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A Certain Idea of France

PARIS, France

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By Jean Benoît Nadeau

Last Christmas, the mailwoman rang at the door for the ritual sale of the *Almanach du Facteur* (*The Mailman's Almanac*). It looks like a 16-page calendar, but it contains the kind of vital French trivia, mostly maps and calendars, that you cannot find in Webster's. Calendars of Saints and solar and lunar calendars are fun, but the map and list of French *Départements*, with the corresponding number, are essentials in any immigrant's survival kit. Another essential item, advertised on the cover, is a chart of school holidays. It consists of a map of France with a matching calendar listing school holidays in various locales. This tells what school holidays you should expect depending on your place of residence. France has a uniform school system, and until about 30 years ago, everyone took his or her holidays on the very same days. But to prevent traffic jams around ski resorts, they figured out a rotation system between regions.

This holiday chart, important though it may be, comes second to a one-page history of France. The text is standard Grade-2 level, but the title is most interesting. It says: "*2000 ans de construction de la France* (France's 2000 years of construction)." The key is the word "construction," for this is the true nature of France: a construction. Whether it began precisely at the birth of Christ is another matter.

That France is a very centralized state is a known fact, but where this comes from and what this produces as a result is not always well explained. France is a case of a democracy functioning on principles that are radically different from the ones familiar to North Americans. Making sense of the principles at work amounts to a sort of geology of French mentality. As in geology, some terms are odd, like *Jacobinisme**, *régalien** and *universalisme** — the asterisk refers you to a glossary on Page 2 of this text. Also as in geology, most of what surfaces in the news can be explained from the bedrock.

* * *

This gigantic construction called France has been a creation of its state and not the contrary, to the point that State and Nation are indistinguishable. I will not try to summarize this very complex process, yet a few episodes highlight how the state bulldozed every obstacle to become the sole source of legitimate power.

Most of France's history is much akin to that of the Balkans: a galaxy of fiefs organized around a weak center, Paris. Petty lords chose the Count of Paris, Hugues Capet, as king in 987 because he was the weakest among them. But his dynasty had the good fortune of lasting 14 generations without interruption — allowing a constant buildup of influence through alliances and war. By the time of Philippe le Bel (1285-1314), the kingdom of France had become Europe's biggest political entity. Over the next 400 years civil servants multiplied and created order out of chaos despite long crises in the process, such as the Hundred Years War and the Wars of Religions. By the time of Louis XIV, France nearly

GLOSSARY OF THE JACOBIN* REPUBLIC*

The French have a political vocabulary of their own to describe their system. Here is a list of terms that are often used, plus a few telling omissions.

Administration. Not to be translated as management, by any means. It means the State and public service as a whole. The *Administration* is the body of the French State. It created its own set of laws that rules all its relations with citizens, much like martial law for the military.

Citoyen. The French are *citoyens* (citizens) only of one thing, the Republic. The mayor of a town, the presidents of a *Département* or Region, don't refer to their constituents as their citizens, as is customary in North America, but as *administrés* (those they administer).

Civil. Often used in terms like *Société civile*. This catchword means all that's done outside of the State. Naturally, there is the legal code known as *le Code civil* for all contractual relations outside of the State. *La société civile* describes community life and individual initiative as a whole.

Democracy. Not a strong value, just a system of government. The French rarely speak of their system as a democracy, much less so than as the *République*.

État. Almost synonymous to State. The *État* occupies in the French psyche the place of the Constitution in American politics.

Français. Used indifferently as synonymous with national. In fact, you hardly see the word "national" in the vocabulary. They will speak of the nation, but that nation is *française*, not national.

Federalism. Synonymous with anarchy. The French have a major hangup, almost unexplainable, about the word federalism — which is considered very pejorative, to put it mildly.

Girondins. A group of 1792 Parliamentarians named after the *Aquitaine Département* of *La Gironde* where many of them came from. Opposed to the Jacobins*, they wanted a federalist regime but they lost because many were also Monarchists.

Intérêt général. An idea introduced by Jean-Jacques Rousseau. This central concept in French Republican thinking means the interest of the whole, contrary to *intérêts particuliers* (private, special or local interests). The government, in the person of its representative the *Préfet*, is the guardian of the *intérêt général*.

Jacobin, Jacobinisme. Named after a Dominican con-

vent in Paris dubbed *les Jacobins*, where this group of 1792 Parliamentarians met. Opposed to the *Girondins**, they wanted a centralized government. The label of *Jacobinisme** applies to any kind of decision reached without consultation — that is, most decisions. It is all the more *Jacobin* if it favors Paris.

Marianne. Allegorical figure of the République. Her bust replaced that of Napoleon III in city halls after 1877. Her most striking feature is bare breasts. Recent models for the sculpture were actresses Brigitte Bardot, Catherine Deneuve, and fashion model Laetitia Casta.

Régalien. Best translated as kingly. Because all governments of Europe are descended from monarchies, this adjective still has currency, at least in France, to describe the fundamental powers of the State: Treasure, Diplomacy, War and the Interior. The expression implies that the modern State is a continuation of the old.

République, Républicain. In Latin, Republic meant "Public Thing". It described all public institutions. It defines the government of men through laws. The standard principle of the Republic, in the French understanding, is that it should be one and indivisible, and that all citizens should be equal before the law. The *République* is the guardian of the *intérêt général**. Any counter-power or self-rule is regarded as anti-Republican. *Républicains* look suspiciously at the rise of the civil society* and of Europe, and loathe multiculturalism. That the United States is a federation and a Republic simultaneously seems an oxymoron to them.

