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## Why our German friends are wrong on EU Constitution

In a 'tribune' in *Le Monde* on May 3<sup>rd</sup> [1], some distinguished German intellectuals (including Jürgen Habermas, Günter Grass and Wolf Biermann), called their "French friends" to account. They exhorted them to approve the constitutional treaty. Our German friends are welcome in the French debate, but they seem ill-informed of its content. This is no doubt because parliamentary ratification in Germany has deprived them of a fruitful public debate. If France had adopted the same parliamentary procedure, it would have been recorded that 90 per cent of deputies and senators ratified the treaty, whereas the result of the referendum remains up to this day uncertain.

For our German friends a French "No" would be a betrayal of progress and the Enlightenment (sic). And why not of "the meaning of History"? The serious nature of what they say calls for some clarifications.

Left to right: Günter Grass, Wolf Biermann, Jürgen Habermas Partisans of a "No from the left", we are attached to the perspective of a Europe that is social, democratic, open and not limited to the uncertain frontiers of a Judeo-Christian civilisation. That is why we reject a treaty which gives constitutional force to a neoliberal Europe, continues to demolish social solidarities and public services, confirms the mandate of the European Central Bank to be outside any political control and favours

(by the absence of social and fiscal harmonisation) social dumping and unequal development.

A European Union without a social programme, given over to the competition of all against all, is necessarily anti-democratic. Declared neoliberals, who know their Montesquieu by heart, thus become enthusiastic for an institutional arrangement in which the executive arm (Council and Commission) and the judiciary (the Court of Justice) make laws, whereas the legislative arm (the Parliament) is a consultative ectoplasm.

Our German friends know, however, how heavily the Bismarckian bureaucratic unification on the ruins of aborted democratic revolutions has weighed in German history. To raise to constitutional status a treaty concocted behind the backs of the peoples, without an effective exercise of their constituent power, will in the end produce nothing but disappointment and resentment. The European idea itself will as a result be discredited.

It would have been more in conformity with reality to consider this treaty, draped in constitutional solemnity, as a "useful set of internal regulations", according to the sober formula of Michel Rocard. To raise it to the rank of a Constitution does not however have a purely symbolic function. What is involved is to give constitutional force to orientations (detailed in Part III) which should be the affair of elected bodies, so that what one majority has done, another majority can undo.

In engraving them in a Constitution that is practically impossible to modify, so improbable is a revision procedure involving twenty or thirty countries, popular sovereignty is caught in an iron grip and, in the name of untrammelled competition, policies which would give priority to the logic of needs and common

well-being over the ruthless logic of the stock market are forbidden.

Carried away by their fervour, the proponents of the "Yes" vote attribute magical powers to a benevolent European spirit: peace, social rights, Airbus, all that is supposed to be thanks to Europe. Social rights were not however accorded by a benevolent ghost, but won dearly through real social struggles.

Peace is not a generous gift of the Brussels Commission, but the result of tragic historic ordeals and of the relationship of forces produced by the Second World War (not forgetting that the corollary of sixty years of relative internal peace has been participation in all the colonial and imperial expeditions, in Africa or in the Gulf). As for Ariane and Airbus, they are not the fruit of a future Constitution, but the result of industrial cooperation backed by really existing states.

According to our German friends, the constitutional treaty is necessary to "balance relations with the United States". However, by accepting the tutelage of NATO, it confirms Europe's subordination to the hegemonic power of the United States, whose military budget is more than double that of the European Union. Seeking to reduce this gap significantly would lead either to renewed public deficits of vertiginous proportions or (which is obviously the most likely hypothesis) to a drastic reduction of social spending.

If there really exists a new "American challenge", it cannot be met by copying its liberal model. A response to imperial hegemony would on the contrary have to win the sympathy and the friendship of the peoples by presenting a real alternative model of social justice and peace.

If the European Union is sick today, it is not from the possibility of a French (or Dutch)

“No” to the constitutional treaty. It is from a defect that is built into its genetic code. The scenario laid out in the Single European Act (1986) and the Maastricht Treaty (1992) did not take into account three major events. First of all, liberal globalisation has led to a concentration of capital that is transnational rather than European: the Union has as many and indeed more industrial partnerships with American or Japanese firms than it has what could properly be called European champions.

