (2009-2014), which meant that:

“The intensity of the class struggle lessened, ushering in an era of peaceful coexistence, but also of negotiation and alliances between the old dominant economic block and the new ruling political actor. And so, the new dominant political-economic block emerged, comprised of the corporate clusters of the old ruling class—a set of diverse corporations, within the spheres of finance capital, commercial capital, agribusiness and cattle ranching—and the ruling party. The latter including namely its bureaucracy and some commercial capital clusters of Aymara and Quechua origin that had been absorbed by the State.” (Tapia and Chavez, 2020: 66)

Hence, while the MAS State apparatus operated behind a veneer of a government run by indigenous peoples, peasants, miners and workers (although as each year passed these groups became increasingly underrepresented in the cabinets); behind the scenes, it effectively continued to favor the economic interests of Bolivia’s elites. The same ones who, just a few years prior, had fiercely opposed the election of an indigenous president.

The industrial sectors that became the State's unrelenting allies benefited from tax breaks and zero audits. Meanwhile, the MAS government began to rely heavily on the export of hydrocarbons —primarily gas— to finance its policies. The neo-extractivist model dictated that international oil companies would presumably pay more taxes than they did before, tentatively allowing for a greater redistribution of wealth through government bonds and social policies. However, the Bolivian State never recovered from its dependence on hydrocarbons. Until 2015, sustained high oil prices and good relations with neighbors Argentina and Brazil —among its top importers— secured sufficient revenue to uphold the model. But when prices started to drop, this dependency became increasingly problematic. Among the measures the government took amid the panic of the drop in oil prices, was the elimination of environmental restrictions. National parks and formerly protected areas were now fair game for gas exploration and extraction. To counteract this panic, a new measure was introduced: to tighten fiscal policy targeting small businesses and the population.

Among the most emblematic moments in the MAS party's forging of alliances with the agribusiness elites, was the 2015 Agriculture Summit. During the event, the MAS government acceded to the majority of the soy and livestock sectors' demands. Among these, were the expansion of the livestock and cropping frontier towards the edge of the Amazonian forests and the Chiquitania savannah, to the rate of a million hectares per year. It also opened up the nation to the use of genetically modified (GM) seeds. The MAS party even deployed the peasant trade union movement to serve its agenda, working in direct opposition of this sector's historical demands over the years.

So, what had happened to social movements? Those who just a decade prior had wrought a great wave of change that swept throughout the nation, but who now offered little resistance towards policies that were clearly contrary to their own interests and struggles?

Social movements in the wake of a crisis

The MAS-IPSP had always been more than just a political party; it self-identified as a political instrument for social movements. What's more, MAS would have never risen to power without the support of the country's largest social organizations; such as the Bolivian Workers' Center (COB), the Unique Confederation of Rural Labourers in Bolivia (CSUTCB), the "*Bartolina Sisa*" National Federation of Peasant Women of Bolivia (CNMCIQB "BS"), the Federation of Neighborhood Councils of El Alto (FEJUVE), and many other rural and urban organizations.

However, the strategic link forged with these organizations became increasingly polluted by favoritism and clientelistic relations on the one hand, and head-on confrontation on the other. The following three cases signaled the deterioration of the alliance between social movements and the State.

1. Protests against the highway project across Isiboro Sécure National Park and Indigenous Territory (TIPNIS) (2011-2012)

The construction of a highway across Isiboro Securé National Park and Indigenous Territory (TIPNIS) led to a head-on collision between the incumbent MAS government and a heterogeneous collective of indigenous peoples, environmentalists and urban civil society actors, who had —until then— believed in what had been extolled as the “process of change”. This incident widened the growing divide between both stakeholders. If the direct beneficiaries of the highway project were the coca growers of Chapare, who sought to expand their cultivation area; they were backed by key actors with ulterior economic interests; such as construction companies, the oil sector and others who had long prowled for access to this highly protected area. The government insisted on building this highway despite evidence of the environmental damage this project would cause; and ignored the plea of affected indigenous communities.

The indigenous peoples of the Bolivian lowlands took matters into their own hands. They organized under the Confederation of Indigenous Peoples of Bolivia (CIDOB) and marched from Trinidad to the nation’s capital, La Paz. At first, their struggle was portrayed as a solitary campaign against a government that relied on widespread public support, and the Confederation stood accused of “opposing the country’s development”. However, the government’s strategies of mistreatment, smear campaigns and ultimately, violent repression towards these activists did eventually backfire: they nurtured a shared sense of indignation across many sectors of Bolivian society. It became difficult to reconcile with the notion that a supposedly “indigenous” and “decolonial” government could treat the very people who had voted it into power so poorly. The outrage and indignation translated into an extraordinary moment of solidarity, unity and courage; when the urban population of La Paz welcomed the protesters to the capital city, expressing their support.

From this moment on, the government applied a series of manipulative, divisive and destructive measures against indigenous movements; consequences of which still reverberate today. The leaders responsible for the violent repression of the indigenous peoples were awarded high-ranking government positions across the ministries and in international diplomacy.

2. The Indigenous Fund corruption scandal (2015)

Financing projects in exchange for political backing was a strategy systematically applied by the MAS party to exert control over social, peasant and indigenous organizations. In 2015, rampant corruption in the operation of the “Indigenous Fund” came to light. The Fund was created in 2005 for these groups to benefit from the profits generated by Bolivia’s natural gas exports. It soon became evident that the Fund had not only been used as a tool to secure party loyalty, but had also become a source of illicit enrichment for a handful of high-ranking officials. More than USD 100 million were siphoned from the Fund directly to personal accounts.

Meanwhile, the Fund claimed to implement development projects where, in the best of cases, it lacked sufficient oversight to manage their actual execution; and in the worst, project frameworks were laden with vague objectives and lacked any measures to assess satisfactory project implementation (Ayo 2015).

The media scandal over the rampant corruption unveiled within the Fund led to an official investigation. The case was brought before courts and certain MAS party leaders were charged; while a good part of the politicians behind the scandal ultimately received little more than a slap on the wrist. It also revealed the pitiful state of the organizations that purportedly benefited from the government's patronage. While the ruling elite shuffled among the upper echelons in search of personal gain, the strategic agendas of social movements fighting for indigenous autonomy and agrarian reform were increasingly diluted down by the State's own agenda, in the name of "development".

3. The disability protests (2016)

During the third MAS mandate, the doors to Plaza Murillo —the physical epicenter of political power in Bolivia— were quite literally closed shut. A certain tension and unease spread through the political sphere and a push towards isolationism soon became the legacy of Evo Morales' third presidency. After a protest led by people with disabilities, a police barrier appeared in Plaza Murillo accompanied by a large number of uniformed officers — and remained staunchly in place for many months after the event. People with disabilities, an extremely vulnerable sector within Bolivian society, had marched more than 300 kilometers clamoring for an increase in their meager welfare benefits. The request did not appear unreasonable, at a time when the incumbent government continued to implement grandiose project as they disbursed lofty honorariums to preserve the image of a highly prosperous economy. However, faced with this reclamation, the government flatly refused any form of dialogue and repressed the march with tear gas and water cannons, shocking the Bolivian population as they witnessed the events unfold. Bolivians with disabilities camped out for several weeks in tents raised along the cold streets of La Paz, before retreating in disappointment; both divided and defeated.

This mounting authoritarianism was not only aimed at social groups that would eventually become the political party's opponents. Its allies were also targeted; organizations such as the CSUTCB and Bartolina Sisa. Party leaders and particularly Evo Morales himself, increasingly applied trade union bureaucracy from the top down. For example, in the nomination of candidates who would run for office. Critical voices within the party were promptly silenced and disparagingly referred to as "free thinkers".

The discursive strategy of the MAS party polarized the entire country, dividing people into two categories: those who supported Evo and those who did not. The rather complex and diverse interests of a plurinational state thus became obscured by the party slogan, "Evo is the people" (the motto of the 2019 election campaign).

“When the MAS party hegemonized the political arena, the binary gaze remained, but this time to feed people’s fear of the ghosts of the past returning; that is to say, the return of the ‘traitors’ or of a neoliberal right that conspires against the ‘process of change’. The polarization reached an unprecedented level when the word ‘people’ became loaded only with positive connotations and, finally, inextricably linked to the name of the incumbent president: @evoespueblo.” (Colque, 2019)

This fostering of dichotomies —such as the neoliberal right vs. the socialists, the elite vs. the people, whites vs. indigenous peoples— made it impossible for critics to build a movement from within the MAS party or from without. Particularly one that could remain on the sidelines of the toxic political game at play. This polarization extinguished any possibility of holding this much-needed political debate.

“And, on the other hand —and this is something that is rarely discussed— the right-wing neoliberals and conservatives —even manifesting fascist features in eastern Bolivia— which had been caught between a rock and a hard place by the ongoing struggles that overhauled the political system in the country between 2000 and 2005; these right-wingers found —within this dangerous game of polarization— a place to recreate and reinvent themselves, to amplify their messages. And so, they instrumentalized the liberal slogans of representative democracy in the face of an increasingly authoritarian government, for their own benefit.” (Salazar, 2020)

The voices of critics clamoring against the increasing authoritarianism of MAS party officials rose to the main fora through citizen groups with little political agenda beyond the recovery of democracy, and were easily diluted into right-wing discourse. This was to become a key element in the events that took place in October and November 2019.

The 2019 electoral crisis

Despite previous statements to the contrary, during his third mandate Evo Morales announced his intention to seek re-election after three consecutive victories in 2005, 2009 and 2014. He had become the epitome of the “process of change”, to the extent his portrait was broadly displayed throughout every public building and governmental office in Bolivia. The dearth of new political leaders that broadly appealed to all stakeholders united under the MAS banner became the death knell of change itself, consolidating Evo Morales’ role as the head of the party.

But one obstacle stood in their way: the 2009 Constitution, championed by MAS itself, did not allow for the reelection of the same candidate a fourth time. The MAS government then resorted to holding a referendum in an attempt to amend the Constitution; trusting that their party’s widespread support would pave the way



© SUZANNE KRUYT

Road block in the streets of bolivian capital city La Paz, against Evo Morales's 3rd term candidacy in 2019.

for this maneuver. However, after Evo Morales' three consecutive terms, the seeds of mistrust had been sowed among the Bolivian population. Even those who had always voted for MAS had misgivings about Evo Morales' autocratic ambitions. To the surprise of the MAS party and in particular, Evo Morales himself, a resounding "NO" won the referendum with 51.3% of the votes.

Making deaf ears to criticism from within the party ranks and from without, Morales and his vice president García Linera instead directed their efforts towards tactical maneuvering before the Plurinational Constitutional Tribunal and the Plurinational Electoral Body, still hoping to impose his candidacy. The very fact that they made a blatant attempt to skirt the Constitution finally exposed the high level of subservience towards party lines that had spread within governmental bodies. Several government officials resigned during this period, including the president of the Plurinational Electoral Body, who qualified the events as *"a situation characterized by a stagnation in the decision-making process on vital issues to guarantee the safeguarding of the institution."* This is important because the buildup of politicization and deinstitutionalization within these governmental bodies —after all, established to guarantee the rule of law and the holding of fair, democratic and transparent elections— fueled the growing mistrust among Bolivian voters; ultimately rearing its head after the October 2019 elections.

Widely covered by media outlets worldwide, these elections and the ensuing conflict over their outcome led to massive street protests, clashes between local groups, a police riot, and —after three weeks of chaos— the resignation of a large number of ministers and politicians. The events culminated with Evo Morales' resignation,

who then fled into exile. The Senate's second vice president, Jeanine Añez, was unceremoniously inaugurated as interim president. Still, the embers reignited launching another trying cycle of protests and violent repression. The revolt resulted in at least 36 casualties and countless injured.

The most accurate statement that can be made about that two-week period of protests is that many unknowns remain. The events were riddled with misinformation and sowing uncertainty among the population. To date, there have been no independent investigations held that could reliably separate facts from fiction—or misinformation—in how the events came to be.

This work merely attempts to highlight three elements that have undoubtedly played a key role throughout the events that unfolded over those two weeks; elements that were not always made visible in reports published overseas.

Firstly, that the conflict was not so much a conflict between opposing political projects, as it was primarily a conflict fueled by rejection and fear. There was no stark difference between the proposed political and economic policies put forward by the MAS party and the opposition party — Comunidad Ciudadana, led by Carlos Mesa. Both sides guaranteed the continuity of the extractivist model, coupled with social distribution of revenue. In short, both set of policies were far from socialist, but neither side leaned heavily towards radical neoliberalism. Therefore, the interest groups publicly protesting the re-election of Evo Morales did not do so on the basis of a shared political ideology nor common interests with the opposition. They did so merely to express their categorical rejection of the MAS party's attempts to cling to power and the unbalanced distribution of power among State institutions, as evidenced by the sham nature of the elections. They protested out of fear at living in an increasingly less democratic country.

At the same time, the clusters that had continued to support the MAS party, were afraid of what would happen if Evo Morales left his role as head of State.

“Fear of power returning to the hands of the white urban elites and for the strides made in terms of identity and multiculturalism undergoing major setbacks. Fear of social benefits being taken away and for the meager economic stability they managed achieve along the last few years being whittled away. They are also afraid that the country will be riddled with conflict if Mesa rose to power again, because this time it would be their own sons and daughters who would pay the price and whose blood would be shed in the streets; as it already happened in October 2003. It's fear of the past repeating itself, and it runs deep.” (Kruyt, 2019)

The clusters who would vote for Evo Morales did so as a rejection of handing power back to the elites of a bygone era, who only served the interests of those who

looked like them: white, urban and Christian. The very same elites who ardently shunned the idea of a Plurinational State.

The second element of note, is that the polarization of political discourse based on fear and the rejection of “the other”, excluded a large part of the population. This sizeable segment did not identify as *Masista* (a MAS supporter) nor with any of the groups that had taken to the streets calling for a “liberal democracy”. It is important to remark that in the weeks of protests leading to Evo Morales’ resignation, there was a smattering of demonstrations in the rural areas, as well as in the peripheral migrant city of El Alto. Few disruptions to everyday life were noted in these outlying urban centers. Residents did not feel called to spring into action, and with their silence they effectively voiced their rejection of either “side”. Also, during these turbulent weeks, one of the most interesting spaces to emerge were the “Women’s Parliaments”, convened by feminist groups. Therein, complex interpretations of the situation were voiced by the participants, who refused to enter a game of picking sides where the options consisted of “one political strongman or another”. It was precisely because of these voices —and deafening silences— that dogmatic interpretations of the conflict are not applicable, requiring instead further attention and a deeper analysis.

The third element to be assessed is that, throughout this conflict, Bolivia became the theater for a misinformation war; one that was fought with a host of 21st century communication tools. The incessant use of social networks to circulate highly manipulated and politicized information was, as can be expected, quite prevalent. However, the main factions also shared their own interpretations on the unfolding events to “shock” the population and sow confusion, arousing fear and inciting clashes among certain groups of citizens. These strategies were applied by both the MAS party and the opposition. They were most noticeable in the days following the resignation of Evo Morales, when the country was deep in the throes of a power vacuum. Violent clashes among the population followed and politicians began accusing each other of inciting violence for political gain.

Activists, academics, politicians and international experts actively took part in this misinformation war. They readily lent themselves to rehashing party slogans and falling into the polarized binary of “fraud” versus “coup”. In broader terms, they added fuel to the fire during a time of growing fear and uncertainty, while ignoring the complexity of a situation that affected all Bolivians and the need for a clear exit strategy from the escalating violence and uncertainty.

When the “Pacification” deal was struck between the interim government and the MAS party, towards the end of November 2019, the nation released a collective sigh of relief: the spiral of citizen violence had come to an end. The ongoing political crisis, however, continued its course.

“The triumphalist belief that we restored democracy the moment Evo boarded a plane [to flee the country] comes off as a platitude, an extremely simplistic take on a complex situation. However, the defeatist view that presumes we have a coup d’état at hand and that everything has been lost, is decidedly false. This is akin to thinking that MAS is the only option we have at hand to forge an inter-ethnic, inclusive and multicultural space.” (Silvia Rivera Cusicanqui, Women’s Parliament, 2019)

The year-long transitional government of Jeanine Añez that followed this period of turmoil isn’t worth wasting much time upon. The interim head of state was a member of the conservative right-wing party and used her brief time in power to pursue that party’s interests. It wasn’t long before reports of corruption began to emerge, followed by persecution of political opponents and weak governance. Her ministers’ penchant for authoritarian rhetoric and racist remarks cast away any hope for her party to materialize their professed intent of “restoring democracy”. Needless to say, Añez’ attention was soon diverted towards managing the COVID-19 pandemic and organizing the new elections, that were twice postponed.

A step forward, or a step back?

The question on everyone’s mind is: why did MAS win the October 2020 elections, just a year after its defeat? There are several answers to that question, but with one that stands out above the rest: the other contenders who held onto the same tired candidates and empty campaign promises from 15 years prior, were unable to inspire a modicum of hope for better times ahead among the voters. Most voters’ shared experiences of extreme economic vulnerability, coupled with the bitter taste of disillusionment left after the 2019 electoral crisis, were only exacerbated by the global pandemic. Against this backdrop, it is not surprising that once voters were confronted with the ballot box, they were drawn towards the MAS’ siren call of economic and social stability.

The new president, Luis Arce, together with vice president David Choquehuanca, must now rise to the challenge and meet voters’ expectations; relying on their ample political track record as ministers during Evo Morales’ mandates. It will not be easy to maintain stability within a country ravaged by COVID-19. The first wave of the pandemic in 2020 resulted in 9,561 casualties; while 2021 gave rise to a new wave that in all likelihood will be deadlier than the last. Meanwhile, the Bolivian health system is in tatters, children have lost an entire year of schooling; and to top it all off, the country is undergoing a profound economic crisis.

However, the biggest challenge yet will be to govern a country scarred by recent rashes of violence and racism, which have torn the social fabric apart. Whether MAS will be able to overcome the general sense of distrust and polarization sown among the population, or even the fragmentation haunting its own ranks, is yet to be seen.

One last unanswered question remains regarding the role that Evo Morales would play in the lead-up to next general elections. In November 2020, he returned to Bolivia from his exile in Argentina. Since then, his presence has been rather ubiquitous among the upper echelons of the MAS party, leaving little room to hope for in-depth restructuring of the party's ranks.

For the time being, it can be said that MAS' return to power in Bolivia hints at a cyclical alternation of power between right-wing parties with neoliberal tendencies and social democratic parties; as is already common across other countries in South America. Although there are profound differences between the two blocks, their overlaps the deals struck in terms of economic and environmental policies are what stand out most. This surprising phenomenon has already shown to be true in the past and will surely be repeated again throughout MAS' new term in power.

However, the intense acceleration of this alternating cycle as witnessed in Bolivia between 2019-2020, could very well consist of a prelude to greater turmoil in the years to come. Times like these call for national and international social movements that are able to cast a light on structural issues often overlooked by party politics. The reconstruction and renewal of these movements is undoubtedly Bolivia's greatest challenge today.

BIBLIOGRAPHY

- Ayo, Diego (2015); La verdad sobre el Fondo Indígena, Un modelo "vicioso" de gestión pública, La Paz, Fundación Pazos Kanki, <http://cd1.eju.tv/wp-content/uploads/2016/01/La-verdad-sobre-el-Fondo-Indi%CC%81gena.pdf>
- Colque, Gonzalo (2019) La política binaria de Evo Morales, <http://ftierra.org/index.php/opinion-y-analisis/892-la-politica-binaria-de-evo-morales>
- Kruyt, Suzanne (2019), Los miedos profundos del conflicto poselectoral en Bolivia, <http://www.ftierra.org/index.php/opinion-y-analisis/889-los-tres-no-los-miedos-profundos-del-conflicto-poselectoral-en-bolivia>
- Rivera Cusicanqui, Silvia (2018) TIPNIS. La larga marcha por nuestra dignidad, en Cuestión Agraria, volumen 4, La Paz (Bolivia), Fundación Tierra, pp. 7-38
- Rivera Cusicanqui, Silvia (2019) intervención en el parlamento de mujeres, La Paz, <https://www.youtube.com/watch?v=HTL0fyVY4E>
- Salazar Lohman, Huascar (2020), Bolivia y el devenir de su descomposición política, Una lectura crítica más allá del polarizado escenario electoral, <https://zur.uy/bolivia-y-el-devenir-de-su-descomposicion-politica/>
- Tapia, Luis y Chávez Marxa (2020), Producción y reproducción de desigualdades. Organización social y poder político, La Paz (Bolivia): CEDLA.

Capitalo-Technocracy: Fifty Shades of Surveillance

KHRYS, French Data Network (FDN)

Since Edward Snowden's revelations in 2013, it is no longer possible to deny the existence of a [global surveillance](#) system set up by the NSA. Alliances between governments (such as [Five Eyes](#) – an alliance of the intelligence services of Australia, Canada, New Zealand, the United Kingdom and the United States) make it possible to circumvent legislation protecting individual rights and to carry out extremely detailed [social network analyses](#) on their own citizens. France, not to be outdone, boasts of its own [expertise in intelligence techniques](#), an expertise which it is very happy to export, particularly to Africa.¹ Conversely, it can use the services of foreign companies, particularly American ones: [a few weeks after the attack on Charlie Hebdo and the Hyper Cacher](#), Palantir established a subsidiary in France and signed a contract with France's intelligence agency DGSI.

"Democracies" like the United States, Great Britain and France develop and use the very same type of tools to control their populations (facial recognition, biometrics, drones, large-scale surveillance and data collection, etc.) as the authoritarian regimes of [China](#) and Russia and Middle Eastern dictatorships. How did it come to this?

[1] French small business Amesys stands accused of being complicit of torture in Libya after providing the Khadafi regime, from 2007 onwards, with a [surveillance system to spy on the Libyan population's communications](#); same situation in Egypt.



CAROLINE WEILL (CC BY SA)

On a Marseille wall, a street art piece illustrates the constraint of freedom of speech through constant mass surveillance.

First of all, it should be stressed that these governments are not, strictly speaking, democracies. They never have been. The concept of “representative democracy” is already, in itself, a [negation of the notion of democracy](#).² Our western “democracies” are in fact [oligarchies](#), some of them quite similar to [police states](#).³ Our “representatives” are those of the prevailing system, and, in the capitalist system (since, over the last two centuries, [capitalism](#) has become the [world’s prevailing economic system](#)), power lies with money. A typical example is that of France, where the mainstream media (which play a major role in swaying elections, as evident from France’s last presidential vote, and, more generally, in engineering the public opinion) are [owned by a dozen billionaires](#).⁴ We might also point out how representatives of investment firm [Black Rock](#) were welcomed like royals at the Elysée Palace [at the time of the pension system reform](#).⁵ Yet, a notch above the French media moguls who [facilitated the current President’s access to power](#), are companies such as [Cambridge Analytica](#). In addition to laying the groundwork for Brexit’s victory in Great Britain, the company helped get Donald Trump elected, by targeting populations of “undecided” voters and bombarding them with fake news, nudging them over to the right.

The industrial revolution and the development of corporations operating at a supra-national level have led to the development of ever more powerful technical tools for calculating, managing and disseminating information (computers, databases,

[2] In the 18th century, “democracy” was a disparaging term, almost equivalent to “anarchy” (which still remains disparaging for many): see for instance Francis Dupuis-Deri’s book [Démocratie : Histoire politique d’un mot](#).

[3] “A political regime focusing on controlling the population, at the expense of individual freedoms”, according to the French Wiktionary.

[4] Agnès Rousseaux, “Le pouvoir d’influence délirant des dix milliardaires qui possèdent la presse française”, *Bastamag*, 05/04/2017.

[5] See the excellent Arte documentary film *Ces financiers qui dirigent le monde – BlackRock*.

telecom networks, etc.): a computer is at once a storage tool (a machine which we use for organising things), a filing tool (we talk about *files*, stored in *folders*) and a calculation tool – everything you need to run a company or a State. With these new tools, well-established “management”,⁶ intelligence-espionage and [advertising techniques](#)⁷ have taken a quantitative and qualitative leap in both the collection and processing of data. This has resulted in the population being controlled (whether through manipulation or through coercion) on an unprecedented scale. There could have been no Big Data without Big Databases and no Big Brother without Big Tech.

By way of comparison, the NSA currently has access to [nine times more information than Stasi did](#). The German security service, subject to an [embargo by Western countries](#), continued to file material files in material folders up until 1989, the same period that Tim Berners-Lee was inventing the [Web](#)... Indeed, [computing](#) remained the [quasi-monopoly of Western capitalocracies](#) for a long time⁸ (let us mention, in passing, the [infamous role of IBM during the Second World War](#), whose punch-card technology made it possible to “manage” not only [Japanese-American internment camps](#) but also Nazi concentration camps...).

The capitalist system, today’s great global winner, had to continue following its internal logic: maximising ever more profits, always looking for new means of growth. From the 1970s onwards, the oil crisis that marked the end of the post-war economic boom triggered a search for new resources. There followed a new “gold” rush: that of personal data, with the gradual emergence of [data extraction⁹ and analysis techniques](#). The latest technological gadgets with their increasingly short lifespans (since, in line with the sickly ideology of endless growth and of unstoppable progress, there is always a need for something new) are the first “data aspirators” (think of smartphones and “personal assistants”, cars (before long), and generally all the “connected objects” that we try to convince ourselves that we absolutely can’t live without). The end of anti-monopoly policies in the United States, which coincided with the boom of digital and Internet technology, opened the path for today’s tech giants.¹⁰ Although we tend to put all the blame on the latter, we should instead focus our critique on the (capitalist) system that produced them.¹¹

When a corporation begins to have a sufficiently strong hold over a population, a network or a market, governments naturally turn to that corporation to get the

[6] See Johann Chapoutot’s excellent work *Libres d’obéir – Le Management, du nazisme à aujourd’hui*, Gallimard, 2020.

[7] Arte’s documentary film [Propaganda – la fabrique du consentement](#) is a must-see on this subject.

[8] The [Apollo Guidance Computer](#) probably helped the United States win the race to the Moon against the USSR...

[9] Extractivism, which inevitably leads to resource depletion (either human or environmental), is one of the key features of capitalism. It is no accident that the term “mining” and that of “proof of work” are used in [cryptocurrencies](#) techniques.

[10] “Tech was born at the moment that antitrust enforcement was being dismantled.” (Cory Doctorow, “How to Destroy ‘Surveillance Capitalism’”, *OneZero*).

[11] In Christophe Masutti’s terms, “We have reached a decisive point where any critique of surveillance is necessarily a critique of capitalism.” (*Affaires privées*, p. 313).

information they need (for example, [NSA has direct access to data stored by tech giants](#); France has [approved](#) the roll-out of “black boxes” on the networks of web hosts and operators). New surveillance tools thus offer the dual potential for both economical and political exploitation. In both cases, the aim is to perpetuate a system through control (perpetuating growth, perpetuating power).

It is the logic of capitalism to seek out ever more profit, and it is the logic of power to seek out ever more power. There is a kind of gravitational force when it comes to money so that, without the proper safeguards, it tends to end up in fewer and fewer hands – the safeguards slowly but surely lifted.¹² This, as well as the changing face of capitalism (large shifts in technology and the use of increasingly powerful tools) has led, in recent years, to a dramatic surge in both data and surveillance: more data implies more surveillance, more storage and analysis capacity, and the development of techniques that encroach more and more on people’s privacy.

Now that a (dark) overview of the general picture has been given, let’s come to the sore point: is it really all that bad? After all, what could be more “normal” than to pay a small price for all the wonderful technology that is constantly improving our daily lives, especially since the information obtained through surveillance makes it possible to both improve and enrich our “user experience” and have more control over a company or a country, and thus manage it better?

A simple way to answer this question would be to go and ask (for example) environmental activists¹³ or [Uighur](#) people. But let’s try a slightly more in-depth analysis, both at individual and collective level, of the short-term and long-term consequences of mass surveillance.

As personal data becomes a source of profit, individuals become at the same time subjects and objects, consumers and consumer products – consumers and consumed. The individual is no longer seen only as an individual, but also as a prototype, with the aim being to predict behaviour, and thereby to refine techniques of targeting and influence – of consent or addiction.

The extraction of personal data means that people are constantly overexposed: illuminated from every sides, observed from every angles, they lose their shady corners, and consequently their depth (a painting without shadows is a flat painting). One gets used to surveillance, to being transparent – whether through the see-through windows of open space offices, or through the “one-way mirror” screens

[12] “What is neoliberalism? A programme for destroying collective structures which may impede pure market logic.” (Bourdieu, *Le Monde diplomatique*, March 1998). See also the [very inspiring analysis by Subcommander Marcos](#), published in *Le Monde Diplomatique* in August 1997: “La quatrième guerre mondiale a commencé”.

[13] Environmental activists have been the victims of almost as much repression as anarchists in recent years. This is because both dare challenge capitalism’s underlying ideology, the worst “thoughtcrime” imaginable.