Universalism. One of the great ideals of the Republic. The word has had many meanings throughout history. One of these amounted to trying to impose the values of the Republic on neighboring monarchies — unsuccessfully. A more restrictive understanding of universalism was the French colonial model. Because the French succeeded in creating a French identity in a very balkanized country, they believed that each colony could be made French. Hence their habit of teaching Africans that their ancestors were the Gauls, of granting French citizenship to the most "evolved" colonials, and giving the most "evolved" colonies a seat in Parliament. This idea lasted until decolonization. The present understanding of universalism is akin to the melting-pot theory, and opposed to multiculturalism: in France, everybody must be French, and ethnic "communities" are not at all encouraged to exist. The assumption is that people are not supposed to have any origin once they're French. Immigrants have an origin, to be sure, but once they're French, they're nothing else.

In French political tradition, the civil authority has always had precedence over the military. In spite of its agitated history since 1789, France didn't become a Banana Republic because the military respected this principle. However, in 1958, the military made actual plans for a military coup, but President Charles de Gaulle (1944-46, 1958-1969) put them back in line.



had its present form. Nowadays, Monaco and Andorra are the only vestiges of the previous France.¹

Throughout those centuries, France was engaged in a kind of low-level civil war between centralists and autonomists, who wanted to run their own affairs. The latter called themselves various names — Cathar, Breton, *Burgundian*, English², Protestant, *la Fronde*, *Vendéen*. During the French Revolution this old fault-line re-surfaced as the quarrel between the Girondins* and the Jacobins* — Federalists and Centralists respectively. The Jacobins won, and Federalism became the bogeyman of French politics.

It is important to note that in this process France existed politically long before it existed culturally. For a long time, no part of France could really be called French, in our understanding of the term. They were Breton, Catalan, Basque, Alsatian, Flemish, Provençal, and were led by a nobility that was no more French than William of Orange was English — he was French-speaking. In the Mailman's Almanac's history page, three of the four pictures of great Frenchmen are foreigners: Clovis (481-511) and Charlemagne (768-814) were German kings and

Napoleon (1799-1815) was Corsican. The fourth picture is that of De Gaulle.

Somewhere along the line, however, people got it into their heads that cultural identity should match national identity. Who? When? Nobody knows, but as recently as 1792, a survey showed that half the French population didn't speak French. Frenchifying, begun two centuries earlier, was resumed with new energy and local cultures were nearly wiped out. To facilitate the work, the government created a new territorial entity, the *Département*. Ancient Duchies like Bretagne were cut to size and renamed Finistère, Côte d'Armor, Ille-et-Vilaine and Morbihan — names that meant nothing on purpose. The goal was to eradicate any form of local sense of identity.

By the 1880s, the job of cutting community life to pieces was not finished, however. At the time, the Catholic Church was violently monarchist and anti-Republican. So the French government created mandatory, non-religious national education, for the purpose of debasing the influence of the Church in rural areas. A sizeable segment of French popular literature until the mid-1960s accounts for the clash between clergy and teachers, whose

¹ Monaco, in the south of France, is no more than an Indian reservation two square kilometers in size, with a Monegasque population of 5,000 — plus 22,000 foreign residents. It owes its independence to a complicated set of alliances dating back to the 16th century, when the king of France was also king of Genoa. As to the principality of Andorra, between Spain and France, it survived because its two co-princes are the Bishop of Urgel, on the Spanish side, and the president of the French Republic. The deal dates back to 1278.

² During the Hundred Years War, most of so-called Anglais (English) were in reality French lords who gave their allegiance to the English king rather than the French. The reason for this was the cause of the war: the English king (who was French in reality) had a rightful claim to the French throne, but some of the French didn't accept this.

job it was to teach French and transmit the values of the Republic. But as late as WWI, many Frenchmen could not even understand military orders given in French.

The French State became so obsessed with local challenges to its influence that it succeeded in convincing the population that any kind of self-rule was synonymous to anarchy. In the process, all attributes of community life and local culture were nearly wiped out. In strictly *Republicain** circles, it translates into virulent hostility to local languages, cults of all sorts and even private charity.

* * *

You wouldn't think that private charity is political, but in a centralized system, it *is* political. I found this out, thanks again, to the Mailman's Almanac.

In many ways, this Christmas door-to-door sale resembles the Montreal custom of firemen selling calendars on Christmas on behalf of burn patients or orphan kids. I found this strange because, on the whole, the French are not particularly charitable. Statistics show this. In 1999, the French gave 15 billion FF (U.S.\$2 billion) to charity, split equally between cash, kind and time. This amounts to no more than 10 dollars of charity per capita — very little. I thought that the mailwoman was crusading for charity. So I asked her:

"For whose profit are you selling these calendars, Madame?"

"Mine," she answered.

I was so surprised that I didn't reply. As a friend explained to me, employees do charitable works only during working hours. Otherwise it's for their own profit.

The French may well be first-rate Scrooges, but it's essential to bear in mind what this attitude owes to the system. North Americans may be more generous, but their entire society is based on a lively community life and the government has enacted a number of legal devices, like foundations and tax deductions, to favor this. It was only in 1901 that the French government allowed private, nonprofit organizations to exist. Most associations' funding comes from government subsidies, for the French are unquestioningly generous with tax money.

