Citizenship, institutions, civil society

French democracy under strain

Introduction

A democracy under strain

Historically, France is a country renowned for its values and principles, which uphold human rights and democracy. However, democracy, which is "the power of the people" etymologically, falls short of achieving the ideal of an independent egalitarian society. Democracy, like society, is evolving constantly. Recently, France has been faced with contradictory movements, which have opened and closed democratic spaces. "Classic" forms of democratic action are generally regressing (voting, political party and trade union involvement). Civic participation is evolving, not regressing, as forms of collective action diversify and certain trade union or partisan organisations are reinvented. Other recent changes have jeopardised democratic vitality and deserve attention: the French mistrust of democracy and its institutions, infringements of the right to protest, threats against the independence of the press, extensions of the state of emergency and, lately, the ramifications of the COVID-19 invoked health emergency. Rights are repeatedly being violated, as confirmed by the European Court of Human Rights and the United Nations' recent indictments of France for failing to respect international commitments to human rights and fundamental freedoms (police practices during the yellow vest movement, discrimination against certain religious symbols or travellers, inhuman conditions of detention, etc.). This situation is a cause of genuine concern for French democracy.

— Do the French distrust democracy?

The first change concerns French political opinions and behaviour.
In April 2017, during the first round of the French presidential elections,
the extreme right wing candidate, Marine Le Pen, obtained some 7.7 million votes.
She qualified for the second round and won 33.9% of the votes compared
to 17.79%, the National Front's score in the second round of the 2002 presidential
elections. This rise in the extreme right poses the question: do the French
want an authoritarian government and turn their backs on democracy?

The *European Values Survey*[1], which provides information on changing opinions, shows that the 2008 economic crisis did not lead to the erosion of French democratic values. On a scale of 1 to 10, the importance of living in a democratically governed country scores 8 on average and almost 90% of the French support the principal of a democratic government. However, the French appear to be dissatisfied with how the political system and its institutions function (4.7 on a scale of 1 to 10). This distrust concerns European institutions, in particular. Confidence in the French Parliament (National Assembly and Senate) has also declined in recent decades: in 2018, only

1. ⚛ An association of twenty social scientists that researches value systems (ARVAL) conducted the French component of the European Values Survey. The full results were published in a book edited by Pierre Bréchon, Frédéric Gonthier and Sandrine Astor, *La France des valeurs. Quarante ans d'évolutions,* Grenoble, Presses universitaire de Grenoble, 2019.

36% of the French claimed to trust their parliament, compared to 49% in 1990. Lastly, 6 out of 10 French people do not think their country is governed democratically.

To what extent do these figures reflect a more general distrust in democracy? The political scientist, Bruno Cautrès, shows that there is still majority support for the democratic political system. In 2018, 89% of the people surveyed stated that it was a "very good" or "quite good" way to govern France. Yet, almost half of the French consider that handing the government to experts is a "good" solution for the country and a quarter declare that a "strong man, who does not have to worry about parliament or elections" would be good for France. More importantly, in 1999, only 4% of the French were in favour of the army governing the country, whereas today the figure is 13% (while only 55% of the French think it is a very bad option). In general, the most disadvantaged people distrust democracy[2].

— When political participation is expressed outside the institutional frameworks

This distrust is also apparent in the repertoire of actions used by social movements. In recent years, there has been a change in both the practices used to voice dissent (rioting, occupying sites to defend them against development, civil disobedience, etc.) and the types of action (occupying roundabouts, online petitions, etc.). This demonstrates a shift away from traditional and "legitimate" channels of political participation[3]. This shift is not a novelty in itself. In the mid-1980s, researchers observed a decline in political participation among young people, with increasing rates of abstention and growing disillusion with political parties and unions. Simultaneously, research on the younger generations' behaviour identified renewed forms of interest in the public sphere[4]. This interest is geared towards civil society organisations, humanitarian causes and solidarity and involves more partial, intermittent and revocable forms of engagement. Even now, the political sociology of youth confirms that there is a preference for "unconventional" forms of engagement (street demonstrations, one-off/project-based commitments, etc.), a disaffection with traditional forms of participation (political parties, trade unions and associations), a distrust of politicians and a critical view of the political system[5].

This disaffection with institutional forms of participation is more acute among the urban working classes. A fairly broad consensus has emerged regarding the collapse of traditional forms of political leadership, which were previously assumed by the constellation of organisations connected to the French Communist Party (*Parti Communiste Français*, PCF). The PCF's decline left the working classes politically orphaned, with no voice and no representation[6]. Record levels of abstention and a significant distancing from any form of institutionalised political participation became working class characteristics[7]. Researchers also revealed that the relationship with politics was not rescinded as a result, but was transferred to other arenas. Local involvement in associations is one example[8]. However, in working class districts, the social conflict that erupted was typically at the limits of legality, with the emergence of "expressive" delinquency[9]. The unrest was about displaying a feeling of revolt and injustice, not a desire for material gain[10]. A repertoire of rioting developed, culminating in November and December 2005. It was the cutting edge of a form of political expression characterised by direct confrontation, rather than political language and representation[11]. This repertoire of action also fuelled the yellow vest movement. The parallels with the riots in the Paris suburbs are quite striking[12]. The sociology of riots stems from the rural and "peri-urban" side of the working class, which are the blind spots of political representation[13].

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2. Mœurs, sexualité, politique... Les Français plus ouverts que leurs aînés, *Le Monde*, 25th April 2019.

3. Isabelle Sommier, "Les règles du conflit en démocratie ne sont plus respectées", *Le Monde*, 19th September 2019.

4. Annick Percheron, "Les jeunes et la politique ou la recherche d'un nouveau civisme", *Jeunes d'aujourd'hui, Regard sur les 13-25 ans en France*, Notes et études documentaires, p. 118-126, Paris, La Documentation Française, 1987.

5. Anne Muxel, *Avoir 20 ans en politique*, Paris, Seuil, 2010.

6. Stéphane Beaud, Maurice Pialoux, *Retour sur la condition ouvrière*, Paris, Fayard, 1999 ; François Dubet, *La galère*, Paris, Seuil, 1987.

7. Céline Braconnier, Jean-Yves Dormagen, *La démocratie de l'abstention*, Paris, Gallimard, 2007.

8. Michel Kokoreff, *La force des quartiers*, Paris, Payot, 2003 ; Olivier Masclet, *La gauche et les cités*, Paris, La dispute, 2003.

9. Laurent Mucchielli, *Violences et insécurité : fantasmes et réalités dans le débat français*, Paris, La Découverte, 2001.

10. Cf. for example, the study by D. Merklen on the degradation of public libraries and media libraries: Denis Merklen, *Pourquoi brûle-t-on des bibliothèques ?*, Villeurbanne, ENSSIB, 2013.

11. Régis Cortesero, Éric Marlière, "L'émeute est-elle une forme d'expression politique ? Dix ans de sociologie des émeutes de 2005", *Agora Débat/Jeunesse*, 2015, 2, n°70, p. 57-77.

12. These parallels do not necessarily imply "convergences". Cf. Éric Marlière, "Les « gilets jaunes » vus par les habitants des quartiers populaires", *the Conversation.com*, 8th January 2019. See also "Gilets jaunes : regards de jeunes de banlieue", *Métropolitiques* 23rd May 2019.

13. Benoît Coquard, *Ceux qui restent*, Paris, La Découverte, 2019.

The shift to illegalism can be found in other contemporary social movements as well. It is the case for computer hackers, such as *Anonymous*, whistle-blowers or portrait removers (to denounce the French President's inaction on climate change). It is also the case with practices used in ZAD (zones to defend), which involve the illegal occupation of land threatened by major infrastructure projects or civil disobedience to help foreigners despite their irregular status. It is important to underline that illegalism has a significant history and acted as a lever to advance certain causes, as illustrated by the mobilisation of vulnerable groups.[14]

— A climate of repression that reinforces distrust towards the police and the state

Recently, the use of public force has also been challenged repeatedly. Criticism relates to the maintenance of law and order, as well as the handling of public security.

The yellow vest movement was unprecedented, not simply because of its intensity and duration, but because of the scale of force used by the police, the severity of physical injuries inflicted and the charges brought against protesters. An investigation published by *The Lancet* revealed the high number of physical injuries[15]. There also appears to be an unprecedented number of detentions and convictions. The headline in the newspaper, Le Monde, "*10 000 detentions, 3 100 convictions… an unprecedented criminal justice response*" described it as "*a record for a social movement*"[16]. The criminal justice response against demonstrators was swift and severe. In contrast, the justice system was slow to pursue police officers for acts of deliberate violence. Added to which, numerous bans on demonstrating were issued, a measure seldom used by judges until now. The president of the lawyers' union alludes to "*political sentences that pose a genuine democratic problem.*"[17]

"*For years, the French approach to maintaining law and order was a reference in Europe*". It was the outcome of a process, whereby "*demonstrators and the forces of law and order, alike, were disciplined*"[18]. However, the United Nations, the European Union and the European Court of Human Rights have strongly criticised the crowd control tactics used by police on protestors during the yellow vest movement. The French "anti-rioter" bill also enshrined restrictions on the exercise of public freedoms and the right to protest. According to François Sureau, an attorney at the Council of State and the Court of Cassation, this dynamic has been undermining the foundations of the rule of law for 20 years, by granting the state the "*means to control everyone's individual participation in a demonstration*" and, thus, "*choose its opponents.*"[19]

The reform of "police in charge of everyday security" was an attempt, albeit timid, to bring citizens closer to their local police. Nonetheless, the changes reinforced feelings of distrust towards the police and the state[20]. After the death of George Floyd in the United States in May 2020, the sense of injustice crystallised. It triggered a wave of protests across the world, including France, where the affair echoed the case of Adama Traoré, who suffocated to death when he was apprehended in 2016. In fact, it was under the impetus of the Vérité Pour Adama Collective (*Truth For Adama*) that 20 000 people gathered in the Place du Palais de Justice in Paris on 2nd June 2020 to denounce racism and police violence, despite the ban on demonstrations. The strong response to the call for mobilisation brought together young people of diverse social and ethnic origins. The association SOS-Racisme, joined by a number of political parties and trade unions, also called for an assembly. Other rallies followed in several French cities, as the criticism expressed during the yellow vest demonstrations continued. In addition, pre-existing tensions among residents in working class districts worsened during the Covid-19 health crisis with the growing stigmatisation and the adoption of

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14. Daniel Mouchard, "Les mobilisations des « sans » dans la France contemporaine : l'émergence d'un « radicalisme autolimité » ? ", *Revue française de science politique*, vol. 52, no. 4, 2002, p. 425-447.

15. "Une prestigieuse revue scientifique se penche sur les blessures oculaires par LBD en France", *La Croix* avec *AFP*, 2nd November 2019.

16. Élise Vincent, "Gilets jaunes : 10 000 gardes à vue, 3 100 condamnations… une réponse pénale sans précédent", *Le Monde*, 8th November 2019.

17. Nolwenn Weiler, Simon Gouin, "Le traitement des gilets jaunes par la justice renforce "l'idée qu'il y a les puissants d'un côté, et les autres", 3rd April 2019, *Bastamag !*.

18. Philippe Poisson, "De la Commune aux « gilets jaunes », pourquoi le maintien de l'ordre est si difficile", *Criminocorpus*, 26th December 2018.

19. François Sureau, *Sans la liberté*, Paris, Gallimard, 2019.

20. Astrid de Villaines, "Les Français ont de moins en moins confiance en leur police", *Huffington post*, 5th March 2020.

special measures in certain territories. These measures, along with the clumsy and contradictory political rhetoric, contributed to the growing feelings of injustice and suspicion in working class districts with regard to the state and its institutions.

— The COVID-19 health emergency

France has experienced major upheavals in recent years (financial, economic and social crises, the state of emergency after the terrorist attacks, etc.), raising concerns about the respect for rights and freedoms and the health of democracy itself. This, in turn, prompted the writing of this report. Events have since accelerated. The health emergency declared on the 23rd March 2020 gave the authorities the right to take action in order to: limit the circulation of people; make masks compulsory (on public transport, for example); set the conditions for access to establishments open to the public; and "order the requisition of any person or all goods and services necessary to combat the health disaster"[21], etc. The powers concentrated in the hands of the executive is without precedent. Their exercise of power is also unprecedented, as we all know from our collective and personal experience during the two months of lockdown, from 17th March to 11th May 2020.

21. ⚖ Draft bill of 4th May 2020 extending the health emergency.