An Electronic Frontier Fondation campaign illustrates the mass awareness of mass surveillance.

behind which we constantly telerwork (even without a [keylogger](#)) for corporations that monitor us through [trackers](#) on their websites or through [intrusive operating systems](#). As the information obtained through personal data collection can have very serious consequences in terms of employment, credit and insurance, etc., this results in a normalisation of behaviour, even when you don't live in a country with an authoritarian regime, such as China. People end up literally making a show of themselves, especially on social media, in order to maximise "rewards" (likes, "friends", etc.)

and polish their [social graph](#).¹⁴ This requires an ongoing personal investment, especially as social media use addiction-enhancing techniques to keep people on their platform for as long as possible (cf. the concept of an "[attention economy](#)", which considers the time and attention of consumers as a scarce resource in a context of abundant supply).

The consequences are a loss of depth, a loss of time, and also a loss of complexity, because digitalisation implies a simplification of the individual, ensuring they can be easily slotted into boxes. The next step is to encourage individuals to simplify themselves and the content they produce so that it can also be categorised (for example, "good" articles, those that will be correctly referenced by Google's search engine, will have to comply with a certain number of [criteria](#)). This results in an impoverishment of content, both in form and substance, and to the fragmentation of individuals. We are no longer treated as human beings, but rather monstrous assemblages providing a necessarily reductive and distorted image of ourselves. This process of fragmentation has accelerated with the physical isolation of individuals: the [contactless society](#) created by the Covid pandemic has resulted in a situation where people are increasingly shut away in their own [filter bubbles](#). All this data is processed by algorithms, which are actually not very intelligent, and all the more [biased](#) because they are mostly developed by a [male, white, generally affluent subset](#) of the population. Yet these same algorithms are said to [know more about us than those close to us](#) and even more than we know about ourselves. They are, therefore, able to both influence our behaviour in significant ways, and decide whether we should be "punished" before we're actually found "guilty" – as when

[14] Hubert Guillaud, "[Comprendre le graphe social](#)", [Internetactu.net](#), 23/09/2007.

algorithms compute how probable it is that we would default on a loan, suffer from a disease or [commit a crime](#).

However much we try to control our [digital identity](#), there are some categories of data that remain largely unmodifiable, such as [health data](#) (particularly valued by insurance companies and employers) or sexual, religious, political and ideological orientations (which, depending on the country you live in, can put you at risk). One may discover that one actually has a lot to hide (even in France, the “country of human rights”, where [worrying legislation on this subject has recently been introduced under the guise of public security](#)).

These trends are all the more worrying because personal data can very easily fall into the wrong hands: be it the hands of [far-right activists in Germany retrieving police files](#); of an abusive spouse (there is a plethora of tools to spy on computers, smartphones and online activity); of “hackers” exploiting the numerous security loopholes in connected objects ([surveillance cameras](#), [voice assistants](#), etc.); or when large databases are accessible in cleartext (or almost) on the Internet, due to inadequate security, which can then lead to [blackmail](#) to prevent the data from being further disseminated...

But whatever the downsides of these gadgets that we pay a fortune for and whose lifespan gets shorter and shorter (due to planned obsolescence), there is no question that we stop producing them. That would be like wanting to stop progress! Of course, as the narrative goes, these are only temporary problems that technology will eventually solve (the argument behind the idea of “[technological solutionism](#)”) – just as it will solve the problem of nuclear waste and global warming.

When it comes to control, the Internet is like the icing on the cake. It has set routes and nothing else: hence few possibilities to escape. This is why the digital realm is, in theory,¹⁵ much easier to control than the physical realm (one only has to control the routes). All the more reason to intone the mantra of technological [TINA](#) (“there is no alternative”): forced digitalisation, increasing “dematerialisation”, moving the centre of production further and further into people’s personal space (all the better to know you with !). The Covid pandemic is a case in point: in just a few months, it has resulted in widespread remote working and distance learning. This has provided the ideal conditions to impose [remote surveillance techniques](#) on a vulnerable population.

After the carrot of new technological gadgets which have got the population used to the idea of surveillance, making us accept it as, if not normal, at least inevitable (TINA!), if we wish to enjoy the benefits of progress, we are now beginning to feel

[15] Fortunately, even if the territory is defined by the routes that go through it, these are not always recorded on maps...

the stick. As soon as a sufficiently large majority of the population is converted,¹⁶ the technology can be imposed on others – who, if they choose to refuse it, automatically become suspicious: could it be that they have something to hide?¹⁷ This results in a situation where the “black sheep” who refuses to comply with the system is increasingly excluded and stigmatised: for those without a Facebook profile, without a smartphone, or even without an Internet connection, daily life is becoming increasingly difficult. We must find an answer to the “digital divide”! The system thus decides who is or isn’t part of society, with the aim of [making it harder and harder to slip through the cracks](#), so that ultimately there is no escape. In China, [paying with a smartphone](#) is already on its way out: the latest trend is [facial payment technology](#), which requires linking your bank account to your biometric data.

As the system’s flaws become increasingly visible (global warming, [massive increase in inequality](#), depletion of the planet’s resources, destruction of landscapes and ecosystems, etc.), resistance is also growing. But [forcing through policies](#) is one of the characteristics of the new neoliberal regime. There are no longer any negotiations, and a [crisis is the best time to act](#): laws can be passed through [fast-track “emergency” procedures](#) (due to a pandemic or due to terrorism).

All of this results in an intensification of control. But it also results (and obviously both go hand in hand) in escalating disequilibrium. One of the consequences of attention economy tactics is an increasing amount of extreme content, which, due to filter bubbles, fuels separatism, extremism and conspiracy theories of all kinds. On top of this, the disastrous management of crises (which is what logically happens when social structures, such as hospitals, assistance organisations and education, are left to fall by the wayside) results in a situation where a large chunk of the population experiences a loss of meaning and understanding in the face of the apparent¹⁸ inconsistencies of their leaders (and supposed representatives). The Covid pandemic is again a case in point: in France, [hospital beds were being reduced](#) even in the midst of a pandemic.

“Fascism is not the opposite of democracy but its evolution in times of crisis”, said Bertolt Brecht. Periods of crisis are what neoliberalism likes best. There is always concern that our tools might fall into the wrong hands: but what if that were already the case? At a time when some in France are [openly praising Pétain](#), it might be a good time to ask this question.

[16] This is something that is important to consider when one accepts a new, potentially intrusive technology (connected watch, Fitbit bands, etc.). There can be consequences not only for oneself, but potentially for the rest of society as well.

[17] Remember here that since personal data are the source of unlimited revenue, anything hidden is by definition a loss of profit (and of control).

[18] Although, if the ultimate goal is not good governance but rather to use the crisis and the stupor that follows to destroy social rights, our rulers are actually proving quite coherent.

So, what should we do? It should be clear by now that the problem is systemic: we must therefore seek to build solutions based on alternative systems.

New technologies may lock us into surveillance, but they can also give us extremely effective ways to fight back, particularly in terms of “[sousveillance](#)”: if power is control, in a “democracy” control must be exercised by the people.

Today we are witnessing a shift in this respect: with the widespread use of the Internet, the development of “pocket-size” tools (smartphones, Gopro cameras, etc.) and live streaming platforms, anyone can now film, photograph, report and broadcast content instantaneously on a relatively large scale, which challenges authorities’ usual propaganda techniques. Never before has police violence been so apparent (even though it has been around for a very long time);¹⁹ never before have the dominant media been so overwhelmed by the myriad of voices on social media, reflecting all sorts of different backgrounds. As the Internet has become the primary source of information nowadays, it is proving difficult impose official communication. Invisibilisation and censorship are becoming a real challenge due to the [Streisand effect](#).

On the other hand, the noose is tightening. In France, for example, there is an increasing sense that the state is [clamping down on people’s freedoms](#). Laws are being passed in an effort to regain control over this formidable realm of free expression that is the Internet (“hate” speech and online anonymity, very strict content moderation rules on platforms, attacks on the encryption of instant messaging or [end-to-end encryption](#), etc.).²⁰ The current debate around the right to film law enforcement officials is symptomatic of these developments: it’s hard to understand how such a question can be asked in a “democracy”.²¹

As well as fighting legal battles, which can limit some of the damage and prompt new robust safeguards (and there have been some noteworthy victories, for example, the [global data retention case \[EU Court of Justice, October 2020\]](#) or, more recently, the [case on drones](#)), it is of vital importance to build alternatives to corporate platforms and networks. Their goals are purely economic and, therefore, in spite of all their ethical statements, they often have no interest in protecting individual rights, freedom of information or freedom of expression – as recently illustrated by the increasing tendency of platforms such as Facebook or Twitter to go down the road of censorship.

One of our goals should be to increase the number of possible routes, in order to reduce “[choke points](#)” in the network and thus [censorship through internet](#)

[19] See Mathieu Rigouste’s book, *La domination policière : Une violence industrielle*, La Fabrique, 2012.

[20] Parallels can be drawn between contemporary legislation and the “lois scélérates” (villainous laws) in France at the end of the 19th century: see the very interesting book by Raphael Kempf, *Ennemis d’État*, La Fabrique, 2019.

[21] Although, as we have seen, we do not actually live in a democracy. So there is some logic.

[shutdowns](#). We also need to have better collective control over them. We need to fight for the [development of networks built and managed by and for the people](#) ([Freifunk](#), [Guifi.net](#), [FFDN](#), etc.). We need to protect ourselves on existing networks ([Tor](#), [Tails](#), encryption of communications, etc.). We need to develop independent media (financially independent, in particular), federated and interoperable social networks (such as [Mastodon](#)), alternative platforms (such as [PeerTube](#)) and hosting services that aren't based on a for-profit model, but rather on solidarity, neutrality and knowledge sharing ([CHATONS](#)).

Generally speaking, we need to build viable alternatives to the dominant system through a process of “swarming”, creating a critical mass for change: community networks (community-supported agriculture, cooperatives), mutual assistance and sharing associations (GULL, repair cafés, hackerspaces). The driving idea is to reclaim control, both individually and collectively, of one's environment, one's food, one's Internet connection, one's data, one's [computers](#) and one's devices.

It's really about building a resistance:²² a resistance against a [sick](#) system that is collapsing and becoming even more dangerous. We are at a point where many of the things we are fighting for are converging: we are fighting for our freedoms and for the right to live lives that are more than just work or mere survival; we are fighting for the rights of each and every human being; and we are fighting for the protection of the planet, and its fauna and flora. We must assert a collective and independent outlook, rebuild confidence, and stop relying on elites completely cut off from reality, whose dogmas are increasingly unreliable. We must do away with the [dictatorship](#) of growth and progress at all costs. We need to reconsider our values and ask ourselves what really makes sense over the long term. We need to develop popular education techniques that challenge the dominant ideology ([ritimo](#) network, “conférences gesticulées”²³, etc.). We need to invent new forms of resistance and be flexible in the way we take action. We need to go beyond the narrow boxes that we are being asked to fit into. We must refuse to be confined to a virtual existence. We need to [reappropriate the tools, and use them to our advantage](#). We need to share our experiences and draw inspiration from others ([Catalonia](#), [Black Panthers](#), [Greece](#), [Rojava](#), [Chiapas](#), etc.). We need to show that there are other ways of doing things, and make these ways visible whichever way we can (protests, websites, tags, articles, posters, videos... even umbrellas!²⁴).

One thing is certain. We can't afford to lose.

[22] See the [podcast](#) based on the book [Full Spectrum Resistance](#).

[23] The “dramatised lecture” is a concept and popular education tool created by Franck Lepage.

[24] Think of Hong Kong's 2014 “Umbrella Revolution”.

Protecting Civic Spaces

PRIVACY INTERNATIONAL

Civic spaces where we are free to develop, protest and preserve our integrity and autonomy are increasingly under threat as new surveillance technologies are radically transforming the ability of authorities to monitor them.

Imagine that every time you want to attend a march, religious event, political meeting, protest, or public rally, you must share deeply personal information with police and intelligence agencies, even when they have no reason to suspect you of wrongdoing.

First, you need to go to the police to register; have your photo taken for a biometric database; share the contacts of your family, friends, and colleagues; disclose your finances, health records, lifestyle choices, relationship status, and sexual preferences; turn over your emails and text messages; provide access to your Internet browsing history and third-party applications (“apps”); allow police to track your movements in real-time; and transmit all data stored on your cell phone, including patterns of behaviour you may not even be aware of and data you had previously deleted.

Second, while at the event, you must let the police look over your shoulder at everything you do on your phone.

Third, all that information will then be catalogued in a database that police and intelligence agencies can search and analyse at any time. Would you still feel comfortable exercising your rights to freedom of expression, religion, assembly and association?

Police and intelligence agencies are already capable of conducting generalised, invisible, real-time surveillance of civic spaces, from a distance, without people knowing or consenting. Civic spaces are the digital and real-life settings where people formulate ideas, discuss them with like-minded people and groups, raise dissenting views, consider possible reforms, expose bias and corruption, and organise to advocate for political, economic, social, environmental, and cultural change. Civic spaces include public streets, squares, and parks, as well as digital spheres including the Internet, messaging apps, and social media platforms. Police and intelligence agencies can extract information on a widespread scale from these civic spaces, and then create granular, searchable archives of the people who participate in them.

The current unregulated uses of surveillance technologies in civic spaces violate peoples' [right to privacy](#) and can hinder their ability to freely communicate, organise, and associate with others. The right to privacy thus supports other fundamental rights and freedoms of democratic societies, including: the right to equal participation in political and public affairs, and the freedoms of opinion, expression, peaceful assembly, and association. Privacy creates spaces for people to develop and debate ideas and exercise these rights and freedoms. In private spaces, members of minority groups who may fear discrimination or harassment on the basis of their ethnicity, race, religion, sexual orientation, or gender identity can be empowered to express their opinions and cooperate to advance objectives that may be overlooked by majority groups.

Privacy also allows the press and possible whistle-blowers to hold those in power accountable without fear of retaliation. Privacy and the rights and freedoms it



A wall covered in surveillance cameras seems to be watching two women.

BURST (CCO)

supports are critical restraints against unbridled government power and coercion. They require that the government remain answerable to its citizens and that the collective will of the people can evolve and be translated into law and policy. Without privacy, this democratic process cannot endure.

Privacy International (PI) is working to ensure new technologies are governed and used in ways that protect our privacy, preserve our civic spaces, and support democracy.

What is the problem?

Police and intelligence agencies are expanding the depth and breadth of their surveillance of our civic spaces, often without sufficient legal basis or democratic input and oversight. While new technologies may be deployed under the guise of protecting democratic society, without adequate regulations and safeguards, those technologies can threaten democratic participation and dissent and thereby undermine democracy itself. This is not to say that new technologies should never be used: their use should be regulated, transparent, targeted based on reasonable suspicion, designed to minimise impact on our digital security, and subject to effective and independent control and supervision.

Surveillance technologies are capable of intruding on civic spaces on an unprecedented scale

New surveillance technologies are radically transforming the ability of police and intelligence agencies to monitor our civic spaces and collect, categorise, store, analyse, and share our personal data. PI is particularly concerned about technologies that police and intelligence agencies can, and sometimes do, already use to monitor people who have not committed nor are suspected of any crime and instead are exercising the rights essential to their participation in democracy. These technologies include: [mass surveillance](#), [IMSI catchers](#), [remote hacking](#), [mobile phone extraction](#), [social media monitoring](#), [facial recognition cameras](#), and [predictive policing](#).

These technologies can chill and violate peoples' exercise of fundamental freedoms

When used together and improperly regulated, these surveillance technologies function as a panopticon, where no one can know whether, when, where, and how they are under surveillance. The omnipresence of these technologies disrupts our public spaces and could have a chilling effect as it dissuades people from using civic spaces to exercise their rights. These privacy intrusions are problematic regardless of whether or not you believe you have nothing to hide: they violate your rights and the rights of others.

The use of these technologies can interfere with peoples' rights to express themselves anonymously, formulate and share their thoughts, engage in controversial dialogue, attend public gatherings, and seek redress of grievances against the

government. People may self-censor their thoughts, words, and actions: people may avoid visiting certain social media profiles; liking, sharing, re-tweeting controversial posts; joining certain discussion groups; or even using certain words. Ultimately, this self-censorship can change how people seek out new information, develop and discuss ideas, and organise around them. Important issues may not be adequately reported on. We all benefit from the exchange of ideas and peoples' ability to organise and petition for change, and we all suffer when people are less free to do so.

Surveillance technologies are being used in a legal and regulatory vacuum

Laws and regulations are not keeping pace with technological developments to provide effective safeguards or oversight. While people are rightly increasingly concerned with the ways data analytics can be employed to profile voters, micro-target advertisements, [exert undue influence on voting decisions, and potentially swing elections](#), we also need to address other ways in which our democracies are vulnerable. In addition to ensuring that voters' choices are their own, to protect the integrity of democratic institutions, we also need to ensure that individuals can exercise their fundamental rights to develop and share ideas, organise, and protest without unlawful interference by the state authorities.

Most of these surveillance technologies have been deployed in the absence of laws and regulations which provide precise, clear and public parameters for the use of such technologies, including independent authorisation and oversight. In some cases, police are being left to [self-regulate their behaviour](#), which does not ensure consistency between jurisdictions, guarantee legality or best practices, or inspire public confidence. These concerns about legality and the dearth of regulation have formed the basis of many of PI's [legal interventions](#) challenging the use of these technologies. Without strong legal safeguards, governments can, at any time, change how they use surveillance technologies and the data they generate.

There is risk of abuse by government

Surveillance technologies are ripe for abuse because of the lack of transparency surrounding their use and the highly sensitive nature of the data they collect. These technologies give the government a wealth of information it could use to selectively prosecute activists and dissenters, and thereby chill protests and other expressions of criticism against the government. In the US, there is a history of the Federal Bureau of Investigation conducting surveillance against civil rights leaders, such as [Martin Luther King Jr.](#), to undermine them, and these tactics have extended to recent surveillance of [Black Lives Matter](#) and [Standing Rock](#) activists. In the UK, police also have a [history of infiltrating and spying on advocacy groups](#). In Mexico, it was reported that [Mexican authorities used NSO Group's Pegasus](#) spyware to target journalists and human rights defenders working to expose government corruption and human rights abuses. Before that, a massive scandal in North Macedonia revealed that the [phone calls of some 20,000 activists](#), lawyers, opposition members, journalists, civil servants, business people, and even members of

the government had been unlawfully monitored. In addition, police or intelligence agents could be tempted to use these technologies [illegally](#), such as by spying on [former romantic partners](#) or [whistleblowing officers](#) alleging racial discrimination. We need to prevent the government using surveillance technologies against activists and people exercising their rights to bring concerns to the government's attention.

These technologies allow discrimination and can disproportionately exclude some groups from civic spaces

Surveillance technologies can be used to disproportionately target and impact vulnerable groups and racial, ethnic, and religious minorities. For example, police and intelligence agencies could subject minorities and immigrants to a higher level of scrutiny without any reason to suspect members of such groups of wrongdoing. This has happened in the past. In the United States, the [now defunct National Security Entry-Exit Registration System \(NSEERS\)](#) required people from 25 Muslim-majority countries, plus North Korea, to register with the government when they entered and existed the country; however, the structure of this program still exists and it could be reinstated. The Trump administration recently asked technology companies to help employ artificial intelligence to engage in a process of "[extreme vetting](#)" of prospective immigrants to assess whether they posed terrorist threats, but then dropped such plans in response to widespread public criticism. Minority groups, often marginalised and lacking the means to defend themselves, are in most need of civic spaces to express themselves and help each other.

There is not enough transparency or public input into how surveillance technologies can, should, or are being used

Police and intelligence agencies have been using these technologies without adequate public consultation, and sometimes without even consulting the public at all. You have had insufficient input into whether the government should be buying these intrusive technologies or how these technologies can be used. At the same time, you do not have the ability to refuse being monitored.

The use of these technologies prioritises corporate profits over peoples' privacy

Corporations are selling these costly technologies to police and intelligence agencies. It is unclear to what extent companies have access to the data these technologies extract, but what is clear is that this is a [highly profitable industry](#) that can create perverse incentives for collecting and examining more and more data. For example, [IBM, Microsoft, Cisco, Oracle, and Palantir](#) offer to help police sort and make use of the oceans of data these technologies extract. There are risks inherent to making these types of databases available to corporations.

The data collected through these technologies could fall into the wrong hands

No data can be completely secure: once we store data, it becomes vulnerable to a breach due to accident, carelessness, an insider threat, or a hostile opponent. [Poor practices](#) on handling the data can undermine the prosecution of serious

crimes, as well as result in the loss of files containing intimate details of people who were never charged. The more data the government collects and stores, the more valuable such databases become. Malicious actors could exploit such data to interfere in, among other things, the democratic election cycle, the justice system, or with freedom of the press.

What is the solution?

The purchase, use, and scope of these surveillance technologies should be explicitly prescribed by clear and precise law and limited to the means necessary and proportionate to achieving legitimate aims. Mass surveillance, including bulk collection of peoples' data from civic spaces, cannot satisfy the requirements of necessity and proportionality. Any targeted surveillance measures, including in public spaces, must be necessary and proportionate to achieve a legitimate aim, such as preventing or investigating serious crimes. People should be able to understand how laws might be applied, what kinds of data might be collected about them, and how that data will be stored.

For the public to be assured there is no risk of government abuse, there must be adequate safeguards and effective oversight around the trial, purchase, and use of surveillance technologies.

Prior to each time these technologies are used, the government should be required to get a search warrant based on reasonable suspicion from an independent judicial authority. Search warrants should ensure that the people and places searched are limited to those where the government has sufficient legal justification to do so (based on probable cause or reasonable suspicion, as appropriate) and do not constitute bulk collection of peoples' data. To prevent overly intrusive searches, warrants can also exclude certain places from being searched or certain data from being collected. After each search, a reviewing court should be able to examine whether it was lawful.

The government needs to protect the security of the data it collects. Any information that is beyond the scope of a warrant, irrelevant, or immaterial should not be stored, categorised, or analysed; instead, it should be immediately destroyed. All actions the government takes with respect to such data should be recorded.

People who are subject to unlawful uses of surveillance technologies or collection of data should have access to an effective remedy.

There must be greater transparency and accountability around the government's use of surveillance technologies. The government should justify the acquisition and use of these technologies and prove to the public that these technologies are not used in a way that is discriminatory, disproportionate or otherwise unlawful.

To curb corporate interests in maximising profits at the expense of peoples' privacy and other rights, the government should make publically available any solicitation letters, purchase orders, invoices, contracts, loan agreements, and correspondence with companies regarding acquisition of these technologies.

Finally, to allow for greater protection of peoples' data, the government should support the development and use of encryption. The government should be prohibited from requiring corporations to engineer vulnerabilities in products or services that would undermine peoples' privacy and security.

This article was initially published on [Privacy International's website](#) on 1 May 2019.

Police Repression and Criminalization of Indigenous Resistance in Canada

ANDREW CROSBY, University of Carleton (Ottawa)



© JEROME TURNER / RICOCHET

Raid at Gidimt'en checkpoint, February 7, 2020.

The year 2020 in Canada was monumental for Indigenous resistance and police repression. High profile conflicts between settlers and Indigenous peoples over land and resources continue to materialize, from the forced removal of Wet'suwet'en land defenders blocking pipeline construction on the west coast to a violent backlash to a Mi'kmaw fishery in the east coast, to an ongoing land reclamation struggle in central Canada. Indigenous solidarity actions organized under the hashtag "Shut Down Canada" have also disrupted the Canadian economy and led to multiple arrests and criminal charges. This article discusses how policing, surveillance, and criminalization are used as tools of the

settler-colonial state to assert and maintain control over Indigenous lands. While focusing on policing tactics and strategies uncovered through access to information requests, the article also highlights the use of the blockade as an anti-colonial tactic and emphasizes the strength and resolve of Indigenous resistance.

For over 500 years, Indigenous peoples in what is now called Canada have resisted European encroachment and settlement on their lands. Before European contact, the lands of Turtle Island (present-day Canada, the United States, and Mexico) were home to dozens of Indigenous nations and millions of inhabitants. Colonialism brought disease, war, a racial sense of superiority, and foreign systems of governance, law, and private property. Indigenous nations fought against and alongside European powers and forged numerous treaties across these lands. The two-row wampum belt signifies the essence of early treaty-making where each purple row represents a path: one for Indigenous peoples and one for Europeans where the two peoples can co-exist peacefully as long as one does not impose themselves on or interfere with the other. Unfortunately, this and other treaties have not been honoured as the Canadian state and its predecessors have attempted to subjugate, assimilate, and eliminate Indigenous peoples for the purpose of accessing and profiting from Indigenous lands and resources.

Canada is a relatively young nation-state, having celebrated its 150th birthday in 2017. The official founding of Canada with the 1867 British North America Act sought to incorporate Indigenous lands and resources under the jurisdiction of the provinces and territories of the newly minted federation. The Act imposed and instilled a British-style system of parliamentary democracy, law, and private



© ONTARIO FEDERATION OF LABOUR / TWITTER.

Demonstration near 1492 Land Back Lane Six Nations land reclamation, October 2020.

property that not only excluded Indigenous peoples, but attempted to eliminate them from their lands through a systematic approach to cultural genocide that has been [well-documented](#). The most well-known examples are the reserve system and residential schools which sought to remove Indigenous peoples from their lands and “[kill the Indian in the child](#).” These approaches and numerous others were implemented in Canadian law through the Indian Act (1876) still in force today, with the last residential school closing in 1996.

Indigenous peoples have always resisted settler colonialism and the theft of their lands, from the expansion of the Canadian state and settlement in the west to present-day conflicts over land and resources. Indigenous peoples asserting self-determination and sovereign jurisdiction over their territories and resisting settler access to their lands have been met with repression, surveillance, and criminalization. From the execution of First Nations and Métis leaders in the early battles over the plains to the imprisonment of modern-day Indigenous warriors, the criminal justice system is widely viewed as a perpetuating instrument of oppression and colonization.

Organized Indigenous activism intensified in the 1960s through to the 1980s with the blockade increasingly used as a tactic to assert Indigenous territorial authority and prevent unauthorized access to their lands. In 1990, the conflict near Oka, Québec on the Mohawk lands of Kanehsatake (often referred to as “[the Oka Crisis](#)”), signalled an intensification of police surveillance and repression of Indigenous activism. The armed standoff between Mohawk warriors and the Sûreté du Québec provincial police and Canadian military in 1990 materialized over the expansion of a golf course on sacred Mohawk lands. State violence also erupted in 1995 in the provinces of British Columbia and Ontario following Indigenous land reclamations at [Ts’Peten](#) (Gustafsen Lake) and [Ippeewash](#), where an unarmed Indigenous man was shot and killed by Ontario Provincial Police. Settler violence has also targeted Mi’kmaw fishers in New Brunswick ([1999](#)) and Nova Scotia ([2020](#)), Six Nations land defenders resisting suburban real estate expansion in southern Ontario ([2006](#) and [2020](#)), Mi’kmaw water protectors attempting to stop shale gas exploration in southeastern New Brunswick ([2013](#)), and various Indigenous nations (Gitksan, Secwépemc, Wet’suwet’en) [resisting oil and gas pipeline expansion](#) in British Columbia in recent years. While these instances have made international headlines due to the use of police force, there are numerous other recent examples of police surveillance targeting Indigenous opposition to extractive industries and government policies, as revealed in access to information requests.

The [Idle No More movement](#) involving dozens of Indigenous communities and thousands of activists in 2012–2013 was met with potentially the largest surveillance operation and mobilization of national security resources in Canada’s history. The Royal Canadian Mounted Police (RCMP) monitored and documented upwards of 1,000 events in a national uprising that included everything from teach-ins and round-dances to blockades of roads, rails, ports, and border crossings. During



© ANDREW CROSBY

Idle No More protest in front Ottawa Parliament Hill, 13 January 2013.

Idle No More, police on the ground meticulously tracked protests and participants while the national security apparatus framed the movement in terms of “domestic extremism.” Idle No More prompted security officials to consider creating a “central fusion centre for Native problems.”

Canada is one of the richest countries in the world, deriving much of its wealth from natural resources. Canada’s economy is resource-based and driven by the logics of extractive capitalism, with lucrative oil, gas, mining, forestry, fishing, and hydro-electric industries—sectors which have deeply impacted Indigenous lands and lives. Ambitions to turn Canada into a global energy superpower have accelerated conflict with Indigenous peoples defending their lands and waters. In recent years, internal government records obtained through access to information requests have shown the development and depth of the symbiotic relationship between industry and police collaborating to stifle Indigenous dissent and facilitate the exploitation of Indigenous lands and resources. The role of police as an enforcement arm of the extractive industries is increasingly documented across multiple territories and sectors, in particular the RCMP (which has a long history of enforcing Canada’s Indian Act and policy of eliminating and displacing Indigenous peoples from their lands). Internal government records reveal how the RCMP work closely with resource extraction companies to devise security and policing plans so that work can be carried out unhindered, as well as identify, surveil, and criminalize opponents. Indigenous opponents have been labelled as “violent Aboriginal extremists,” and “Aboriginal extremism” has emerged as a threat category in counter-terrorism assessments compiled by the Canadian Security Intelligence Service and its Integrated Terrorism Assessment Centre.