I remember explaining to a friend what a private charity or foundation is, and how it operates. Her reac-

tion was not one of disbelief, but of suspicion.

"You mean people set standards privately?"

"For public good, yes."

"And the State encourages it?"

"By all sorts of means, yes, like tax deductions for donations and the like."

"What does the State do then?"

Total centralization has had many consequences, positive and negative, but one of the most visible and least understood may well be cuisine. I became aware of this when I met Jean-Claude Jandin, a civil servant who



This column and ribs, known as le palmier des Jacobins (The Jacobins palm tree after the name of a Toulouse Church) is the best image to depict the central structure of the French state.

works for a local-development network of 30 cities around Orléans (See JBN-16). Jandin knows the system in and out, but although he's in the vanguard of regional power in France, he's not the kind of man to throw the baby out with the bath water. After interviewing him in the train between Paris and Orléans, I was working my way through a delicious plate of beef cheek when he surprised me with the kind of brilliant idea only a first-class conversationalist can have.

"Five centuries of *Jacobinisme** have produced the greatest cuisine in the world, Jean Benoît."

"How so?"

"Think of it. The other great culinary center of the world

is China, and it too had a strong centralized system.”

“I’ve always wondered about this, but I thought it was luck.”

“No, it isn’t. You wrote about *terroir*, you should know. In a very centralized system, regional culinary practices are the only form of regional difference and affirmation that are tolerated and encouraged. And it develops by reaction.”

* * *

Not all derives from centralization, however, because other very centralized countries are differently organized. Britain, for that matter, is extremely centralized but does all it can to make you believe it’s not — the Banks of Ireland and Scotland have been issuing notes all along and Queen Victoria literally fabricated Scottish folklore to fit her fancy. The difference in spirit jumps to the eye when you look at the capitals.

I went to London in November 2000 to give a speech at the request of the Institute, and I was very pleased to stay a couple of days in that vast conurbation called London. The truth of the matter is, London doesn’t exist. Nobody knows where it ends or starts. It’s a mess of towns — Soho, the City — it sort of makes a whole, but it is totally undefined. London was totally destroyed in 1666 by fire, but it just reappeared as the mess it’s always been, and nobody thought of putting a semblance of order into this.

This casualness in fact is quintessentially British: they never bothered to define a Constitution, codify the law on the basis of principles and establish a language. The whole

country is a British joke, in fact: an understatement and slight self-derision, very typical of humor, but so very un-French.

It’s not that the British have no principles, no language, no capital and no functioning justice system. It’s the rapport to it all that’s different. The French like things to be defined, and, oddly, it is the very act of defining that is their defining element. The French like a defined and clear Constitution, language, law and capital. Paris has always been defined: it’s got a clear periphery, it’s got a plan, it’s got no center, but it’s got edges. France is not only a construction, for that matter, it’s a definition — or a statement, if you will.

Clear affirmation — as opposed to understatement — is another strong feature of France. And the supreme affirmation is the 14th-of-July military parade on the Champs-Élysées. It starts at 10 o’clock with the horse guard, followed by rows of soldiers, airborne troops, policemen, even firemen. Then, while Mirage fighters, choppers and cargo planes buzz overhead, the machinery rolls down: rocket launchers and heavy tanks, camouflaged bulldozers and portable bridges.

I saw all of this last summer but, unfortunately, I wasn’t seated with the President, so I didn’t get to hear 500 soldiers sing *la Marseillaise*. I had forgotten my folding ladder, and having come late, I stood behind the fifteenth row on the tip of my toes looking across the street between toddlers’ butts on their fathers’ shoulders. I should have watched on TV: it’s the big Santa Claus parade, after all.

For a Canadian, this kind of parade is exotic. The little army we have has more chiefs than Indians, and it would never cross people’s mind to make a parade like this even



Bastille Day, 14th of July. It starts at 10 A.M. but the people in the front row were there at dawn.

Bastille Day, 14th of July. This great mass of the République demonstrates the unity of the state and the power or organized violence.



if we had the personnel and the equipment. The display, if there's any, is generally limited to war vets and a couple of guys in uniform, and maybe a Jeep when they feel lavish. Quebecers, though nationalistic, are even more touchy-feely about such matters. Quebec's patron saint is St. John the Baptist, and the 24th-of-June parade is strictly allegorical: puppets or sheep are paraded, and it all ends with a march of blue-clad people behind the Prime Minister.

None of this has anything to do with the great French Republican mass of Bastille Day, where the power of organized violence is demonstrated and presented to the president. Even the firemen feel obliged to parade with machine guns and bayonets — they're part of the military, after all.

* * *

Looking at the tank commanders standing stiff in their turrets with arms stretched made me think of those parades the Soviets indulged in to celebrate the October Revolution. Journalists often remark that France is the last existing Stalinist country. But to this there is a nuance: France came out on top in spite of its agitated history, and never became Russia or any Banana Republic. The reason is that the system the French built, defined and affirmed is in perfect concordance with who they are, and what they don't want to be.

All successful systems are designed to overcome built-in obstacles. In Canada and Belgium, it was the language divide. In the United States, the founding fathers

were faced with sectarian divisions. In France, only centralization could overcome what appears to me to be THE fundamental flaw of the French character: their shameless power mongering.