Following the notice issued by the National Consultative Commission on Human Rights (CNCDH) on 28th April 2020 (l'avis du 28 avril 2020), the introduction of a new exceptional provision should be examined. The notice states that this provision *"was not inevitable given the tools that the government already had at its disposal for managing the health crisis"*. The *"concentration of the power to restrict rights and freedoms in the hands of the executive" is one "that the Republic has never known in times of peace"*. The Council of State actually did little to exercise its control over the government decisions during lockdown. It is important to be vigilant *"about the measures taken, particularly, the duration of their application"*. Although the health emergency was eventually lifted on 10th July 2020, the fact that the Council of State's impact study presents it as draft legislation for a *"common law state of emergency"*[22] is alarming. The perpetuation of these provisions undermines the balance of power. Therefore, it is legitimate to call them into question.

22. ⚖ Impact study of the emergency draft bill for the Covid-19 epidemic.

The Covid-19 epidemic also triggered an unprecedented health crisis for our modern societies. It highlighted and accentuated a multifaceted crisis, which is simultaneously economic, social, ecological and democratic. It is too early to take stock of the situation. Yet, in our view, the subject could not be overlooked. In this report, we address some of the major impacts that the crisis and health emergency have had on education, the respect for data privacy, the balance of power and knowledge, civil liberties, etc.

— The research objective and the working hypothesis

The present report aims to improve our understanding of the different mechanisms that contribute to the closing of democratic spaces[23], partly implied by the changes outlined above. It also examines possible options to resolve the situation.
Which fields are affected by breaches of civil liberties? Are the restrictions short-term or is a more general underlying trend threatening rights and democracy? What mechanisms are at work? How can democratic and civic spaces be guaranteed or even broadened?

We set out to examine the hypothesis that democracy and rights and freedoms are shrinking. This shrinkage is apparent in the tension that exists between the demand for a less conventional political practice and a governance model that now bans conflict and where the state and its institutions are the main targets of protests. This situation contrasts with a previous arrangement where conflict was institutionalised. It used to be regarded as a positive dynamic for regulation and social transformation[24] and was directed at economic actors, rather than the state[25]. Has the political and institutional failure to tackle social discrepancies and divisions caused hard line dissent? Or was it the tougher increasingly "violent" dissent that "called for" a tighter security response? Could the institutions' poor or non-existent handling of conflict be the sign of a "delay" or ineffectiveness, which could be solved by inventing new forms of institutionalisation and dialogue? Or does it reveal a deeper "authoritarian liberalism" in the making, which has no desire to engage in dialogue with protest movements? These open questions are examined by this report (available in English). Although the report cannot resolve the issues, it hopes to elucidate them and contribute to the debate on democratic issues in France and, more broadly, in Europe[26].

23. It also explores new less visible configurations, like the digital boom, as well as their impact on democratic vitality.

24. ⚙ Cf. for example, the classic work on functionalist sociology about the regulatory qualities of conflict: Lewis A. Coser, *Les fonctions du conflit social*, Paris, PUF, 1982.

25. ⚙ Cf. notably, on the case of the urban working classes, Éric Marlière, *Banlieues sous tensions : insurrections ouvrières, révoltes urbaines, nouvelles radicalités*, Paris, L'Harmattan, 2019.

26. After the publication of this report, two in-depth studies will be conducted in 2021 on themes considered a high priority for further investigation.

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Methodology

The present analysis is based on a survey that lasted several months, conducted by researchers who are experts in participatory democracy, civil society organisations, the political sociology of youth, state modernisation and public security policy.

The analysis draws on their work, as well as on an extensive review of recent scientific literature in different fields. The overview sets out to decompartmentalise disciplinary approaches and conduct "a broad spectrum" analysis in order to answer the very general working hypothesis that guides the study. To complement these first- and second-hand sources and update some analyses, the work involved in data collection drew on a documentary analysis (press reviews, grey literature, etc.) and some thirty semi-structured interviews with academics and actors. As the analysis focused specifically on breaches of the freedom of association, this section was compiled by a team of researchers who are members of the Observatoire des Libertés Associatives (the OLA is the Observatory of Associative Freedoms). It is based on dozens of interviews, a compilation of archives and internal documents and press reviews. A first review was conducted in January thanks to a steering committee, including experts from academia, civil society, as well as institutional and philanthropic organisations.

Throughout this research, courses of action were proposed to ease the tensions and address the limitations of democratic functions. They are presented in **the insets** ⚙, but are by no means exhaustive.

The Covid-19 crisis was a major event that occurred while this report was being written. The pandemic, how it was handled and the lockdown of the population were major breaches of civil liberties and the French democratic space.
They highlighted existing problems, often blatantly. Hence, we have updated certain parts of the report and added **specific insets** 🦠.

After a theoretical overview, which puts these dynamics in a long-term perspective and defines the notions used, we will first focus on the contemporary changes affecting political and social citizenship. We will then examine the challenges facing representative democracy: does it still represent an open democratic space or has this space closed? To conclude, we will examine the difficulties and obstacles now facing civil society organisations.

"Citizenship" and "democracy", multiple interpretations
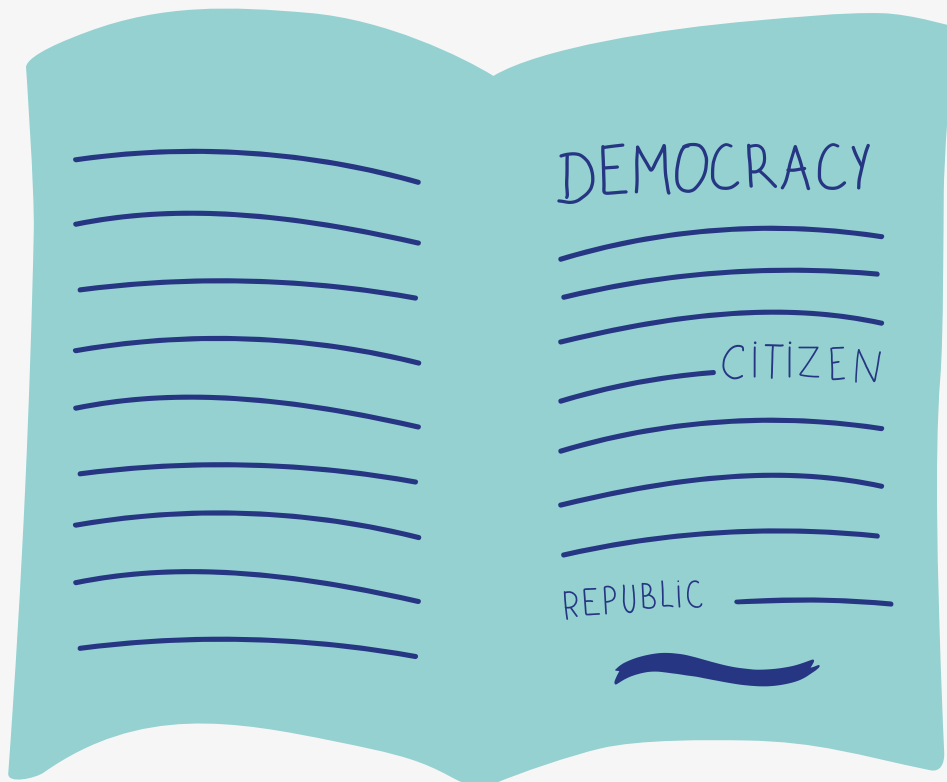
The notions of "citizenship" and "democracy" that we use in this analysis can only be understood in relation to the notions of the "public sphere" and "civil society". The first refers to the sphere for public debate and actions (speeches, engagement practices, etc.), which make reference to and are directly linked to public debate. The second identifies all the stakeholders, institutions and regulatory bodies that coordinate and organise the public sphere. This set of notions is linked to distinct historical and political frameworks, which should be identified in order to understand the current debates and issues surrounding citizenship in France.

A. Public sphere between coercion and consent

In the contractualist tradition (Rousseau, Rawls, etc.), social organisation and social institutions are derived from an informed understanding between citizens. The latter agree on the best way to share responsibilities and resources, rights and obligations, freedoms and taboos, such that the conditions for social association are acceptable to everybody. According to the German thinker, Jürgen Habermas, the public sphere is where consultation and rational debate provide the basis for the "production of society". However, the degree of consent is never absolute. In democratic societies, limiting the degree of consent with a view to maintaining and defending the "social contract" has at least three variations.

The first is oligarchic. As the French philosopher, Bernard Manin shows, representative democracy was thought of by its founding fathers not as an Athenian model of direct democracy, but as a "republic" with an aristocratic essence. The distrust of a nation, which is slave to immediate passions and interests, justifies the delegation of power to a professional body of representatives, "*a body chosen by citizens, whose wisdom can best discern the country's genuine interests*"[27]. Representative regimes distinguish between those who are "fit" to take part in the democratic arena and those who should be excluded from it, for example: limiting the right to vote (e.g. the exclusion of women, children); or using more diffuse and insidious sociological mechanisms of self-exclusion from the political field, particularly among working class categories who are alienated from school.

Indeed, in the first part of this report, we will see that in contemporary France, the democratic process is still tarnished by deep inequalities linked to : the level of education, which leaves some people feeling illegitimate about their inadequate "cultural capital" and means they exclude themselves from the political sphere; the fragility of "social citizenship", which affects all marginalised populations, who are gradually losing the protection that wage earners used to enjoy. As the French sociologist, Robert Castel recalls, the exercise of political citizenship presupposes access to "a minimum [amount] of resources and rights necessary to provide a degree of social independence"[28]. The decline of the welfare state leads to a decline in this "social citizenship", which is a prerequisite for political citizenship. In the next section, we will see how this intricate web of economic and political inequalities is compounded by the increasingly selective institutional operations that govern democratic representation. This observation leads to the conclusion that the state is becoming more oligarchic. Therefore, when citizens consent to the social and political system, which representative democracy is supposed to guarantee, consent is only partial because only a limited share of the population is represented and consulted.

27. James Madison, fourth President of the United States (1809-1817), quoted cité *in* Bernard Manin, *Principes du gouvernement représentatif*, Paris, Calmann-Lévy, 1995.

28. Robert Castel, "La citoyenneté sociale menacée", *Cités*, vol. 35, no. 3, 2008, p. 135.

The second involves more discreet **regulations and controls**. In Habermas' view, the "bourgeois" public sphere is doomed to watch as its principles and methods of application are distorted. This occurs because its modus operandi is subordinate to the class interests that it was moulded by, the most important of which is to stay in power. This paradox permeates a significant amount of research on the question of "participation" in democratic societies. Research shows that participatory mechanisms, far from merely strengthening the power of citizens, often channel it, control it and diffuse conflicts to preserve social peace and the assumptions underpinning the institutions[29]. Thus, in the second part of this report, we review the main criticisms of participatory mechanisms drawn from empirical research. Thus, consent is somehow *extorted* by multiple participatory mechanisms.

The third relates to the **manufacture of consent**, which is more "positive" than restrictive. In political theory, manufacturing consent alludes to the notion of "governmentality", developed by the French philosopher, Michel Foucault, and to the research by the Italian philosopher, Antonio Gramsci. The latter shows how the joint action of the state and civil society aims to manufacture consent among subaltern classes. Thus, civil society is conceived as a sphere where learning and civic and political socialisation occur. It can mould a certain type of political subject and shape ordinary citizenship, opinions and dissent in a controlled and regulated fashion. Hegemony corresponds to the control that the ruling classes exercise over the movements and organs of civil society. As we will see in part one, the question of manufacturing "compliant" political subjectivity cannot be dissociated from the issue of "education in citizenship". The limit between consent and coercion becomes porous: consent, at least in part, is a form of interiorised coercion.

29. ⚛ Cf. for example, Guillaume Gourgues, Sandrine Rui, Sezin Topçu, "Gouvernementalité et participation. Lectures critiques", *Participations*, 2013/2 (N° 6).

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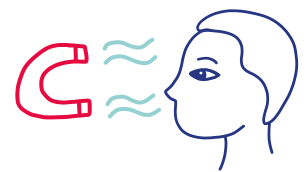
B. The languages of citizenship in France

All consultative spheres are regulated because they are enshrined in social relationships and systems of domination. Groups of principles, sets of constraints, forms of authorisation and restriction delineate the operational rules and the scope of freedoms that they control. Thus, they define the citizen's rights and prerogatives and mould a certain type of citizen. In the French case, four "languages" can be identified, which regulate legitimate forms of citizenship. They are the product of metropolitan France's political and social history and a changing international context.