© MICHAEL TOLEDANO / NATIONAL OBSERVER

RCMP raid on Gidimt'en checkpoint on Wet'suwet'en territory, January 7, 2019.

The central concern of Canadian authorities is two-fold. First, Indigenous movements and mobilizations for self-determination pose a threat to the idea and legitimacy of Canada and, second, that Indigenous blockades and protests pose a threat to the economic security of Canada. First, government authorities and security officials dismiss Indigenous demands for self-determination as “perceived grievances” and “sovereignty concerns” that are made by “factions” and “splinter groups.” Indigenous jurisdiction, law, and treaty rights are subverted under the authority of Canadian law, assertion of Crown sovereignty, and claimed ownership of Indigenous lands. Second, Indigenous resistance to resource development impedes the extraction of wealth from Indigenous lands that feeds the prosperity of settler society. This idea of the “ransom economy”—that Indigenous peoples are holding Canada hostage—impacting Canada’s economic security is increasingly framed by counter-terrorism and national security agencies as threatening “critical infrastructure.”

Following a police raid of a Wet'suwet'en checkpoint in 2019, an RCMP sergeant wrote in a signed affidavit that “critical infrastructure can be targeted by persons with radicalized ideology.” The “radicalized ideology” refers to the Wet'suwet'en position that they have never surrendered or ceded their land, that consent is required to enter their territory, and that neither British Columbia nor Canada have jurisdictional authority over their land. This is one frame in which Indigenous movements, communities, and peoples are policed, surveilled, and criminalized—that Indigenous assertions of sovereignty are nothing more than concerns or grievances. This goes hand in hand with another frame referenced by the RCMP sergeant, that Indigenous blockades and protests are seen as targeting and threatening “critical infrastructure”, which represents the vital systems and networks that enrich and sustain settler society. In 2007, the RCMP Criminal Intelligence

unit created an Aboriginal Joint Intelligence Group (JIG) to develop a “national approach to Aboriginal disturbances” that was primarily interested in “tension against critical infrastructure.” At the time the JIG produced an annual “Aboriginal Communities of Concern” report that profiled Indigenous communities with a history of resistance that were in close proximity and could potentially threaten critical infrastructure. These reports reveal the close relationship that security agencies forged with the private sector in attempting to mitigate perceived threats to the energy and transportation sectors.

While researching the book [Policing Indigenous Movements: Dissent and the Security State](#)—which primarily uses internal records obtained through access to information requests—I obtained a copy of a police report that sheds light on the depth of surveillance targeting Indigenous activists. The 2015 report—Project SITKA: Serious Criminality Associated to Large Public Order Events with National Implications—was published by the RCMP’s National Intelligence Coordination Centre as part of a concerted effort to identify and mitigate the “threat, incidence and prevalence of serious criminality associated to Aboriginal public order events.” The report was primarily concerned with identifying threats to “natural resource development, particularly pipeline and shale gas expansion,” and targeted 313 activists. Of the 313, SITKA investigators identified 89 individuals that matched the project’s “criteria for criminality” and were classified as either “disruptive” or “volatile” based on a surveillance and risk assessment of their “background, motivation and rhetoric.” The profiles were uploaded into criminal intelligence and police reporting databases and made available both to frontline officers and to law enforcement partners. Project SITKA made national headlines at the time it was released to media, as it exposes the tactics and tools of surveillance and criminalization deployed by national security agencies against Indigenous peoples protecting their lands. The surveillance efforts and release of this information prompted strong backlash from Indigenous activists.

A [webinar](#) was held in December 2020 with prominent Indigenous activists, at least two of which have been identified in Project SITKA. All of the webinar panelists had been arrested and experienced criminalization. This past year has featured some

high-profile incidents and police operations. These include a crackdown on the Tiny House Warriors of the Secwépemc nation and their efforts to stop the Government of Canada-owned Trans Mountain expansion pipeline in Bri-



© JORGE BARRERA

Tyendinaga roadblock, february 2020.

tish Columbia, an Ontario Provincial Police attack against a land reclamation site at Six Nations of the Grand River in southern Ontario, and a large RCMP raid and forced removal of Wet'suwet'en from their lands in British Columbia. Heavily armed raids on the Gidimt'en checkpoint and Unist'ot'en camp led by the RCMP's militarized Emergency Response Team was the culmination of over ten years of Wet'suwet'en resistance to various pipeline projects slated for construction on their territory. Molly Wickham of the Gidimt'en clan of the Wet'suwet'en nation noted during the webinar that her people experience surveillance on a daily basis, criminalization just for being an Indigenous person and existing on their land, as well as "extreme violence from militarized RCMP and the state."

Following the RCMP raid on and occupation of Wet'suwet'en land, Indigenous communities across Canada [blockaded roads and railways on their territories in solidarity](#). Indigenous communities have a long history of supporting each other when one comes under attack, going back to "the Oka Crisis." In February 2020, Mohawks at Tyendinaga in southeastern Ontario blockaded a major railway for almost one month, incapacitating rail traffic in one of the busiest transportation corridors in Canada. [The Ontario Provincial Police eventually moved in with a large force to end the blockade](#). Some [sixty people are facing serious criminal charges](#) from police raids on Indigenous lands and solidarity actions in 2020. Indigenous activists at these sites spoke of intense and constant surveillance by police and industry security forces. They see these efforts as a concerted attempt to forcibly remove and eliminate Indigenous peoples from their homelands in order to access resources and wealth for the ongoing enrichment of Canadian settler society; this is the essence of the settler colonial project in Canada.

The intended impact of police repression, surveillance, and criminalization is to have a chilling effect on Indigenous land defense efforts and solidarity actions. The actual impact, however, has been to strengthen the resolve of Indigenous land defenders. The year 2020 is evidence of that. The focus of the December 2020 webinar was the "ransom economy" that, when Indigenous peoples erect blockades on their land, mainstream settler society decries that the Canadian economy is being held hostage. Activists have turned this idea on its head, that Indigenous lands are being held hostage by Canada. As Mi'kmaw warrior Suzanne Patles framed it during the webinar: "Indigenous sovereignty and title are a threat to the privatization of land, and that land has been held ransom against our people since the British North America Act." Patles views the blockade as an important defensive strategy, noting that "blockades are the seeds of our self-determination as a people."

The blockade tactic has been used for decades now, but it has been used with increased frequency as part of a counter-strategy to prevent unauthorized access to Indigenous lands, to disrupt the Canadian economy, and to signal to investors that it is risky to do business due to Canada's fragile claim of ownership over Indigenous lands and resources. According to Kanahus Manuel of the Secwé-



Solidarity rally with activists for the defense of Wet'suwet'en territory in Ottawa, 8 January 2019.

pemc nation and Tiny House Warriors, “Blockades are a place where Indigenous sovereignty and jurisdictional and territorial authority will confront the assumed colonial authority and jurisdiction. They think they own the land, we know we own the land, and the blockade is where we meet.” To dismantle blockades extractive industries, government, and police rely on a legal mechanism known as a court injunction. Referred to by the late Indigenous leader Arthur Manuel as Canada’s “legal billy club,” the injunction provides legal justification and authorization for police use of force to arrest and remove Indigenous peoples from their lands and lay criminal charges and restrictive conditions.

Despite experiencing a concerted effort of police repression and criminalization, Indigenous resolve is steadfast and determined. Yet, while land defense efforts intensify, so do policing efforts, including new surveillance mechanisms and instruments of repression. For example, the RCMP recently created the [Community-Industry Response Group](#), which works closely with energy companies to [surveil and harass Indigenous peoples](#) on their land. Canada is a small country in terms of population and international stature, yet the Canadian state’s approach to Indigenous relations and policing Indigenous peoples is significant to understanding the manifestations and operations of settler colonialism in an unsettled question and battle over land in the 21st Century.

BIBLIOGRAPHY AND FURTHER REFERENCES

- BÉCHARD, DENI ELLIS and NATASHA KANAPÉ FONTAINE. 2021. *Kuei, je te salue : Conversation sur le racisme*. Montréal : Écosociété.
- BIBEAU, GILLES. 2020. *Les Autochtones : La part effacée du Québec*. Montréal : Mémoire D’encrier.
- Commission royale sur les peuples autochtones. 1996. [Rapport de la Commission royale sur les peuples autochtones](#). Ottawa: Groupe des Communications du Canada.

- Commission de vérité et réconciliation. 2015. [Rapport final de la Commission de vérité et réconciliation du Canada](#), Volume 6. Montréal & Kingston: McGill-Queen's University Press.
- ANTANE KAPESH, An. 2019. *Je suis une maudite sauvagesse. Eukuan nin matshi-manitu innushk*. Montréal : Mémoire D'encrier.
- ANTANE KAPESH, An. 2020. *Qu'as-tu fait de mon pays ? Tanite nan etutamin nitassi ?* Montréal : Mémoire D'encrier.
- MANUEL, ARTHUR. 2018. *Décoloniser le Canada : 50 ans de militantisme autochtone*. Montréal : Écosociété.
- NUNGAK, ZEBEDEE. 2019. *Contre le colonialisme dopé aux stéroïdes : le combat des Inuits*. Montréal : Boréal.
- ANAYA, JAMES. 2014. "Report of the Special Rapporteur on the Rights of Indigenous Peoples, James Anaya, on the Situation of Indigenous peoples in Canada." United Nations. Human Rights Council, 27th session, May.
- ASCH, MICHAEL. 2014. *On Being Here to Stay: Treaties and Aboriginal Rights in Canada*. Toronto: University of Toronto Press.
- BATTILL LOWMAN, EMMA, and ADAM BARKER. 2016. *Settler: Identity and Colonialism in 21st Century Canada*. Halifax: Fernwood Publishing.
- BENVENUTO, JEFF, ANDREW WOOLFORD, AND ALEXANDER LABAN HINTON, eds. 2015. *Colonial Genocide in Indigenous North America*. Durham: Duke University Press.
- COULTHARD, GLEN. 2014. *Red Skin, White Masks: Rejecting the Colonial Politics of Recognition*. Minneapolis: University of Minnesota Press.
- HILL, GORD. 2010. *500 Years of Indigenous Resistance*. Oakland: PM Press.
- THE KINO-NDA-NIIMI COLLECTIVE, eds. 2014. *The Winter We Danced: Voices from the Past, the Future, and the Idle No More Movement*. Winnipeg: ARP Books.
- MANUEL, ARTHUR. 2015. *Unsettling Canada: A National Wake-Up Call*. Toronto: Between the Lines.
- MANUEL, ARTHUR. 2017. *The Reconciliation Manifesto: Recovering the Land, Rebuilding the Economy*. Toronto: James Lorimer & Company.
- NIEZEN, RONALD. 2017. *Truth and Indignation: Canada's Truth and Reconciliation Commission on Indian Residential Schools*. University of Toronto Press.
- PALMATER, PAMELA. 2015. *Indigenous Nationhood: Empowering Grassroots Citizens*. Halifax and Winnipeg: Fernwood Publishing.
- PALMATER, PAMELA. 2020. *Warrior Life: Indigenous Resistance & Resurgence*. Halifax & Winnipeg: Fernwood Publishing.
- REGAN, PAULETTE. 2010. *Unsettling the Settler Within: Indian Residential Schools, Truth Telling, and Reconciliation in Canada*. Vancouver: University of British Columbia Press.
- RCAP (Royal Commission on Aboriginal Peoples). 1996. *Final Report of the Royal Commission on Aboriginal Peoples*. Ottawa: Canada Communications Group.
- SIMPSON, AUDRA. 2014. *Mohawk Interruptus: Political Life Across the Borders of Settler States*. Durham: Duke University Press.
- STOTE, KAREN. 2015. *An Act of Genocide: Colonialism and the Sterilization of Aboriginal Women*. Halifax & Winnipeg: Fernwood Publishing.
- Truth, and Reconciliation Commission of Canada. 2015. *Canada's Residential Schools: The Final Report of the Truth and Reconciliation Commission of Canada*. Vol. 1. Montréal & Kingston: McGill-Queen's University Press.

Democratic Spaces and Telecommunications Infrastructure: Internet Operators as Political Figures

ORIANE PIQUER-LOUIS, Fédération FDN

When it comes to the Internet, we usually only consider the end points: the quality of the network picked up by our smartphones, for example, or how good the wifi in our home. We have gotten used to thinking of the Internet as something ethereal: something that floats in the air in MacDonald's restaurants, on campuses and in our flats.

Having been active for several years now in nonprofit organisations that are also acting as Internet operators, I have gotten used to seeing, on a daily basis, everything that comes after the end point: people hardly suspect how many people have been working, at different levels, to ensure that the wifi in their flat works well.

The Internet is, before anything else, an infrastructure – one that ends with the box in our living room – which is made up of copper cables (those of telephone wires, used for ADSL), optical fibre, machines called routers to manage the data flow, antennas of various shapes, poles and cabinets. These are all very material, very concrete things that need to be maintained.

That is what I want to talk about in this article. There's a lot of talk at the moment about platforms, because it's in the news. But, in order to reflect adequately on

democracy and networks, it seems to me that we must also look at what connects us to these platforms. There has been tension between telecommunications and democracy for at least ten years. So, for once, I'm going to let cables and antennas – not Facebook – steal the show.

The infrastructure I'm talking about has a distinctive feature which makes me even more attached to and appreciative of the postal and telecommunication services of old: it is a decentralised infrastructure. In other words, there is not one Internet, but rather several different networks. Each operator is responsible for a telecommunications network, which it is in charge of maintaining and connecting to other telecommunications networks. When you connect to the Internet via your Internet Service Provider (ISP), you have access to that operator's network, and then, potentially, to that of all your neighbours, and then to that of your neighbours' neighbours, etc. And yet, most of the time, it works. No one is responsible for the entire Internet, no one tracks the data from the beginning to end, and yet most of the time, we manage to get them through without any problems. The postal service these days is not performing as well...

It is precisely this feature that gives the Internet its great resilience. It is because there is no central root of the Internet that it is difficult to control what *each* operator does with the data. This is a feature of the Internet that has caused a great deal of debate, especially amongst governments, which are making tremendous efforts to put regulations on a space for expression that structurally escapes them. Indeed, the Internet constitutes a space where divergent voices can emerge (Boullier, 2017), which challenges the legitimacy of the state and its own discourse. The state is angry at no longer being the only one with a voice.

And so governments are seeking to control and monitor everything that might represent “bad talk”, with the same concern as Louis XVI when he was confronted with the circulation of “hand-to-hand news”.¹ My reference to Arlette Farge's work is deliberate: this is not unique to the Internet. The Internet is a huge mouthpiece for “bad talk”. Nowadays, what used to be said in cafés and on flyers is said on Facebook pages and blogs. Just as “hand-to-hand news” was hunted down and spied upon by a worried state authority, so the Internet has been from the beginning, just as the telephone was before it. Price (2013) has shown that the US government has been seeking to develop techniques to monitor networks since the early 20th century, and to make this surveillance socially acceptable. In France, a great many new laws pertaining to the Internet have been established over at least the last decade. More recently, Félix Tréguer (2020) shed light on the close collaboration of governments and Silicon Valley on censorship.

[1] “These were handwritten single sheets of paper, distributed illicitly, and were an alternative to official newspapers, whose “truths” were known to be censored by the monarchy to such a degree that they had little to do with any kind of reality.” (Farge, 1992).

We can't say that they won, because it's not quite true: the Streisand effect,² now well documented, suggests that the suppression of any content on the Internet is always temporary. The use of end-to-end encryption technologies by a growing number of people – such as the many new users of Signal³ – is to be welcomed. On the Internet, there is always a way out of censorship and surveillance.

But we can't say that they are losing either. And this is why we talk about a shrinking democratic space. I see two ways of defining “democratic space” in this context: on the one hand, a space (if we follow the topographical analogy, which is not always an apt way of describing the Internet) where democracy is played out, i.e. where citizens take charge of public affairs and decide on their fate together. On the other hand, and this may be connected to the latter though not necessarily, a space where “bad talk” can flourish, words and voices that question power, challenge it and force it to be accountable. These voices are crucial, because they put the leaders of a representative democracy in a position where they are indeed the recipients of a *delegation* of power: if they abuse their power, the people are entitled to withdraw the delegation. “Bad talk” puts power under the scrutiny of the people – the legitimate holders of power. It's easy to see why a king, whose power was only supposed to come from divine attribution, was worried. And he was right to be; it was indeed these voices that enabled the people to take its fate into its own hands a few years later. In a healthy representative democracy, leaders are always in the hot seat. It might not be comfortable, but it is healthy.

What are we seeing in 2021, and more importantly, what does the telecommunications network infrastructure have to do with it?

As the Internet is incredibly effective at circulating information and connecting people from opposite ends of the earth, it has quickly become a key tool for making use of some of our fundamental freedoms (freedom of information, freedom of expression). As the Constitutional Council declared in France in 2009: “Freedom of communication and expression, set out in Article 11 of the Declaration of the Rights of Man and of the Citizen of 1789, has been constantly protected by the Constitutional Council's jurisprudence (see the latest decision No. 2009-577 DC of 3 March 2009). Nowadays, in view of the widespread development of the Internet and its importance in regards to participation in democratic life and the expression of ideas and opinions, this freedom also includes the freedom to access these online public communication services.”

[2] The Streisand effect is a social phenomenon that occurs when an attempt to hide, remove, or censor information has the unintended consequence of further publicising that information, often via the Internet. Through its own efforts at censorship the victim of the Streisand effect involuntarily encourages the circulation of a publication that he would rather have ignored. Source: Wikipedia.

[3] Signal is a mobile phone application that ensures encrypted and secure communications, in order to guarantee its users with maximum confidentiality. Source: Wikipedia.

This gives operators, and ISPs in particular, an enormous responsibility: that of protecting those freedoms. We have to go through an ISP to access the Internet. But large operators are corporations, driven by their shareholders. Paying out dividends and protecting fundamental freedoms has never worked very well together.

This results in major operators abusing their power, because it pays off more in the short term: for example, through the concentration of media outlets and Internet operators in the same corporate groups (Bénilde, 2016). ISP subscribers are then offered preferential access to the media owned by the same corporation, introducing a bias in their choice of sources of information. A few years ago, it turned out that some ISPs were slowing down connections to Skype, which was in direct competition with their own voice call offers. It should be up to the end-user, the citizen, to independently choose what sources of information he or she uses, how he or she expresses him or herself, and how he or she communicates with others. His or her responsibility as an adult citizen is the very foundation of a democracy:⁴ if we have to decide for him or her (as we might do for children), we cannot let him or her take care of public affairs.

This could be a basic definition of net neutrality: guaranteeing that citizens can enjoy their freedom of expression and information on the Internet without constraints.

Another irritating thing about these corporations is that they tend to (one could almost say it's a natural inclination) constitute local monopolies. Rolling out and maintaining telecommunications infrastructure requires large investments, and unfortunately, tends to return profits only over the long term. As we've had the rich idea, here as in other countries, of privatising the whole thing, it will be the largest operators (those with the largest investment capacity) who will pull the cables and lay the antennas in any given area. On a European scale, and even on a national scale, the Internet is always decentralised: there are always several interconnected networks. On a regional scale, this is not necessarily the case: as a given infrastructure loses value when there are competing infrastructures in the same area, operators tend to concentrate rather than multiply.



Transmission timing : learning to weld optical fibre. General Assembly of the FDN 2017.

ZORUN CC-BY-SA

[4] Piquer-Louis, O., 2016. "Kant et la régulation des télécoms", *Fédération FDN*, <https://www.ffdn.org/fr/etude/2016-06-23/kant-et-la-regulation-des-telecoms> (visited 19/01/2021).

This natural tendency towards a monopoly has two unfortunate consequences. I will start with perhaps the less obvious one. In the United States, where the best one can generally hope for is a duopoly, the situation is terrible: the operator, as a local monopoly or quasi-monopoly, is able to set its own terms and rates for Internet access. And since the maintenance of cables and machines is expensive and doesn't bring any short-term profit, it often gets postponed: the network deteriorates as does the quality of the service.

To return to the issue of democracy, if citizens wish to access “bad talk” – whether this be investigative journalists exposing corruption, or an individual reading different opinions and posting one's own opinion on a blog – they will first have to pay, and pay dearly, for a mediocre service. One could speak of “censitary access” to democratic rights, just as one talks of “censitary suffrage” when only those who have enough money or assets can vote.

Moreover, without legal obligations, operators will only roll out their infrastructure in areas where it will be profitable over the short term: in the densest city areas. This is what is called the “digital divide”. In France, we have the concept of a universal public service, which forces the operator responsible for it (in this case Orange, heir to the late France Télécom) to maintain the telephone network (which is used for ADSL). Since the withdrawal of Title II,⁵ this concept no longer exists in the United States. So the situation is less problematic in France, even if the digital divide still clearly exists here. The France THD Plan is an attempt to bridge this divide. In some regions, depending on the work plan agreed with local authorities, it results in a somewhat “patchy” roll-out: first concentrated in urban centres, with a second phase covering outlying areas.

It seems to me that if people are unable to exercise their rights and freedoms *because it is too expensive to roll out in your area right now*, this constitutes an infringement of these rights and freedoms. You cannot participate in the public space if you are unable to access it. It is a right, full stop. We cannot have some citizens who have priority access to the democratic space and others who remain at the end of the line, simply because they live in the countryside.

Another consequence of a monopoly is the risk of collusion with power. From an economic point of view, a monopoly is very bad for the market as a whole (it suffocates it, it benefits only the dominant player, even consumers don't benefit from it, for the reasons mentioned above). This is why there are a number of regulations that aim to prevent monopolies. From a political point of view, however, a monopoly is very convenient. Let's not kid ourselves: having a market with only three or four dominant operators makes censorship much easier. Operators who

[5] Adam L., 2017, “Fin de la neutralité du net : un scénario improbable en Europe ?”, ZDNet, <https://www.zdnet.fr/actualites/fin-de-la-neutralite-du-net-un-scenario-improbable-en-europe-39861672.htm> (visited 19/01/2021).

are already dominant naturally tend to consolidate their domination; and this is convenient for state authorities, resulting in a strong risk of collusion.

Tunisia provides the most extreme example of this type of arrangement: under Ben Ali, the Internet was extensively monitored and censored. This was made easier by the fact there was only one ISP for the whole country. But the Internet is decentralised. News that can't be read in Tunisia can be read in France. It didn't take long for Tunisians to find a way around it, which reminds us that any effort at censorship and surveillance is like a game of cat and mouse. They never quite manage to win. Huge platforms like Facebook or Google have further complicated matters, because they have led to a recentralisation not only of the Web, but also, in certain cases, of the infrastructure as well. I wanted to shift the focus away from platforms, which are already widely discussed, and draw attention to these other equilibriums, trends and fundamental shifts. Posting your messages on Mastodon instead of Twitter is a first step out of the clutches of Big Tech. But if we don't have any choice in Internet provider, nor any guarantee that it will maintain this now essential infrastructure and remain independent from political influence, any democratic space that that we could create by abandoning the big platforms will remain vulnerable.

This is why it is so important that there are operators that are not private companies, but are associations or non-profit organisations, such as those of the FDN Federation. It is an important way to reclaim part of the infrastructure, by giving the organisation's members control over it. In addition, it is a democratic space, in the other sense of the word: a space for discussion, where decisions are made collectively and where we effectively and concretely take care of the *public space*. These organisations are all the more important in an increasingly concentrated market. They are also living proof that it is possible to care for telecoms as a commons, not simply as an object of trade.

The conclusion that I would like to draw from all this is that as long as we think of telecoms, and of the regulatory remedies that we apply to the telecoms market, in strictly economic terms, we'll find that there is something missing. Communication between people, being informed, discussing information – all this is too important to a healthy democracy to be dealt with from the sole perspective of economic regulation. All telecommunications operators – not only those who see themselves as such, (i.e., members of the FDN Federation) – play a *political role*. Every decision they make impacts how we connect to information, and how we choose to discuss it. Recent and not-so-recent developments around big platforms have shown that the decisions made by some economic players can have a serious impact on the health of our democracies. The same goes for Internet operators! They are in charge of the network that holds the “foam of the territory” together, to end on the words of Boullier. And this is not insignificant. We must think of them as political figures, with all the responsibilities such a role entails.

BIBLIOGRAPHY

- BÉNILDE, M., 2016. "Quand les tuyaux avalent les journaux", *Le Monde Diplomatique*. <https://www.monde-diplomatique.fr/56200>
- BOULLIER, D., 2015. L'écume numérique des territoires. In *Traces numériques et territoires*. Presses des Mines. doi :10.4000/books.pressesmines.1999
- FARGE, A., 1992. *Dire et mal dire l'opinion publique au XVIII^e siècle*. Éd. du Seuil. <http://www.sudoc.fr/00252760X>
- PRICE, D., 2013. "Quand le peuple américain refusait qu'on espionne Al Capone", *Le Monde Diplomatique*. <https://www.monde-diplomatique.fr/49562>
- TRÉGUER F., 2020. "Les deux visages de la censure", *Le Monde Diplomatique*. <https://www.monde-diplomatique.fr/61980>

Freedoms of Civic Organisations Under Threat

Findings, consequences and strategies

ANTONIO DELFINI, ADRIEN ROUX ET JULIEN TALPIN, L.A. Coalition

On 6 October 2020, the Observatoire des libertés associatives (Observatory of Civil Society Freedoms) published its first report, *A Repressed Citizenship*. The report, which was written by a coalition of civic organisations and researchers in social science, paints a bleak picture of the state of civic organisations' freedoms in contemporary France: civic organisations are now seeing their independence threatened and are facing obstacles that stand in the way of their work. This is a widespread phenomenon that is manifesting itself in a number of different ways and results in serious consequences. Something must be done to defend and promote the freedoms of civic organisations.

Four types of obstacles hindering civic organisations' freedoms: symbolic, material, legal and physical obstacles

There are four different types of violations when it comes civic organisations' freedoms. The first is symbolic attacks, i.e., attempts to bring them into disrepute: this includes all sorts of "ad hominem" attacks on activists' reputations, particularly on social media, as well slanderous attacks, used to discredit certain groups, especially minorities ("communitarians", "separatists", etc.). There are countless examples. For instance, after the animal protection organisation L214 posted a video shot in a local slaughterhouse, the mayor of Alès (Gard), accused the group of using "terrorist"



Illustration from the report "Faire face et riposter aux attaques contre les libertés associatives", organized by L.A. Coalition.

tactics. Similarly, the mayor of Cholet lashed out at the local president of Ligue des Droits de l'Homme (LDH) for his alleged "totalitarian" actions – filing a lawsuit against the curfew policy during lockdown. At a parliamentary hearing on 24 September 2020, the organisation Groupe d'information et de soutien des immigré-e-s (GISTI) was violently attacked by Essonne MP Robin Reda (LR), president of the National Assembly's fact-finding commission on racism. Reda challenged the right of undocumented immigrants to protest, and then accused GISTI of "encouraging illegal activities" and of contributing to the "rise of a dangerous form of anti-racism that threatens republican principles". In addition to damaging the reputation of well-respected organisations, these attacks also play

a role in deteriorating the quality of public debate. There is nothing wrong with questioning a group's methods and strategy, but these kinds of insults represent a serious attack on civic organisations' freedoms.

Then there are material or financial obstacles. These include deliberate subsidy cuts, or making it difficult for organisations to access sites or public spaces for meetings. This may seem trivial, but without material resources such as these, organisations can't carry out their activities, grow or even get involved in the public debate.¹ This is what happened to French organisation Genepi, which has had its funding cut and its licence to work in prisons revoked. In November 2018,² France's Minister of Justice Nicole Belloubet declared that "Genepi was forwarding arguments that were very hostile to the public policy we are implementing [...]. They no longer had an attitude of partnership around common ambitions, but rather an attitude of almost direct and permanent opposition. So I made the decision to withdraw its funding."

The third kind of obstacle is of a legal or regulatory nature. By legal obstacles, we mean the increasing number of lawsuits against groups or activists. Regulatory obstacles refer to practices such as denying certification, statutory agreements or

[1] In this respect, the issue doesn't just concern the amount of the subsidies, but also how they are allocated. See Prouteau, Lionel and Viviane Tchernonog. "Évolutions et transformations des financements publics des associations", *Revue française d'administration publique*, vol. 163, no. 3, 2017, pp. 531-542.