The more I look into it, the more I find this trait in all episodes of French history to the present. Their kings felt they had to be absolute. Their opponents felt compelled to decapitate them. Whatever Revolution had to be all-out. Even today, political leaders remain factional and incapable of uniting. Unions call for revolution every other day. Bosses are ferociously reactionary and share little. In all this, compromise can only be achieved through the mediation of a higher authority, because politics is a zero-sum game, and opponents tend to recognize no legitimacy in the other. This is why the French need representatives of the Republic, *Préfets*, in all parts of their country. All this points towards a lack of political restraint.

One good example is the behavior of the Catholic Church at the end of the 19th century. Being ferociously Monarchist, the Church was not only opposed to Republicans and Parliamentarians, but against their very existence. The Republican government — being no less French than the Catholic Church of France — kicked them out of education to prevent the propagation of their ideas and even nationalized the Church. But the anti-Republicanism of the Church lasted. In 1940, when Germany defeated France, it finally got its man, Philippe Pétain, who scuttled the legislature and seized all powers.³

This extremism of temper explains the remarkable political instability of this country. Since 1789, the French

³ One last example: in city halls, until 1982, whichever party got majority won all the seats for councilor.



France would have fallen into complete anarchy if French power-mongering was not balanced with their fascination for greatness. The French respect profoundly the manifestations of power, be they gold-plated statues, 120-ton tanks, riot squads in permanent station. Important personalities, like politicians and intellectuals, can also acquire the quality of monuments

have gone through five Republics, two Empires, three monarchies and a fascist regime (see sidebar 2). A functional democracy now exists and it could take root only after another strongman, Charles de Gaulle, staged a legal coup in 1958 and redefined a working Constitution that overcame this general character flaw. A democracy, in order to function, needs a political class where people of opposite views recognize the legitimacy and even the loyalty of those who hold different views. This took a long time to get into place, and not even the shock and humiliation of WWII were sufficient. All democracies, in order to function, need political restraint. All the more so if they are federations, because democratic federations need not only tolerance, but also a shared sovereignty within. France couldn't be a federation; it could hardly be a democracy.

Although liberty comes first in France's famous motto, *Liberté Égalité Fraternité*, it really comes in second, behind equality. The reason is that the French made such bad use of political liberty in the past that it came to be identified with anarchy. The purpose of the Republic is to guarantee political equality of all before one law. This is why North Americans — and I include myself in this

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— should always be modest when they criticize the French system because the French have achieved — with difficulty — a system that ensures stability and can generate a lot of prosperity. But it does work very differently.

* * *

The French Republic has always seemed to me more Catholic than Stalinist. Although dogmatically secular, it has mirrored the structure of the Catholic Church almost to perfection. First of all, France is Catholic in its pretension of *universalisme** and equality for all. It has Popes (presidents or Prime Ministers), a Holy Ghost (*la République*), a Trinity (Liberty, Equality, Fraternity), cardinals (Ministers), Bishops (Préfets), a Virgin (Marianne), Saints (de Gaulle, Napoleon, Jules Ferry, Dreyfus), fallen angels (Pétain, Robespierre) and demons (Royalists and Federalists). Most important it's got its Church (the State) and it's own clergy (civil servants).

*La République** is one of France's great Mysteries — in the Catholic sense. The meaning the French attribute to the *République* still baffles me after two years here. In France, a *Républicain* is someone who favors a strong central state and a uniform society, and who opposes Regionalization and empowerment in the civil society. When they say, "*On est en République* (This is a Republic)," it can either mean:

"We're in a free country."

"You won't get any privilege."

"Go to hell."

Another cause for wonder is this gigantic body called the State. I have always thought it somewhat of a travesty to translate *État* into State. Adam Gopnik, in *Paris to the Moon*, points out that the *État* plays in France the role of the Constitution in American life: it's the binding principle. Everything was built around it. For about 200 years, the French government was fantastically unstable, but the State provided the ballast. The word *État* means infinitely more than State for the simple reason that *l'État* has always done more. It defines culture and language, rules the economy, dispenses welfare and charity, redistributes wealth, levels difference, defends the general interest, and forces compromise. It's the skeleton of French society — or the shell, depending on how you see it.

During my stay in North America last June I was struck by how dismissive Americans and Canadians are toward the State and all its attributes — although they created more government than anywhere else in the world. Each mention of "State", "civil servants" or "government" was followed with adjectives like "incompetent", "useless", or "costly." Such attitude is a self-fulfilling prophecy, since the very distrust and constant denigration explains and justifies the low quality of service. To the contrary, I think that the French's high idea of their



Riot police in full gear stationed to control a nurses' protest on boulevard Saint-Germain. As a well-connected friend explained, this kind of demonstration of force works in odd ways: "Union leaders are displeased when we don't station squads. They have the impression we don't take them seriously."

State is the explanation for the high quality of public service they get. This doesn't mean that France's public service is not costly, fat, and bureaucratic. The difference is in the sense of purpose.

In France, there are no less than six million people working as civil servants — a quarter of the entire work force. This is the highest ratio of all OECD countries. This has nothing to do with socialism. Countries that are much more socialist than France, like Sweden and Norway, have fewer civil servants in proportion. Primarily, it has to do with the high value put on the State, and the fact that it is the guardian of stability. The French *want* to see the State and all its attributes: three policemen per car, bus-fulls of riot squads waiting for something to happen, a post office in every village. Of course this is costly, but eh! It's the State.