— Republican civicism

"Republican ideology" is the "DNA" of the French concept of the public sphere and how it is regulated. It is the product of the French Revolution and most closely matches the ideal of the contractualist and liberal public sphere that emerged with the Age of Enlightenment. The social pact ultimately alludes to the general interest, which should transcend all specific, individual or corporatist interests. This explains why the French Republic was initially hostile to "intermediary bodies". Le Chapelier's Law of 14th June 1791 and Allarde's Decree of March 1791 restricted the freedom of association and banned corporations out of fear that local influence and interests would affect the citizens' faculties of judgement. Hence, educating citizens by the state became a priority. Public education became the centrepiece in Republican nation-building policy: it involved homogenising national citizenship to overcome local influences, as well as the "environment" and its protagonists (families, local sociability and traditions, religious influences, etc.). The school's mission was to make the population "fit" for the purpose of universal suffrage.

Supervising civil society organisations followed the same logic with the nation-state as teacher. The bill passed in 1901 created a space for renewed freedom of association, but this was linked to control mechanisms which, de facto, made it supplementary to state action. The recognition of public utility, in particular, extended the legal capacity of civil society organisations in return for "control over statutes, functioning, management and activities"[30]. The Republican state encourages an associative model that endorses the state in its task to enlighten citizens and promote the general interest. This system of state control is now being strengthened, as we will see in the third part of this report.

This model recognises the freedom of opinion, but not its intrinsic value. Indeed, the general desire does not necessarily reflect the will of the majority, but the most acceptable line of argument for rational purposes. Hence, it can be carried by a minority. Louis Blanc declared "freedom of conscience, freedom of the press, the right to assembly and association [are] inviolable". However, this was not because of the intrinsic value attributed to the principle of freedom, but to ensure that the republic had "all the guarantees to allow a minority to become a majority provided that it is right and proves it".

— The language of social cohesion and active citizenship

Since the mid-1970s, another frame of reference or language has gained a foothold. It no longer regards society's unity as the precursor for individual action, but as the product of individuals' active mobilisation[31]. Major international bodies, like the International Monetary Fund (IMF) or the World Bank have the scope to campaign and diffuse new principles of governance

30. Martine Barthélémy, *Associations : un nouvel âge de la participation ?*, Paris, Presses de Sciences Po, 2000, p. 55.

31. François Dubet, *Le travail des sociétés*, Paris, Seuil, 2009.

on a global scale. These principles have a neo-liberal concept of the "responsible" individual and an "entrepreneurial" vision of politics, which calls on each society to develop using its own resources.[32]

Political participation and citizenship are conceived as a means to consolidate individuals' social capital[33]. Political or civil society participation should encourage the development of feelings of confidence, responsibility and a sense of the common good. In this way, the renewed vision of education in citizenship reflects a shift in state teaching geared towards more active citizenship. This is linked to a less transmissive approach, based on a project idea, which underlines volunteerism rather than constraint. In terms of active citizenship, this approach reinforces the more top-down approach. It is underpinned by the image of having to accomplish "civic duty", which stems from the Republican model of national integration.

Following this frame of reference, social cohesion creates a space for civic participation and grants a significant space to civil society. However, social cohesion also includes a principle of limitation that leaves little room for discord and criticism, unless they are likely to "fizzle out" after the consultation or engagement process. As with he Republican frame of reference, the baseline for cohesion permits the use of legitimate violence to tackle protests that are deemed too strong. This option is now firmly supported by a regulatory arsenal weighed down by a plethora of laws, which have been piling up for 20 years. Many researchers agree that it is a "security" arsenal and its effective use goes far beyond the protection against terrorism argument. This legal arsenal and its impacts on activist practices or the right to protest will be addressed in part 3 p. 52.

— The frame of reference for individualisation

The third frame of reference emerged in an atmosphere of dissent in the late 1960s, with the growing demand to give priority to individual sovereignty in counter-culture, the arts and social criticism[34]. It became what Boltanski and Chiapello qualified as "artistic". This is where individual accomplishment takes precedence over maintaining "social order"[35].

In the 1960s and 1970s, the associative networks changed. They started calling for more direct political involvement, as individuals demanded control over their destiny, which modernising and "enlightened" technocracy had previously taken care of[36]. The "resurgence of protest movements" (see part 3 p. 52) marks "the aspiration for greater participatory democracy that comes with a crisis of confidence in the representative institutions"[37] (see part 2 on this crisis p. 35). The "square uprisings", a feature of the Arab springs and *Occupy*, were described as "precursors" of a "direct non-hierarchical democracy (…)" as "hundreds of thousands of Americans (and of course Greeks, Spanish, Tunisians) (…) had direct experience of self-organisation, collective action and human solidarity"[38]. Civil disobedience was transversal in all these movements, as in the case of the movement "zones to defend" (ZAD) or the action of hackers, voluntary reapers, whistle-blowers, etc. It is the affirmation of individual sovereignty in the political field. It challenges the very essence of legality and places radical democratic requirements above the law[39].

32. ⚛ Denise Helly, "Les limites de la notion de cohésion sociale", *Revue Tocqueville*, vol. 23, no 1, 2002, p. 73-101 ; Jane Palier, Benoît Prevost, "Le développement social : nouveau discours et idéologie de la Banque Mondiale", *Economie appliquée*, 2007/4 ; Hélène Thomas, *Les vulnérables. La démocratie contre les pauvres*, Paris, Éditions du Croquant, 2010.

33. ⚛ In Robert Putnam's view, "social capital" determines "the characteristics of social organisation, such as networks, norms and confidence, which facilitate coordination and cooperation for mutual benefit". Robert D. Putnam, "Bowling Alone: America's Declining Social Capital", *Journal of Democracy*, 6 (1), 1995, p. 65-78.

34. ⚛ Jacques Donzelot, *L'invention du social*, Paris, Seuil, 1984.

35. ⚛ Luc Boltanski, Eve Chiapello, *Le nouvel esprit du capitalisme*, Paris, Gallimard, 1999.

36. ⚛ "La démocratie par l'association", *Esprit*, Juin 1978.

37. ⚛ Isabelle Sommier, *Le renouveau des mouvements contestataires à l'heure de la mondialisation*, Paris, Flammarion, 2003.

38. ⚛ David Graeber, *Comme si nous étions déjà libres*, Montréal, Lux, 2014.

39. ⚛ Manuel Cervera-Marzal, *Les nouveaux désobéissants : citoyens ou hors la loi*, Lormont, Le Bord de l'Eau, 2016.

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40. ⚛ See, in particular, the power of this model as a form of "government" in contemporary society, Pierre Dardot, Christian Laval, *La nouvelle raison du monde. Essai sur la société néolibérale*, Paris, La Découverte, 2009.

41. ⚛ Hélène Balazard, *Agir en démocratie*, Ivry-sur-Seine, Éditions de l'Atelier, 2015.

This individualistic frame of reference established the desire and the political practice to extend and intensify the democratic sphere. However, it also set tight restrictions on the democratic sphere within the narrow framework of an ultra-liberal/libertarian interpretation of individual sovereignty[40]. In this case, social protest and demands for justice are legitimate, but restricted by a principle of individual responsibility, whereby everyone is accountable for their own destiny.

— The language of agonistic democracy

With respect to the Republican baseline and social cohesion, this last frame of reference puts less emphasis on the unity of social life than on its divisions and disputes. It allows far more room for criticism and protest, the idea being that conflicts of interest and class antagonism are "normal" in society.

In the French political imagination, this image blends with that of antagonism between "capital" and "labour", as expressed by the labour movement in the mid-19th century. In the post-war context, this antagonism was gradually institutionalised and became a mode of social control. This allowed the resistance movements to agree on the establishment of a vast social security scheme. "Normal" social and political life is conceived as a regulated conflict, in which society's central antagonisms are "represented" politically by the major mass parties, which bear them into parliamentary life and the political decision-making sphere. The government is organised into a "party democracy" (we will examine the contemporary reconfigurations in).

After being eclipsed by the increasingly popular frame of reference for social cohesion in the 1980s and 1990s, the reference to conflict was included in new protests (feminist struggles, "civil disobedience", etc.). It also made a comeback with the upsurge in "critical" popular education, revisiting authors like Augusto Boal or Paulo Freire. In this way, metropolitan France is quietly importing practices of mobilisation and apprehension, such as Anglo-Saxon *community organising*[41]. The "return" of this frame of reference is also apparent in the expression of political movements, such as Podemos in Spain or La France Insoumise. This representation maintains that conflict is not a threat to democracy but a prerequisite, which reflects the work by the Belgian philosopher, Chantal Mouffe. It is up to social forces and institutions to encourage the expression of antagonisms within a framework, where every point of view is considered legitimate. Society "functions" when conflicts of interest and orientation can be expressed and when organised confrontation finds a balance between opposing forces.

This rapid synopsis reveals a paradox. On the one hand, French society sees its institutions promoting a model of citizenship in line with the Republican tradition, which prioritises stability and consensus. Active citizens help preserve social cohesion by voluntarily engaging in dialogue within the framework of participatory bodies designated for reaching agreements. In parallel, after a period of dormancy, following the labour movement's decline and the lethargy of social movements in the early 1990s, social conflict has reappeared. While the Fordist post-war compromise set conflict in social regulation mode, contemporary institutions and the prevailing governance model seem to be averse to conflict, which is seen as a threat to social cohesion and stability.
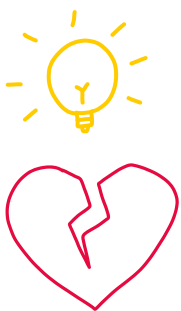
This inability to include new forms of conflict in the politico-institutional mechanisms of French society could be linked to the historical weakness of ecological movements. The latter have not succeeded in significantly modernising democratic life in metropolitan France, unlike in other countries, such as Germany[42].

This aversion is a *stumbling block for emerging protest movements, which have renewed the model of struggle and confrontation.* Social conflict is delegitimised by the frame of reference for social cohesion inherent in the current governance model. By the same token, the current model legitimises repressive and intransigent conflict management.

Thus, the hypothesis of the dynamics of democratic closure is looming because of the clash between these two approaches. The hypothesis should be examined in the light of the recent changes affecting the conditions for exercising citizenship. It should also be measured in relation to the changes affecting contemporary democratic institutions and civil society organisations. Becoming a citizen, electing representatives, engaging in associations or mobilising to defend a cause are key steps in the exercise of citizenship, which are examined in the three parts of this report.

42. ⚛ Pierre Jacquiot, "Comparaison des processus de formation et de diffusion du mouvement écologiste en RFA et en France", *Cahiers internationaux de sociologie*, 2007/2, n° 123, p. 217-244.

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Becoming a citizen

Part 1 📄 p. 16

Electing representatives and participating

Part 2 📄 p. 35

Mobilise, engage, challenge

Part 3 📄 p. 52

These are the three key stages of the exercise of citizenship that are addressed in the three parts of the report.