[2] "La Matinale" *France Inter*, 5/11/2018. <https://www.franceinter.fr/emissions/l-invite-de-8h20-le-grand-entretien/l-invite-de-8h20-le-grand-entretien-05-novembre-2018>

regulatory authorisations, all of which can have significant material and financial consequences for organisations. For example, after they broke into the Cattenom nuclear power plant in October 2017, two Greenpeace activists were sentenced to prison in 2018, a first in the organisation's history. A few days before the appeal hearing in 2019, thirty-one lawyers and legal experts published an op-ed in *Journal du Dimanche*, denouncing "a dangerous attempt to gag civil society, whose protection by the judiciary is essential to our democracy". The prosecutor's office did not, in the end, request a prison sentence for the activists, but French energy company EDF demanded €500,000 in damages, which amounts to an attempt at "gagging" – or what is known as a Strategic Lawsuit Against Public Participation (SLAPP). Greenpeace regrets being "the repeated target of nuclear industrialists and condemns the extravagant legal sanctions imposed upon it, which go as far as €500,000 in moral damages and €700,000 in material damage. EDF's legal strategy is to try and muzzle our organisation in order to stifle public protest against nuclear power."

The last type of obstacle comes from the police. It can involve physical attacks, but also more subtle forms of repression. One example is the surreal scene that took place on 17 June 2018 on the river banks of the Seine, in Paris, just next to the Arab World Institute. More than 300 people, including councillors from the City of Paris and the Palestinian ambassador, were waiting for the Gaza Freedom Flotilla – two boats that set sail from Sweden for Gaza. The welcoming committee was kettled by riot police forces, and the boats forcefully prevented from docking by police prefecture Zodiacs, which pushed them away from the quay under the stunned eyes of activists and officials. Neither the city hall nor the police prefecture has given any explanation for this incredible act of censorship.

Yet another example comes from the organisation Utopia 56, which provides assistance to migrants in Calais. During lockdown, between 19 March and 8 April 2020, the organisation's volunteers were fined at least eighteen times while they were on the streets providing support, equipment (tents, duvets, etc.) and food (meals, water) to migrants. The organisation has video footage of a conversation between a volunteer and a senior member of the riot police, who explicitly expressed his intention to "wear down" the group's activists by increasing fines and police checks.

Destabilisation and mistrust: the consequences of the attacks

It is difficult to make generalisations about the consequences of these restrictions, as both the organisations and the attacks can be of a very different nature, as outlined above. Each form of restriction has, nevertheless, specific consequences over the short and the long term.

In the short and medium term, financial and material obstacles undermine organisations' financial stability and their economic model, sometimes forcing them to consider staff cuts, greatly hindering their capacity to operate. Organisations are

put in a position where they have to find (often urgently) new donors and backers in order to balance the books. Because of the increasingly widespread co-funding requirements (and the increasing number of “call for proposals” funding procedures), one subsidy cut can easily lead to others.

Two examples from the working-class neighbourhoods of Roubaix and Amiens may be mentioned here. In Roubaix, two civic organisations – Université populaire et citoyenne de Roubaix (UPC) and Association nouveau regard sur la jeunesse (ANRJ) – had provided assistance to local residents protesting against an urban renewal project pushed by the city council. They had their subsidies cut and were accused of “manipulating the residents” for political purposes. UPC had to let go of two of its employees. ANRJ lost all its public funding, was evicted from the municipal premises it was using and also had to make several of its employees redundant. Since then, mobilisation among the residents has declined, and both organisations have had to dramatically cut back their activities. Despite the official discourse in support of participatory democracy, by reducing resources for collective action, institutional sanctions such as these disempower citizens. In Amiens, Centre social d'Étouvie and the popular education organisation La Boite sans projet helped residents take action in order to prevent the closure of the only supermarket in their neighbourhood. After many public meetings, petitions and demonstrations, they managed to have a new supermarket opened to replace the closed one. Following their involvement, Centre social d'Étouvie was excluded from the main participatory democracy platforms in the neighbourhood as well as from the municipality's calls for proposals. Their subsequent requests for city council funding have all been turned down.

The consequences of reputation damage are perhaps the hardest to pinpoint, because they entail subtle changes in the relations between organisations and the way in which they are perceived. Clearing your own name and reputation can be an uphill battle in the short term, especially for small organisations with few resources. Assemblée citoyenne des originaires de Turquie (ACORT) was accused of “communitarianism” by a councillor of Paris's 17th arrondissement in January 2019, who then wrote to the prefect asking him to cut the organisation's subsidies. Right-wing news magazine *Valeurs actuelles* also gave its two cents' worth: “This organisation receives an annual subsidy of €5,000 from the city of Paris even though its outrageous public discourse poses a threat to national cohesion.” And *Le Figaro* added: “Can public funds be used to subsidise organisations that encourage a hateful attitude towards France and its police forces?” ACORT tried to defend itself, stating that it stood “against all forms of racism, including Islamophobia”, but the playing field wasn't level and the damage was done. How can an organisation's press release, lost on its website, have any hope of winning out against the public statements of an elected official, taken up by the press and plastered all over social media? Moreover, damaged reputations can make it more difficult for some groups to form alliances or coalitions, as they are

seen as people that one shouldn't associate with. One way of dealing with these attacks is to build a united front, but once an organisation or activist has suffered damage to their reputation, a "cordon sanitaire" is thrown around them, isolating them and generally resulting in a loss of motivation. In the medium and long term, symbolic attacks are often a precursor to other attacks, whether these be legal, financial or through the police.

Regarding the consequences of legal attacks, in the short term, time and financial resources are required, i.e., money to pay a lawyer. Legal attacks almost always involve heavy financial costs. Organisations are often denied access to legal assistance because the criteria can be unclear. In the medium and long term, targeted associations need to be able to see out the legal battle and stay on the case for several months or even years. In the event of a conviction, the consequences are fines or prison sentences.

In the short and medium term, the consequences of physical violation and police violence are moral and physical trauma, requiring a recovery period. In the longer term, if a complaint is filed, following up on the IGP's (French police disciplinary body) investigations and procedures can often be long and costly. Several organisations and collectives addressing police brutality (Adama Committee, Stop contrôle au faciès, etc.) are often hindered in their efforts to provide victims with support. Police restrictions are also a major deterrent to collective action, as many citizens may be reluctant to get involved in view of the risks.

Diversion, exhaustion and self-censorship

In addition to these direct effects, all organisations that have had their freedoms curtailed are, to varying degrees, facing two further consequences: a diversion from their core mission and self-censorship due to the threat of sanctions.

Being attacked requires organisations to make a significant investment both in terms of time and human and financial resources. However, organisations' don't have infinite resources at their fingertips. If these resources are used for nothing more than keeping the organisation afloat or continuing its basic survival, it means they're not being put towards the organisation's main goals. Ultimately, attacking an organisation is a way of diverting it from its core mission, slowing it down, forcing it to cease or reduce its activities. The energy required to fight back sidetracks the organisation from its objectives. Aside from the fact this is energy that could be used elsewhere, such attacks also "wear activists down". Activists come out of these battles exhausted. In the words of a member of a tenants' association in Montpellier facing numerous restrictions: "The institutions tire you out. The urgency of the situation kills you... [...] Public authorities play with that. Except that they have the time, and we don't. They have the money and we don't. [...] They try to kill us by wearing us down. It's a way of tiring us

out.”³ It can be a very deliberate strategy, as it was in the case of Utopia 56, when volunteers were targeted with fines and arrests.

Then there is the reflex to self-censor in view of the threats, altering one’s behaviour out of fear of potential sanctions. During the interviews held for the purpose of this report, people repeatedly mentioned this “Sword of Damocles” that hangs over them: the risk of sanction and subsidy cuts, potentially losing access to public spaces, falling into disrepute, or losing one’s certification. The president of an anti-discrimination organisation (who wishes to remain anonymous) told us of his hesitation to sign a call for action for an anti-racist rally in 2019: “I told myself, if we sign, we’ll be an open target. It’s happened before. We lost funding when I went to a rally [a few years earlier, in a pro-Palestinian demonstration], the funding was cut the following year. So it’s a bit tricky. You wonder ‘is it strategically interesting or not [to sign this call for action]?’ ” In the end, the organisation chose not to sign it.

This example may seem anecdotal: it may seem of little importance whether or not an organisation signs a call for action. It is, however, indicative of entrenched mechanisms that steer organisations towards specialisation and depoliticisation. Specialisation encourages keeping politics at arm’s length, because taking any kind of strong stance would involve jeopardising subsidies. It changes ordinary interactions within an organisation. The choice of whether or not to sign a call for action reflects a whole world behind it: the many ordinary discussions that won’t happen, the political debates that won’t arise and, generally speaking, a distancing of citizens from the world of politics.⁴ Threats to organisations’ freedoms discourages them from playing their role as critical observers of society and democratic watchdogs. In order not to offend an elected official or a public funder, many organisations, social centres and participatory initiatives choose to concentrate on their least subversive activities, the least “political” in the noblest sense of the term, and to devote themselves to “harmless” socio-cultural initiatives.⁵ As a result, a culture of depoliticisation is gradually taking hold of organisations, with civic protest being set aside.

How to fight back: publicising, responding, joining forces

There are two main ways that organisations can react and respond to these attacks.⁶ Firstly, they can publicise the attacks, openly denounce them and hold the institutions behind them accountable. The organisation Danger Montpertuis, which was set up to fight a wood ethanol refinery project near Vichy (Allier), is a good example. In September 2018, the Vichy Intercommunal Council lodged

[3] “Ce que militer dans un quartier populaire veut dire”, *Quartiers XXI*, 24 November 2015.

[4] See T. Chevallier, *Résister à la politique. Participation associative et rapport au politique dans les quartiers populaires en France et en Allemagne*, PhD Thesis in Political Science, Université de Lille, 2020.

[5] See Catherine Neveu’s study on a social centre in the Tours area, “Un projet d’émancipation à l’épreuve de sa mise en pratiques”, *Revue du MAUSS*, 2016.

[6] For further information, see the booklet “Faire face et riposter aux attaques contre les libertés associatives”, L.A. Coalition, June 2020. <https://www.lacoalition.fr/Associations-attaques-un-guide-et-des-temoignages-pour-faire-face-et-riposter>

three complaints against the organisation for defamation, dissemination of fake news and fly-posting. All three were dismissed, but the organisation was sidetracked from its work and forced to take defensive action. The organisation reacted by widely publicising the affair and posting several videos online about the issue.⁷ Indeed, one thing that makes these legal attacks easier is that the attackers remain under the radar; they don't attract the attention of the media, or appear harmless enough. But when you put the pieces of the puzzle together, it becomes clear that they represent a threat to democracy. The first response should, therefore, be to publicise the attacks: as soon as they're out in the open, they automatically become less effective, and it can become difficult or costly for public authorities to insist on a course of action that appears undemocratic. This is what the report published by the Observatory of Civil Society Freedoms illustrates: documenting restrictions and attacks is one way of fighting them. Publicising them, in whichever way possible, constitutes a first step towards rejecting these attacks and inciting scandal. Another way to publicise repression is for organisations and their supporters to organise public protest events. Case de santé, for example, a Toulouse-based community health centre, organised several demonstrations and rallies outside the offices of public authorities after its subsidies were cut.

A second form of response consists in joining forces with other organisations in order to give greater weight to your cause while also making it more costly for institutions to attack you. When Genepi was targeted by the prison administration, it managed to rally around to get the support of other organisations which they knew might be next in line. The Observatoire international des prisons, Syndicat des avocats de France (Lawyers' Union), Syndicat de la Magistrature (Judges' Union) and Henri Leclerc, a leading lawyer and honorary president of Ligue des Droits de l'Homme sent a joint press release, entitled, "The government is trying to muzzle Genepi: who'll be next?" to the Ministry of Justice and the press. A group of about sixty organisations also challenged French Justice Minister Nicole Belloubet with an open letter published by *Mediapart* on 12 November 2018. Similarly, after a lawsuit was filed against Tous migrants de Briançon, the organisation put out a call for support, and several national organisations such as Ligue des Droits de l'Homme, Amnesty International, Anafé and GISTI came to its aid. The local media also covered the story. Joining forces is the only way to change the rules of the democratic game and shift the balance of power between organisations and public authorities over the long term, so as to build a more protective environment that shields organisations from arbitrary powers. This is exactly what the [Coalition pour les libertés associatives](#) (Coalition for the Freedoms of Civic Organisations) strives to achieve – the organisation behind the Observatory of Civil Society Freedoms, which has been developing retaliation strategies against repression since 2019.

[7] See the YouTube channel "Vichy News": <https://www.youtube.com/channel/UCNCF7oWl3rOYRJo-Ptf-9Q/videos>

There is much talk about the rise of individualism and the population's supposed lack of interest in public affairs. When, in such a context, organisations are choosing to retreat from the political sphere due to attacks, it's clear that democracy is under threat. Faced with a shrinking democratic space, it is up to organisations to come up with strategies to defend themselves.

Coalition pour les libertés associatives (Coalition for the Freedoms of Organisations) was formed in early 2019 and brings together some twenty associations active in various areas. It aims to document and publicise the various forms of pressure that French civil society is being subjected to. It has launched an Observatory alongside researchers from the Alinsky Institute. L.A. Coalition, coordinated by VoxPublic, also provides assistance to organisations through handbooks and joint events (except during lockdown) as a way to draw on the experience of its members and promote effective solutions.

FOR MORE INFORMATION, SEE THE WEBSITE www.lacoalition.fr

- “Faire face et riposter aux attaques contre les libertés associatives”, methodological guide and testimonials (June 2020)
- “Une citoyenneté réprimée : 100 cas de restriction des libertés associatives, 12 pistes pour les protéger”, first report by the Observatory of Civil Society Freedoms (October 2020)

If you wish to report a restriction or an attack on your organisation, see: <https://www.lacoalition.fr/Signaler-une-entrave>

HOW CAN WE KEEP UP
THE FIGHT IN AN ADVERSE
BALANCE OF FORCES?

Digital and Legal Self-Defence Against Repression

CAROLINE WEILL, *ritimo*

In December 2020, French lawmakers discussed the details of France's Global Security and "Separatism" bill (officially named the "Confirming Republican Principles" bill), reflecting a growing feeling of repression in France. Demonstrations and protests are now always fraught with tension, and attacks on organised gatherings are on the rise. The pressure has been mounting for several years, but 2020 and the global pandemic seem to have fast-tracked this repressive shift. The overwhelming question right now is: How can we fight for another kind of society when the spaces to do so and our very freedoms are under threat? As the coordinator of this issue of *Passerelle*, I discussed *digital and legal self-defence* with activists tackling issues of repression and suppression. These individuals and organisations have been working on digital technologies and their political dimension for a long time. They have also been campaigning against a centralised Internet dominated by Big Tech's platforms, promoting democratic online spaces and encouraging people to reappropriate technology. They talked to me about their work, offered an analysis of the current situation and shared their angle on self-defence. The following text is a summary of those discussions. I hope it will be informative and useful for anyone working to build a fairer world and taking risks to defend our freedoms.

The main idea behind self-defence – whether it be digital, legal, intellectual or physical – is that those being “attacked” understand what is happening to them and do whatever is necessary to protect and defend themselves. This applies to many different contexts – whether it be dealing with an abusive relationship or with being arrested at a protest. The main goal is to strengthen political strategies that aim to improve society so that we may evolve towards fairer, more egalitarian societies and move away from oppression and violence. Yet certain obstacles stand in the way of these political goals: the repressive measures

of the state and the police are what come to mind, as well as legislation that aims to crush dissent. Corporations, however, are also complicit: certain big “businesses” specialised in surveillance also play a part. Sometimes it’s even an odd combination, such as the case of a former secret service agent spying on a journalist for LVMH!¹ The dominant classes and the authorities use surveillance, control and repression as a way to maintain inequalitarian relations, and right now, it feels like a slippery slope down the track of authoritarianism. The question underpinning all this is, how can we keep surveillance and repressive structures in check so that we can continue to work towards building a better and fairer world.

We all know what physical self-defence is: if someone attacks us, we try to protect ourselves as best we can and come out as unscathed as possible. Intellectual self-defence is also a fairly well-understood concept and requires understanding one’s opponent’s tactics, and the spin and jargon that twist how we think, thus enabling us to understand what is happening and react accordingly. Digital and legal self-



© ILLUSTRATED LONDON NEWS LTD/MARY EVANS

Self-defense demo by a suffragette. Photo from 1910

defence is similar in that it’s about having a comprehensive understanding of the forces at work, so that we are able to take a step back and adjust our strategies according to the situation we are confronted with. We often see situations where people have suffered unnecessarily or been given punishments that could have been avoided with a better understanding of the practices involved. For instance, there have been cases where protestors were given a prison sentence because other people innocently took photos (without any malicious intent) at a protest and then posted the photos online, which served as evidence in court. Similarly, information circulating about asylum-seekers can be used as grounds to refuse asylum or complicate the age assessment process. The consequences of actions that

[1] Fabrice Arfi and Pascale Pascariello, “Le Squalo, opérations secrètes. Enquête. Episode 1. Fakir et Ruffin : opération infiltration”, *Médiapart*, 12 July 2020.

haven't been thought through and which quickly slip out of one's control can be very serious, especially for the main targets of repressive measures (due to a country's policies and politics). The main job of self-defence activists, then, is to inform as many people as possible of the relevant issues, enabling them to assess the risks at hand – and avoid walking blindly into traps that put power into the hands of the police and other repressive forces, as well as avoiding any unnecessary danger.

Keeping people informed and aware is an important part of this and should be tied into the idea of popular education: believing that everyone has the ability to grasp the issues at stake and is able to use and share this knowledge – even if it's just a piece of the puzzle. You don't have to be a legal expert or an IT whizz to understand how surveillance and repression systems work and the risks involved. But all within reason – even if you are motivated, it can be difficult to navigate a complex system such as the legal/penal system or the tech world (computing) when you don't have the necessary training. It's important to be able to consult specialists who are able to explain how these systems work in plain terms. Before any kind of direct action (sit-ins, blockades, etc.), there is often a “legal team” who can give advice (and potentially liaise with lawyers) on how to manage potential repression, and support activists before, during and after the event. The aim is that activists become able to gauge and understand the context on their own. They should also be able to have an understanding of the players involved, the relations between these players and the actions that might ensue: a mayor is quite different from a prefect or the anti-crime squad police, which is again quite different from a judicial police officer. Understanding the context one is navigating allows one to assess the risks and know what to do if anything goes wrong. It's important to familiarise oneself with the traps out there – such as intimidation tactics, which are used when people are held in custody and are a way to get people to confess, or trick them into giving responses that may then be used to frame them as liars or similar. Holding people in custody is a way to incriminate people who may have done nothing wrong or done nothing that would justify a prison sentence: knowing your rights and withholding information that may be used against you is an effective weapon when dealing with pressure tactics. Lastly, legal self-defence can also be about uniting around an incriminated person, supporting them and providing a solid defence case in court for them and for the collective.

Similarly, when it comes to digital technology, it's critical that we understand the ways in which devices and tools can be used against us. The digital world and globalised social networks work both for and against us. Many of our actions and thoughts now take place on online platforms. This has enabled us to take action on an unprecedented scale. When you see protests happening in multiple cities around France at the same time and the extent to which they have gained traction, digital activism seems to be a force for good. But it is also a surveillance tool, where those waiting to clamp down on activists can hunt down the evidence they're looking for. It's a form of passive surveillance where everything that hap-

pens on the Internet leaves a footprint (and potentially a permanent one): our data is stored on spaces that we have no control over, such as Big Tech's servers and other people's computers and devices, which anyone can access, including those who want to silence us. This data, which may be harmless or of potential significance, is gathered and may eventually be used as evidence in court. It's important to understand that information stored about us over a long period of time can be harmless one day and incriminating the next. We are undeniably living in a context where the politics of a situation can rapidly evolve and change. We may suddenly find ourselves in a compromising position vis-a-vis the state, without altering our behaviour or changing our political stance. In recent months, we have seen a host of new regulations come into force which make it possible to store data on people's political and religious views – this includes data on individuals, initiatives, collectives and organisations. Privacy protection rules are becoming looser and looser, and it is becoming increasingly urgent that people are alert to the changing situation and understand that surveillance and monitoring is a complex issue that is now part of our everyday reality.²

It's pivotal that we share our knowledge of the digital sphere and how these networks operate, and adopt an outlook that is neither naïve (under-estimating the potential dangers out there) nor excessive or paranoid (as this only has a paralysing effect that prevents one from taking action). We need to have a grounded understanding of how the digital world works and how our digital footprint may impact us and, more importantly, how it may impact others in the future. Although the current discussions around "personal data" suggest it's an individual issue, our actions online are fundamentally also a collective issue. Because everything we do online is potentially monitored, our actions can have repercussions on those with whom we interact. Online monitoring and surveillance systems are designed to store data which serve to create social graphs and map our interactions: in this respect, anyone can be the weak link in the chain and compromise the safety of the entire group. Data collection is inherently collective, and if ever the authorities decide they need this information, individual data gathered and stored can jeopardise others. It should also be highlighted that whether the content reflects political/activist activity or whether it's personal and may appear innocuous is irrelevant. The sheer volume of data being collected is almost as important as the content of the data itself. Moreover, it's not always the content that is of interest. Sometimes the metadata (or connection data) is enough. Just a phone call (connection data between two devices) provides enough data to show that two people are in contact; there's no need to know anything about the conversation (content data). The frequency of calls gives an indication of the nature of their relationship. And the time the calls were made also gives clues as to the kind of relationship it is (during office hours, after work, or before a

[2] See, for example, the mapping published by the journal Z "Fichage la French Connexion" for a dizzying glance of the amount of information being stored and potentially shared: http://www.zite.fr/wp-content/uploads/2018/10/Z11_AFF_Carto_Web.pdf (in French).

protest). Much can be learned about two people without knowing anything about the content of their conversations.

It is, therefore, not just about being tech savvy. Having an understanding of the different forms of surveillance enables us to take “digital distancing measures” which ensure a minimum amount of security. Everyone can play a role in keeping themselves safe if they have a good grasp of the environment. It’s clear that there is no 100% foolproof strategy: digital security always involves a trade-off – weighing up the risks involved and the effectiveness of the actions undertaken. It’s about understanding the issues, accepting the risks involved and getting effective results while at the same time limiting the potential for unnecessary or avoidable repercussions.

Many people are now forced to use digital tools whether they want to or not, but don’t always have a concrete understanding of how they work, nor of the ways in which the digital sphere articulates with other social dynamics, including legal repression. The legal system stands in the way of social change and is used by those in power to crush opposition and dissent. In addition, digital technology greatly increases the potential for surveillance, which ultimately serves to provide evidence in legal proceedings. This is why it’s so important to think of digital and legal self-defence as one – as a sort of continuum: those that seek to crack down on social movements are either one and the same, or they work hand in hand (i.e., collaboration between telecommunications companies and governments with the purpose of clamping down on social movements around the world). For example, criminal investigations almost always involve some form of cellphone tracking. It enables identifying a person’s location, which cellphone towers they were connected to, the individuals they talked to, all of which give a huge amount of control to those who have access to this information. Again, digital technology and the law can work both for and against us: we can use these to our advantage and achieve great things, but they can also be used by the enemy to thwart political and social change.

People often view digital self-defence as a complex and inaccessible issue. And it’s true that it’s often presented through a tech-centric lens that is completely removed from the concrete reality and experiences of activists. IT specialists tend to go into the technical details that are inaccessible to anyone outside the IT world. Digital self-defence is also often presented as a general surveillance-protection toolbox cut off from any context. Yet it might be better to approach digital self-defence from a different angle: identify those that stand against us, the harm they can do, the risks of the planned activities and actions, and use this information to identify the relevant tools and practices. In a way, it’s about refocusing on what we want to achieve, and letting this determine the tools we need. Moving out of a tech-centric mindset also avoids putting too much responsibility on people’s shoulders and blaming them for “bad practices”. But above all, it’s important to understand that when it comes to digital and legal self-defence strategies, there are no hard

and fast rules or set-in-stone advice; it's all about context. It has to be seen as a process, not a product. There is no "one-size-fits-all" approach. It's important to talk with those working on repression issues, encourage people to make their own decisions, drawing on concrete knowledge of the social and political circles they move in and which are constantly evolving. The idea here is to empower people to make their own informed strategic choices, not to offer prescribed solutions that could potentially put them in compromising situations, which someone from the outside may not have been able to foresee.

Yet it's also true that we need the support of specialists; we need all kinds of expertise. The actions of activists and organisations need to be bolstered on all sides in order to minimise risks: having a grasp of the legal aspects, managing one's digital footprint, understanding the dangers of an identity check at protests where powerful surveillance tools are being used, understanding the risks involved when using digital devices, etc. There's power in numbers – and we need a great many individuals and groups to improve our living conditions and our societies: the more repressive our societies become, the more people we need to provide support and ensure safety. Now, more than ever, it's critical that we identify our allies and know and recognise one another. We need to be able to identify who is skilled in what, so that we can point those requiring help in the right direction. Networking is key. In the legal realm, for instance, the Réseau d'Autodéfense Juridique (Legal Self-Defence Network) has focussed on skills-sharing and providing support for social action and movements, with good results. Digital activists are increasingly eager to develop initiatives like this one, which encourage knowledge-sharing, education and support, while also raising people's awareness of the digital world as a double-edged sword – one that can work towards bringing about social change but also one that can be an instrument of repression. Everywhere, there are people holding digital self-defence workshops, offering training, coming up with new tools. Tech-savvy geeks who are not especially politicised need to join forces with activists who are knowledgeable about legal repercussions but not always up to speed on digital issues. It's important that these people support and complement each other, without wasting time trying to reinvent the wheel.

These networks providing mutual aid, solidarity and support are being built up little by little, yet always in connection to concrete actions and concrete needs out there. The growing forces of repression around the world have upped our need for a strong self-defence front. There is much that we can do to ensure we have the processes and tools to keep the fight for change alive and well.

Open letter from *First Line (Primera Línea)*

LA PESTE, CHILEAN COLLECTIVE

This text is an extract from an open letter written by militants of *La Primera Línea*, the “first line” of the powerful social movements that broke out in Chile in late 2019. They relate their experiences during the uprisings in Chile and discuss the current challenges faced by movements for social change..

[...]

The first night of citywide rioting [18 October 2019] was followed by a week of peaceful protests that shared the streets with flaming barricades, looted stores and bands of masked youth throwing rocks and Molotov cocktails at the police. In response to widespread unrest, the government declared a state of emergency and called in the military to patrol the streets. The military promptly implemented a curfew and suspended the right to assembly for 90 days.

This was the first time that the military had been called into the streets since the last dictatorship. And the largest protests in Chilean history took place in response. Chile is considered a democratic country, but ironically, its largest protests were held during a time when protests were deemed illegal. While many organizations called for demonstrations, these protests erupted spontaneously; as people heard crowds gathering, they stepped out of their homes to join them. Initially, peaceful protests were organized throughout the city: people would bring signs, bang pots and pans, and chant in the streets. However, these protests were inevitably dispersed by the police with water cannons and tear gas. Videos of police brutality and human rights violations started to make the rounds on social media: police beating people in the streets and accounts of police officers and military personnel torturing and sexually assaulting detained protesters. Human rights groups conducted daily rallies against human rights violations and the United Nations sent a committee to investigate reports of police brutality and torture.

Ultimately, official complaints and investigations into human rights violations have dragged on for years. The only meaningful response to these human rights violations was to maintain a state of conflict with the police. The only protests that could last more than 30 minutes were the ones using barricades and relying on people willing to prevent the police from crushing the crowds, while guaranteeing

everyone's right to free assembly and free speech. Baquedano metro station, right below Plaza de la Dignidad (Dignity Square), was where the police deployed crowd control measures and tortured protesters. The precinct police station was rendered inoperational after protesters barricaded the entrance with stones and rubble. This wave of the protest came to be known as *la primera línea*, "the first line", composed of rock-



An *encapuchadx*, hooded Chilean protester, in front of a barricade in the street of Santiago de Chile, during the revolts of October 2019.

© FELIPE BARRIENTOS

throwing and shield-bearing youth; followed by the second line of protesters pointing lasers; then a third line of protesters with spray bottles and water jugs to treat and neutralize tear gas; and finally, a fourth line of street medics who would carry away injured protesters and provide first aid.

These team-based roles enabled the rise of a varied protest culture in the course of the following months—from dancing Pikachus and street performances, to new chants and marching bands—all gathering every Friday in Plaza de la Dignidad. Those who had never fathomed confronting the police could join the first line if they wanted and try to hit a cop with a rock, or get practice in extinguishing tear gas. Years ago, it was unimaginable that the so-called *encapuchados*—once thought of as being either undercover police officers or reckless delinquent youth—could ever become the heroes of a social movement. Yet after 18 October, countless organizations hosted fundraisers for the legal and medical fees of folks on the first line. Most surprisingly, a group from the first line was invited to speak on police brutality at a Latin American human rights conference. Those who came to the square to sell empanadas, water, or beer would frequently end up by giving out free food and drinks to people geared up to step up to the first line.