To be sure, it's a highly professional civil service. The smallest job is accessible only through examination — a uniform feature throughout the country. Books are published every year describing the number of government jobs available, what wage to expect, and what kind of examination will be given. Civil servants are not employed, they are *titularisés* (titled). The system is in fact like a gigantic army: the whole six million of them are divided into about 1800 *corps* of equal qualifications — as in the army, where all corporals are exactly the same, at least in terms of pay, treatment and possibilities. There are 100 people in the corps of architects, 67 in the corps of 2nd class research directors, 28,799 in that of tax collector, 94,043 in the corps of police constables, and so on, and so forth.

Because the Republic is one and indivisible, so must

the *Administration** be. Regions, *Départements* and communes hire 1.5 million civil servants themselves. However, the territorial and State administrations provide a number of *posts* (bridges, meaning job descriptions) that allow civil servants to get transferred from the territorial administration to the State's without loss of any advantage. It's the same with the army: it is distinct from the rest, but the Administration provides for bridges for the soldiers and officers who quit before retirement and want to make a career as civil servants.

This sense of duty on the part of civil servants — much like parents toward their children — is another feature of that State, a definite upside of extreme centralization. This translates into strong public sympathy for civil servants. It is symptomatic that when a policeman beats, injures or kills a demonstrator, convict, or simply a passerby, he will be called a mere *flic* (cop). But if that policeman were to be killed in action, he would get the label *fonctionnaire de police* (a police servant), a notch higher, to stress the fact that he was doing his duty.

Which doesn't mean that French civil servants are all competent and that all French people love them. Quite the contrary. During Prime Minister Lionel Jospin's visit to Guadeloupe last year, one businessman pointed a finger at the previous Préfet, accusing him of being unable to enforce the rule of law. Jospin got into a fit: "Do not be mistaken about the meaning of this meeting! I have my job; you've got yours! Run your business, but don't criticize the State's civil servants!"

The French have fantastic trust in those incarnations of the State called civil servants and politicians. Last year,

in June, my friend Bernadette from the hiking club invited me to come and watch the vote-counting process for the European elections. On the same days, all 15 European countries were choosing their Euro-representatives at the European Parliament in Strasbourg, France. What struck me was that no special administration runs the elections: electoral officers are the mayors or their delegates; results are transmitted to city halls, which relay them to civil servants of the Prefecture, which relay them to the Ministry of the Interior, in effect the police! In strict technical terms, this goes against the most elementary logic of the separation of powers, but somehow or other, it works.⁴

* * *

France would be a boring place if the French didn't love to protest just as much as they love their State — or maybe *because* of it.

One morning May 1999, I got to the subway station but the doors were closed. A note scotch-taped in the window said the subway was on strike to protest violence against the personnel. By the middle of the afternoon, all busses and regional trains had stopped for solidarity's sake. TV news told the story of a controller who had been killed in a fight against illegal vendors. Next morning, however, the story had become quite different. In reality, the controller had died of aneurysmal rupture while chasing an illegal vendor, who never touched him. The union changed its tune: the protest would be against lack of resources. In all, this illegal strike lasted two days and a half, but few subway users complained — except me — and the unions were never fined or punished.

When facing a strike the French display the stoicism of Quebeckers in a snowstorm. The ever-present Revolutionary mythology may explain this tolerance, but in my opinion the first cause is the very nature of the system. In a rigid, cen-

tralized state devoid of counter-powers, violent or savage protest is one of the few accepted steam outlets and an almost legitimate way of curbing the system. For that matter, unions occupy the place that Her Majesty's loyal Opposition has in Canada, albeit in a less dignified way.

The French system responds well to this because of its physical nature. You need only look at the map: all roads and railroads lead to Paris. This makes it all the easier to choke the system — a couple of well-placed trucks are sufficient to block Paris and paralyze all air or transport. Transport unions are very keenly conscious of it. That's the problem with having only one head: though it provides fantastic efficiency when all goes well, protesters or enemies just need to go for the jugular to paralyze the entire body — or get a reaction.⁵

One doesn't need to stay long in France to find out that the French have a problem with the law. Last summer in New York I was struck by the number of signs



⁴ In Canada, for instance, there are five powers: legislative, executive, judiciary, audit and electoral, and each are clearly separated. But in France, the only clear distinction is between the legislative and the executive: a representative who becomes minister must resign from his constituency. However, the judiciary and electoral powers proceed from the executive. In Canada, which has a parliamentary regime, the executive and the legislative are fused: ministers also represent a constituency and vote on laws. However, the judiciary and the elective powers are strongly independent. As in the U.S., the elective is managed provincially.

⁵ This is why the city of Paris is not allowed to have its own police force: just imagine the kind of threat that represents a paramilitary force outside of the direct state control but within the capital! This has happened many times in French history, and the government's solution has been to forbid it entirely.

saying that law forbids this or that, and that offenders will be fined this or that amount. You never see this in France. There are laws, naturally, but these are very elastic concepts. Many laws are voted in Parliament, but in order to be applied, the Cabinet must issue a *décret d'application* (decree of implementation and enforcement), which is essentially a set of instructions to civil servants on how things should go. This can take a long time — 42 years for the metric system, for example. Getting the Administration to apply the *décret d'application* is where the challenge is.