Becoming a citizen
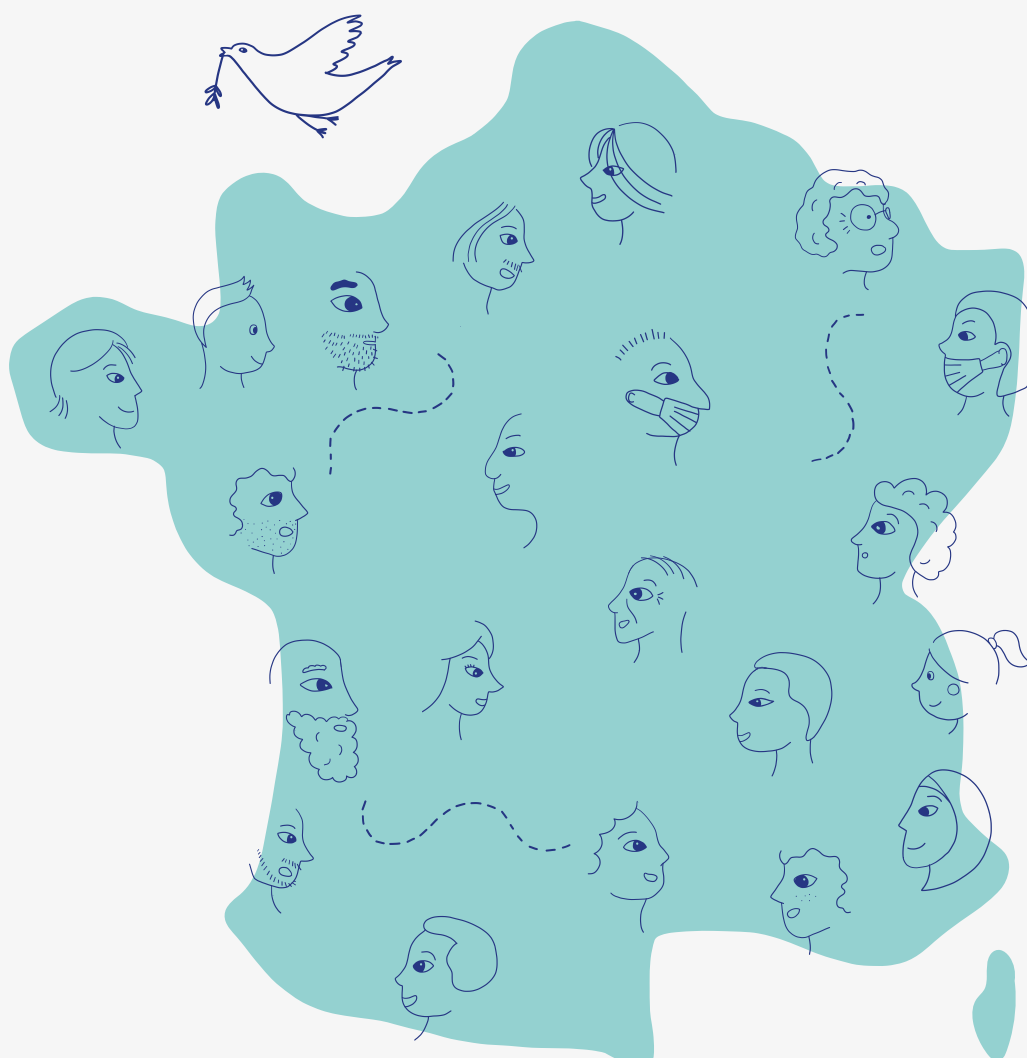
We are not born citizens, we become citizens. As a precondition for democracy, is citizenship accessible to everyone? Are all the necessary resources available to individuals so they can become citizens in a democracy? How does schooling fulfil the role of educating citizens? Beyond the educational establishment, does the state provide the means for everyone to be a citizen, a full member of the Republic, engaged in society and able to take part in decision-making processes? Does everyone have access to quality information in order to develop an informed, even critical, opinion about the society around them and to make their voice heard?

A. Civic education for children and young people: what political expertise is needed for what kind of citizen?

— Shaping a "disciplined" or an "active" citizen?

In the Third Republic's classic model, educational policy is designed to "prepare young people in the proper use of universal suffrage". Civic education at primary school focuses on building an abstract citizen, which is defined as merely belonging to the nation and being aware of their rights and obligations. Thus, education is conceived as a prerequisite to citizenship. In the 1980s, when education in citizenship made a strong comeback in school curricula, after having disappeared in the 1960s, the objectives had changed significantly. However, the underlying trend remained the same and the development of active teaching methods remained limited. If the purpose was to introduce democracy in schools and lycées, little genuine progress was observed. Instead, teaching methods generally depoliticised issues, whenever current affairs featuring political and social matters were introduced.

The non-profit sector partly took on the state's approach to education, despite being increasingly open to an active and participatory model of citizenship. Although popular education movements initially supported schools in their endeavour to build citizenship, they soon became laboratories for testing new educational methods, which had few supporters in the school establishments. In this way, for example, "outdoor teaching methods" made it possible to learn about citizenship by putting it into practice. However, the shift was modest.

The power granted to young people did not go beyond the walls of the leisure centres and summer camps. Several initiatives were proposed by organisations like social centres to encourage the social and political emancipation of young participants.[43] However, adolescence remained synonymous with being under age and having no social and political recognition.

This model of education in citizenship largely involves complying with the social rules and abiding by the principles of societal organisation. Thus, consensus is expected and euphemisms abound. There is even a negation of conflicts and divisions, which leads to avoiding politics.

The political skills that developed as a result appear to be out of kilter with the signs of the times, where greater participation is key. These skills can only be acquired through participatory experience, by exposure to debate and different points of view and by actually assuming responsibility and power. Despite its limitations, the model also sets out the introduction of a French National Service for teenagers. This Universal National Service is presented as "*the culmination of a citizen's education, which starts at school and continues at secondary school*".

43. ⚛ For the case of social centres, see the findings of recherche ENGAGIR in the Region Centre-Val de Loire. See also the PoliCité project to train youth leaders run by a social centre in Vaulx-en-Velin. Anaïk Purenne, Hélène Balazard, "Les tensions entre police et citoyens sont-elles solubles dans la démocratie délibérative ? L'exemple d'un dispositif participatif à Vaulx-en-Velin", *Lien social et politiques*, 84, June 2020.

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— Universal National Service: remilitarising young people?

Historically, the army had a central role in building citizenship on behalf of the state. After the French Revolution, national service was designed as "a place for nationalising and socialising young people"[44]. However, the educational aim of military service has not escaped criticism. For example, some researchers highlight its gendered function and how it reproduces the social relationships between men and women; others focus on its "disciplinary" role and how it reproduces class domination. When the armed forces became professional and compulsory military service ended, the educational vocation of military discipline persisted. Different forms were developed: Civic Service, or French National Volunteer Service, adopted in March 2010, was presented as the outcome of this history. Despite certain adaptations (the principle of volunteering, activities organised around solidarity or nature protection), civic vocational training for young people is still based on the goal of national integration and citizenship[45].

The Universal National Service entered into its preliminary phase in June 2019, marking a new alignment between military discipline and youth training: the administration of the armed forces will take over part of what disappeared with Civic Service. The aim is to develop a hybrid approach to training "at the crossroads between the army, popular education and national education". The plan is to make national service compulsory and universal. It is in line with previous mechanisms, i.e. it aspires to develop a state pedagogy that seeks to guarantee national cohesion and generate a sense of belonging and commitment to the nation.

However, the introduction of this mechanism triggered a major debate in the popular education circles invited to take part. Some actors see it as the remilitarisation of youth (policies), like Éric Favey, former head of a popular education organisation (the Ligue de l'Enseignement) and former Inspector General of National Education. Although he agrees with the goal to unite young people around common values, he considers that the form chosen for Universal National Service "*is a reversal of the entire set of notions of popular education for training young people*"[46].

The military approach does actually seem to predominate in terms of how practical actions are organised (raising the flag in the morning, standing to attention, military vocabulary). The same applies to the teaching method. The preliminary evaluations[47] give us a glimpse of the discreet and powerful military tropism. Several evaluators[48] questioned during the preparation of this report acknowledge that the various protagonists involved in introducing the Universal National Service use "mechanisms" very close to the ethos and discipline of the armed forces. The same applies to the young volunteers (many of whom want to pursue a career in uniform or have grown up in families with military professions) and the professionals who volunteered to supervise the teenagers and were also servicemen or close to the military world.

The plan to make Universal National Service more widespread seriously calls into question the vision of citizenship that is the basis for educational policies in France today and what it means for democracy. More than ever, this vision has to do with social control and conformity. By striving to guarantee unity and cohesion, it stifles the expression of diverse points of view, prohibits learning about debate and confrontation and, ultimately, foregoes the development of critical thinking, which is organically linked to the pedagogy of conflict[49].

44. Annie Crépin and Odile Roynette. "Jeunes hommes, jeunesse et service militaire au XIXᵉ siècle", in Ludivine Bantigny (dir.), *Jeunesse oblige. Histoire des jeunes en France XIXᵉ-XXIᵉ siècle.* Paris, Presses Universitaires de France, 2009, p. 67-82.

45. Florence Ihaddadene, "De l'instruction militaire à l'éducation populaire, que reste-t-il de l'objection de conscience dans le service civique ?", *Mouvements*, 2015/1, n° 81, p. 107-115.

46. Interview with Éric Favey, conducted in June 2020.

47. Q. Francou, S. James, A. Kerivel, A. Defasy, P. Grousson, T. Desjonqueres, *Évaluation de la phase de préfiguration du Service national universel. Enseignements de l'étude des séjours de cohésion de juin 2019*, INJEP Notes & rapports/Rapport d'évaluation.

48. State agents are bound by the duty of confidentiality, therefore, those who agreed to answer our questions preferred to remain anonymous. Interview conducted in June 2020.

49. Boaventura de Sousa Santos, "Pour une pédagogie du conflit", dans I. Pereira (dir.), *Anthologie internationale de pédagogie critique*, Vulvaines-Sur-Seines, Éditions du Croquant, 2019, p. 257-281.

⚙ Courses of action:

✔ **Develop research on the political significance of education in citizenship as part of the state's new teaching methods**
(Civic Service, Universal National Service, citizens' itineraries, etc.).

✔ **Develop youth organising**
In the United States[50] or the United Kingdom[51], youth groups are trained to intervene in decisions that concern them, in the framework of local social centre type structures, like those in their schools (action may be direct or involve joint organisation). An active citizenship model is proposed, which includes the critical analysis of a difficult situation and building solutions together with local partners. It is chiefly based on greater porosity between schools, universities, residents, local institutions and civil society organisations[52].

50. ⚛ Cf. Julien Talpin "Politiser les jeunes du ghetto : l'*organizing* de jeunesse entre *empowerment* et endoctrinement aux États-Unis", *Sciences et actions sociales*, 1 (1), 2015.

51. ⚛ Cf. Hélène Balazard *Quand la société civile s'organise : l'expérience démocratique de London Citizens*. Thèse de Doctorat de Science Politique, Université de Lyon, 2012.

52. ⚛ For further information, see the recent report: Sébastien Chapleau, *Schools in their communities, taking action and developing civic life*, Big Education and Citizen School, 2020.

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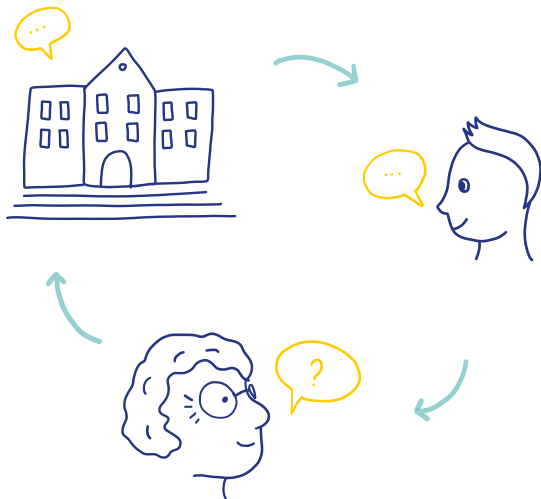
B. Social citizenship, a prerequisite to exercising political citizenship

— Defending political citizenship for everyone means tackling economic hardship

Democracy is based on the principle that all individuals have equal rights. For example, no individual should carry more weight in a decision than the next person. Yet, social and financial resources are unequally distributed among individuals, which prevents equal participation in decision-making processes. For example, the economic elite can influence political decisions more easily. Their role is not controlled democratically (see 🗅 p. 42). Similarly, social relations can facilitate access to goods and services: getting a job, a place at a nursery, a special price, advantageous arbitration, etc. The term "social capital" refers to the resources that constitute the relations between individuals. Financial resources also facilitate access to social resources and vice versa (access to circles of contacts, jobs, etc.). In other words, economic capital and social capital are mutually beneficial. They are both resources for exercising citizenship and influencing political decisions. These mechanisms are compounded, indeed legitimised, by neoliberal ideology, which reduces society to market standards.

Electoral sociology has revealed the correlation between growing economic insecurity and the propensity to abstain from voting. The individuals most affected by hardship are more likely to abstain or vote for the extreme right[53]. Thus, the sociologist, Robert Castel, suggests that "social citizenship (…), along with political citizenship, constitutes the other keystone of democratic citizenship. It follows that the risk of damaging this social citizenship, one of the alarming features of the present-day climate, also threatens citizenship itself"[54].

Reducing economic and social inequalities and improving democracy must be considered together. Social justice and democracy are indissociable. According to the philosopher, Nancy Fraser, the concept of "social justice" has three dimensions: recognition, understood in the sense of demanding equal status for everyone in social interactions (the symbolic dimension), the redistribution of wealth (the economic dimension) and access to participation or political representation for all (the political dimension)[55]. Therefore, it is important to take up the challenge of increasing political *empowerment* for the greatest number and, especially, for the people who are far removed from the different forms of capital. In order to create and maintain mechanisms with a view to redistributing socio-economic resources and regulating individual and collective rights that guarantee social justice and democracy, everybody must have the opportunity to assert their rights and interests.