In the beginning, we were scared and most concerned about the widespread looting and arson that set metro stations and office buildings ablaze. Rumors proliferated that the police was behind these incidents, attempting to make the protesters look bad in order to justify a military takeover of the country; or that it was criminalized gangs taking advantage of the protests to rob ATMs, pharmacies, and grocery stores. Although months have passed, we still don't know who was responsible for the different incidents. But this attempt to suppress the protests by sowing fear of a military takeover or organized criminal activity did not scare people off the streets—nor did the heavy-handed military response to destruction of property have the intended effect. On the contrary, the military's repression of peaceful protests only inspired more acts of self-defense, as protesters erected barricades

to block military vehicles and used stones and bricks to keep them at a distance. As more stores were looted—not for commercial goods but for material to build barricades—anyone who attended a protest in good faith would agree that the most forms of destruction of property could not be qualified as ‘rampant delinquency’.

At this uncertain and frightening time, many hoped that the unrest in Chile would reach a swift conclusion: that the president would resign, a constitutional assembly would form, and that together we could create a “new normal” where we could live with dignity. However, there is no such new normal in these times: [...] the crisis persists—squashed between emergencies and flashes of normality— but only under times of emergency are people no longer afraid to act out on their shared indignation and decide how they actually want to live.

*This article is an extract of the text published on [LaPeste.org](https://lapeste.org)
<https://lapeste.org/2020/06/de-chile-a-minneapolis-una-carta-abierta-solidaridad-global-con-la-rebelion-contra-la-policia-y-el-racismo/>*

Reinventing our Militant Communities: Political Identity and Forms of Action

JULIETTE ROUSSEAU

On 12 August 2017 in Charlottesville, Heather Meyer, a counter-protester at the “Unite the Right” far-right rally, was killed when a sports car driven by white supremacists rammed into the crowd. Donald Trump solemnly condemned the violence, blaming “both sides”. Then, bowing his head in apparent distress, he once again mentioned “both sides”. One person was killed and nineteen others were injured – all counter-protesters – yet Trump, as usual, blurred the lines with his statement suggesting that both sides were equally to blame for the “violence”.

Putting the black mark of “violence” on left-wing protesters is a well-known tactic. In France, it’s common to see the government, councillors, the police and mainstream media outlets draw attention to the violence of protesters as a way to eclipse the serious and sometimes lethal violence of the police. The most obvious result is to undermine the actions of protesters while condoning the actions of the police. But it also results, in a less obvious manner, in disrupting the actions of social movements themselves, pushing them, in one way or another, to focus on the “safest” forms of action and ensure everyone is kept in line. “Behaving” is seen as the only way to gain respect from those high up in political or media circles – and thus to have one’s voice heard. Undoubtedly, this is also seen as being part of the democratic game; one must adhere to its codes and rules in order to have some kind of influence.

The history of social and political movements has illustrated, however, that the actions that get results are rarely viewed as “respectable” – at least, not until they’re successful. Shifting the balance of power comes at a cost, and it’s not cheap. The history of movements that have had successful outcomes is passed down and filtered

through the dominant narrative, which always retains only the most inoffensive aspects of our struggles – to the extent that the state or legislators are even given credit for bringing about social change. Who is aware that before abortions were legalised in France with the so-called “Veil law”, the MLAC¹ and other pro-choice groups were organising illegal abortions all over France? The growing number of women choosing to abort, some of whom ended up in court, was a pivotal factor in pushing the state to eventually establish legislation around abortion, which was slipping out of its control.² Yet when this era is talked about nowadays, the focus is on Simone Veil, not the pro-choice feminist activists who battled for years and had to break the law, who were taken to court and disparaged not only by the media and mainstream public opinion, but also by a significant number of activists at the time.

Despite these stories that illustrate the lengths required to achieve social change, we are still being asked to “behave”, to fit our strategies into the binary categories of non-violence/violence, legal/illegal: endless debates on acceptable forms of action, almost systematically initiated by the government or its media outlets, are hampering our collective ability to take action. And in the streets, there is growing distrust between the groups promoting different forms of social action, which in recent years seems more pronounced than ever. The most immediate effect of this is that any hope of collectively building unity and deciding together on our chosen forms of action is dwindling.

Strategy over uniformity

“In the government’s paradigm, being an activist means always being angry about what’s happening, because it shouldn’t be happening; always lashing out at others because they don’t know what they should know; being frustrated because what we have isn’t good enough, always being anxious because reality is constantly going in the wrong direction, and has to be controlled, redirected and set right. And this means that we’re never able to assess a situation, never able to let ourselves go, never able to trust the forces of the world.” (Amador Fernández-Savater)

It’s an illusion to call for a mass movement while also prescribing that it fits tidily into a category or under a slogan without elaborating it collectively or without a shared culture. And yet it is precisely this illusion that certain political organisations are still adhering to by prescribing “acceptable” approaches and forms of action. The same may be said about more aggressive strategies and forms of action: there are parallels between “black bloc” (or similar) tactics which include targeted violence,

[1] Mouvement pour la liberté de l’avortement et de la contraception – Movement for Abortion and Contraception Freedom

[2] Béatrice Kammerer, [“La méthode Karman, une histoire oubliée de l’avortement illégal en France”](#), *Slate*, 31 May 2017.

often resulting in (or deliberately provoking) a confrontation with the police, and “non-violent” or legalistic tactics (with their “leaders”, their activists in charge of security, and rules that dictate what they can and can’t do), in that both seek to prescribe the strategies and the form the protest has to take. When there is no collective development beforehand or any exploration of a potential interaction between different ways of doing things, both these tactics, as different as they may be, leave little room for a political camp that is capable of dialogue when the context requires it. Unfortunately, there are a number of voices from both sides maintaining that we don’t need such an expansive political camp, or even suggesting that those whose actions are deemed problematic should be excluded – as if we could afford this and as if this might constitute a desirable political outcome. Again, there is a convergence between the more “radical” and the more “sober” camps, because behind the supposedly unitary slogans (which are actually restrictive) lies the same radicalisation of the logic of affinity groups: we tend to only support and join forces with those who fully adhere to our codes, practices and ideas, and turn away from any possibility of interaction – which ultimately makes us weaker.

Perhaps one reason we are unable to form a united front or generate debate outside of our usual circles is because we are unable to identify who our real enemies are. In the context of an increasingly blunt shift towards authoritarianism and repression, this is only making us more vulnerable. It’s as if we were failing to understand how state repression works – how it attacks the “fringes” first, i.e., the activists that are seen as being the most radical and/or isolated. Isolating these activists is what enables the repressive machinery to succeed, because it’s clear that the failure of other social activists to stand behind those targeted by repressive measures only makes them more defenceless. Moreover, the ultimate goal of repressive measures is not so much to quash these first targets as to open up new possibilities in doing so. Once the first repressive attack has been successfully carried out and accepted hands down, it can then be extended to other activist currents. A case in point is the recent history of police brutality: it is because social activism as a whole failed to recognise what the police had been doing in working-class neighbourhoods for decades, and the systemic racism going on, as well as failing to support local collectives tackling police brutality, that these repressive practices became tacitly condoned, and were allowed to spread to all forms of protest and demonstration. Moreover, each new repressive tactic is a testing ground not only for the police and intelligence service but also for the political and legal machinery.

The strategies of our current government lock us into to an endless chain reaction. The blows come one after another, and we do our best to deal with them one at a time, but with each blow we get weaker. Even though repression triggers mass protests, each time we go out there, we face a stronger wave of repressive measures, of people wounded, imprisoned, their details kept on file. And the legal arsenal is also becoming increasingly aggressive. Consequently, our ability to develop a long-term strategy is being systematically relegated to a hypothetical future. Most



JEANNE MENJOULET (CC BY 2.0)

During the 8 March 2020 feminist protest, in Paris, a kurdish protester's sign says: "Your pacifism is a privileged".

of us are unable to have a collective vision about what is happening to us, and the ways in which we might defend ourselves from our various different stances. We still lack the knowledge that would enable us to move forward, to acknowledge our diverging opinions and disagreements without letting them have a paralysing effect on our actions. In the book *Joyful Militancy, Building Thriving Resistance in Toxic Times*, authors carla bergman and Nick Montgomery talk about the "endless refinement of a militant ideology that provides certainty to its adherents, continually reinforced by the perceived failures of those who do things differently".

What is it that leads so many radical left-wing activists to invest more time and energy into arguing with other activists than into fighting those that are attacking our freedoms, that are trying to make us ever poorer, that are giving orders to harm, kill or incarcerate us? Why is it that lamenting this situation is dismissed as naïve, utopian or off-track? Yet this is exactly what we need right now: we need to build a robust and shared camp within and between our communities, collectives and organisations. How can we create relationships of trust and support beyond our immediate affinity groups or organisations while respecting and celebrating divergent opinions? How can we see beyond the reductive lens of a rigid political identity? How can we make way for transformation? And how can we build a critical mass?

Nurturance culture – a feminist approach to political action

"Language both embodies and shapes our cultural thought-forms," writes Starhawk. The violence/non-violence binary is a deceptive and dangerous myth. Rather

than generating constructive conflicts, it fuels divisions that paralyse us, simplify us and rigidify the way we think and the way we act. By claiming to purify us, to validate our point of view and what we see as the truth, binaries such as these only reinforce our own convictions while disempowering us. But it is only in an activist context defined by the varying forms of structural domination that this binary can exist and fuel division. In other words, behind the endless, repetitive debates on the different forms of action, which are always presented in the same terms, is a dominant masculine vision that puts more importance on ideology, courage and strength than on creation, resilience and interaction. The sole issue, in this vision, is whether to use or not to use strength – and whether we are able to make everyone use the same form of action every time we take to the streets.

“The Great Man receives the truth and gives it to a chosen few [...] Knowledge is given to a Great Man and passed by him to a select group [...] This story legitimizes the authority of the select few who have received the one truth. It supports the illusion that truth is found outside, not within, and denies the authority of experience, the truth of the senses and the body, the truth that belongs to everyone and is different for everyone,” writes Starhawk. Our political camp still believes in a magic formula; in the words of a Great Man. There is this idea that there is only ONE analysis, ONE form of action, ONE theory, and that once a certain number of people have signed up, this will magically result in the social change we’ve all been waiting so long for. Yet such an approach completely disregards the long-term, emotional, nurturing work required to build resilient political communities. It overlooks the importance of the process of moving forward through questioning, commitment, attachment and ties. Disagreements, conflict or differences are not things that need to be overcome, or reasons to exclude people, but rather reasons to include them. The white male patriarchy, built through centuries of violent domination, pervades the way we think and dictates our behaviour – including our political and activist mindset and behaviour. It dictates a relationship to the world that is still dominant: one of distance, based on theory and prescribed ideas, and overlooks the work that is needed to establish and maintain sustained activist relationships that go beyond the limited sphere of debating ideas or strategy.

In an article entitled “The Opposite of Rape Culture is Nurturance Culture”, feminist theorist Nora Samaran defines violence as “nurturance culture turned backwards”. She sees nurturance – the capacity to nurture, feed and help grow – and violence as two sides of the same coin. Drawing inspiration from attachment theory, Samaran argues for the need to support *masculine nurturance culture*. For cisgender men, this means developing relationships based on confidence and reparation with women and non-binary people, as well as learning to love themselves and each other. Instead of calling for an evolution in patriarchal masculinity, Samaran proposes “turning [its] world inside out”. “To completely transform the culture of misogyny,” she writes, “then, men must do more than ‘not assault.’ We must call on masculinity to become whole and nurturing of self and others, to recognize that

attachment needs are healthy and normal and not ‘female,’ and thus to expect of men to heal themselves and others the same way we expect women to ‘be nurturers.’ It is time men recognize and nurture their own healing gifts.”

If we paid attention to the multiple facets and definitions of violence, we would stop using it to describe what is currently happening in the streets, just as we would stop calling ourselves “non-violent”. If we were mindful of creating a long-term collective culture built on sustainable relationships and trust – and not on hierarchical or symbolic forms of authority – we would see our forms of action for what they are: contextual, strategic choices that reflect our ability (or our inability) to take action on a massive scale and to collectively consider the many different shapes and forms of political action on the streets and their consequences. What does nurturing social activism mean? We need to learn how to nurture our spaces: reinforce that which connects us through self-education and collective development, draw on our conflicts in a way that makes them fruitful rather than making us weaker. We need to share our stories and train those who come to us to steer clear of the all too common trap of dogmatism. We need to guide them away from purist, “uncompromising” radicalism. The more our militant circles are nurtured with strong relationships, the more robust and lively our communities are, the more our forms of action will make sense – and the more equipped we will be to take risks that push us out of the comfort zone of our organisations or of our affinity groups. The challenge is as much about making the immediate and strategic choice to take this direction as it is about building the long-range skills to make this choice together. The more we nurture our groups with sharing, trust, accountability and experimentation, the more powerful we will become together.

Acknowledge our own camp and work to make it resilient

Let’s learn how to be unpredictable again, how to develop ties of kinship that there has previously been no room for. Let’s develop affinities that encourage weaving in and out of defined militant spaces. We need to blur borders, and ensure that when there’s a clamp-down in one place, there’s an unanticipated reaction in another. We need to join forces not only because it might be strategically advantageous, but because we’re able recognise that, despite our differences, we belong to the same political camp and share the same enemies. Let’s try to put aside our ideological and organisational rigidity, which pushes us to be satisfied with the bareness and uniformity of closed-in militant worlds. Let’s learn to recognise the times when it’s not so much about saying or doing the same thing but about working hand in hand. There are things that work in some spaces that are not allowed in others, and vice versa. This is where strategic thinking comes in. A union can act on behalf of informal collectives and take responsibility for organising a high-risk protest. An organisation can serve as a shield for individuals facing legal action and get its lawyers to help out. Some might be better at the doing side of things, others might have a knack for media relations. Are the leaders of big organisations pro-

ving inflexible? There are always individuals in those organisations with whom trusting relationships can be built. The goal is not so much total alignment as the creation of an ecosystem. It's not about seeing completely eye to eye, but about opening up spaces for collective development. Relationships are what enable us to fight our battles. And nurturing them is crucial to ensuring their power and their resilience. We need to learn how to nurture our discord as well as our attunements.

Let's be clear. I'm not trying to say that all we need to do is get along and all our disagreements will disappear. Nor am I seeking to detract from the collective responsibilities that deliberately sabotage any attempt at unity. Betrayals exist and they are tragic. But I think that if we look at the history of many struggles that have been successful, or that are still thriving today, they differ from our own in their far greater ability at building common ground. "The most widespread, long-lasting, and fierce struggles are animated by strong relationships of love, care, and trust," write bergman and Montgomery. "These values are not fixed duties that can be imitated, nor do they come out of thin air. They arise from struggles through which people become powerful together." Aside from our ideological disagreements, which fuel an endless quantity of articles and books, and which give an inordinate amount of power to top-down approaches that can be fairly disconnected from the material, physical and emotional realities of political action, we all profoundly lack the thinking, experimentation and practices required to build political communities. What makes us powerful, and what makes us weak? What engages us, connects us and binds us together over the long term? What unexpected alliances led to certain victories? What enables us to survive repressive measures, how can we nurture one another in a world that is so brutal? These questions are being probed, and people are writing about them, but this thinking and these texts remain mostly invisible. They are systematically seen as being inferior to theory, and to the critical analysis of the capitalist system; to the endless ideological debates on the right way to understand the world. Yet change is cropping up here and there: collectives against police brutality are joining forces with organisations fighting for climate justice, feminist collectives are uniting with migrant organisations. And organisations are slowly opening their usual closed-off enclaves to people that don't fit the usual profile. Let's support these experimentations and take them further, let's invest in them and tell their stories, because surely in these are the seeds of a better future – one we can build together.

Could the Police be Abolished? A Hot Topic in the USA

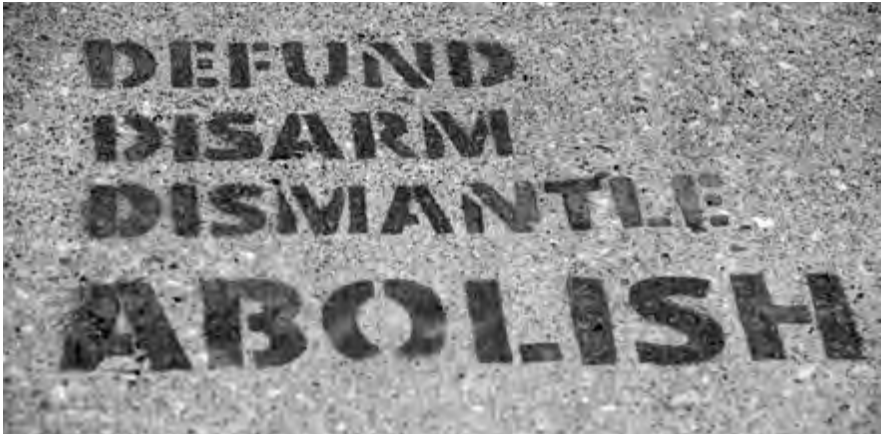
GWENOLA RICORDEAU, JOËL CHARBIT and SHAÏN MORISSE

Since the death of George Floyd on 25 May 2020 in Minneapolis, protests against police violence have reached historic proportions in the United States. They have shaken the country and reverberated around the world. In France, for example, a demonstration [held on 2 June](#) and initiated by the “Vérité pour Adama” committee [named after a young man who died in 2016 after being stopped by the police] was attended by a record number of people.

The United States protests, which initially focussed on denouncing police violence and racism, have developed into a broader movement aimed at defunding and scaling back the police. This movement, which quickly gained traction, achieved an important victory when the members of the Minneapolis city council pledged to [dismantle the city's police department](#) and replace it with a new community-based public safety model. There have since been similar appeals in many other US cities, and the dismantling of the police has become a [hot topic in the country](#), when just a few months ago it was an idea only endorsed by the radical left.

Mobilisation and significant developments in theory

The protests have led to a national campaign to abolish the police, [#8toabolition](#). The campaign has eight core demands: defund the police; demilitarise communities; remove police from schools; free people from prisons and jails; repeal laws that criminalise survival; invest in community self-governance; provide safe housing for everyone; and invest in care, not cops.



An urban graffiti says : “Defund, disarm, disband, abolish [the police]”.

The police institution suffered an unprecedented legitimacy crisis in the 2010s, in the wake of protests denouncing police violence against people of colour, particularly in Ferguson (2014) and Baltimore (2015), which led to the Black Lives Matter movement. Since then, several activists, researchers and groups have pushed to completely abolish the police through mobilisation and significant developments in theory.

Some abolitionist groups are active on a national scale, such as [Critical Resistance](#), which was formed in 1998 with [Angela Davis](#) as one of its founders. Other groups are locally-based, such as the [MPD150](#) coalition in Minneapolis. The [police abolition movement](#) has also gained momentum in Chicago where it is aligned with campaigns against prison and the penal system led by organisations such as [Assata’s Daughters](#) or [Project NIA](#), which aim to end the incarceration of children and young adults.

It includes emblematic figures such as [Mariame Kaba](#), whose [Twitter account](#) is followed by almost 150,000 people.

A critique of reformist approaches

The police abolition movement is critical of the reformist proposals that are usually put forward when police crimes make the headlines. These proposals include improving the training and recruitment of police officers, making body cameras (GoPro) mandatory, stricter disciplinary procedures against officers who break the rules, bans on some strangulation techniques and on shooting at moving vehicles.

Abolitionists argue that such reforms have already been introduced into the Minneapolis police department, which has often been cited as a “model” in the past.

Both abolitionist activists and academics, such as US-based abolitionist sociologist Alex Vitale, believe that liberal reforms serve to increase police resources and extend

their reach, to the detriment of social care, schools, physical and mental health services. It has been noted on numerous occasions that these reforms do not actually prevent police violence. The reason for this, it has been suggested, is that police are in a position that allows them to evade the rules under which they are supposed to operate. As Mariame Kaba [points out](#), “when police control cameras, the cameras are at the service of police violence and oppression of targeted groups within our society”.

Abolitionists believe that racist police violence is not the result of individual abuse, of misguided police recruitment or of institutional dysfunction, but stems from the police institution itself. As Fabien Jobard [sums up](#), “In the police, you are not born a racist, but you become one.” The true role of the police institution, with its history rooted in capitalism, slavery and white supremacy, is the repression of poor and racialised populations. They believe, therefore, that any attempt at reform would be futile.¹

“Disempower, disarm, disband”

US police abolition movements advocate a three-stage strategy: “[Disempower, disarm, disband](#)”.

Disempowering the police means reducing its budget, its personnel and its social influence. Reducing police activities involves strengthening social relations so that people can collectively manage serious situations (such as interpersonal violence) through practices such as [transformative justice](#).

Disarming means demilitarising police forces. The police have increasingly used strategies and weapons that were previously only available to the military, a trend which has accelerated over the last twenty years. The idea is to gradually reduce the number of weapons police have access to – including [so-called less-lethal weapons](#), such as taser guns. The final stage is the next logical step: the outright disbanding of law-enforcement agencies.

During the recent demonstrations, the slogan “Defund the police” was widely taken up and has become a rallying cry that goes beyond the abolitionist movement. The argument behind it is that budgets allocated to the police should go to other sectors and programmes that are genuinely useful to the population (health, education, transport, housing, etc.) and thus help reduce crime. Protestors are also calling attention to the need to preserve ancestral and sacred sites of Native American peoples, and to the severe pollution in many working-class neighbourhoods. They point out that the budgets allocated to deal with these issues are ridiculously low compared to the budgets given to police forces.

[1] For further reading on the concept of “racial capitalism” and its role in contemporary demonstrations, see Siddhant Issar’s [analysis](#). Ava Duvernay’s documentary *The 13th* also highlights the similarities between the incarceration and plantation systems, and examines the rise of the prison-industrial complex.

Abolitionists are seeking to put an end to the [expanding police and criminal punishment system](#), which began taking the place of social and health institutions forty years ago, and turning it into something different. [According to Alex Vitale](#), deep racial and economic inequalities are behind the intensity of the current protests, exacerbated by the Covid-19 pandemic, which police violence only serves to reveal.

Police abolitionism and penal abolitionism

The police abolition movement is closely aligned with the older prison abolition movement, and they are both strands of “penal abolitionism”, which aims to put an end to the penal system (police, judiciary, prison) as well as migrant detention centres and institutions for people with disabilities.

The central argument of penal abolitionism is that the penal system cannot be reformed, but is a problem in itself. This argument has been pioneered in Europe by figures such as Thomas Mathiesen, Louk Hulsman and Nils Christie. Their work reflects the development of a critical criminology which sees the criminal justice system as a set of institutions that are discriminatory, unfair and unable to respond adequately to the “difficult situations” that may occur in people’s social lives, or to address the situation, needs and wishes of victims. For these scholars, the problem is not abuse by a government, legislation or judge. The problem is the very nature of penal rationality, which is rooted in the history of the penal system. This is why it needs to be abolished, not amended. This line of argument is close to Michel Foucault’s critique of the notion of improving (or reforming) prisons and even of [promoting “alternatives to incarceration”](#).

Abolitionists argue that penal institutions exist to reinforce and perpetuate class, racial and gender oppression. They believe that we cannot fight oppression without fighting the penal system itself.

The movement thus asks us to radically rethink social control. Instead of the criminal justice mentality that is focussed on naming and convicting a perpetrator, it seeks to establish social justice and non-punitive forms of conflict resolution based on ideals of participation, reparation and emancipation of individuals and communities. At the core of contemporary [transformative justice movements](#) is the argument that their methods can “provide people who experience violence with immediate safety and long-term healing and reparations while holding people who commit violence accountable within and by their communities”. Transformative justice organisations rely primarily on processes within communities, rather than delegating cases to experts from the criminal justice system, as a pathway to emancipation from repressive institutions. Abolitionism does not argue, as its opponents sometimes suggest, for a privatisation of justice or for the use of revenge, but for the collective management of difficult situations.

What about France?

In the United States, radical criticism of the police is [rooted in the institution's historical links with slavery](#), many features of which have been integrated into the current criminal justice system. In France, criticism of the police is being expressed through different narratives, reflecting the country's own history, oppressions and struggles, i.e., the idea of a continuity between colonial power and state racism.

Penal abolitionism is not as widespread in France as it is in the United States. There are, however, campaigns against police violence which resonate strongly with what is happening in the US. The collective [Désarmons-les](#), for example, is campaigning to completely abolish the police. In August 2020, during a [meeting](#) held on the Notre-Dame-des-Landes ZAD site, several collectives including Vies Volées, Justice et Vérité pour Babacar and Désarmons-les had a discussion about “the police, and about abolishing it and replacing it with other forms of collective management”. More broadly, [families of victims of police violence](#) in working-class neighbourhoods have been denouncing the violence and

structural racism of the police and of the criminal justice system for decades. It is only recently that this cause has been taken up by other movements, such as the “Yellow Vests” movement. The media coverage of violence against the Yellow Vests contrasts sharply with what happens in working class neighbourhoods, where racialised victims of police violence are [criminalised and subjected to racist attacks](#).



LIZ HENRY (CC BY-ND 2.0)

A sign showing protesters says: “Fund the people and defund the police”.

Police and protecting private property

Opponents of abolitionists often argue that the abolition of the police – and of prison – is impossible to achieve. It should be pointed out, however, that the police is a relatively recent invention in human history.

Many believe that the police serve to ensure everyone's safety. But as studies on the history of the police and the criminal justice system demonstrate, particularly those by Michel Foucault, the police was not created as a response to crime, but to help, along with the [“punishment industry”](#), “order” it.

As Foucault points out, the delinquent-producing criminal justice system involves, among other things, a “[differentiated management of illegalisms](#)”: designating crimes and the different punishments for each crime tends to criminalise certain categories of people more than others, and to punish them more severely. The aim of this system, according to Foucault, is not to protect us from criminals but to designate the “internal enemy”.

Across the Atlantic, a [large body of research on the history of policing](#) argues that it is closely linked to the protection of private property and white supremacy, and that it has contributed to weakening other existing forms of social control. Abolitionist theory breaks with the notion that the police is the [only way to ensure the safety of citizens](#) and argues for other forms of intervention in difficult situations.

This is an expanded version of an article by Gwenola Ricordeau, Joel Charbit and Shaïn Morisse, published on 14 June 2020 by The Conversation: <https://theconversation.com/peut-on-abolir-la-police-la-question-fait-debat-aux-etats-unis-140477>

Feminism and Abolitionism: Political Perspectives

GWENOLA RICORDEAU

In recent decades, in both France and most other Western countries, women have been used to justify an increasingly punitive approach in criminal justice policies. “Protecting women” has been used as a pretext to create new categories of crimes and offences, longer sentences and crime prevention innovations such as electronic bracelets and systematic DNA sampling. Criminal justice policies in the area of sexual violence, domestic violence and prostitution – seen as “sexual slavery” – claim to “save” women by criminalising men. However, we must not only consider whether criminal justice policies are doing what they claim to be doing – protecting women – but also analyse how these policies actually impact women, particularly when it comes to violence against women.

Nowadays, turning to the police and the criminal justice system to fight sexual violence is often considered a matter of course. Yet despite decades of increasingly tough policies aimed at preventing sexual violence, every year, at least 94,000 women report being the victim of rape or of attempted rape [in France]. And every year, more than 550,000 women report sexual assault! I can’t see how anyone can still attempt to convince us that this approach can work. Add then there’s the appalling way most victims are treated, from the moment they file a complaint to the trial. The only thing we gain by putting perpetrators of sexual violence behind bars is a guarantee that they won’t commit sexual assault while in prison – if we gloss over the sexual violence that happens within prison walls – and some kind of reassurance that not all crimes go unpunished. This is, in my view, a small consolation when one considers the mass crime that is sexual violence.

My work is focussed on a feminist analysis of the criminal justice system and how it affects women. First of all, prisoners may mostly be men, but the lives of the women around them – mothers, sisters, companions, daughters – are often affected by their time in prison, particularly in view of the various forms of domestic work expected of them, including moral support (visits, letters, etc.). Furthermore, it turns out that incarcerated women have much in common with incarcerated

men: they are mostly working-class, with roots in the history of colonisation and immigration. But the profile of female offenders is also particular in that many of them have been victims of sexual violence, which has shaped the course of their lives, led to social isolation and been a factor in their criminal record. It's also important to talk about the sexual and reproductive health of incarcerated women, about period poverty in prison, and the disgraceful conditions for trans women in men's prisons. By turning away from incarcerated women and from those with incarcerated relatives, certain strands of feminism reveal much about the social background of their supporters and about the kind of emancipation they aspire to. However, movements that seek to assert a grassroots feminism, one developed by and for racialised women, such as Afrofeminism, are striving to imagine and build a sisterhood that does not stop at the prison gates.

This article was adapted from an [interview with Gwenola Ricordeau](#), conducted by Rachel Knaebel and published on Bastamag on 23 July 2020.

"Protest Democracy": How African On-going Social Movements are Redefining Democracy and (Re)inventing the Future

An interview with ZACHARIAH MAMPILLY, University of Vassar

What is the "protest democracy" you speak of? How would you define it, and in what sense is it a form of renewing, redefining democracy?