Secondly, the sudden collapse of the bureaucratic regimes in Eastern Europe precipitated the question of enlargement, which is heavy with social contradictions, but politically inevitable. Lastly, the disintegration of the Soviet Union, German unification and the rupture of the precarious equilibrium of the post-war period have put on the agenda a new division of the world and a new realignment of alliances.

Thus the ingredients of a historic crisis have been brought together. Only a radical change of logic, giving priority to social, democratic and ecological convergences as against the egotistical calculations of profits and stock exchange revenues, could defuse it.

According to those who plead for a “Yes” vote, the choice is this treaty or nothing: “There is no alternative”, Mrs Thatcher was fond of proclaiming! This rhetoric of resignation contributes to discrediting politics. We on the contrary are not only convinced that social convergence criteria (in terms of salaries, employment, public services, social protection) would constitute a measure of elementary social justice, but also that they would be the best means of avoiding social dumping.

They would lay the basis on which enlargements could be negotiated. Such criteria would, it is true, be of a nature to “interfere

with free competition”. They would therefore be in contradiction with the spirit and the letter of the present treaty.

Our German friends are worried that a “No” vote would “fatally isolate France”. Their solicitude is the expression of a static view of the world. We can imagine on the contrary that such a “No” would break the vicious circle of timid steps and of the lesser evil that that often leads to the worst. It would invite the peoples of Europe to become actors of their own history. In reality, the isolation that is feared concerns only the governments and not the popular movements against war, the European Social Forums, the marches of women or of the unemployed. The governments pass, the peoples remain.

Our German friends fear a “populist No to the constitution” and the imprisoning of “left nationalists in a bunker”. That shows how little they know the supporters of a “No” from the left. They are to a large degree, militants of the global justice movement, initiators of the Euro-marches, organisers of the European Social Forums. What can tip the balance of the vote on May 29<sup>th</sup> is on the contrary the progress of a “No” that is social, a “No” of solidarity, and not the chauvinistic and islamophobic “No” of the old Right.

Our German friends entreat their “French friends” to “not make the European Constitution suffer the consequences of their discontent with their government”. However, the experience and the common sense of working people make the logical connection between the policies that have been followed for twenty years and Giscard’s treaty. If the Constitution that is proposed is the spirit of liberalism, the social counter-reform that people experience daily is liberalism in flesh and blood, and Chirac and Raffarin are its secular arm.

The main line of division now opposes a “No from the left” to an ecumenical “Yes” that, as the newly returned Jospin admits, illustrates the Euro-compatibility between the liberal Right and the liberal Left. If this Left, voluntarily enslaved by the constitutional strait-jacket, returns to power, it will therefore have to pursue the road of Maastricht, of Amsterdam and of the Stability Pact.

Three years ago, François Hollande made his pilgrimage to Porto Alegre, where the World Social Forum was proclaiming that another world was possible. Barely a year ago, the Socialist Party was campaigning in the elections to the European Parliament under the slogan: “Now for a social Europe”. “Yes” to the liberal treaty would signify today that another Europe (not to mention another world) is impossible. François Hollande can indulge in promises of a social Europe, for Easter or for some undetermined date in the future, but he cannot make people forget that in 1997 there were thirteen socialist governments in the European Union. Nor that Lionel Jospin, a year before becoming Prime Minister, attacked the Stability Pact that had been “absurdly conceded to the Germans” and denounced the Treaty of Amsterdam as a “super Maastricht”.

As for Jacques Delors, who has just thrown the full weight of his experience into the battle for the “Yes”, he confessed, scarcely two years after having helped to give birth to the Treaty of Maastricht, to not having “ardently defended” it, because he “wasn’t madly in love with it”. Today we can conclude from that that either he has fallen madly in love with Giscard’s treaty, which he is ardently defending, or that he doesn’t like it any more than he did the Treaty of Maastricht, but that he will only tell us that in two years’ time.

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