The basic Frenchman generally regards law not in the absolute but as a general principle that can be infringed when necessary. Driving fast, running red lights, taking your motorbike on sidewalks or parking on the sidewalk are such necessities. This attitude is also a consequence of extreme centralization: the law, in France, is not perceived as the expression of the will of the people. It comes from above, from very far away, and it's an act of liberty not to conform. And the French, being no less French than their system and showing no lack of restraint in anything, interpret the law as broadly as they can. The State is generally lenient about this, being no less French than the population it rules. So all is well in the *République*.

Dealing with the law in a legitimate way is, in any event, a complicated matter in such a centralized system. French justice has forms that would be absolutely unacceptable in North America, but that are, nonetheless, perfectly logical with the centralized system — I'm not saying they are just.

If a Frenchman thinks that a civil servant or an administrative decision has wronged him, he goes to the *Conseil d'État* (State Council). This creature of Napoleon is the Supreme Court for all matters regarding administrative law. Administrative law is a legal body distinct from criminal or contractual law. It is in fact analogous to martial law, except that it applies only to the army of civil servants. Many other countries have a system of administrative law to establish how things work within the state; France is the only one that sets a body to rule on the relationships between the State and the citizens as well. No civil servant, is sent before a firing squad: the worse he can get is to be

found responsible but non-guilty, which is a very convenient notion when you think of it. Although the State is both judge and judged, the French don't see any problem with this. Given the nature of the French system, it was the least bad compromise.

If a Frenchman thinks it's the law itself that wrongs him, then he goes to the *Conseil Constitutionnel*, but the use of this remedy is limited. The French have a tradition of legalism. This means that judges administer the law, but cannot judge the law in constitutional terms. They cannot say: "This law is unjust. I call it unconstitutional." In France, the monopoly of ruling over law belongs to the *Assemblée Nationale* (Parliament's legislative chamber) and only the *députés* (representatives), who make the law, can decide on its Constitutionality. Because the contradiction is obvious, the French created a means of by-passing this: it consists of bringing the issue to the *Conseil Constitutionnel*, but — and this where the trick is — only *députés* and senators can do this. The basic citizen cannot challenge the constitutionality of a law.⁶

If politicians don't want to listen to the ordinary citizen, the other way is to kick them out and vote in new ones, but French politicians, unlike the Titanic, tend to



This is my friend Bernadette, from the hiking club, when she worked as scrutineer during the June 13, 1999 European elections. Notice the piles of miniature political posters in the front. This is how the French vote on elections: they insert the poster of the candidate of their choice into an envelope.

⁶ This supreme position of the legislative over the judiciary explains why French politicians tend to hold to their seats tooth and nail and not resign during investigations over alleged cases of corruption. The president of the *Conseil Constitutionnel*, Roland Dumas, refused to resign even when he was being accused of corruption by French judges. Someone convinced him to resign to show the respect for his charge. In France, justice ministers (who receive their orders from the Prime Minister and from the President) often interfere in the execution of the law and are allowed to tell judges how to manage a case. If a judge complains, it's the judge who's finished, politically. Last year, minister of Finance Dominique Strauss-Kahn made an abrupt departure from this tradition when he resigned because he was being questioned in an affair of forged invoices. His colleagues protested precisely on grounds that he shouldn't give judges power over the legislative or the executive.

be unsinkable. The main cause is a tradition called *le cumul des mandats* (the plurality of mandates) — meaning that politicians can hold more than one elected office concurrently. Therefore, a mayor can also be elected president of his *Département*, of his Region, *député*, minister, senator, or — and! — Member of the European Parliament. All combinations are possible except that *députés* cannot hold more than one extra function. They can also add up the salaries of each function to a maximum of 30,000 FF (U.S.\$4,500) per month, plus all the perks. Some cases are famous: Jacques Chirac, when he was mayor of Paris in the 1980s, also got to be Prime Minister in 1986-88.

Because conflict of interest is so imbedded in French political life, and because politicians are so attached to their fief, one way of getting rid of French politicians is to find actual cases of corruption, embezzlement and vote-catching gimmicks. This is relatively easy, since French politicians have had few scruples in the past, but finding an investigating magistrate willing to take the case is harder. Ministers of Justice have direct control over the actions and careers of judges — so judges didn't touch these for the sake of their careers. However, in the last 15 years, a new class of young investigating magistrates that have nothing to do with the establishment's traditional recruiting grounds have developed a high idea of their function — which explains the number of *affaires* now being under scrutiny. And since the politicians, especially from the left, are from this tradition, the Ministers of Justice have made it a tradition — in the last ten years — of not interfering. But this is a novelty.

* * *

The construction of France was not even achieved when new challenges began to threaten the foundations. The French are quick to point an accusing finger at globalization, but in my opinion the two most important agents of change are rather peace in Europe and the rise of a stable and functional democracy.

War had been the defining element of European politics and social life since the dawn of the Nation-State in 14th-century France. The present peaceful span of 55 years is the longest in 500 years of history. Since the 1950s, European nations have purposefully entangled their national economies in a way that would make war impossible. The consequences of 55 years of peace are difficult to grasp for North Americans, for whom war has rarely, had any immediacy. Strong states are somewhat less pertinent in this context, and the population is not a captive of the nation anymore. The counterpart to peace in Europe is that France had to accept a score of European regulations that have acquired precedence over its own national regulations.