53. ⚛ Nonna Mayer, "Les électeurs du Front national (2012-2015)", in Florent Gougou, Vincent Tiberj, *La déconnexion électorale,* Fondation Jean-Jaurès, 2017, p. 69 -76.

54. ⚛ Robert Castel, "La citoyenneté sociale menacée", *art.cit.*

55. ⚛ Nancy Fraser, "Justice sociale, redistribution et reconnaissance", *Revue du MAUSS,* vol. 23, 2004, p. 152-164.
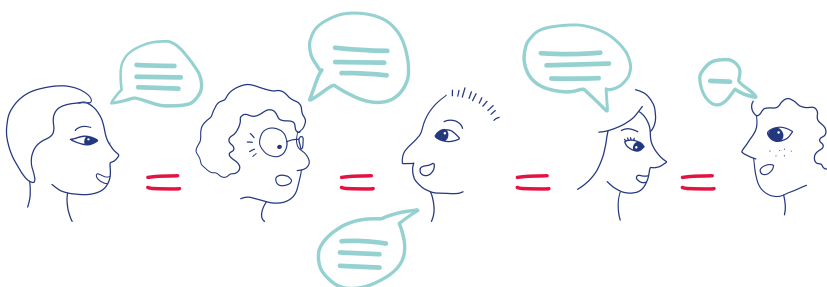
— Activation versus citizenship? The RSA, an income support scheme

Social policies are supposed to protect individuals exposed to "social risks" (unemployment, illness, disability, etc.), so they do not lose their social citizenship. However, they are being disrupted on an international level. The changes are often described in terms of "activation". Insurance or social support spending must match both costs and investments, which benefit the whole community.

The French RSA is an incentive-based income support scheme. The notion of activation is central, as its name Active Solidarity Income suggests. Introduced in 2007, it is the most emblematic achievement of this change. The sociologist, Isabelle Astier, describes it as an "inversion of the social debt". The social policies derived from the post-war compromise were based on the idea that society is indebted to and should support citizens. In contrast, benefits are now based on the idea that help should be given to "deserving" beneficiaries who are pro-active and willing to solve their problems and move beyond dependence[56].

Years ago, sociology showed that having assisted status is alienating and disqualifies people from full citizenship[57]. According to Jérôme Bar[58] from the association Aequitaz, "liberal" policies of activation exacerbate the effect of disqualification. Aequitaz, in particular, helps a group of beneficiaries on income support who joined forces with a view to getting involved in the governance and management bodies responsible for day-to-day issues relating to the RSA scheme. The association and other partners are involved in a long-term nationwide effort to find out about the different situations and the close supervision policies that RSA beneficiaries deal with. Its observations confirm the estimates for the non-use of the RSA allowance. The reasons for non-use fall into three categories: did not know, did not claim,

and did not receive. These can all be corrected by plans of action. According to the observatory that focuses on the non-use of rights and services (ODENORE), around 30% of potential beneficiaries do not apply for the RSA scheme[59]. Thus, every year, over 5 billion euros of RSA are not paid to people who are eligible. The conditionality and supervision involved, whereby a third party judges the beneficiary's "good conduct", are major causes of quitting the RSA scheme. Conditionality in itself denies citizenship because placing people under the administrative authority's supervision means they automatically lose their freedom of speech.

Losing the status associated with employment somehow disqualifies people, by making them feel illegitimate, unworthy of speaking out and taking part in collective matters. By insinuating that welfare recipients are social parasites, activation policies exacerbate this disqualification. They totally obliterate social citizenship, which was already extremely vulnerable because of poverty and insecurity, factors that activation policies do not resolve[60].

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56. ⊕ Isabelle Astier, *Les nouvelles règles du social*, Paris, Presses Universitaires de France, 2015.

57. ⊕ Serge Paugam, *La disqualification sociale : essai sur la nouvelle pauvreté*, Paris, Presses universitaires de France, 2004.

58. ⏺ Interview with Jérôme Bar, conducted in May 2020.

59. In addition, the rate of non-claimants for the complementary health allowance oscillates between 57 and 70%. Yet, obtaining this support triggers related rights, such as access to social rates for gas and electricity, which are far more advantageous than "normal" rates.

60. For an evaluation of activation policies and their capacity to reduce poverty and insecurity, ⊕ cf. Jean-Claude Barbier, "Pour un bilan du *Workfare* et de l'activation de la protection sociale", *LaVieDesIdées.fr*, 4th November 2008.

61. [?] Interview with Jean-Claude Barbier, conducted in June 2020.

62. On this issue, see the work by the historian Colette Bec, *La Sécurité sociale. Une institution de la démocratie*, Paris, Gallimard, 2014.

63. Henning Jørgensen, "D'une politique du marché du travail à une politique de l'emploi : données issues des évolutions danoises", in Solène Hazouard, René Lasserre, and Henrik Uterwedde (dir.), *L'aide au retour à l'emploi : Politiques françaises, allemandes et internationales*, Cergy-Pontoise, IFAEE, 2017, p. 283-313.

Courses of action: defending social citizenship

Jérôme Bar of the association Aequitaz and the sociologist, Jean-Claude Barbier[61], propose several solutions for defending social citizenship:

✔ **Enhance user empowerment within the benefit system. This involves the intervention of a third party capable of training and helping users who are fairly well shielded from their administrative supervision. The non-profit sector could take on this training and support role.**

✔ **Decouple support (e.g. training) from benefit: users can only recover their dignity and capacity to act if the structural suspicion imposed by conditionality is removed.**

✔ **Rethink the link between social utility and income: rather than granting conditional income support, social benefits could remunerate people's genuine social utility: as family helpers, supportive actors in a local community, volunteers in an association, etc.**

✔ **Rethink the relations between income support and income from work: the French social security system splits replacement incomes into insurance-based income (health, retirement, etc.), which are reserved for those who contribute through work, and income support (social benefits, minimum welfare benefits), which targets those living in poverty. There is no technical necessity[62] for this recent split. It exacerbates the division between the social groups that defend different categories, i.e. trade unions defend employees, and associations defend the poor and their "poor rights". Other countries, such as Denmark, are committed to combining the two problems within a joint framework[63].**

C. "Second-class citizens" and minority discrimination

Research has shown that the most disadvantaged people have withdrawn from politics. However, the phenomenon is particularly striking among populations exposed to systematic discrimination and stigmatisation, which is getting worse. Racism, sexism and discriminatory practices are seldom explicit, which makes them harder to combat. Denial and disclaimers conceal discriminatory practices, which means that the perpetrators[64], and their victims may not see or even be aware of the phenomena[65]. The most "respectable" institutions are actually responsible for the worst discriminations. They manifest in different ways: on a territorial level, where spatial segregation in cities in the 21st century is worse than ever; in the world of work, where ethnic, racial and sexist discrimination or discrimination linked to physical appearance are common; on a moral level, in the sense that the most vulnerable (asylum seekers, irregular immigrants, prisoners) are left in conditions of poverty that the European Court of Human Rights sometimes qualifies as "inhuman".

— Social inequalities and ethnic and racial discrimination in France

In his June 2020 report, Discriminations et Origines : l'urgence d'agir, (Discrimination and origin: the need to act), the French ombudsman shows that the prevalence of discrimination based on origin, which affects the lives of millions of individuals, negates *their most basic rights, as well as social cohesion*. "*All other things being equal, people of foreign origin and those perceived as such are disadvantaged when it comes to access to employment, housing and education*" and in their dealings with law enforcement. The report stipulates that "*as a result of the negative stereotypes of residents of French suburbs,*

living in estates or large blocks significantly increases exposure to discrimination linked to origin". It concludes that it is "*urgent to act and defend the right to full participation for citizens and residents of any origin*".

Furthermore, in modern cities, inequalities have increased significantly because of the financialisation of urban space[66]. "Gentrification" is the process whereby the city becomes a factor of segregation. This mechanism refers to the changes taking place in working class districts due to the social and real estate pressures exerted by the most affluent and privileged social classes. The latter are renovating certain housing units and importing different consumption patterns and lifestyles. Developers, lessors of real estate and city council public policies are actively involved in the process. Thus, the most disadvantaged populations are being deprived more overtly of certain urban rights and being excluded from the decisions and services that shape the city.

Since the 1980s, zoning policies have attempted to curb these social and territorial disparities. Nonetheless, apart from a few areas that have historically worked on residents' participation and inclusion (notably, in Grenoble), city policies have largely failed to tackle the issue. According to Khedidja Mamou[67], assistant professor at ENSA in Montpellier and member of an association that develops alternative urban projects in France and internationally (Alternative Pour des Projets Urbains Ici et à l'International, APUII), sectorial policies focus on urbanisation. In other words, basic systemic problems are ignored: mass unemployment, ethnic and racial discrimination, unequal access to public amenities or health, limited mobility due to distance from infrastructure, squats,
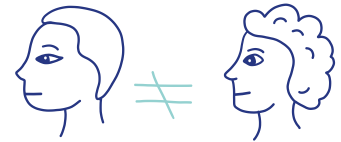
64. Linda Hamilton Krieger, *Un problème de catégories : stéréotypes et lutte contre les discriminations*, French-American Foundation and Sciences Po Paris, 2008.

65. Régis Cortesero, "Politisation et dépolitisation des jeunesses populaires urbaines en France. La domination à l'épreuve de sa « spatialisation »", in *L'éducation non formelle : chance ou défi pour le travail de jeunesse*, Paris/Berlin, OFAJ, 2018, p. 65-80.

66. Edward Soja, *Postmetropolis: Critical Studies of Cities and Regions*. Oxford, Basil Blackwell, 2000. David Harvey, *Social Justice and the City*, Athens, University of Georgia Press, GA, 2009 [1973].

67. Interview with Khedidja Mamou, conducted in June 2020.

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68. This notion, developed by Henri Lefebvre, was adapted by Right to the city Alliance, a group of American NGOs fighting for social and urban justice and combatting the effects of gentrification. The movement is spreading in Europe.

69. ⚛ Jean Baubérot, *La laïcité falsifiée*, Paris, La Découverte, 2012.

70. ⚛ Fabrice Dhume-Sonzogni, *Communautarisme. Enquête sur une chimère du nationalisme français*, Paris, Démopolis, 2016.

71. ⚛ Julien Talpin, Hélène Balazard, Marion Carrel, Samir Hadj Belgacem, Sumbul Kaya, Anaïk Purenne and Guillaume Roux, *L'épreuve de la discrimination. Enquête dans les quartiers populaires*, Paris, PUF, to be published.

72. ⚛ Marie-Hélène Bacqué, Renaud Epstein, Samira Ouardi, Patrick Simon and Sylvia Zappi, "Ma cité a craqué. Dix ans après les révoltes urbaines de 2005", *Mouvements*, n° 83, March 2015.

73. ⚛ Solène Brun and Patrick Simon, "L'invisibilité des minorités dans les chiffres du Coronavirus : le détour par la Seine-Saint-Denis", in: Solène Brun and Patrick Simon (dir.), Dossier "Inégalités ethno-raciales et pandémie de coronavirus", *De facto*, 19, 2020.

74. 📖 Louise Couvelaire and al., "Coronavirus : une surmortalité très élevée en Seine-Saint-Denis", *Le Monde*, 17th May 2020.

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housing vacancy and insecurity. These factors are turning these districts into discriminatory zones and "second-class" areas. In Mamou's view, the prerequisite for any urban regeneration project should be to guarantee that the citizens who live in the district can stay and keep their solidarity and support networks. Residents are actually demanding the right to live in their districts, which is a variation of the right to the city[68].

In recent years, minority identities have also been increasingly discredited in the public domain. This is especially the case for people of North African descent and for practising Muslims, in the name of the fight against "radicalisation", the "risk of terrorism" and the increasingly narrow vision of secularism and "national identity"[69]. According to some researchers, "communitarianism" is blamed and the very notion of Islamophobia is discredited to demobilise and stigmatise any protest bearing an "ethnic" identity[70].