Scholars and policy makers measure democracy using technical indicators like whether elections are regularly scheduled, the number of opposition parties, the relative freedom of speech, and so on. This is why there are so many pieces talking about how we are living through a period of global "democratic backsliding." But to speak of the United States under Trump, for example, how do we reconcile the supposed decline of democracy with the fact that more people than ever before have been taking to the streets to protest the government? Equally important, these have been sustained protests carrying on since the day after the election and pretty much continuing unabated ever since. And they are taking place in more parts of the country —from small towns to big cities— than ever before. Equally important, topics like ending economic inequality, defunding the police, and abolishing prisons or ICE, which under Obama were ridiculed as silly dreams, are now part of the mainstream discussion due to the protesters' insistence. To me, these are signs of a robust democracy, a democracy that is moving away from a state-centric technocratic approach towards one grounded in the views and actions of ordinary people. By calling this "protest democracy," I want to highlight how it is both a protest against how democracy is usually understood and center protest as a more elementary and engaged component of democracy than casting a vote every so often.

In a context of growing repression, what victories have these African protests obtained? What have been their limits?

The ongoing third wave of African protests has achieved extraordinary victories in the past decade, overthrowing corrupt governments in Tunisia, Burkina Faso, Egypt and Sudan. They have also succeeded in preventing corrupt leaders from manipulating elections in places like Senegal and Malawi. Even in places where the movements were successfully fended off by the government, like Nigeria's 2012 Occupy movement, they changed the conversation to more basic questions around the relationship between the state and the people. So even as Occupy was crushed, it produced new leaders and new ideas that are at the forefront of the #EndSars protests ongoing today. This is how protests work, in stutter steps making progress followed by setbacks that lead the pundits to declare, prematurely, the failure of people power.

So even where protests are successful at their immediate objective, we should be prepared for movements to face setbacks, as we have seen in Egypt and more recently in Sudan. Yet rather than declaring that the movement has failed, we need to pay attention to those spaces where activists continue to work behind the scenes. And more importantly, we need to work to understand how every experience of protest transforms the consciousness of those involved for it is in these often occluded spaces that the next surge of popular energies is being flamed, ready to burn hot once again when the conditions demand.

What are the characteristics of these protests? How do they interact and/or influence social structures and institutions from outside?

As we wrote about in our 2015 book, *Africa Uprising*, the main difference of the third wave of African protest is the demographic composition of the protesters. While



HEINRICH-BÖLL-STIFTUNG (CC BY-SA 2.0)

Activists Linda Masarira (Zimbabwe), Teddy Mazina (Burundi) and Thiat (Senegal) unite in support of pro-democracy protest movements Africa UPrising.

earlier waves of protest were led by political elites or formal civil society groups like labor unions, the current wave is notable for the number of marginalized people at the forefront, what we refer to as political society. Of course, this population has the most direct experience with state repression and marginalization and hence face the greatest consequences for their involvement. But as we have seen from Sudan to South Africa, they also have the most to gain and have emerged as the truly revolutionary force in Africa today. The challenge, of course, is that they often lack formal organizational structures and are unable or unwilling to negotiate with governments which usually resort to violence to crush the movement. The power asymmetry is massive. But it is precisely the depth of their marginalization that makes them the greatest threat to African elites who cannot bestow upon them meager concessions to subdue their energies.

Are they more often the reject of something (a president's third term, a military government, etc.) or are there also alternative horizons, propositions, platform of demands?

Focusing on the specific issue that triggers the protests is missing the point. While police brutality, price increases, or electoral malfeasance have all caused people to pour out on to the streets, what keeps them there for weeks or even months is their broader disillusionment with the economic and political system that produces these specific dysfunctions. So whether most Nigerians have had negative experiences with police brutality is irrelevant. What matters is how they connect the issue of police brutality to the broader crisis of governance affecting African nations today. In this sense, it is a far more difficult challenge to articulate a clear agenda for a post-revolutionary world as we see in Sudan today. This is not a critique—rather it is a recognition that the act of imagining an alternative future is always a contingent experience, one based on learning from successes and setbacks. What I have seen is that these movements and many activists are always learning and gaining more and more capacity that will prepare them to handle the challenges as they arise.

Listening to Thiat (a Senegalese singer) for instance, his disillusion of electoral politics is palpable. Assuming his view is largely shared – as it is in France for example – what is it the protesters aspire to? Would the solutions they envision come from inside or outside the State?

Thiat is an important figure for he could articulate a kind of inchoate rage against the existing system that many young people in Senegal felt but did not have the words to express. But I think Thiat would say himself that he is but one figure in the broader struggle and that the only path forward is to build a broad based movement that can bring together all the different forces within Senegalese society to build an alternative future. Whether this will be a state-centric approach or whether they will conceptualize alternate, more engaged and participatory forms of governance is for the Senegalese people to decide. And I believe Y'en a Marre (which Thiat helped found) is working to build that movement today.

Do these movements also address non state actors (for example, transnational companies, armed groups, etc.) who also affect human rights and fundamental liberties?

Most movements have focused on the most visible site of their oppression, i.e. their own governments. But the frustration with non-state actors is palpable. Take DR Congo, for example, where the LUCHA movement has been critiquing foreign corporations, non-state armed groups, and even the UN peacekeeping force and foreign NGOs. Or consider Sudan and Tanzania where rural communities are challenging the sale of their lands to Saudi and other Asian investors. What is clear is that connections are being drawn between the precarity of African life and the position of African economies within global capitalism.

Why do you think music is playing such an important role?

Again, the social composition of these protests is very different than earlier waves where African elites were at the forefront. Figures like Kwame Nkrumah and others often looked outside of Africa for inspiration and often adopted the language of foreign intellectuals and leaders to justify their cause. This is unsurprising as many nationalist leaders were educated in the West and embraced a language of liberalism and human rights reflecting their social position. In contrast, the young Africans at the forefront of these protests are often drawn from the most marginalized communities and lack the educational opportunities due to the neoliberalization of African economies over the past four decades. As such, it is not surprising that they are drawn to more organic intellectuals especially musicians like Thiat or Seun Kuti and others in Nigeria who are able to articulate complex ideas about politics in a language that is accessible.

What lessons do you think western activists could learn from the long and on-going African movements evolving in highly repressive socio-political environment (first colonial, then post-colonial, often within dictatorships), facing both brutal austerity policies and harsh repression?

Pretty much everything. The West, including the Left in North America and Europe, is extraordinarily parochial and still tinged by the racism more common among their right wing counterparts. As such, the thought that they could learn anything from African activists is considered ridiculous. Instead, even as the West descends into dysfunction with leaders like Trump and Boris Johnson in the UK, western activists still want to send “democracy experts” to Africa to teach African activists how to democratize. Instead of such a patronizing attitude, we need more solidarity which implies a non-hierarchical relationship designed to create a united front against common forms of oppression. Luckily, there are exceptions. I would point to the work of Project South and the Southern Movement Assembly in the U.S. South which is engaged with a number of specific African social movements and has lent its support to the Afrikki Network, a network of over 50 African movements. In a moment of global crisis, it is these still lonely acts of solidarity across continental boundaries that gives me hope.

The Challenges of Fighting Authoritarianism in Africa

BRIGITTE AMEGANVI and LAURENT DUARTE, Tournons La Page

From the 1990s onwards, national conferences were held in many African countries which led to the establishment of multiparty systems. As a result, civil society organisations (human rights NGOs, faith-based organisations, humanitarian organisations and trade unions) have become key players in the political and social game. However, authoritarian or dictatorial regimes are attempting to quell civil society's new role and are undermining its capacity for political participation. New, informal civic movements are thus choosing to join forces with more traditional organisations and are building alliances regionally and internationally in order to ensure the voices of its citizens are heard. While democracy is undergoing a noticeable decline throughout the world, particularly in Africa, these new movements are playing a major role in the fight for democracy, while actively working to implement public policies that could lift their countries out of poverty and international dependence. How can citizens renew their interest in collective life and become politically involved when they are living in such violence and under dictatorships that have, in some cases, been in place for over 50 years? This is the challenge facing Tournons La Page (TLP).

An international network defending dignity and fighting fatalism

Tournons La Page is a transcontinental citizens' movement which brings together civil society representatives from Africa and Europe to promote democracy on the African continent. It is active in Burundi, Cameroon, Chad, Congo-Brazzaville, Côte d'Ivoire, Democratic Republic of Congo, Gabon, Guinea, Niger, and Togo, and brings together at least 240 civil society organisations and coalitions. It is estimated that there are nearly 3,000 activists involved in the movement. Tournons La Page, like other citizens' movements, dreams of an Africa, and of a world, where

democracy (not only in its institutional form, but as an ongoing civic engagement) is effective for all.

“Multipartyism, and by that I mean democracy, is a luxury for Africa,” Jacques Chirac said in the early 1990s. It is exactly this kind of condescending and fatalistic postulation that the pro-democracy activists of Tournons La Page and many other platforms are fighting against. For them, it is a matter of regaining national and regional pride, and of debunking old clichés about the continent as an Eldorado to explore (emergent Africa) or, alternatively, a cursed land (an Africa of endless conflict and misery). The people of many African countries feel they are being held hostage by ruling powers. 90% of the Gabonese, Togolese or Equatorial Guineans have only ever seen one family at the helm of their countries! Since 2015, many presidents in office who had reached term or age limits, have tried to change the constitution in order to stay in power (Congo, Rwanda, Burundi, Togo, Guinea, Côte d’Ivoire, to name a few). Since 2000, thirteen heads of state have had the constitution changed to stay in power. As a result, tens or even hundreds of citizens died during protests against these “constitutional coups” – which are not just a legal matter; they are a cause of instability and violence. They contribute to quashing any hopes among citizens of a change in the ruling political class. A [2015 Afrobarometer poll](#), conducted in 30 countries, found that the vast majority of Africans support a two-term presidential limit. According to the Africa Center for Strategic Studies, in the 21 African countries that have set term limits in their constitution, heads of state have only been in power for an average of four years. However, the ten African leaders who have evaded term limits have been in power for an average of 22 years. The removal of term limits undermines public confidence, increases concentration of power in the hands of one or a few, and shrinks political space. This trend, generally enforced with the support of an army that has been turned into a Praetorian guard, ultimately leads to increased risks of tension, political violence and even civil conflict.

The core mission of Tournons La Page is to assist in organising and developing national and regional collectives. It aims to build an expansive alliance that stands against dictatorships and advocates a democratic model, moving gradually towards an alternative model. Partners or member organisations in Europe, many of which belong to the African diaspora, work to support and publicise African initiatives, and push political leaders to make human rights and democracy the focus of their foreign policy. We need to work together, both in Africa and in Europe, to open up democratic space and ensure civil society plays a key role in the development of public policies.

Driving TLP’s work is the desire to break the foundations of authoritarian power: political power (elections, institutions and political leadership), economic power (corruption, nepotism, international enablers, etc.) and repressive power (army, police, intelligence services, denunciation and self-censorship). This comprehensive

approach to fighting dictatorships requires using the many forms of non-violent action available to activists: boycotts, demonstrations, sit-ins, awareness-raising, legal action, etc. Blowing the whistle on the collusion between authoritarian leaders and transnational corporations, resulting in massive tax evasion, requires legal action (i.e., the case involving Orano [ex-Areva] and political leaders in Niger, or the case against collusion in the mining market in Guinea). Refusing repression means bringing those responsible for human rights violations before national or international courts. Fighting for election transparency and working towards a change of power through the ballot box requires a multifaceted citizen mobilisation throughout the electoral process. It may involve, for example, actions aimed at establishing a fair and truly independent National Electoral Commission, or encouraging citizens, especially young adults, to register on the electoral roll. Developing apps to facilitate an alternative vote count, or setting up tents offering free snacks in front of polling stations as a way to encourage citizens to stay and watch the count, are other ideas to add to the political tool-box. Given that electoral fraud is how the autocrats manage to stay in power, they generally see these approaches as hostile.

A new pan-Africanism

Social movements in [Burkina Faso in 2015](#), during the [Arab Spring](#) or, more recently, in [Algeria](#) and [Sudan](#) have been a source of inspiration for the members of Tournons La Page. When the citizens of a country – which has been under the grip of authoritarian or dictatorial regimes for decades – peacefully make their voices heard and pave the way for a shift towards democracy, it reverberates throughout the network. People take part in lively discussions, share their experiences and form a collective analysis. There is no silver bullet, but the increasing number of



A Togolese protester wears a t-shirt stating : "In no way, no one can serve more than two terms in office". The struggle to limit presidential mandate is common to several sub-Saharan countries.

peaceful protests on the continent in recent years has given hope to activists who are subjected to various forms of state violence on a daily basis.

In the ten countries where Tournons la Page is present, activists share the same experience of violence. There is, however, a growing sense of solidarity and coordination. A new pan-Africanism is being built up, with the support of European organisations that want to see the rise of a new democratic international on the continent. TLP is the very incarnation of the new pan-African slogan [coined by Amzat Boukari-Yabara](#) in his *History of Pan-Africanism*: “Don’t agonize, organize!”

Building coalitions between civil society groups has become imperative, especially since African political leaders themselves are seeking to take advantage of existing sub-regional and regional organisations. The politicised African youth now see these organisations as mere cartels of rulers, and are taking action to make this widely known. They demonstrated, for example, that the ECOWAS’ (Economic Community of West African States) additional protocol on democracy and good governance is only put to use against popular insurrections, presented as civil or military coups d’état. Yet these cartel members offer warm congratulations when one of them successfully pulls off a constitutional coup and then fraudulently claims victory in the first round of the ensuing elections – a technique now referred to as a “knockout coup”. This is how presidents for life end up padlocking the chain that ties them to power, at the cost of dozens of lives which no one seems to care about. The same regional and sub-regional organisations never come to the rescue of the people when rights, democracy and good governance are being trampled upon, even though they recognise these values in their own official declarations as necessary conditions for stability, inclusive development and economic integration. As for election observation, which involves a few dozen observers commissioned by regional or sub-regional bodies at great expense, observers systematically conclude at the end of their observation missions that, in accordance with the established methodology, “some minor irregularities were observed here and there, but nothing that might cast doubt on the credibility of the vote.”

The idea, therefore, of uniting African civil society coalitions and fusing their actions is gaining ground. The severe sanctions initially imposed on the Malian people before ECOWAS backed down, as well as the constitutional coups followed by electoral coups in Guinea and Côte d’Ivoire have made people aware of the urgent need to work collectively to establish an ECOWAS or an African Union *of the people*.

An articulation between the old and the new

Tournons La Page brings together 242 organisations and movements – a myriad of church-based organisations, trade unions, rappers, diaspora organisations, to name just a few. And the members of these various organisations and movements manage to hear each other out, although this isn’t always easy. There’s a marked

generational divide within the TLP movement and between its member organisations. Some leaders, particularly in Central Africa, are at the end of their activist careers while others are seen as early pioneers. Other leaders, particularly in West Africa and the Great Lakes region, represent a new generation of civil society. On the world's youngest continent, yet which has the world's oldest leaders, there is a section of young people – primarily (although not limited to) the urban educated youth – that are claiming their role as political players independent of political parties, which are often perceived as vehicles of clientelism and personal enrichment. As the sociologist Richard Banégas often reminds us, particularly in his studies on Côte d'Ivoire, this younger generation is declaring that its time has come.¹

With very few resources but an overabundance of energy, these younger activists are increasingly vocal in the public arena. Their organisations are often more fragile institutionally speaking (accounting, sources of funding, governance), but their actions are more innovative and more attuned to the needs of the most deprived (“les bas des en-bas” [the low of the lowest]). More established NGOs and activists, who joined the fight for democracy in the 1990s with Citizens' Conferences, have greater stability and easier access to international funding and political support. These two types of organisations complement each other perfectly, although their approaches are not always easy to reconcile. The movement's International Secretariat and the shared governance mechanisms within TLP have been set up to enable complementarity between members. By supporting and empowering members and collectives, the International Secretariat contributes to mitigating the risks associated with the financial insecurity of activists and the challenge of developing long-term strategies. Mobilisation is highest during election periods and social protests, so strategies are also needed to bring people on board outside of these periods.

Confronting repression

There have been frequent attempts to clamp down on the Tournons La Page movement due to its focus on protecting rights and defending democracy. In Guinea, Niger, Cameroon, Chad and the DRC, activists have been jailed repeatedly. In just three and a half years of activism, the coordinator of TLP Niger has been jailed three times and spent thirteen months in a prison cell. Each time, the police report was blank, and he was eventually released without charges. Solidarity among members is the first protection. Collectives of lawyers have been set up in each country, ready to take legal action whenever a member's rights are violated. At international level, rapid response networks exist in each country, which allow TLP to garner the support of well-known NGOs such as Amnesty International, FIDH or ACAT-France to defend activists' rights. Unfortunately, African state authorities are finding increasingly diverse and sophisticated ways of silencing dissent, particularly [through the digital route](#). *Le Monde* and *The Guardian* have revealed that

[1] Richard Banégas and Jean Merckaert “Mobilisations citoyennes, répression et contre-révolution en Afrique”, *Revue Projet* 2016/2 (N° 351), pp. 6 -11.

in Togo, for instance, well-known dissident figures, including the coordinator of TLP Togo, were spied upon [using Israeli software Pegasus](#). Again in Togo, police prevented three West African nationals and members of our movement from entering the country for the launch of TLP Togo, stating that the organisation has no legal existence. Aside from the grotesque justification given by the Minister of National Security, the decision was in complete violation of the ECOWAS Protocol on the Free Movement of Persons. Similarly, under the guise of terrorism-related insecurity, demonstrations organised by TLP Niger were banned at least 24 times between January 2018 and December 2019.

A dictator's chosen method of repression may be borrowed from elsewhere and used in a radically different context. In recent years, restrictive laws on the rights of civil society, cybercrime and counter-terrorism have been passed throughout Africa in an attempt to curb dissident voices. There is an unbreakable solidarity between heads of state, who are able to use regional institutions such as ECOWAS to their advantage despite the fact that these organisations have some of the most pro-democratic founding texts in the world.

The COVID-19 pandemic and social distancing measures have played a key role in shrinking civic space everywhere. Although the consequences of the pandemic were not as disastrous as expected in many countries of sub-Saharan Africa, a public health state of emergency has been used as a pretext to put restrictions on freedoms: freedom of demonstration, of assembly, of information and of movement. The health crisis has been a boon for many governments eager to silence dissenting voices, and jailing pro-democracy activists has been one way it has chosen to do this.

Today, more than ever, one of the key challenges for pro-democracy activists who wish to both defend themselves and shake the foundations of authoritarian regimes – is to rally sections of the police force that share the same frustration. This was what was done in Sudan. But African leaders are learning from the mistakes of others, and are unleashing a relentless onslaught of repressive measures, supported by the international community's silence. Obsessed with fighting terrorism and reducing “migration flows”, Western governments are ready to support any autocrat whom they perceive as an ally.

Expanding what's possible and unleashing creative imagination

It is up to each population to define its own path, according to its history, its culture and its creative imagination. This is why the TLP movement gives each national coalition a great deal of autonomy to develop a political vision and carry out actions appropriate to the context they operate in. Yet, since the beginning, TLP has agreed on a set of key measures to move towards a real change in power, conducive to a genuine democracy:



PASCALVAN (CC BY-SA 2.0)

The Togolese diaspora in Paris protest the current regime in their country.

1. Economic justice: demand transparency on the state's budget, on the contracts signed with transnational corporations and the revenues derived from the exploitation of natural resources; fight against all forms of nepotism, clientelism and corruption. This is central to the actions undertaken by certain coalitions, following a long process of documenting violations of the economic and social rights of the population (and even, in Niger, the fundamental rights of the military, whether it be in the so-called "uraniumgate" affair, or in scandals involving the misappropriation of funds allocated to fight terrorism). Other examples include the involvement of TLP-DRC in assisting Mbobero residents in South Kivu, victims of violent expropriation.

2. Enforce republican standards: particularly when it comes to appointing military and police command posts and to appointing judges, ensuring they observe judicial independence.

3. Protect and expand civic and democratic space: promote and defend freedom of opinion, freedom of the press and freedom of demonstration without any preconditions other than notifying the relevant administrative authority. Protect oneself from restrictive legislation that reduces freedom of association or assembly, even in private spaces. The aim is both to loosen the grip of centralised powers and to enable those working in isolated areas to develop more initiatives, so as to work closely with citizens and adapt our work to their needs. This is why, for the past two years, our priorities have been to extend TLP's network, to build as many national, regional and international alliances as possible, and to enhance the skills and capacity for action of member organisations.

4. Consolidate counter-powers such as Independent Electoral Commissions, Constitutional Courts and National Human Rights Institutions. We shouldn't think twice

about initiating proceedings using ratified international instruments when national channels of advocacy, dialogue and protest have been unsuccessful. Admittedly, the action initiated by civil society organisations in Côte d'Ivoire did not succeed in forcing Ivorian authorities to change the composition of the National Electoral Commission in accordance with the decision of the Court of Justice of the African Union. But initiatives such as this one will certainly set precedents and help demonstrate, should the electoral crisis worsen, where the responsibility lies.

Democracy in retreat. Can a new solidarity be forged between peoples?

In many countries of sub-Saharan Africa, the prevailing sentiment is that of a return to the era of single-party rule and lifelong presidencies. After three decades of pressure from local and international organisations, which forced them to accept some degree of citizen control over public action, particularly in regards to mining resources, African despots may think they have taken over the reins for good. But we now live in an interconnected world, and tomorrow cannot be like yesterday. Many of these countries have also been weakened by terrorism, which they unwillingly enabled by depriving their youth of education and perspectives.

Admittedly, Western countries are less willing to impose conditions on development aid with the rise of new challengers (Russia, China, Turkey) that are making their influence felt in sub-Saharan Africa and are unbothered by issues of democracy, human rights, and environmental protection. We should, however, be wary of these leaders that belong to a bygone age. They are trying to hold on to power by leveraging an image of stability. But beneath the calm, a storm is brewing.

Europe would be betraying its own interests and values if it were to condone, through its silence, the perpetuation of archaic political regimes south of the Sahara. But we need to rally European citizens and raise their awareness if we wish to change things. It's undeniable that Africa and Europe share a common future. But for many Europeans, what goes on under African dictatorships is remote and has no impact on their daily lives. Democracy is currently in retreat in Europe. This will perhaps open the eyes of those who think that democracy is a given, not something that we must continuously fight for. This turnaround in history may also serve as a wake-up call to those eager to export their political model, who often fetishise elections and confuse democracy with representation.

Ultimately, in Africa, as elsewhere, there can be "no democracy without change in power", "no development without democracy", and "no sustainable development without social justice"; three slogans that summarise the work of Tournons la Page, in both Africa and the rest of the world.

Is Another World Still Possible ?

NICOLAS HAERINGER

The World Social Forum (WSF) has recently celebrated its twentieth anniversary. Between 25 and 30 January 2001, more than 20,000 activists from all over the world took part in the first edition of what was soon to become one of the defining gatherings and symbols of the alter-globalisation movement.

The movement itself is not much older than the WSF and dates back to the 1999 Battle of Seattle, when the alter-globalisation world began attracting the attention of the media. Tens of thousands of protesters from a myriad of different organisations, including faith-based NGOs, anarchist collectives used to head-on confrontations with the police and “angry grandmothers”, managed to disrupt the conference held by the World Trade Organisation (WTO) by occupying the hometown of corporations such as Microsoft and Boeing. A few years earlier, on 1 January 1994, the Zapatista Army of National Liberation (EZLN) coordinated an uprising to protest against the enactment of the North American Free Trade Agreement (NAFTA), dispelling the myth of “the end of history”.

From Chiapas to Porto Alegre, not to mention Seattle, Florence, Cancun and even Genoa, in just a few years, the alter-globalisation movement managed to throw a spanner in the neoliberal agenda. Two decades have gone by – a blink of an eye for a movement that was built around the assertion that history was still in the making and that alternatives (and another world) were not only necessary but possible.

The way forward seemed clear and we were unmistakably filled with hope. The increasing number of mass gatherings, combined with renewed forms of protest (the famous “carnivals of resistance”), kept the flame alive.

The turn towards left-wing governments in Latin America delineated an alternative to the war against terror, orchestrated by the United States and backed by most Western countries. It was not without a certain lyricism that we let ourselves be won over by the belief that we could change the course of things – and each success (some of which were not insignificant – as short-lived as they might be) reinforced our conviction.

Sadly, however, this hope has fizzled out. Although it was revived by the 2011 protests (the “revolutions” of North Africa and the Middle East; the Indignados movement and the Occupy movement; the Y’En à Marre (“Enough is Enough”) movement in Senegal; etc.), the flame has slowly flickered out.

Clouds on the horizon

Twenty years later, much has changed – and the Covid-19 pandemic is only the latest manifestation of it. The 20th edition of the World Social Forum (WSF) was held entirely online and only managed to attract a few dozen participants. It was not only that people were not able to come together in person, form a critical mass and embody a political approach that was not merely logocentric; the whole discourse had changed. The outlook itself has shifted: we are no longer organising with the perspective of emancipation, but rather to avert disaster. Biodiversity loss, the constant rise in greenhouse gas emissions, the increasing number of extreme weather events and increasingly well-founded doubts as to whether global warming can be kept below a danger line – all these issues only reassure those that are already predicting that collapse is inevitable.

Yet collapse is not inevitable, but one narrative among many others, built around doomsday figures and data. The question is knowing how we wish to collectively address this issue and how we can pay attention to the opposing signs and dynamics at play. This outlook should also be qualified, as there are a great number of mobilisations around right now, and they’re gaining massive traction: these include climate strikes (over seven million people around the world took to the streets in September 2019 – about the same number of people that took part in the global protests against the war in Iraq in February 2003), protests in Algeria, Chile, Lebanon, Hong Kong and Catalonia, and the yellow vests movement. The year 2019 and early 2020 (up until lockdowns began to set in around the world) saw a resurgence of mass protests.

By looking at social and political activism of the last two decades – from the early days of the alter-globalisation movement to the protests addressing the possible “extinction” of the living world, new perspectives can emerge. It’s important to analyse the factors that made the alter-globalisation movement so enormously successful in such a short period of time in order to get a better grasp on what has changed since, so that we can etch out a strategic “road map”.

New connections

The alter-globalisation movement took off – growing almost exponentially – by articulating three elements: a period of social and political mobilisation, in-depth theoretical work and intense formal innovations.

At first glance, the alter-globalisation movement may be defined as a period of social and political mobilisation: protests, blockades, occupations and strikes often addressing specific demands yet which were systematically connected to one another. The social aspect of the alter-globalisation movement – through international, regional and national social forums (as well as forums focussed on certain themes) and counter-summits – enabled people to create networks and ties. At the time, there was criticism of the large number of activists travelling to various cities around the world – Porto Alegre, Mumbai, Nairobi, Manila, Cancun and Genoa, to name a few – seen as the emergence of an alter-globalisation “elite” who travelled around the world, from one social forum or counter-summit to another. Yet these trips were also a way to foster a sense of belonging, the feeling that activists formed part of a larger movement that didn’t stop at national borders.

This period of action was backed by narratives reconstructing chains of causality and responsibility, which was a way to empower people to denounce injustices in the era of neoliberal globalisation: the Zapatistas showed how a free trade agreement would impact the lives of indigenous communities in Chiapas; the Via Campesina movement showed how subsidies granted to large-scale farmers in Beauce, France as part of the Common Agricultural Policy plunged a Malian family of farmers into poverty; Focus on the Global South demonstrated that WTO trade agreements were causing starvation in the Philippines, despite their abundant food production.

All these actions were part of an intense cycle of formal innovations – the WSF being only the most striking manifestation of it. Alter-globalisation activists experimented with horizontality and consensus-based decision-making in completely new ways: assemblies held in a number of different languages brought together individuals, delegates of organisations, members of collectives refusing to let anyone speak on their behalf, etc. They spent long hours drawing up plans for upcoming actions and defining key words and slogans. Moreover, these innovations weren’t limited to a logocentric approach: creativity was also a key strategy – particularly when it came to the way in which different alliances employed “tactical diversity”, occupying the streets and forcing the world’s most powerful leaders to meet in places that were increasingly isolated and barricaded – embodying the slogan “There are eight of them, but there are thousands of us.”

Shifts

Local alter-globalisation struggles and actions came together in the international arena: alter-globalisation sociability and solidarity was thus inherently transnational.

This meant that, despite the intentions of its activists, the alter-globalisation movement produced deterritorialised forms. The alter-globalisation arena was, therefore, not that different from the institutional arena: it was a common occurrence that activists who were able to take part in international gatherings crossed oceans in order to contribute to discussions that would be identical no matter where they were held.

More recent actions – including “climate camps” (and their ensuing action such as the occupation of coal mines in Germany), occupations to protect land from development projects (such as the Zone to Defend [ZAD] of Notre-Dame-des-Landes), and the 2011 mobilisations – took a different approach. They were rooted in the local, and there was undoubtedly less emphasis on abstract, deterritorialised rhetoric. These actions and struggles, based on local realities, built social ties and solidarity that were not so much transnational as translocal.