A stable, effective democracy is another element of change in France. As the history of French regimes show (see sidebar 2), France was so unstable at the top that only the *Administration* could insure legitimacy and con-



In the last 10 years, political scandals of corruption, known as les affaires, have seriously dented the credibility of politicians. In January 1999, investigating magistrates were so close to pinning President Jacques Chirac (above) that the Conseil constitutionnel (French Supreme Court) declared presidential immunity in all criminal matters.

Three months later, the president of the Conseil constitutionnel, Roland Dumas, resigned because he was himself accused of corruption in another affaire.

tinuity. Things began to change with President François Mitterrand (1981-95). As late as the late 1970s, Mitterrand, as a Socialist opposition leader, maintained that the Constitution would have to be scrapped and re-drafted if he got into power because the Gaullists were too strongly implanted in the system. Once elected, however, he maintained the Constitution. Since then, the French have gone through the unthinkable: three regimes of *cohabitation* (with Prime Ministers and President from different parties). This shows that the system has been far more robust than expected.

One consequence has been the trivialization of politics. The French are now progressively convinced that the country will work no matter whether the right or the left is running things. This doesn't mean all politicians are the same: it just means that people perceive the system as stable. This, too, is a novelty. As a consequence, election turnouts are diminishing, much to the dismay of the political class, whose influence is rooted in the idea that politics are a life-and-death struggle.

Over time, peace and democracy could transform the system, but a more immediate force is at play: the rise of *la société civile*. This trend is common almost everywhere, but its impact will be profound in France. It has already started: the population and local politicians accept less and less to be told what's good for them by people who don't bother asking. For instance, unions and employers

want to reach new contracts over unemployment insurance and health insurance without government interference. More importantly, the French government has created new political entities, called Regions, and transferred to them the tools for local development. Cities like Lyon, Nantes, and Toulouse are now striving on their own. This is a very important departure over 500 years of *Jacobinisme**.

None of this has gone as far as granting Regions a form of self-rule. However, Prime Minister Lionel Jospin crossed a Rubicon of sorts last summer when he offered Corsica the opportunity to create a Corsican Assembly with powers to “adapt” the laws of the Republic. This unleashed a level of rhetorical passion that had been dormant since the referendum on European union in 1992. Republicans violently oppose Jospin’s plan on grounds that Corsica, where organized crime is rampant, is the worst place to start granting autonomy. They’re probably right, but the French government has its hands tied: European policies encourage the development of Regions and the protection of minority cultures, and genuine autonomous power for Corsica is perfectly in the spirit of it. In a recent article on the overseas territory of New Caledonia, in the South Pa-

cific, the reporter described the Caledonian assembly as having most powers except control of the currency, diplomacy and the military. The journalist added this telling sentence: “This structure is so new that it doesn’t yet have a name.” It’s called a federation.

Interestingly, under the effect of Europe and Regionalization, the traditional division between right and left is giving way to one between Federalists and Sovereignists — Canadian style. The French were the inventors of the Right and the Left. This dates back to the time of the Constitutional monarchy of 1791 when the Monarchists sat on the king’s right and the Republicans sat on his left. This terminology durably defined French and world politics, although the actual meaning of each term tends to vary with the society and even the generation. Yet since the 1992 referendum on Europe, fault lines have begun to appear in traditional party divisions. Sovereignists — from the right and the left — are generally identified with politicians that are more *Jacobin**, centralizing, *Republican**. Federalists are more European, more libertarian. No traditional party has yet exploded because of this, but the issue, which arises more and more often, is clear proof that this very old construction called France seeks new definitions. □



In French political lingo, République and française are near synonyms.

SIDEBAR 2

FRANCE'S CHANGING REGIMES

France has known 11 regimes since 1789. Some dates are debatable, but this is the best I can do without writing a book.

Constitutional Monarchy: 1791-1792. The legislature is created but the king, although a citizen like all others, is recognized as the symbol of the State.

1st Republic: 1792-(?). Parliament tries to run the country without any king. Anarchy follows until Napoleon is appointed Consul in 1799.

1st Empire: 1804-1815 (?). Napoleon crowns himself emperor in 1804 and rules by decree. It's not clear exactly when this all ended, but he was definitely out by 1815.

Restauration. 1814-1830. Foreign powers install Louis XVIII on the throne. The two chambers are more Royalist than the king. The regime veers towards absolutism and ends in a revolution.

Monarchy of July: 1830-1848. Constitutional monarchy. Louis-Philippe I, though liberal at first, becomes more authoritarian. Ends in a Revolution.

2nd Republic: 1848-1852. No more king. The legislature has strong powers. The president, Louis-Napoleon, is appointed president-prince in 1852.

2nd Empire: 1852-1870. The president prince becomes emperor Napoleon III. Rules by decree. His reign ends with defeat against the Prussians.

3rd Republic: 1871(?)-1940. This long-lived Republic starts as a quasi-monarchy, but the Republic is finally proclaimed in 1875 by a majority of one vote. The new Constitution gives no power to the President and no one has authority to arbitrate conflict between legislature and cabinet. The cabinet resigns each time the legislature votes against them for the smallest matter. Instability becomes the norm.

État français: 1940-1944. Fascist dictatorship. As a result of military defeat by the German army, Parliament scuttles itself and hands all power to Marshall Philippe Pétain. He runs the southern half of the country from the city of Vichy, hence the expression, Vichy government. Ends with Liberation.