Discrediting minority identities in the public sphere, denying discrimination and stigmatising working class districts with a high concentration of minority groups preclude populations with migrant background from becoming politicised and mobilised. There is no political will to combat discrimination, therefore, some victims feel like "second-class citizens". This denial of citizenship is generally associated with adaptive reactions. People tend to avoid potentially discriminatory situations, rather than take legal action to claim compensation (for example, set up a business to avoid discrimination in recruitment). Recent research shows that people seldom engage in collective action to fight discrimination, despite the feeling of injustice that comes with commonplace discrimination[71]. Let us recall that the French suburbs erupted in the autumn of 2005 against this backdrop of discrimination. The urban protests were led by young residents after the death of Zyed Benna and Bouna Traoré. The absence of a political response to an explosive situation is still blatant[72].

🦠 Covid-19: Seine-Saint-Denis, an area that shows the territorial, social and health inequalities in France

The rate of excess mortality (+118.4%) due to the Covid-19 epidemic in Seine-Saint-Denis reveals the pervasiveness of France's territorial inequalities. Seine-Saint-Denis is the poorest and most heavily indebted department. It also has one of the highest population densities in France and 20.6% of housing is overcrowded. The National Institute of Demographic Studies (INED)[73] underlines the fact that ethnic and racial discrimination is very common in health matters. The immigrant population is 30% (compared to 9% elsewhere in France), while "at the same age, the declared state of health of immigrants is generally worse". The department has the highest number of people over

65 with medical conditions, such as diabetes (25%) and chronic respiratory diseases (13%), which are factors of co-morbidity. According to the newspaper, *Le Monde*, the area also has the highest number of key workers employed in sectors at risk: 16.2% of the region's hospital workers, 18.7% of cashiers and sales clerks, 21.6% of deliverers and 15.4% of auxiliary nurses. Over 50% work in a department in Ile-de-France, which is not the one they live in. Lastly, Seine-Saint-Denis has the lowest density of general practitioners and the least hospital equipment in Ile-de-France[74].

Courses of action: strengthen the citizenship of minorities, by supporting collective action to fight discrimination in working class districts

Recent work shows that although collective initiatives seldom change public action, actively fighting discrimination or promoting citizenship, more generally, does encourage self-empowerment among minority groups[75].

While discrimination often exacerbates the feeling of being second-class citizens, being actively involved may counterbalance the feeling of illegitimacy and help people with minority background feel like full citizens. Actions led by local collectives, set up by residents or social centres, also help increase participants' interest in politics at city level.

 Given the denial surrounding discrimination, these actions are often dismissed. Public funding to fight discrimination, especially in the framework of city policies, imposes a specific structure for local actions. It advocates diverse actions to raise awareness, rather than to challenge institutions and take legal action. In this context, the investment of philanthropic foundations, such as Open Society, appears to be a means to diversify both the repertoires of action and the ways to tackle the problem of discrimination.

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— Sex, gender and physical appearance: everyday discrimination

The notion of discrimination refers to any prejudicial treatment based on illegitimate criteria. Discrimination is experienced by thousands of people, who are treated unequally on a daily basis because of their sex, age, class, physical appearance, origin or disability.

In the professional sector in France, sexism is the rule. In the private sector, the wage gap between men and women who do the same job and an equivalent number of hours is 17% (12% in the public sector). The more qualified women are, the greater the wage gap. If a woman has a degree (Baccalaureate + a 3-year university degree) or a higher qualification, she will be paid on average almost 30% less than her male colleague[76]. One of the causes of this inequality is that there are more women in low paid jobs (health, social, education, and care); they are more likely to work part-time, spend more time educating and caring for the children and do more housework. These factors also affect women's participation in the life of the city. Although this issue has been on the political agenda since the early 2000s, women clearly remain underrepresented in the public space and in public representation, as we will see .

In addition, the French ombudsman and the International Labour Organisation (ILO) highlight that in recruitment, the candidates' conformity to socially accepted norms is important[77]. Having a style that does not conform to the company's codes and being obese are the most penalised. Discrimination is similar if you are over 55, pregnant or have a visible disability.

The situation facing lesbian, gay, bisexual and transgender people (LGBT) in the fight against discrimination epitomises certain key contradictions in terms of France's relationship to its minorities[78]. The LGBT cause and LGBT rights have benefitted from significant legislative progress in recent years, starting with the

75. ⚛ Julien Talpin, "La représentation comme performance. Le travail d'incarnation des classes populaires au sein de deux organisations communautaires à Los Angeles, USA", *Revue française de science politique*, vol. 66, no. 1, 2016, p. 91-115.

76. ⚛ INSEE, "Femmes et hommes, l'égalité en question", *Dossier pédagogique*, 6th March 2020.

77. ⚖ French ombudsman, 9ᵉ édition du Baromètre du Défenseur des droits et de l'OIT sur la perception des discriminations dans l'emploi "Le physique de l'emploi", 2016.

78. ? While preparing this section, we met Arnaud Alessandrin (interview, June 2020), a sociologist and expert on discrimination and anti-discriminatory policies, particularly those relating to LGBT people or issues of trans-gender identity.

"same sex marriage" bill passed in 2013. This symbolised how far we have come since homosexuality was decriminalised in the early 1980s. However, progress remains partial. Beyond inequalities linked to formal rights (the difficulty of changing marital status or resorting to medically assisted reproduction), numerous differences persist in terms of treatment because of the gap between rights and representations in France's hetero-centric society. Harassment and aggression are still common in the public domain and access to health for homosexual people is still hampered by hetero-centric medical practices. Lastly, the LGBT cause is politically legitimised in public action. However, the different anti-discrimination criteria are ranked behind the scenes. This system is part of a broader framework where there are disparities between the causes of discrimination and their "respectability" and where racism and Islamophobia have been relegated to the margins. This expulsion and substitution effect has already been identified in numerous fields (company diversity policies, notably). It is also a highly sensitive issue in schools: in pupils' experience, the primary causes of discrimination reported are appearance (fat phobia) and racism. The academic training courses that supervise vocational training for teachers, exclude racism and Islamophobia, but include LGBT-phobia, ableism and antisemitism.

— Foreigners and prisoners: growing populations, rights under threat

In France, there is an impressive pile of legislation on the rights of foreigners, which primarily targets the "control of migratory flows"[79].
The result of this accumulation is negative: on the one hand, the human situations of certain undocumented migrants or asylum seekers are worrying and generate discrimination;[80] on the other hand, none of the legislation has quelled the debate on immigration that emerged in the 1970s. Lastly, this prolific administrative and legislative activity smacks of negligence at a time when public action is being scrutinised and measured on the basis of performance and efficiency.

When we interviewed Gérard Sadik[81], Head of the Asylum Committee at Cimade, a French NGO committed to active solidarity with migrants and refugees, he described the ambivalence of the increasingly restrictive regulatory framework. He suggests that the rights of foreigners are being compressed and, at the same time, the number of refugees is higher than it has ever been since 1952. LFrance is now the primary destination in Europe for asylum seekers. The major change is that administrative litigation is now commonplace for processing asylum seekers' applications (almost 40% of cases). These technical judicial proceedings deter from the global discussion about defending rights and citizenship. Refused asylum seekers, who face very difficult situations, lose their rights, are confined in administrative detention centres or join the growing ranks of undocumented migrants. They keep a low profile, go into hiding, go on the run or stay in makeshift camps and work. In France, they can only be employed "irregularly". The number of undocumented migrants is now impossible to calculate precisely, but La Cimade puts the figure at 400 000[82].

79. Maxime Vaudano and Agathe Dahyot, "Les 100 réformes qui ont durci la condition des immigrés en France", *Le Monde*, 6th November 2019.

80. In June 2020, the European Court of Human Rights condemned France on four occasions, the last condemnation was for subjecting asylum seekers to "inhumane living conditions".

81. Interview with Gérard Sadik, conducted in May 2020.

82. Criteria for regularising irregular immigrants have been redefined nearly 15 times since the 1970s, which has led to regularisation on a massive scale. Since Valls' 2012 circular, regularisations are quiet discreet affairs, organised by the prefectures at a rate of 30 000 per year.

In addition, the Court of Auditors[83] described how the conditions for processing residence permits at the prefectural level have deteriorated for the applicants and state agents alike: *"massive queues in the morning and the booths are saturated as soon as they open, public reception is limited to several half-days per week, appearing in person is compulsory with no guarantee of being seen and, occasionally, services are closed in the most congested prefectures for up to a few days or even months, the time it takes to absorb the backlog of applications"*. The administration rarely grants permanent residence permits (43 in 2018) and naturalisations – processing involves *"abnormally long"* delays – have decreased by 28% in 10 years. According to the journalist Julia Pascual, who covers migration for *Le Monde* and was interviewed for this report[84], many actors in the field are calling for change. However, successive governments are hesitant, preferring to remain discreet about migration. The extreme right has made the issue of migration its speciality.

Prisoners, who also constitute a minority, endure conditions of detention that are discriminatory. Prison overcrowding is a well-known problem that is condemned unanimously. On the 1st January 2020, overcrowding in prisons was 116%, with 70 651 prisoners for 61 080 places[85]. It is an endemic problem, which reflects the French authorities' failure to comply with the 2009 Penitentiary Act stipulating *"the prison administration guarantees that the dignity and rights of every person detained will be respected"* (art. 22). The situation has a terrible impact on prisoners' living conditions and their fundamental rights are not respected. France is regularly condemned by the European Court of Human Rights, which prohibits torture and degrading or inhuman treatment.

⚙ Effects of the Covid-19 crisis: video-hearings and the "emptying" of the Administrative Detention Centres

In an attempt to manage flows, the administration has requested the use of video-hearings for asylum applications. This has been met with systematic opposition from lawyers, who see it as an infringement of the rights of defence. However, the health crisis led to more widespread use of video hearings, combined with a "lighter" faster procedure. When the lockdown was lifted, the derogation was extended, causing alarm among lawyers' unions and associations that defend the rights of foreigners. They appealed against the decision. In recent years, there has been fierce criticism of the administrative centres that detain foreigners waiting for forced expulsion (overcrowding, detention conditions). These centres were gradually "emptied" during lockdown; 90% of the detainees actually left, largely thanks to the mobilisation of several associations and unions in compliance with sanitary regulations.

83. ⚖ The Court of Auditors, "L'entrée, le séjour et le premier accueil des personnes étrangères", *Rapport public thématique*, 5th May 2020.

84. ❓ Interview with Julia Pascual, conducted in June 2020.

85. 📢 "Surpopulation carcérale" the International Prisons Observatory site – French section.

86. 📢 College of practitioners, who specialise in the rights of foreigners, "Pour des politiques migratoires conformes à toutes les exigences de la République. Faire reculer les situations de non-droit", *Report addressed to the government*, 21st January 2020.

27
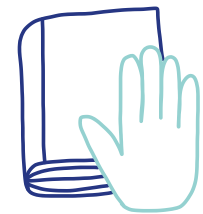
✅ Courses of action

A college of eleven expert practitioners[86] advocates simplifying the Code for Entry and Residence of Foreigners and the Right to Asylum (CESEDA) and regularising people, who cannot be regularised or deported in the current circumstances. The report's main measures include: reducing the plethora of existing residence permits; setting a minimum 5-year duration for residence permits and replacing 10-year permits for permanent residence permits; establishing a new humanitarian residence permit for vulnerable persons who are victims of violence or trauma, but cannot claim asylum; improving the efficiency of the reapplication procedure for persons without a permit; reintroducing a maximum administrative retention period of forty-five days; transferring migratory policy from the Ministry of the Interior to a high commissioner close to the prime minister.

D. 100% digital public services: including or excluding citizens?

As with the fight against discrimination, academic research has highlighted the structural inertia of public policies. Some government activities seem to have changed rapidly in the past few years. This is the case for so-called digital government policies and the related inclusive and modernising goals. The Act of 7 October 2016 set out the plan to construct *"an open inclusive digital republic, so that opportunities linked to the digital transition benefit as many people as possible"*.
The programme to transform the administration, called "Public Action 2022" plans to dematerialise 100% of administrative procedures with the aim of "improving the quality of public services".
The development of GovTech (government technology) was supposed to shore up this transition. However, the changes pose problems of discrimination due to the digital divide and ethical issues linked to the use of digital data.
Thus, dematerialising public services can generate problems of access to rights and threaten civil liberties.

The acronym GovTech covers all the digital and technological tools integrated into the public sphere. The supporters of GovTech vouch for its triple objectives: improving public services and the tools available to agents; creating new services thanks to data; reinventing the relationship between citizens and government. All the public service sectors are now concerned.