This new strain of activism, which was more anchored in local realities, included theoretical work focussed on creating new frameworks in which to express and interpret injustice. The Indignados and Occupy movements were thus able to highlight the central role of debt in producing injustice. The alter-globalisation horizon was one where different forms of activism converged: it was about building a common outlook with all those who came together in this space. However, this approach, based on the idea that there was no hierarchy between causes, also had its shortcomings. As the Portuguese sociologist Boaventura de Sousa Santos pointed out, this approach overlooked those who were “absent”: it was based on building a common approach with those that were present. This resulted in a sort of shift – from a convergence of actions and movements towards intersectionality and an awareness of the fundamental role played by those primarily affected. Activists of the Global South were, of course, central to the alter-globalisation movement as were groups that had long been pushed to the periphery of the social change movement. But there is a more consistent back-and-forth dynamic to contemporary social and political activism that swings between “generalisation”¹ and individual situations. This should, in theory, ensure that certain struggles, experiences and narratives are not invisibilised.

There have been some serious tensions within the alter-globalisation movement, particularly in regards to extractivism (and productivism in general). Some organisations, especially unions, believed that certain industries, including the extractive industry, needed to be developed in order to finance redistribution policies and guarantee employment, while grassroots’ and indigenous movements wanted to promote alternatives to development rather than alternative development.

Formal innovations continued and became more comprehensive. For example, there was a much more in-depth exploration of the idea of consensus in Occupy

[1] Translator’s note: “*Montée en généralité*” is a sociological notion coined by Luc Boltanski. It is a specific discursive process through which one reformulates a singular interest or issue in terms understandable to the wider public.

camps than there was in alter-globalisation arenas. Relocalising struggles and perspectives, as a contrast to alter-globalisation deterritorialisation, was a way to reposition prefiguration as one of the key forms of struggle.² The Social Forums were almost all entirely dedicated to people having their voices heard: if the 2,300 activities (workshops, seminars, etc.) planned for the five days of the 2005 WSF had taken place one after another, the last person to speak at the 2005 WSF would have done so 120 days after the first speaker opened the discussion. Speaking out is of course also central to movements such as Ende Gelände (occupation of coal mines in Germany) or in local hotspots of social and political activism, but the politics driving their work is not all rhetoric. Experimentation also plays a key role.

In many ways, discourse has not been a feature of recent climate action. Young climate strikers often appeal to people to listen or read what has already been said or written, although prefiguration is largely absent from the climate strike landscape.

Outlook

One disaster follows another, yet we're unable to confirm, once and for all, the argument of those who believe in "enlightened catastrophism" – the idea that the inevitability of catastrophe will eventually force us to take action. Their view is that the "straw that will break the camel's back" will eventually come, a moment when we break away from a "business as usual" mentality and collectively take a new direction. Yet as the trajectory of climate change plays out, it seems unlikely that there will be any great unifying event that would enable people to transcend divisions and bring everyone together around a common ethical imperative: to do everything within our power (and more) to prevent the impending disaster (or failing that, mitigate its impact).

We are thus faced with two options. The first is to see democracy as being incompatible with climate action and biodiversity, as the decisions that have to be made for the good of the climate will clearly be unpopular. This option represents a strategic impasse. Although an increasing number of climatologists, experts and even activists are veering towards this approach, it would mean giving up (at least, temporarily) any hope of emancipation and would involve sacrificing justice, equality and fundamental freedoms in order to fight climate change.

The second approach is one based on collective organisation, and would involve continuing (and rebuilding) the actions that made the alter-globalisation and "trans-local" movements so successful. It would require coming together to build a series of actions and create new interpretive frameworks and formal innovations based

[2] "Prefiguration", a term coined by the feminist historian Sheila Rowbotham, refers to the idea that we create change through practices focussed on experimentation rather than perfection, without waiting for society to become what we wish it to be. As David Graeber explains, "it's about creating a social order that exists beyond structures of coercion or subjugation," enabling everyone to "directly experience freedom".

on resistance and prefiguration – the two structural pillars of current climate justice activism.

Climate justice activism is focussed on the importance of preventing the world from being destroyed (what Naomi Klein calls Blockadia). The Paris Agreement, if it can be taken seriously, implies a commitment to ban fossil fuel infrastructure and accelerate the closure of existing infrastructure. More recent climate actions have targeted specific projects: activists seek to prevent, at least temporarily, an airport or coal mine expansion project, the construction of a new oil pipeline, etc. in order to thwart the business-as-usual mentality. But blockading actions are more than just activists physically standing in the way. They also involve divestment campaigns (appealing to individuals and institutions to stop investing in fossil fuels) that seek to build a wide-reaching movement committed to no longer cooperating with climate-harming industries. Other than one or two boycott campaigns, non-cooperation tactics haven't been a big feature of the alter-globalisation movement, which has opted for more traditional forms of confrontation and protest.

The anthropologist David Graeber explains that direct action is “a matter of acting as if you were already free.” He reiterates the importance of prefiguration as a form of struggle and resistance: taking action without systematically relying on the state to implement the changes we wish to see (which is inevitably what happens when actions take the form of demands). When combined with the principle of care, prefiguration delineates a direct alternative to the idea of collapse: while doomsday narratives relate to the hypothetical world of the near future, care and prefiguration relate to the urgency of the present and are based on a refusal to sacrifice what Corinne Morel Darleux calls the “dignity of the present” for the sake of victories that are increasingly uncertain.

This is where contemporary activists can draw inspiration from the alter-globalisation movement. In the face of disaster, it is very tempting to shrug off other options: the long lists of relocation practices, non-market trade, tactics to regain control over production and consumption – all too often these approaches don't seem to be good enough. Inventories, proposals and experiences all placed next to one another like a few drops of water thrown vainly at a raging fire: they won't do anything to put it out.

Yet we could move away from such a response, acknowledge that it is doomsday narratives that produce this sort of reaction. Twenty years ago, at the height of the alter-globalisation movement, these “catalogues” were largely seen as the sign of a healthy counteractive force: there was a teeming number of alternative options, and the fact that there were so many diverse things going on was a sign of the movement's strength. It gave hope that because not all these initiatives could be weakened, controlled or contained, activists were etching out a bottom-up equality-based political agenda. In the face of disaster and the increasing sense of urgency,

perhaps we should pay more attention to the different counteractive forces, which don't all go down the road of collapse but are proof that alternative practices are alive and well. These demonstrate that there are many different ways of building a community, of taking care of oneself, of human beings and of all other forms of life. An effective strategy could indeed be connecting a number of different fronts and coming in from different angles rather than focussing on one specific fight.

Debtors of the World Unite

ASTRA TAYLOR

In 2008, around the same time Lehman Brothers collapsed and the mortgage market began to melt down, I got a call telling me my student loans were in default. I remember trying to grasp the logic as I spoke to the collector. Because I didn't have money, they were increasing my principal by 19 percent. My balance ballooned, as did my monthly payments, which meant I was even more broke than before. My credit score tanked, further compounding my financial woes.

When I got involved in Occupy Wall Street a few years later, I realized my situation was hardly unique. Most people drawn to the encampments were also in the red. To talk to fellow protesters during the first few weeks of Occupy Wall Street was to talk about student loans that couldn't be repaid, medical bills that were piling up, houses that had been foreclosed on by bailed-out banks, and insolvent communities forced to endure austerity measures, with people of color hit hardest. Millions were homeless and jobless, delaying starting families or losing hope of ever being able to retire, while bankers got massive bonuses. Perhaps organizing around indebtedness, some of us thought, would be worthwhile.

Our efforts to that end kicked off in April 2012 when the Occupy Student Debt Campaign (OSDC) organized a protest marking "1T Day"—the day outstanding student debt hit one trillion dollars—and demanding full debt cancellation and free public college. Over the coming months, OSDC merged forces with Strike Debt, a decentralized initiative focused primarily on public education. Strike Debt hosted

debtors' assemblies, where strangers gathered and shared personal stories, and collaborated on a pamphlet called the Debt Resisters' Operations Manual, which combined practical financial advice and a radical overview of our economic system. A little over a year after Occupy began, we launched the Rolling Jubilee, a crowd-funded project that erased more than \$30 million of medical, tuition, payday loan, and criminal punishment debt belonging to thousands of strangers. We acted just like debt collectors, buying portfolios of debt on shadowy secondary debt markets for pennies on the dollar, but instead of collecting on them we erased them, sending people letters notifying them that their obligations were gone, no strings attached. In 2014 we formally launched the Debt Collective, a union for debtors.

Over the years we have developed a shared understanding of the central role debt plays in our economy and the way debt might be wielded as a form of power. Debt, we realized, bridges the individual and the structural, the personal and political, binding each of us to a broader set of financial and political circumstances—circumstances that have emerged over centuries of racist, colonialist, and capitalist exploitation and wealth accumulation. Our goal has been to devise new creative ways to organize. Specifically, turning our individual indebtedness into a source of collective leverage in order to transform those broader conditions. As Marx famously said, the point isn't just to interpret the world but to change it.

Taking inspiration from the labor movement, we believe debtors organized in a union can exercise material power over their common circumstances. The two modes of organizing have different targets but complementary aims. Where labor unions focus on sites of production, debtors' unions focus on circulation, or how money and capital flow and to whom. Labor organizing targets the employer, demanding higher wages, benefits, and more. Debtor organizing, on the other hand, targets the creditor (which, in the era of neoliberalism is also often the state). Debtor organizing fights against predatory financial contracts and for the universal provision of public goods, including healthcare, education, housing, and retirement, so that people don't have to go into debt to access them. These public goods and their access must be structured in ways that remedy long-standing and ongoing social inequalities. The Debt Collective believes that it is not enough for public goods and social services to be universal, they must be *reparative*, too.

One of the upsides to debtor organizing is that, unlike worker organizing, there have not been decades of class war aimed to suppress the tactic. In the United States, for instance, since the Labor Management Relations Act, typically known as Taft-Hartley, was passed in 1947, a lot of seemingly sensible union organizing strategies are simply illegal. The war on labor unions helps explain why only a small percentage of workers are organized on the job (about 6 percent in the private sector and 30 percent in the public sector). The core activities of organizing debtors have not been overtly regulated or restricted in the same way, leaving room to experiment. Debtor organizing has the potential to bring millions of people who

may never have the option of joining a traditional labor union into the struggle for economic justice.

Like employers, creditors have enormous power over people's lives. In many countries around the world, especially those where neoliberal policies have taken holds since the eighties, we are forced to debt-finance healthcare, education, housing, and even our own incarceration. When we can't pay, debtors are disciplined with steep penalties, high interest rates or loan denials, and damaged credit scores, not to mention poverty, as unpayable bills come due. State power is often deployed to enforce unfair financial contracts through court judgments, garnishments, and even jail time. We do not advise financial suicide but coordinated and strategic campaigns of resistance. An individual default is not a debt strike. As with any organizing campaign, there is no guarantee of success. Bosses retaliate against workers, and creditors can be expected to do the same to debtors who dare to throw down the gauntlet. But it is worth the risk, because the present is unbearable. Although many older people are also deeply indebted, the rising generation is the first in a century to face more dismal economic prospects than their parents, in part because they are being crushed by debt. In the United States, for example, student debt now surpasses \$1.7 trillion. In better news, that's \$1.7 trillion of leverage to use in the fight for a different economic system.

If we don't get organized, debtors will keep getting pushed deeper into a financial hole. In the throes of the pandemic, some payday lenders are charging close to 800 percent interest on short-term loans, taking advantage of people who have no other way to keep a roof over their heads or put food on the table. Mass unemployment in the absence of a functioning safety net intensifies mass indebtedness, fueling the already vastly unequal distribution of wealth along predictable racial lines. Meanwhile, financiers are becoming more powerful. When the stock market tanked, the Trump administration put the world's largest asset manager, Black-Rock, in charge of a multitrillion-dollar federal fund tasked with buying up corporate debt. Yet the tens of millions of people who lost their jobs are expected to continue making monthly payments to banks and bill collectors.

We've entered unprecedented territory, but we're not powerless. Over the last decade, once fringe left-wing ideas have become mainstream. Free higher education, universal health care, a Green New Deal, defunding and abolishing the police, and debt cancellation are now popular policies, thanks to grassroots pressure. I'll never forget how, back in 2012, 1T Day organizers were met with derision from the mainstream press when they called for student debt relief and free college. "They want all student debt in the country forgiven. All \$1 trillion of it. And if the government would be so kind, they'd appreciate it if it would pay for higher education from here on out, as well," Reuters' Chadwick Matlin snarked. "What has happened to this proposal? Hardly anybody has cared." NPR's All Things Considered also covered the action, reporting that "most experts believe there's little chance the

government would ever forgive student loans.” Those so-called experts were dead wrong. Over the last five years Debt Collective members succeeded in forcing the government to cancel more than a billion dollars’ worth of student loans and put student debt at the center of the 2020 presidential election cycle.

The moral of the story is that we have to keep organizing. If we don’t, the crisis of indebtedness will only become more acute in the years to come. Personal debt has reached historic proportions, totaling \$14 trillion, and staggering rates of unemployment and a decimated social safety net only raise the stakes. The chant that rang out at Occupy—“Banks got bailed out, we got sold out”—resonates in 2020, only it wasn’t just the banks that got a lifeline when COVID-19 crashed the economy. The cruise and hotel industries, the fossil fuel sector, meat packing plants, private equity firms, and more all lined up to receive public money while regular people were hung out to dry.

We need an organized, militant debtors’ movement now more than ever. Given the way capitalism isolates and divides us, we have long needed to find a way to



© JOSH YODER

January 4th, 2021 protest for student debt cancellation in Philadelphia, PA.

organize across physical distance and social difference, and debtors' unions offer one promising approach. Debtors who share common creditors are rarely confined to a single geographical location. Unlike workers, debtors don't share a factory floor or office but are connected nevertheless, bound by the same creditors and an economic system that forces them into debt for basic needs. Coordinated campaigns of debt renegotiation and refusal can include people who live on opposite sides of the country, opposite ends of the city, or, in some cases, on the other side of the world.

I write this in the midst of intersecting crises. A public health crisis coupled with an economic crisis have intensified and exposed longstanding racial inequities, catalyzing a global movement against police brutality and white supremacy. With huge numbers of people newly out of work and vital social services being slashed, one thing is certain: many households, disproportionately households of color, will be forced to take on massive debts to survive the next year. Life was already difficult before COVID-19 crashed the economy; things are now becoming untenable. Racial capitalism is a centuries-long pandemic. We cannot afford not to rebel.

These days, the words *crisis* and *apocalyptic* couldn't be more apt. The first term comes from the Ancient Greek and means the turning point in an illness—death or recovery, two stark alternatives. The root of apocalypse means to reveal or uncover. This is the truth unveiled by this apocalyptic moment: to truly cure ourselves and survive this crisis we are going to need way more than a vaccine. We will also need more than debt write-downs or even debt abolition to heal what ails us, though that would be a welcome start. We need to completely transform our economy and society so that millions of people don't have to live in perpetual financial and physical peril.

This article is the slightly adapted version of the foreword for the book 'Can't Pay Won't Pay. The case for economic disobedience and debt cancellation' by Debt Collective. Haymarket Books, Chicago, 2020.

Can Municipalism Breathe New Life into Democracy?

ELISABETH DAU, Utopia Movement & CommonsPolis and
CHARLOTTE MARCHANDISE, Deputy Mayor of Rennes and
citizen candidate for the presidential election in 2017 (LaPrimaire.org)

Can municipalism spearhead a new way of doing politics, and provide an antidote to political extremism? By revitalising the commons and giving everyone a role in shaping the future, municipalism is a way to counteract a fragmented society. Through a political ethics of democratic radicalism, it re-empowers citizens and restores confidence.

The June 2017 “Fearless Cities” meeting was convened by the citizen platform Barcelona en Comú, which had emerged victorious from the 2015 Spanish municipal elections. That year, the municipalist movement swept across Spain, with “rebel city halls” installed from Madrid to A Coruña, Zaragoza and Santiago de Compostela.¹ Although municipalism is part of a longer history, dating back to ancient Greece and with many historic milestones – such as the Paris Commune – the last decade has been a major turning point due to the social, economic, cultural and international context.

A pivotal decade

We have experienced a myriad of international, national and local crises since 2007, when the real estate bubble burst, triggering the subprime mortgage crisis. The financial crisis, the crisis prompted by austerity policies, the migration issue, corruption scandals, the shrinking of democratic space, the climate emergency and increasing inequalities have all affected people’s everyday lives. The way these crises have been handled has widened the ever-increasing gap between decision-making centres and citizens, and attested to the profound asymmetry of power between a great majority of “losers” and a tiny minority of “winners”.

[1] The Atlas del Cambio (“Atlas of Change”) is a collaborative project mapping Spanish municipalist cities and their public policies (participation, urban ecology, commons, right to the city, etc.).

We have witnessed successive mobilisations, revolts and revolutions since 2010. These include the Arab Spring, the Indignados of 15-M (15 May 2011), Occupy Wall Street in New York, Nuit Debout, Notre-Dame-des-Landes, and, more recently, the Gilets Jaunes, chanting slogans such as “We are the 99%”, “Dégage” (“Clear off”), “¡Democracia Real Ya!” (“Real democracy now!”) and “Indignez-vous” (“Time for Outrage”). These movements against the impasses of the international, political and financial system have progressively relocated around city squares (Tahrir Square, the Kasba, Puerta del Sol, Republic Square), symbolic places in our cities. Residents of neighbourhoods, villages and cities have been affected by evictions caused by real estate speculation (Barcelona, Belgrade), air pollution (Poland), inadequate public services (Jackson, Mississippi, USA) or no public services at all (Buckfastleigh in the United Kingdom), privatisation, resulting in a hike in water and electricity prices – or resulting in a poorer quality service (Grenoble, Paris, Brussels, Milan, Hamburg), waste crises (Naples, Valparaíso). Residents of certain cities and villages (Riace in Italy, Valencia in Spain, New York) have taken a stand against the hostility towards refugees and treated them with the dignity and respect they deserve. Other issues include everyday discrimination, the coming to power of nationalist or far-right parties (Brazil, United States, Italy, France, Austria) and impunity in the face of corruption (Europe, Balkans, Brazil). So many people have been affected by these issues that residents have joined forces with activists, bringing to mind the words of Ghandi: “Whatever you do for me without me, you do against me.” Because, although the crises have challenged the role of governments and their ability to manage such emergencies, they have also demonstrated that citizens are able to take their lives into their own hands when the political situation becomes unbearable.

In 2011, during the 15-M events in Spain, [Joan Subirats claimed](#) that “a new political agenda is emerging, one related to the future of young people, to their everyday lives, to the idea that caring for others is part of politics”.² These events sparked a convergence of struggles, revealing society’s creative capacity to build new forms of attentiveness, cooperation and governance; in other words, to forge a new vision. These movements have fostered the emergence of municipalism as a political alternative. In certain areas, the desire for radical change has prompted people to self-organise and take action at local level, which then developed into a breeding ground for mobilisation, resistance, solidarity and proposals. The demonstrations have played a key role in transforming the public space into a political space. Grassroots groups invaded the electoral scene to “win over cities” and villages. More than 600 participatory and citizen lists competed in the municipal elections in France (2020), mostly in rural areas and small towns and cities, as well as in a few larger cities such as Poitiers, Grenoble, and Toulouse. After occupying city squares, citizens turned to occupying institutions. The “municipalities for change” policies, which came to the fore between 2015 and 2019 in Spain, as well as in other cities

[2] Joan Subirats, Professor at the Autonomous University of Barcelona and member of Barcelona en Comú, in “Podemos et Barcelona en Comú : les citoyen-nes prennent le pouvoir ?”, *Médiapart*, 10 February 2017.

in Europe and around the world, have been a real-life “laboratory”, demonstrating that although struggles are local, they converge at international level.

[...] These cities and villages represent a process of empowerment, which begins with the individual, moves to the collective and then becomes institutional. They challenge our understanding of power and show that it lies neither in the citadel of city halls, nor in the notability of elected officials. Power is based on a fertile tension between an organised civil society, which can come together as a political community, and a regulatory institution that has been reshaped through a bottom-up approach. It goes hand in hand with the development of new intermediary spaces that bring citizens and institutions together, such as neighbourhood assemblies and citizens’ platforms, which are based on a revitalised political ethics. In these spaces, conflict is recognised as an intrinsic, positive aspect of radical democracy.

Process as important as outcome: democratic quality

In their efforts to build a convergence towards radical democracy, municipalist movements have begun by collectively defining their political ethics. One of the main priorities of municipalism is to put an end to the abuse and misuse of power and the impunity of elected officials, from the local to the highest levels of government. This new social and political contract is based on a new set of rules governing the relations between citizens and their representatives. Charters and “ethical codes” developed by the citizenry (Barcelona, Valencia, A Coruña) lay down new obligations. These include a salary cap for elected representatives, transparency of work schedules, management of conflicts of interest during and after the electoral mandate, independence from bank financing, etc. The goal of these ethical rules is to put an end to the privileges and elitism of politicians, and help rebuild trust. They introduce an active principle of co-responsibility between elected representatives and citizens, and, more broadly, raise the issue of the effectiveness of citizen control in our societies and of the role and status of elected representatives.

These political ethics involve checks and balances: every power must have a counter-power. “Governing by obeying” is the ethical code of the citizens’ platform Barcelona en Comú, inspired by the Zapatista motto “Mandar obedeciendo”, and illustrates what the municipalist movement seeks to achieve. Municipalism is a political project that aims to topple dominant forms of organisation and power based on verticality, hierarchy, centralisation and patriarchy. It advocates an alternative vision of leadership. It seeks to create a new understanding of what leaders should be and do: it promotes cooperative leaders, with recognised qualities (relational or discursive ease, charisma) yet who serve the collective, who are not out to monopolise the political vision or the decision-making process. These values, however, are not easily reconcilable with institutional forms of government, which tend to isolate elected representatives, putting them in a position where they have to make decisions alone and are under pressure to make them quickly. This greatly reduces

the potential for a collective development process. The municipalist approach differs from that of traditional political parties in that “it does not limit itself to political performance”³ and focuses on the coherence and impact of political action on people’s everyday lives. The process is as important as the outcome.

The feminisation of politics remains the backbone of the municipalist movement. In addition to enforcing gender parity in public speech and in political representation, to recognising women’s “user expertise” and developing dedicated public policies, the feminisation of politics involves, in a subtler and more comprehensive way, a profound cultural shift which amounts to “decolonising the mind”.⁴ It’s about changing the way we do things, moving towards a more cooperative or redistributive approach, putting more focus on listening to one another, accepting mistakes and sharing responsibilities equally. The municipalist experience in the Kurdish province of Rojava (Syria), where women have strong leadership roles in a context of armed conflict, is a vivid example of these values being put into action. Inspired by democratic confederalism,⁵ the core values of their political organisation are gender parity, the feminisation of politics and non-discrimination. They advocate alternative ways of doing things, so that individual change also becomes political change. Men and women are now equally responsible for this deeper social and cultural transformation. This concern for the quality of processes and relationships within municipalism is based on the equally central notion of “care”, or “*cuidado*” in Spanish. [...] Change is as much about attitudes as it is about mindsets, forms of organisation and institutions.

A new form of politics: democratic radicalism

Democratic radicalism should be understood, etymologically, as an invitation to rediscover the roots, the essence of democracy. It is the opposite of extremism or dogmatism. It seeks to revitalise representative democracy, which has run out of steam, by introducing a more direct and deliberative democracy. It asserts that democracy is a continuous learning process and that active citizenship should be rooted in the local; this is how we move from “I” to “we”.

Putting citizens back at the heart of decision-making creates a tension between those inside and those outside of municipal institutions. Municipalist movements demonstrate that political power does not only lie within the walls of institutions but also in the gaps and junctions of the social, political and institutional spheres. It lies between society and its capacity to put constructive pressure on institu-

[3] *Municipalismo, autogobierno y contrapoder* (MAC 3) 12-15 October 2017, Joint report by Mouvement Utopia-Commons/Polis-Institut de recherche et débat sur la gouvernance, December 2017, Paris.

[4] Angela María Osorio Méndez (Asilo - Naples, Italy), *Feminisation of politics: equality is much more than quota*, Fearless Cities Belgrade (Serbia), 7-9 June 2019.

[5] Democratic confederalism was theorised by Abdullah Öcalan (Kurdistan Workers' Party), who was deeply inspired by Murray Bookchin, the theorist of libertarian municipalism, with whom he exchanged letters for many years.

tional and political leaders. It also depends on the latter's capacity to effectively regulate and translate this into public policies. The vitality of a democracy is not only a reflection of its elected representatives, but also of its citizens' capacity for initiative, of the vibrancy of counter-powers, of the development of local civil society, and of the quality of education, solidarity, pluralism, trust and social peace. Nowadays, society seems to be one step ahead of institutions. The municipalist movement's drive towards self-organisation proves that people are capable of taking the public interest into their own hands. They are able to create, develop new visions, cooperate, experiment and find solutions, even in an emergency – i.e., by developing collective responses to evictions due to repossession, saying no to the criminalisation of solidarity towards migrants and protecting urban commons. In this “democratic garden” grows a potent new form of collective political power. Municipalism invents new forms and ways of doing politics “by having one foot in the institutions and thousands outside of them” (Ada Colau, mayor of Barcelona). [...] Revitalising democratic intermediary spaces is essential to this positive cooperation.

The profound crisis of representative democracy is reflected in the declining role of political parties, trade unions and associations. Increasingly remote from their own constituencies, their realities and urgent needs, they have no longer been able to bring social demands into the institutional sphere, which has resulted in a lack of public response and policies. In this respect, municipalism advocates a renewal of “intermediary bodies” and new forms of political organisation. Hence the creation of citizens' platforms such as Barcelona en Comú, Ahora Madrid, Marea Atlántica (Spain), Zagreb je NAŠ (“Zagreb belongs to us” – Croatia), Ne da(vi)mo Beograd (“Do not let Belgrade D(r)own” – Serbia), Cambiamo Messina Dal Basso (Italy), Richmond Progressive Alliance (California), People's Assembly (Jackson, Mississippi) in the United States, etc. They are spaces for information, for voicing different ideas and points of view, for building a network and a “confluence”. They are also spaces for managing social conflicts and debates. New methods of dialogue and of collective intelligence are being introduced, which acknowledge that in a democracy, disagreement can be a virtue, even a positive sign of vitality. These methods make it possible to move from multiple, even antagonistic positions to the development of a shared vision. These platforms also enable political confluence by dropping party labels in favour of developing a common local project. This is not without its challenges, as these new forms of politics collide with the traditional logic of political apparatuses, the fragmentation of radical left-wing forces and the rise of the far right. They thus became spaces where local realities and the complexity of public action can be discussed, where debate is encouraged and where political power and transparency go hand in hand.

In addition to intermediary spaces, enormous efforts and resources (human, technological, financial, time) must be marshalled to allow for this fertile back-and-forth process. This is what is required both for democracy and for our future – and they deserve such an investment. In order to involve a larger public, we need to open up

many “time-spaces” dedicated to democratic co-construction. The challenge is to go beyond the usual 15% to 20% participation rate among city and neighbourhood residents. We need to proactively encourage women, workers, invisible people and young people to take part. In this respect, the new democratic culture must include and learn from a generation that is rallying for its own future (and increasingly so), as the youth climate rallies have illustrated. Digital technology (open civic tech) makes it possible to experiment with collaborative tools, such as the Decidim platforms. In order to be credible, municipalist movements have to “leave all doors open”, diversify communication channels (paper, digital, face-to-face, media and social networks), set adapted meeting times (evenings, weekends) and allow people to bring their children. This cannot be decreed, or improvised. Training is essential to establishing collective intelligence and shared governance methods. This also ensures that meeting times are facilitated in a way that encourages everyone to speak out and contribute to the discussion and decision-making process, which should be qualitative and consensual rather than just majority-based.

A decision is no longer the beginning but the end of a documented, debated and arbitrated collective process, which empowers and enhances the skills of residents, elected representatives and local public officials alike. The participatory and collegial governance of the French village of Saillans offers an inspiring example in this regard. Power is shared between elected officials who “share both skills and compensation, work in pairs, and involve residents in the preparation, monitoring and implementation of projects”. [...] Residents have an ongoing role in democratic life that isn’t limited to the election period. It is they who identify needs and priority actions, and they play a key role in the decision-making process. Getting them involved also means taking the time to explain and discuss public action, choices, tools, timeframes, skills and the limited reach of municipal authorities.

The quality of governance thus depends on the whole democratic ecosystem, including the world outside institutions. During the recent Fearless Cities meeting in Belgrade,⁶ Mauro Pinto (Massa Critica, Naples) argued that “the issue today is not only about losing (or winning) an election”, but about the importance of “how”: how to effectively connect social movements and local institutions, how to avoid wasting energy, how to fight populism, how to find a space in the general political landscape, how to make the municipalist project “attractive”. And how to find the capacity to renew a municipal administration’s structures and practices.