4th Republic: 1945-1958. Same Constitution as the 3rd Republic, and it works no better. Ends with threats of a military coup.

5th Republic: Since 1958. De Gaulle bullies the National Assembly into giving him full powers to re-establish order. He redrafts a new Constitution that gives the President — him — strong executive powers. He had the power to appoint and dismiss the Prime Minister. He had the last word in Cabinet meetings. He could dissolve Parliament. Result: the French president is in fact much more powerful, politically, than the American president, who has no control over the legislature.

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INSTITUTE OF CURRENT WORLD AFFAIRS FELLOWS AND THEIR ACTIVITIES

Shelly Renae Browning

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A surgeon specializing in ears and hearing, Dr. Browning is studying the approaches of traditional healers among the Aborigines of Australia to hearing loss and ear problems. She won her B.S. in Chemistry at the University of the South, studied physician/patient relationships in China and Australia on a Thomas J. Watson Fellowship and won her M.D. at Emory University in Atlanta. Before her ICWA fellowship, she was a Fellow in Skull-Base Surgery in Montreal at McGill University's Department of Otolaryngology.

Wendy Call

(May 2000 - 2002) **MEXICO**

A "Healthy Societies" Fellow, Wendy is spending two years in Mexico's Isthmus of Tehuantepec, immersed in contradictory trends: an attempt to industrialize and "develop" land along a proposed Caribbean-to-Pacific containerized railway, and the desire of indigenous peoples to preserve their way of life and some of Mexico's last remaining old-growth forests. With a B.A. in Biology from Oberlin, Wendy has worked as a communications coordinator for Grassroots International and national campaign director for Infact, a corporate accountability organization.

Martha Farmelo

(April 2001 - 2003) **ARGENTINA**

A Georgetown graduate (major: psychology; minor, Spanish) with a Master's in Public Affairs from the Woodrow Wilson School at Princeton, Martha is the Institute's Suzanne Ecke McColl Fellow studying gender issues in Argentina. Married to an Argentine doctoral candidate and mother of a small son, she will be focusing on both genders, which is immensely important in a land of *Italo/Latino machismo*. Martha has been involved with Latin America all her professional life, having worked with Catholic Relief Services and the Inter-American Development Bank in Costa Rica, with Human Rights Watch in Ecuador and the Inter-American Foundation in El Salvador, Uruguay and at the UN World Conference on Women in Beijing.

Gregory Feifer

(Jan. 2000 - 2002) **RUSSIA**

With fluent Russian and a Master's from Harvard, Gregory worked in Moscow as political editor for *Agence France-Presse* and the weekly *Russia Journal* in 1998-9. Greg sees Russia's latest failures at economic and political reform as a continuation of failed attempts at Westernization that began with Peter the Great — failures that a long succession of behind-the-scenes elites have used to run Russia behind a mythic facade of "strong rulers" for centuries. He plans to assess the continuation of these cultural underpinnings of Russian governance in the wake of the Gorbachev/Yeltsin succession.

Curt Gabrielson

(Dec. 2000 - 2002) **EAST TIMOR**

With a Missouri farm background and an MIT degree in physics, Curt is spending two years in East Timor, watching the new nation create an education system of its own out of the ashes of the Indonesian system. Since finishing M.I.T. in 1993, Curt has focused on delivering inexpensive and culturally relevant hands-on science education to minority and low-income students. Based at the Teacher Institute of the Exploratorium in San Francisco, he has worked with youth and teachers in Beijing, Tibet, and the Mexican agricultural town of Watsonville, California.

Peter Keller

(March 2000 - 2002) **CHILE**

Public affairs officer at Redwood National Park and a park planner at Yosemite National Park before his fellowship, Peter holds a B.S. in Recreation Resource Management from the University of Montana and a Masters in Environmental Law from the Vermont Law School. As a John Miller Musser Memorial Forest & Society Fellow, he is spending two years in Chile and Argentina comparing the operations of parks and forest reserves controlled by the Chilean and Argentine governments to those controlled by private persons and non-governmental organizations.

Leena Khan

(April 2001-2002) **PAKISTAN**

A lawyer dealing with immigration and international-business law with a firm in the Washington, DC area, Leena will study the status of women under the "islamization" of Pakistani law that began in the 1980s and continues to this day. Born in Pakistan and immersed in Persian and Urdu literature by her grandfather, she is a Muslim herself and holds a B.A. from North Carolina State University and a J.D. from the University of San Diego.

Whitney Mason

(Jan.1999-2001) **TURKEY**

A freelance print and television journalist, Whitney began his career by founding a newspaper called *The Siberian Review* in Novosibirsk in 1991, then worked as an editor of the Vladivostok News and wrote for *Asiaweek* magazine in Hong Kong. In 1995 he switched to radio- and video-journalism, working in Bosnia and Korea for CBS. As an ICWA Fellow, he is studying and writing about Turkey's role as nexus between East and West, and between traditional and secular Islam.

Jean Benoît Nadeau

(Dec.1998-2000) **FRANCE**

A French-Canadian journalist and playwright, Jean Benoît studied drama at the National Theater School in Montreal, then received a B.A. from McGill University in Political Science and History. The holder of several Canadian magazine and investigative-journalism awards, he is spending his ICWA-fellowship years in France studying "the resistance of the French to the trend of economic and cultural globalization."