For a number of years, France has been committed to an international *Open Government* approach. The state has pledged to improve transparency, consultation and co-production in relation to its actions. There has been some progress and significant actions have been realised in terms of transparency, with the establishment of the "High Authority for Public Service Transparency",

and the organisation of civic consultations, e.g. the open consultation on the draft legislation for a digital republic, the "Great Debate" or the Citizens' Climate Convention 📄 p. 48 organised in 2019-2020.

Since 2011, the pursuit of an open policy on public data aims to put public data online so it can be seen, exploited and used. There is broad international agreement on the need for transparency in public decision-making, which is reflected in the opening up of public data. It challenges the emergence of new balances between the public sphere, the market sphere and the sphere of common goods.

— Digital divide

The use of digital technologies and Internet, therefore, is increasingly indispensable for declaring income for tax purposes, benefiting from an allowance or seeking employment. However, dematerialisation has revealed a "digital divide", which reflects social, generational and territorial disparities. Having no access to home Internet (around 500 000 people in France) concerns primarily rural areas, communes with less than 1 000 inhabitants and overseas territories. The French ombudsman sees it as *"a potential risk of excluding all those who use public services"*[87], once alternative ways for accessing public services have been scrapped. The digital divide is also exacerbated by the digital "bill": the cost of subscriptions and equipment is an obstacle. As the French ombudsman states *"19% of French people do not have a computer at home and 27% do not have a smartphone. These problems of access to digital equipment are worse for residents of France overseas territories."*[88]

87. ⚖ French ombudsman, report " Dématérialisation et inégalités d'accès aux services publics".

88. ⚖ *Ibid.*

However, having a good quality Internet subscription and the necessary equipment for browsing the World Wide Web does not guarantee access to dematerialised public services. Knowing how to use digital tools is also a potential obstacle to completing administrative procedures online. Thus, in 2017, CREDOC observed that 7 million people never connect to the Internet and a third of French people, which amounts to 18 million, consider that they have little or no computer skills. Indeed, important disparities have been observed in relation to age, qualifications and profession, which are discriminating factors.

Dematerialising public services was intended as a vector to simplify procedures and reduce the non-take-up of rights. According to the sociologist, Pierre Mazet from the Observatoire des Non-recours aux Droits et Services, it "seems to have the opposite effect" and "comes up against the digital divide"[89].

89. ⚛ "Les effets de la crise du Covid 19 sur l'accès aux droits et aux services", Observatoire des non-recours aux droits et aux services, Odenore.

🦠 Health crisis: lockdown increases the digital divide

The period of lockdown linked to the health crisis led to a 30% increase in Web traffic[90]. This figure shows just how important digital technology is in terms of behaviour during lockdown, particularly for culture, leisure, health, cybercommerce, online procedures, teleworking and home schooling. It also shows that people living in poverty are increasingly excluded: the homeless, migrants, families living in poverty, young people and the elderly. Although administrative formalities can now only be completed online, the government urgently launched a website (solidaritenunmerique.fr) and telephone number (01 70 772 372). These belated initiatives highlight the limitations of democratising teleservices, which are largely due to a lack of training, material and support for the people most in need.

Continuity and discontinuity of teaching during lockdown

In the case of schooling, the acknowledgement of the digital divide can be illustrated and qualified by looking at how the continuity of teaching was organised using distance learning for 12 million pupils. According to an IFOP survey[91] conducted in April 2020, 75% of families surveyed claimed to be satisfied with how the distance learning worked. Ninety percent of parents stated that their child had access to a computer for doing their homework and 65% had a separate room with a desk. Lastly, 86% of parents stated that their child had been in contact with their teacher at least once a week. Although this survey suggests that there was a degree of continuity for teaching, it also reveals a phenomenon of discontinuity linked to social circumstances: the time spent doing schoolwork declines with income. This trend may raise fears about greater inequalities at school, which sociology[92] has been documenting for years.

90. 📖 Netscout.com, average for March and April 2020 compared to the data for March and April 2019.

91. 📖 Ifop, *Le regard des parents sur l'école à distance*, n°117231, April 2020.

92. ⚛ Pierre Bourdieu, Jean-Claude Passeron, *Les Héritiers. Les étudiants et la culture*, Paris, Minuit, 1964.

— Digital tracking

Another major limitation with digital tools is how governments or companies use personal data, which is potentially an infringement of civil liberties. Numerous actors and researchers on Big Data show the abusive partisan power games surrounding the control of the personal data of millions of users of applications. These massive amounts of data provide the basis for the algorithms developed by the largest digital companies in the world (GAFAM) to analyse correlated behaviours. *"By inviting themselves into our private lives, they impose and structure our cognitive frameworks and our cultural environments, by encouraging repeated behaviour, gradually wiping out our freedom to choose"*[93].

With the increasingly pervasive use of video surveillance, the population's biometric data is becoming more centralised, especially with the secure electronic database system (*Titres Électroniques Sécurisés*), introduced in 2016 and controlled by the Ministry of the Interior. Biometry is a precursor to the development of mass facial recognition. Some French companies, such as Thalès, which has 30 years' experience in the field, recommend partnering with actors in the sector for issues of research, applications and ethics. However, there is the risk of mass surveillance systems and seriously infringing on civil liberties.

93. ⚛ Dominique Cardon, *À quoi rêvent les algorithmes. Nos vies à l'heure des big data*, Paris, Seuil, 2015.

94. 📖 "Traçage numérique : l'histoire secrète (et laborieuse) de l'application StopCovid", *Marianne.fr*, 28th April 2020

95. 📖 "StopCovid, une application au coût salé", *L'Obs*, 2nd June 2020.

96. 📢 "La crise sanitaire ne justifie pas d'imposer les technologies de surveillance". Communiqué de l'Observatoire des libertés et du numérique, Paris, le 8th April 2020.

97. ⚛ Jung Won Sonn, "Coronavirus: South Korea's success in controlling disease is due to its acceptance of surveillance", *The Conversation*, 19th March 2020.

☣ StopCovid: a French example of a tracking app

The French mobile app project, StopCovid, is in line with the tools used in several countries in Asia that were hit by the epidemic before Europe. If two people who have installed the app cross paths for a certain length of time, each telephone records the other's identification using Bluetooth technology. Thus, if a user is contaminated, they report it to the application and everyone who has crossed their path is automatically warned.

On a political level, the idea was promoted by the Secretary of State for the Digital Economy, Cédric O. He had the active political backing of a small group of prominent individuals close to the economic circles of start-ups and French Tech[94]. Issues of sovereignty are also a matter of debate: Apple and Google announced unprecedented cooperation to propose a technical solution that would make tracking apps operational. Furthermore, the technological choices are contentious: unlike several European countries that have adopted a decentralised protocol, France centralises user identification: a user who tests positive sends their contact history to a central server (controlled by the state), which then notifies the people concerned. Lastly, the app's effectiveness has been called into question: in 3 weeks, only 14 people were warned of having had a "*high risk*" contact, yet the cost of the operation was 300 000 euros per month[95].

The observatory that monitors freedoms and digital technology warned against the fact that the planned uses of personal data (applications using Bluetooth to track contacts) or current uses (geo-tracking) represent a serious violation of freedoms, personal data protection and private life[96]. It highlights the danger of sliding towards the use of data to survey and stigmatise sick people (violation of medical secrecy and confidential health data) and the risk of more widespread surveillance of populations. This has already occurred in South Korea and other countries[97].

E. Being informed

Citizens can exercise citizenship and form opinions in an enlightened independent way if they are sufficiently well educated to be able to judge what is around them; and if they have basic rights, which allow them to look after themselves and feel part of the national community. However, in a so-called information society, it is important that information is easily accessible, that is appears to be clear and "from a reliable source" and that there are no taboo subjects. Are these conditions always satisfied?

— Violations of the independence of the press: freedom and the pluralism of information under threat

For years, the media was considered as the "fourth power" pitted against the state's three powers (executive, legislative and judicial power). According to the Press Freedom Index published since 2002 by the NGO Reporters Without Borders, Europe is the continent with the most favourable attitude to press freedom. Yet, France only ranks 34th in the classification of 180 countries in 2020.

According to Reporters Without Borders, this position can be explained by "*a very alarming increase on attacks and pressure on journalists. Many have been injured after being fired at (...) by law enforcement agents and assaulted by angry demonstrators during the yellow vest movement and then during protests against the pension reform. They have often been obstructed while covering events, prevented from filming or had their equipment confiscated. Another alarming form of pressure is the rise in the number of cases of judicial intimidation that target investigative journalists in order to identify their sources*"[98].

In addition to these phenomena, which worsen the distrust of journalists, some associations, like Acrimed, and professional trade unions, such as the National Journalists' Union are alarmed about the concentration of media ownership and industrial investment in the major French media groups. This situation is also pushing media groups, like Médiapart, to consolidate their independence. According to Agnès Rousseaux, journalist and member of the independent press union, "*Ten millionaires [from various sectors, including construction and public works, armaments, luxury goods and telephony] now control a significant share of the French media*"[99]. They own 90% of the national daily papers and hold 55% and 40% of TV and radio audience shares, respectively. Five of them are among the top ten richest people in France: Bernard Arnault, the CEO of the luxury group LVMH (owner of *Écho*s and *Le Parisien*), Serge Dassault (Le Figaro), François Pinault (*Le Point*), Patrick Drahi, the main shareholder of SFR (*Libération*, L'*Express, BFM-TV, RMC*), Vincent Bolloré (*Canal*+). Then comes Xavier Niel, owner of the telephone operator Free and 11th wealthiest person in France, who partnered with Pierre Bergé, heir to the fashion designer, Yves Saint-Laurent, and with the banker Matthieu Pigasse, to become owner of the group Le Monde (L'*Obs, Télérama, La Vie*, etc.). Matthieu Pigasse also owns *Radio Nova* and the weekly magazine *Les Inrocks*. Then, Martin Bouygues, 30th richest person in France, owns the television group TF1. The Mohn family, which controls the German group Bertelsmann, owns M6, RTL, *Gala, Femme Actuelle*, VSD, *Capital*, etc. Then comes Arnaud Lagardère, owner of Europe 1, *Paris Match, JDD, Virgin radio, RFM, Télé 7 Jours* and Marie-Odile Amaury, who owns L'*Équipe* (notably, the group is the Tour de France organiser, via one of its subsidiaries). The last two are "only" millionaires, although their wealth

98. "La carte du classement mondial de la liberté de la presse 2020 selon RSF", *l'Indépendant*, 21st April 2020.

99. Agnès Rousseaux, "Le pouvoir d'influence délirant des dix milliardaires qui possèdent la presse française", *Bastamag.net*, 5th April 2017.

is estimated at between 200 and 300 million euros. The Bettencourt family, which finances the ultra-liberal newspaper L'*Opinion* can also be added to the "Top 10". Iskandar Safa, a millionaire of Lebanese descent, is the 71st richest person in France and owner of the magazine *Valeurs Actuelles.*

This raises questions about the implications for the freedom of information and the pluralism of the press: are the media and their journalists still free to investigate their employers, who are also the principal stakeholders in France's economy (and politics)? Reporters Without Borders estimates that in France *"the media's editorial independence is not sufficiently guaranteed because of shareholding, conflicts of interest, which are greater than elsewhere, media groups are increasingly owned by people who have outside interests and can, when necessary, use the media to exert influence."*[100]

The concentration of media ownership, which also partly explains France's position in the Press Freedom Index, means citizens have no confidence in the "fourth power". In January 2020, the newspaper *La Croix* published its annual barometer on the confidence that French people have in the media. It shows that media credibility in France is at its lowest level since 1987. Four out of ten people have now turned their back on the media as a source of information[101]. There are several reasons for this distrust of the media and journalists. According to Reporters Without Borders, media bashing by politicians (both men and women) is very damaging. François Fillon, for example, a candidate for the French presidential elections, who booed the media during his meetings, helped stir up a climate of distrust towards the press and the media. The criticism targeted other political figures, like Marine le Pen or Jean-Luc Mélenchon.

— Spoiling the democratic debate with fake news

Fake news[102] is not a new phenomenon. Reading Maupassant[103] is enough to understand that mass media has been spreading false rumours or fake news for years for political, economic or social ends. Fake news is created and spread by individuals, companies, states, diverse organisations and by the media too, of course. The phenomenon has grown with the digital boom and now undermines public debate. As pointed out by Romain Badouard, a university lecturer in information and communication science, *"disinformation on Internet has reached such a scale in the last few years that it has become a genuine societal problem. [...]*
This 'fake news' has actually sparked so much fear and indignation that it is now considered a real threat to the democratic debate. It was blamed for influencing voters' behaviour during the referendum on Brexit in the United Kingdom and on the independence of Catalonia in Spain, as well as for favouring the Republican candidate during the 2016 American presidential elections[104]*".* The researcher underlines that fake news can also be spread to generate income from advertising. He highlights the central role played by social media in spreading fake news. Indeed, according to IFOP's investigation into the Jean-Jaurès Foundation and Conspiracy Watch, published in February 2019, almost half of the under 35s obtain information primarily from platforms, such as Facebook, Twitter, Snapchat or Instagram.