Managing new institutions as commons

Is change within institutions even possible? How can we prepare for governance when the prevailing culture within the administration is often adverse to that advocated by municipalism?

[6] Fearless Cities Belgrade, 7-9 June 2019.

During the 2017 Fearless Cities conference, those elected on municipalist platforms first mentioned the “shock” at discovering the institutional and administrative workings of city halls. These new politicians have a very different profile from “professional” politicians. How can those who do not belong to the political, intellectual or economic elite, and are unfamiliar with the workings of power and the complexity of public policy, move from activism to public office? “Institutional inexperience” requires a period of adaptation that can last many months, perhaps several years, leaving public policy largely in the hands of civil servants. Newly elected representatives need to understand public policy and find their place. This raises the question of the training and support required to help newly elected representatives navigate these difficulties. It is a true journey, an immersion in an administrative world often steeped in a long tradition of hierarchy and verticality, which has been passed down through the ages. While it guarantees the public service’s continuity, it is also a symbol of profound inertia. For many new municipal councillors, their relationship with the administration has been a central issue. The local administration, perceived by some as a “monster” with inextricable shackles, sometimes turned into an enemy from within, yet with which it was necessary work for the whole term of office.

[...] “There is a need to create new forms of institutions to be managed as commons – institutions at the service of the people,” said Mercé Amich Vidal (Celrà) during the Fearless Cities debates in 2017. Similar remarks were made by representatives from Spanish municipalities at the 2018 Municilab.⁷ The need to move towards a more cooperative work culture within the administration was mentioned, as was the importance of putting the public interest and the universality of public services at the heart of administrative processes. [...] With the winds of radical local democracy blowing through our villages and cities, it has become pivotal that we adapt the legal framework in which local authorities operate. This will ensure the resilience of administrative structures in the face of unprecedented social, democratic and environmental challenges.

An international and trans-local movement tackling the challenge of changing the rules

The need to change the rules of the game is also apparent when it comes to the issue of local jurisdiction and the scale of decision-making. Municipalism is rooted in a local outlook, but it is not a localist movement. It is based in small areas such as villages, or urban areas in cities, but it also emphasises our interdependence with other cities, other countries and other realities around the world. Municipalism stands against the current impasse of nation-states and against the culture of borders in all their material and symbolic representations. It fosters new collective identities, both local and trans-local. The thinking behind libertarian municipalism

[7] Municilab, 26-27 October 2018, Barcelona.



Gathering of Fearless Cities in Barcelona, June 2017

© EMPODERA & ALMEDIO CONSULTORES

envisages a system of democratic confederalism that recognises the need for networking and for collaboration between different local levels. The struggles happening at local level are as much a response to local issues as they are a response to globalised disorders.

The image of “David and Goliath” is often used to convey [local decisions made by city councils](#) in Amsterdam, Barcelona, Berlin, Bordeaux, Brussels, Krakow, Munich, Paris, Valencia and Vienna.⁸ These city centres have fallen prey to real estate speculation, which fuels mass tourism and gentrification and pushes the city’s residents out to the fringes. These cities’ battle against Airbnb is a good example. Without protective national and European regulations, they have had to doggedly insist on local legislation, in order to reassert the right to housing, the right to the city, the rights of the people who live in them (not just those who consume them). [...] It is not only Airbnb that is the problem. The battle against the excesses and injustice of economic powers takes a number of different forms. In Grenoble, billboard advertising is being tackled. For the Ne da(vi)mo Beograd platform in Serbia, it is fighting a colossal commercial project planned for the waterfront. For others, it is about remunicipalising energy. In Autumn 2018, the “Municipalize Europe” initiative brought together representatives from municipalist platforms in Spain, Italy, the Netherlands and France to put forward joint proposals for Europe and to fight against the European directives or national legislation that are used to constrict them.

The “Pact of Free Cities”, initiated in 2019 by the mayors of Bratislava, Budapest, Prague and Warsaw, is part of this same momentum of resistance and trans-local

[8] “Ten cities ask EU for help to fight Airbnb expansion”, *The Guardian*, 20 June 2019. <https://amp.theguardian.com/cities/2019/jun/20/ten-cities-ask-eu-for-help-to-fight-airbnb-expansion>

alliance, a reaction against the crushing of their democracies. The four mayors have openly denounced populist politics, the misappropriation of European funds and the inaction of their governments. Their cities have joined forces and have pledged to address the climate crisis, fight for adequate housing, tackle inequality, and uphold common values of human dignity, democracy, sustainability, rule of law and social justice.

We should also mention the courageous citizens and elected representatives who have been hospitable to refugees in Mediterranean coastal areas, in the villages of Italy and in the Alps, and the welcoming of the Aquarius in Valencia, Spain (June 2019). Again, it was cities, villages and their municipalities that took a stand. They chose to go beyond their limited jurisdiction and override flawed migration policies in order to give a dignified and human response to the humanitarian emergency and the political impasse at national and European level. Networks of welcoming cities (Cities of Refuge, Fearless Cities, ANVITA⁹) have made this fight an international one.

The Fearless Cities network is the backbone of the international and trans-local municipalist movement which has convened seven meetings throughout the world (Barcelona, New York City, Warsaw, Brussels, Valparaíso, Naples, Belgrade) to date. Each of these meetings has brought together several hundred people from different countries within the same sub-region. They have contributed to bringing new energy to local movements, and to the development of new relationships at local, regional and even international level, as learning about distant experiences is also a priority. These spaces allow people to share strategies, experiences and learning – as well as doubts, questions, and hopes – bringing both local and global perspectives together.

These are all examples of the current trend towards creating new networks of cities and building alliances at a supra-local level in order to do “more and better” for radical democracy and to ensure a better quality of life.

New horizons

These examples should remind us that bringing about systemic change is a long-term enterprise. New methods and new ways of doing things reflect a new political vision, one that opens up new horizons. Municipalism is a project of social and political transformation based on the empowerment of individuals, communities and institutions.

Municipalism is built on struggles and values that reflect a political vision – such as access to rights for all, preservation of and access to the commons, the right to

[9] ANVITA: Association nationale des villes et territoires accueillants (National Association of Welcoming Cities and Territories).

the city and to housing, gender equality, dignity and hospitality, cooperation, social justice, pluralism, ethics, solidarity and social ecology. Public space becomes common space, and its repoliticisation becomes a breeding ground for new victories. The most important one is to encourage people to believe that they are able to take action and shape their own lives; that they are the architects of their individual and collective fate. At the recent Fearless Cities meeting in Belgrade, Iva Ivšić said that one of the achievements of the Zagreb I NAŠ platform was “to have opened up a space for people to realise that they have other options”.

Perhaps the most decisive social transformation and political victory of our time, in the current political, economic, ecological and democratic context, is realising that a political alternative exists, and becoming confident that we can play a role in creating “a future we deserve”, as Debbie Bookchin so aptly puts it. This is a profound change of vision which gives a different slant on what it means to live together harmoniously. When this becomes a shared vision, it strengthens our capacity to respond collectively and politically to the challenges of our time.¹⁰

This article has been adapted from the preface to Guide du municipalisme. Pour une ville citoyenne, apaisée et ouverte, Editions Charles Léopold Mayer.

<https://www2.eclm.fr/livre/guide-du-municipalisme/>

[10] [Un pied dans l'institution et des milliers en dehors : le municipalisme comme force politique trans-européenne en consolidation](#), reflections on the Fearless Cities meeting in Belgrade (Serbia), Elisabeth Dau, June 2019.

AUTHORS

1. **Astra Taylor** is an author and co-founder of the Debt Collective, a debtors' union.
His latest book is *Into the Tempest: Essays on the New Global Capitalism* (Haymarket).
2. **Gustave Massiah** is an engineer and economist, a long-time alter-globalisation activist, member of the scientific council of ATTAC France and of the World Social Forum's international council.
3. **Mathilde Dupré** is co-director of the Veblen Institute, specialised in trade issues, tax justice and the regulation of multinational corporations.
4. **Xavier Ricard Lanata** is an ethnologist, philosopher and writer. He is a member of the editorial board and co-founder of the journal *Terrestres. Revue des idées, des livres et des écologies*. His books include *La tropicalisation du monde* (2019) and *Blanche est la Terre* (2017).
5. **Adoración Guamán** is a tenured professor in labour law at the University of Valencia. Her work focuses on analysing new forms of labour insecurity, the effects of the EU and free trade treaties on social rights, and social protection mechanisms. **Guillermo Murcia López** is a PhD student in labour law at the University of Valencia.
6. **Renaud Fossard** is the coordinator of the SPIM programme (Système publicitaire et influence des multinationales – System of Marketing and Corporate Influence), which brings together civil society and academics in order to analyse corporate communication. He is the author of the report *Big Corpo. Encadrer la pub et l'influence des multinationales : un impératif écologique et démocratique*, published in June 2020. For more information, see: sp-im.org
7. **Jean-Baptiste Jobard** is the coordinator of the Collectif des associations citoyennes (CAC), established in 2010 to fight against the commodification of civic organisations and the reduction of their role to that of executors of public policy. This collective brings together activists from different backgrounds (culture, social, environment, sport, international solidarity, etc.) committed to building a more sustainable, participatory and inclusive society.
8. **William I. Robinson** is a professor of sociology, international affairs and Latin American studies at the University of California, Santa Barbara.
His latest book is *Into the Tempest: Essays on the New Global Capitalism* (Haymarket).
9. **Caroline Weill** is a feminist and civil society activist, and the coordinator of this issue of the Passerelle Collection.
10. **Vanessa Codaccioni** is a professor of political science at the Paris VIII University. Her work focuses on the sociology of repression and of the state apparatus, political trials, and justice and law in the context of a state of exception, among other concerns.
11. **Mathieu Rigouste** is an independent social science researcher who works closely with social movements.
12. **Ghislain Poissonnier** is a French magistrate and graduate of the Paris Institute of Political Studies. He has worked as a jurist in Kosovo, Palestine, Afghanistan, Thailand, the Democratic Republic of Congo, Guinea and Côte d'Ivoire.
13. **Michelle Foley** is the coordinator of Front Line Defenders' Memorial Project. Front Line Defenders is an international organisation dedicated to protecting human rights defenders who face significant threats in their non-violent advocacy work.
14. **Ricardo Gebrim** is a Brazilian lawyer and leader of the political organisation *Consulta Popular*.
15. **Suzanne Kruyt** has a Master's degree in culture and organisation from the Vrije Universiteit in Amsterdam and has been living and working in Bolivia since 2005. Committed to defending the rights of indigenous peoples, the environment and the land, she has published various articles on indigenous rights in Bolivia and Peru. She is currently working as a consultant in a programme aimed at transforming socio-environmental conflicts in the so-called "lowlands" of Bolivia.
16. President of the French Data Network (FDN) [fdn.fr] and of the Parinux GULL [parinux.org], which hosts the CHATONS Bastet [bastet.parinux.org], **Khrys** publishes a weekly web review on the Framablog [framablog.org]. See: <https://khrys.eu.org/>

AUTHORS

17. **Privacy International** is a British organisation that seeks to protect democracy, defend people's dignity, and demand accountability from institutions who breach public trust.
18. **Andrew Crosby** is an activist scholar and independent journalist living on unceded Algonquin territory in the national capital region of the Canadian state. Crosby has published dozens of media articles on social justice, solidarity, and policing for various publications, as well as academic articles in the journals *Security Dialogue*, *Social Justice*, *Geoforum*, *Canadian Public Administration*, and *Critical Studies on Terrorism*. He is co-author of *Policing Indigenous Movements: Dissent and the Security State* (2018, Fernwood Publishing).
19. **Oriane Piquer-Louis** has been the President of the FDN Federation (nonprofit community internet providers) since 2017. She has been the coordinator a working group on telecom regulation within the FDN Federation since 2015.
20. **Antonio Delfini** is a sociologist at CLERSE (UMR 8019), and the coordinator of the Observatory of Civil Society Freedoms. **Julien Talpin** is a research fellow at CNRS, CERAPS, University of Lille, and co-head of the GIS Démocratie et Participation. **Adrien Roux** is the director of the Alinsky Institute. They write for the L.A. Coalition (<https://www.lacoalition.fr/>), a coalition of civic organisations that are developing strategies to tackle the repression of civic organisations.
21. **La Peste** is a Chilean collective that seeks to contribute to an ongoing discussion of anarchist practices, as well as share new ideas and experiences in order to reinforce the anarchist movement's communication and solidarity through and with social revolution. See: www.lapeste.org
22. **Juliette Rousseau** is an author, translator and journalist working on social movements and political organising with a focus on empowerment.
23. **Gwenola Ricordeau** is an assistant professor of criminal justice at California State University, Chico, and a research associate at the Centre Lillois d'Etudes et de Recherches Sociologiques et Economiques, I-site Université Lille Nord Europe (ULNE). **Joël Charbit** is a sociologist and associate researcher at CLERSE, I-site Université Lille Nord Europe (ULNE). **Shain Morisse** is a political scientist at the CESDIP, University of Versailles Saint-Quentin-en-Yvelines (UVSQ) - Université Paris-Saclay.
24. **Zachariah Mampilly** is President of the Marx Endowed Chair of International Affairs at the City University of New York. He is co-author of *Africa Uprising: Popular Protest and Political Change* (with Adam Branch).
25. **Laurent Duarte** has been the international coordinator of the Tournons La Page movement since 2016 (within Secours Catholique), tasked with providing technical and international support to the network's 250 member organisations. **Brigitte Améganvi** has been involved for several decades in African diaspora organisations active in human rights, democracy and inclusive development issues.
26. **Nicolas Haeringer** is a spokesperson for the NGO 350.org France and author of *Zero Fossil: Divesting from coal, gas and oil to save the climate*.
27. **Elisabeth Dau** is the research director of the "Municipalism, Territories and Transitions" programme of the Utopia Movement (citizen cooperative for popular education) and CommonsPolis (Spanish think- and do-tank). She is an expert in democratic governance and holds degrees in law and public administration. Charlotte Marchandise is deputy mayor of Rennes and was a citizen candidate in the 2017 presidential election (LaPrimaire.org).

BIBLIOGRAPHY

BOOKS

DARDOT Pierre, LAVAL Christian (2016)

Never Ending Nightmare: The Neoliberal Assault on Democracy
Verso – 208 p.

GRAEBER David (2013)

The Democracy Project: A History, a Crisis, a Movement
Spiegel & Grau – 352 p.

TEMELKURAN Ece (2019)

How to lose a country. The 7 steps from Democracy to Dictatorship.
London : Fourth Estate – 272 p.

WILLIAM I. ROBINSON (2020)

The Global Police State
Londres : Pluto Press – 208 p.

TUFECKI Zynep

Twitter and Tear Gas: The Power and Fragility of Networked Protest
New haven & london : Yale University Press – 360 p.

CROSBY Andrew, MONAGHAN Jeffrey (2018)

Policing Indigenous Movements. Dissent and the Security State
Fernwood Publishing – 192 p.

CHAMAYOU Grégoire (2018)

La société ingouvernable. Une généalogie du libéralisme autoritaires
Paris : La Fabrique éditions – 326 p.

DUPUIS-DERI Francis (2013)

Démocratie, histoire politique d'un mot aux États-Unis et en France
Montréal : Lux – 456 p.

RIGOUSTE Mathieu (2012)

La domination policière. Une violence institutionnelle
Paris : La Fabrique éditions – 260 p.

COMACK Elizabeth (2012)

Racialized Policing: Aboriginal People's Encounters with the Police
Halifax and Winnipeg: Fernwood Publishing, 242 p.

GRAYBILL Andrew (2007)

Policing the Great Plains: Rangers, Mounties, and the North American Frontier, 1875-1910 Lincoln: University of Nebraska Press, 293 p.

MAMPILLY Zachariah, BRANCH Adam (2015)

Africa Uprising : Popular Protest and Political Change African Arguments – 251 p.

LYON David (2018)

The culture of surveillance : watching as a way of life Cambridge : Polity Press, 172 p.

MARX, Gary T. (2016)

Windows into the Soul : Surveillance and Society in an Age of High Technology
Chicago : University of Chicago, 326 p.

GARLAND David (2001)

The culture of control. Crime and Social Order in Contemporary Society
Oxford University Press – 300 p.

BIBLIOGRAPHY

REPORTS

Associations attaquées: un guide et des témoignages pour faire face et riposter
LA Coalition, 2020

<https://www.lacoalition.fr/Associations-attaquees-un-guide-et-des-temoignages-pour-faire-face-et-riposter>

Shrinking space' ou le 'Rétrécissement de l'espace démocratique'

TransNational Institute (TNI), 2017

https://www.tni.org/files/publication-downloads/le_retrecissement_de_lespace_democratique.pdf

En Afrique comme ailleurs: pas de démocratie sans alternance!

Tournons la page, 2015

<https://www.secoures-catholique.org/sites/scinternet/files/publications/rapport-tournons-la-page1.pdf>

Écologie, démocratie et système monétaire

Institut Veblen, 2015

https://www.veblen-institute.org/IMG/pdf/ecologie_democratie_monnaie.pdf

Big Corpo. Encadrer la pub et l'influence des multinationales: un impératif écologique et démocratique

SPIM – Systèmes Publicitaires et Influence des Multinationales, 2020

https://sp-im.org/wp-content/uploads/2020/06/Rapport-Spim-complet_220pg_mai2020.pdf

Corporate Surveillance in Everyday Life. How Companies Collect, Combine, Analyze, Trade, and Use Personal Data on Billions

Christl Wolfie, 2017

https://crackedlabs.org/dl/CrackedLabs_Christl_CorporateSurveillance.pdf

In the National Interest ? Criminalization of Land Defenders in the Americas.

Moore, Jen, Roch Tassé, Chris Jones, and Esperanza Moreno.

Ottawa: MiningWatch Canada and International Civil Liberties Monitoring Group, 2015.

https://iclmq.ca/wp-content/uploads/2015/09/IntheNationalInterest_Summary_ENG.pdf

SITOGRAPHY

Front Line Defenders

<https://www.frontlinedefenders.org/>

Global Witness

<https://www.globalwitness.org/fr/>

Freedom House. Expanding freedom and democracy

<https://freedomhouse.org/>

Transparency International

<https://www.transparency.org/en/>

Human Rights Watch

<https://www.hrw.org/>

Amnesty International

<https://www.amnesty.org/en/>

Boycott, Divestment, Sanctions (BDS)

<https://bdsmovement.net/>

Tournons la Page

<https://tournonslapage.org/en>

SSN (Surveillance Studies Network)

<https://www.surveillance-studies.net/>

Privacy International

<https://privacyinternational.org/>

Surveillance Self-Defense. Tips, Tools and How-tos for Safer Online Communications

<https://ssd EFF.org/>

Tactical Tech (digital self-defense)

<https://tacticaltech.org/projects/>

Exodus Privacy (analyses Android applications, looks for embedded trackers and lists them)

<https://exodus-privacy.eu.org/>

#8toAbolition

<https://www.8toabolition.com/>

Critical Resistance. End the Prison Industrial Complex

<http://criticalresistance.org/>

<https://transformharm.org/> : a resource hub about ending violence and an introduction to transformative justice.

Désarmons-le

<https://desarmons.net/>

UN Binding Treaty on Transnational Corporations with respect to Human Rights

<https://bindingtreaty.org/>

Debt Collective

<https://debtcollective.org/>

Veblen Institute

<https://www.veblen-institute.org/?lang=en>

Collectif national unitaire stop CETA Mercosur

<https://www.collectifstopceta.org/>

Progressive International

<https://progressive.international/>

Democracy in Europe Movement (DiEM25)

<https://diem25.org/>

Fearless Cities

<http://fearlesscities.com/>

SELECTED FILMOGRAPHY

***A Thousand Cuts*. Documentary by Ramona Diaz, 2020, 99 min.** Nowhere is the worldwide erosion of democracy, fuelled by social media disinformation campaigns, more starkly evident than in the authoritarian regime of Philippine President Rodrigo Duterte. Journalist Maria Ressa places the tools of the free press – and her freedom – on the line in defence of truth and democracy.

***Place à la révolution*. Documentary by Galadio Kiswendsida Parfait Kabore, 2017, 84 min.** “Kill Sankara and thousands of Sankaras shall be born,” prophesied Thomas Sankara, the visionary, revolutionary and principled President of Burkina Faso, just before his assassination in 1987. In late 2014, after 27 years of struggle against President Blaise Compaoré’s dictatorship, the people of Burkina Faso overthrew the National Assembly and forced him to resign. Pacifist movement “Le Balai Citoyen”, launched in 2013 by two politically committed musicians claiming Sankara’s legacy, the Rasta Sam’k Lejah and the rapper Smokey, played a key part in this “second revolution”. Camera in hand, Parfait Kabore explores this unprecedented artistic adventure of the people, from the hope of change to the triumph of freedom.

***Boy Saloum. La Révolte des Y’en a Marre*. Documentary by Audrey Gallet, 2013, 74 min.** Thiati and Kilifeu, both members of the group Keurgui, are two of Senegal’s most popular rappers. Denise, a computer scientist, is active on social media. Fadel is an investigative journalist. In the suburbs of Dakar, in 2011, these young people establish the “Y’en a marre” movement. They don’t yet know that their role leading social protests against the regime will make them historical figures. Over the span of a few months, they become the voice of an African youth suffocated by unemployment and futureless menial work, subject to the tyranny of a globalised economy, deprived of educational and health systems worthy of the name: a youth who dreams of embarking on makeshift boats in the hope of a better life.

***Je suis le peuple*. Documentary by Anna Roussillon, 2016, 111 min.** “The revolution? Just watch it on TV!” says Farraj to Anna when the first protests break out in Egypt in January 2011. While a great revolutionary chant rises from Tahrir Square, 700 km away, all is quiet in the village of Jezira. Farraj will follow the upheavals that are rattling his country on a television screen. For three years, a complicit dialogue takes shape between the director and this Egyptian farmer: he with his pickaxe on his shoulder, she with her camera in hand. Their exchanges bear witness to the swaying of consciences and the hopes of change: a slow, profound political journey, full of promises...

***Un seul héros : le peuple*. Documentary by Mathieu Rigouste, 2020, 81 min.** Seven years of investigative work that went into creating a website, a documentary film and a book on the popular uprisings of December 1960 in Algeria and the defeat of the counter-insurgency at the hands of the “wretched of the Earth” themselves.

***Un pays qui se tient sage*. Documentary by David Dufresnes, 2020, 86 min.** As anger and discontent at social injustice grows, citizen protests are subject to increasingly violent repression. *Un pays qui se tient sage* invites citizens to explore, question and reconsider their views on social order and on the legitimacy of the state’s use of violence.

***À nos corps défendant*. Documentary by IanB, 2019, 90 min.** This film does not tell a story. It is a tender and radical exploration of the psychological and physical violence of the police on residents of working-class neighbourhoods. The stories take place in the France over the last twenty years, the post-Sarkozy years, and are told by those affected by violence themselves: no sociologists, no historians, no journalists and no storytelling. Just the words of those whom some would rather keep silent: Wassil Kraiker and his parents Zohra and Abdelaziz, young people from Argenteuil, Amine Mansouri and his father Moustapha, Ali Alexis and his wife, Ramata Dieng and Farid El Yamni...

PREVIOUS ISSUES OF THE PASSERELLE COLLECTION

- N°21/2020:** *Low tech: face au tout-numérique, se réappropriier la technologie*
- N°20/2020:** *Cities vs Multinationals*
(Co-edition with ENCO, available in french, English and Spanish)
- N°19/2019:** *Beyond Borders*
(Available in French and English)
- N°18/2018:** *Water as a commons. Climate, Land, Democracy*
(Co-edition with Olivier Petitjean, the Multinationals Observatory, available in French and English)
- N°17/2017:** *Féminismes! Maillons forts du changement social*
(Available in French and Spanish)
- N°16/2017:** *La vigilance sociétale en droit français*
(Co-edition with Sherpa)
- N°15/2016:** *Unveiling the Right to the City*
(Co-edition with HIC, available in English, French and Spanish)
- N°14/2016:** *Democratic Information in an Age of Corporate Power*
(Co-edition with the Multinationals Observatory, available in English and French)
- N°13/2015:** *The Climate: Active Transition or Change Inflicted?*
(Available in English, French and Spanish)
- N°12/2015:** *La Prochaine Révolution en Afrique du Nord: la lutte pour la justice climatique*
(Co-edition with Platform London and Environmental Justice North Africa, available in French and Arabic)
- N°11/2014:** *For Free Information and Open Internet: Independent journalists, Community Media and Hacktivists Take Action*
(Available in English, French and Spanish)
- N°10/2014:** *Take Back the Land! The Social Function of Land and Housing, Resistance and Alternatives*
(Co-edition with Aitec, available in English, French and Spanish)
- N°9/2013:** *Paysages de l'après-pétrole?*
(Co-edition with La Compagnie du Paysage)
- N°8/2012:** *L'efficacité énergétique à travers le monde, sur le chemin de la transition*
(Co-edition with Global Chance)
- N°7/2012:** *Le Logement en Europe, Délogeons la crise!*
(Co-edition with l'Aitec, available in French and English)
- N°6/2012:** *Commons, a model for managing natural resources*
(Updated version, available in English and Portuguese)
- N°5/2011:** *Le pouvoir des entreprises transnationales*

**ritimo**

21^{er} rue Voltaire, 75011 Paris

Tel: +33 (0)1 44 64 74 16

www.ritimo.org

www.coredem.info

Paris, may 2021

Realisation and coordination

Caroline Weill (ritimo)

Editorial Committee

Frank Barat, **Erika Campelo** (No Vox – L.A. Coalition), **Emmanuel Charles** (RTM Draguignan, membre de **ritimo**), **Laurent Duarte** (Tournons La Page), **Mathilde Dupré** (Institut Veblen), **Christophe Masutti** (Framasoft), **Danielle Moreau** (CDTM72, membre de **ritimo**), **Bernard Salamand** and **Caroline Weill** (**ritimo**)

Proofreading

Emmanuel Charles, Line Delestrée, Virginie Duval, Danielle Eldin, Jihane Habachi, Danielle Moreau, Nathalie Samuel, Marie Youakim

Translations

Susanna Gendall, Phoebe Green, Carla McKirdy

Design

Guillaume Seyral

Layout

Clara Chambon (www.clara-chambon.fr)

Reproduction Rights

Reproduction of articles in this issue is both authorised and encouraged, provided the articles are not modified, that the original edition is cited and that **ritimo** is informed. All Passerelle articles are available online on the CoreDEM site under a Creative Commons license : CC BY NC ND (www.creativecommons.org)

Illustrations

Except when otherwise mentioned, all images and photographs in this issue are under a Creative Commons (CC) license and posted online on flickr: www.flickr.com/creativecommons

It seems a fairly unanimous assessment that for several decades, social struggles and solidarity movements have had to take a defensive stance rather than one of progress or of conquering new rights. Everywhere, democracy seems to be in retreat, under threat, to default on its promises of political equality and guaranteed liberties. On the contrary, authoritarian, conservative or far right governments are on the rise. Meanwhile, those who fight for a fairer world are increasingly subjected to violence by the state's repressive apparatus. How are we to understand this rising repression and the shrinking of democratic expression? And what can we do about it?

This issue of the Passerelle Collection begins with an examination of the relationship between private interests and political power, looking at the extent to which it can explain the intensification of violence against social movements. Whether it be the repercussions of the 2008 crisis, the drive towards austerity, or the "incestuous" relationship between governments and transnational corporations, the evolutions of late capitalism and that of liberal democracies are increasingly intertwined. The demand for social justice, which has been more vocal than ever in 2019, requires us to think about economic and political problems as an inseparable issue.


This publication also seeks to analyse the current forms of repression – from the genealogy of police brutality in France and the criminalisation of social movements, to parliamentary coups – in order to provide us with a better understanding of the mechanisms that contribute to "locking down" democracy. Getting a better grasp on the issue of surveillance and collaboration between Big Tech and governments is particularly crucial.

Finally, this issue offers an exploration of the (new) forms of resistance and struggle emerging in this admittedly stifling context. Physical, digital and legal self-defence, abolition of the police, debtors' unions, municipalism as a way to rebuild democracy from the bottom up... All these practices, initiatives, political horizons, demands and experimentations are a source of hope and inspiration – so that we can open up democratic space again, go back on the offensive and re-empower people to build the world we aspire to...

Ritimo

ritimo, the publisher of the Passerelle Collection, is a network for information and documentation on international solidarity issues and sustainable development. **ritimo** is present in 75 locations throughout France that are open to the public, participate in the promotion of citizen campaigns, and organise trainings and other events. **ritimo** is actively involved in the production and dissemination of plural and critical information online: www.ritimo.org



The Passerelle Collection is published
by Ritimo, as part of the Coredem
initiative with support from
the Charles Léopold Mayer Foundation
for the Progress of Humankind. 

Price: 10 euros ISBN: 978-2-914180-91-7