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100. "La carte du classement mondial", *op cit.*

101. The level of confidence in television is only 40%, compared to 46% for print media and 50% for radio. Only 23% of the French have confidence in Internet according to a study conducted by *La Croix*.

102. This term refers to editorial content, which imitates a journalistic style of writing, with the intent to harm.

103. Notably, Guy de Maupassant, *Bel-Ami*, 1885.

104. Romain Badouard, "Les fake news menacent-elles le débat public ?", *vie-publique.fr*, 18th October 2018.

⚙️✓ Courses of action

In the field of journalism, new practices and online news websites have developed in the past few years. They are also known as "pure players" and strive to guarantee the quality of the democratic debate. These independent press sites include Médiapart (created in 2008), Bondy Blog (2005), Streetpress (2009), Rue89Lyon and Strasbourg (2011), Rue89 Bordeaux (2014), Médiacités (2016) and also AOC (2018). They rely on income from advertising, subscriptions, participatory funding and/or public aid. A trade union now brings together 180 independent newspaper publishers.

Some of these media are committed to the development of impact journalism (or solutions oriented journalism), which sets out to promote solutions to the problems raised and restore their readers' confidence. They are also developing training and educational programmes that focus on the media and information for schools and youth structures, with funding from the Ministry for Culture. Lastly, some of these pure players, like Rue89Lyon, mobilise their own resources to develop actions and raise awareness to combat fake news.

These new media and journalistic practices have little philanthropic support, with the exception of a few foundations. Some consortiums, such as the CIVITATES initiative are helping to redress the balance.

— Information and the state: between control and manipulation

In parallel to social networks and the media, the state also produces and controls information, which is an essential government tool[105]. However, strategies to withhold or manipulate information can jeopardise the democratic debate. Two recent examples illustrate this phenomenon: the secret agreement for motorway contracts; and the obstacles to the right to petition in the case of the parliamentary initiative for a referendum against the privatisation of the Paris airport. In 2006, the state sold its shares in the motorway concessionary companies to the groups Vinci, Eiffage and Abertis for 14.8 billion euros. The privatisation was soon criticised by public opinion and a series of reports from the Court of Auditors, the Senate, the National Assembly and the Competition Authority expressing disapproval of the loss of an "exceptional income" for the state. The deals were drastically undermined by the surprise announcement to freeze motorway toll charges in December 2014. This led to new legal negotiations with the motorway companies, which further disadvantaged the state. The new arrangement, which remained secret until March 2019, planned to catch-up the toll charges from 2019 until 2023. The militant ecologist from Grenoble, Raymond Avrillier, referred the affair to the Council of State, which obliged the Ministry of Finance to communicate the documents pertaining to the fiasco. The state appealed to the Court of Cassation to keep the documents secret[106].

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105. ⚙️ On the notion of nodality, see Christopher Hood, *The Tools of Government*, London, MacMillan, 1983.

106. 📖 Benoît Collombat and Cellule investigation by Radio France, "Autoroutes : dans les coulisses d'une privatisation très controversée", *franceculture.fr*, 29th March 2019.

In April 2019, the project to privatise the Paris airport following the Pacte Bill triggered considerable citizen and parliamentary protest. It led to the first parliamentary referendum initiative, a procedure that has been part of the constitution since 2008. In May 2019, the Constitutional Council approved the parliamentary referendum initiative, which required 5 million citizens' signatures, corresponding to 10% of the electoral body. The Ministry of the Interior was responsible for organising the consultation using a special website for collecting electronic signatures. Once the Internet site was online, its ergonomics and operational problems disrupted the collection of signatures, which prompted many objections [107].

In this unfavourable context, with the government decision not to disclose the content of the consultation, the mobilisation only succeeded in collecting a quarter of the signatures required to trigger a parliamentary referendum initiative and to refer the project to a democratic debate.

107. 📰 Geoffroy Clavel and Alexandre Boudet, *"Après les bugs sur le référendum ADP, les explications du ministère de l'Intérieur"*, *huffingtonpost.fr*, 13th June 2019.

This brief overview of the conditions for exercising democratic citizenship highlights many obstacles, which are sometimes kept in place by the public institutions that are supposed to be the bastions of democracy. Withholding information, the digital shift in public services, social policy changes, persistent discriminations (particularly institutional) and even the contemporary approach to education in citizenship jeopardise citizens' full participation. These factors obstruct the deployment of the necessary skills for investing in life in the city. In parallel, the current restructuring of journalism is preventing the media from playing the role of "fourth power" against the state...

Electing representatives and participating

Citizens are called on to contribute to certain democratic institutions, which are organised according to the principle of representative democracy. Does it deliver? Does it satisfy citizens? Does it still have the role of open democratic space or has this field closed and been blocked? What about participatory democracy, which was intended to enhance representative democracy?

A. Abstention and non-registration

— What is the political message behind the rising abstention?

Electoral participation is thought to be one of the most characteristic features of a healthy democratic system. Yet, in France and other European countries, participation is declining. This decline is one of the most iconic manifestations of a major crisis in political representation.
It concerns all sections of society and all types of election. The 2017 general election set a new record of abstention, as illustrated in the graph below, which retraces the participation in French general elections since 1958.

the rate of abstention over the last 30 years. Therefore, abstention would appear to be a form of "electoral protest". The think tank, Fondapol (a foundation for political innovation) and the OpinionWay Institute, in partnership with Le Figaro, developed an "indicator of electoral protest". The indicator combines several types of behaviour: the willingness to vote for parties and candidates that offer "populism" (the Rassemblement National, the France Insoumise or Debout la France), as well as the revolutionary left wing parties (Lutte Ouvrière and the Nouveau Parti Anticapitaliste); abstention; or leaving the ballot blank. It conducted a survey in October 2019, which concluded that just over 3 in 4 French people plan to vote for a "populist" candidate in the 2022 presidential elections. Among those questioned, 56% indicated that they might abstain or leave the ballot blank in 2022[109]. Researchers working on the so-called "rise" in "populism" (a highly controversial and potentially pejorative term), have warned that growing abstention poses a far greater problem for representative democracy[110].

108. Jérôme Jaffré, Anne Muxel, "Chapitre 1. S'abstenir : hors du jeu ou dans le jeu politique ?", in Pierre Bréchon (dir.), *Les cultures politiques des Français*, Paris, Presses de Sciences Po, 2000, p. 17-52.

109. Fondapol, 2022, Le risque populiste en France, October 2019.

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Participation has plummeted in the last 30 years
Change in voter participation in the first round of the general elections, as % of registered voters

77,2%
81,1%
80%
81,3%
83,3%
78%
68,7%
70,3%
65,7%
68,9%
67,9%
64,4%
60,4%
57,2%
48,7%

1958 62 67 68 73 78 81 86 88 93 97 02 07 12 2017

sources: Ministry of the Interior, APF

— Non- or mis-registration, a widespread phenomenon

Some fairly recent research[111] attempted to put two major, but seldom mentioned democratic issues on the agenda: about 3 million citizens, who are old enough and eligible to vote, are not on the electoral roll. Mis-registration is an additional problem: citizens on the electoral roll are registered at an address that is not their main home address. It was only in 2016 that the first studies attempted to measure the scale of this phenomenon, which concerns 6.5 million French people.
A bill was passed in 2016 to make it easier for the 9.5 million unregistered or mis-registered voters to vote. From 2019 onwar-

According to the sociologist, Anne Muxel[108], abstentionists are split into two main categories: people who are "out" politically for reasons linked to their integration in society (level of education, age, etc.); people who are "in" politically and are often qualified, better integrated socially, interested in politics, but abstain for political reasons. The second category has largely contributed to the rise in

110. Christèle Lagier, *Le populisme en question : élections et abstention vues d'Avignon*, Avignon, Éditions universitaires d'Avignon, 2018.

111. Céline Braconnier and *al.*, "Sociologie de la mal-inscription et de ses conséquences sur la participation électorale", *Revue française de sociologie*, vol. 57, 1,2016, p. 17-44.

ds, people who acquire French nationality are automatically added to the electoral register. The bill also created a unique national electoral register (managed by INSEE, the French National Institute of Statistics and Economic Studies) to tackle the problem of double registration.

However, the main measure is limited to extending the closing date for electoral registration to nearer the polling day.

Courses of action

Is "online voting" a genuinely good or bad solution?
The use of online voting systems is controversial in several countries, such as France, the Netherlands and Germany, who were forced to abandon projects because of legal, technical and human dysfunctions. Other countries use this voting method on smartphones.

Systematising registration on the electoral roll to reduce non-registration. Over and above the 2016 bill, methods for systematising, rather than facilitating voter registration are being used in other countries (Italy, Spain, Germany, Norway, Finland and Chile, etc.).

Majority judgement. Majority judgement was engineered by two researchers from the CNRS[112] in an attempt to close the statistical loopholes in the current uninominal voting system. It allows for an appreciation of all the candidates, i.e. voters can express their opinion on all candidates. A broad range of indicators (for example, very good, good, quite good, passable,

insufficient, to be rejected), allows voters to express the complexity of their feelings about the candidates standing. An average grade is then calculated for the indicators. The person elected is the one with the best average grade. Unlike a uninominal ballot, majority judgement provides more comprehensive information about the citizens' opinion. Ideally, this practice could be tested at municipal level first[113].

Can the universal income reduce abstention? A study conducted in a Cherokee reserve in North Carolina shows that the payment of a universal income increases political participation among Amerindians[114]. It puts forward the hypothesis that a universal income improves access to education, information and socialisation, which helps reduce abstention.

Advocacy to lift the ban denying the right to vote.
In France, some initiatives are starting to question the voting ban imposed on certain populations (mental health, prison, etc.) placed

under guardianship or supervision. The approach endorsed by CapDroits strives to defend *"the importance of the principles of the presumed civil capacity and self-determination of every citizen, which conditions democratic life and allows them to play an active part in their own lives"*; by granting them the right to vote, for example[115]. Similarly, the International Observatory of Prisons criticises the obstacles blocking the exercise of voting rights in prison for all elections. It proposes setting up polling stations in prisons (as in Denmark, for example) and simplifying the process of electoral registration for inmates.

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112. Michel Balinski, Rida Laraki, *Majority Judgement: Measuring Ranking and Electing,* the MIT Press, 2011.

113. *Et si on continuait à expérimenter un nouveau mode de scrutin ?,* mieuxvoter.fr.

114. Randall Akee, William Copeland, E. Jane Costello, John B. Holbein, Emilia Simeonova, *Family Income and the Intergenerational Transmission of Voting Behavior: Evidence from an Income Intervention.*

115. Capdroits, *Manifeste Toutes et tous vulnérables ! Toutes et tous capables,* capdroits.org.

B. Who are the elected representatives? Non-representativity and the weakening of the role of members of parliament

The non-representativity of leaders is another recurrent problem in a democracy. Selective suffrage ensured that the richest were elected as representatives, whereas universal suffrage is supposed to broaden that base. Numerous studies underline the lack of representation of the French population. Indeed, its representatives often belong to the elite or pursue professional "careers" in politics.

In 2017, there was not a single former labourer in the national assembly and only 1% of MPs were former employees, even though both groups make up almost half of France's working population. The 2017 general election differed from previous elections, with the arrival of a large number of "political novices" in parliament. This was due to a bill banning cumulative mandates and was also a "sign of the times" to make politics less career-based. In 2017, the proportion of women in parliament also rose, but it still falls short of parity (39%). The same lack of representativity is apparent at a local level. In 2018, the average age of French mayors was 62 and only 16.81% of mayors were women. However, they represent 40% of local councillors. Farming is the most common profession among mayors. If retired farmers are included, farmers account for one in five councillors.

In addition, since 2000, parliamentary and presidential elections have been synchronised over a 5-year term, which has turned parliament into a chamber for registering the executive's draft legislation. The 5-year term means that power is personified in the president. The head of state becomes the leader of the government and of the members of the parliamentary majority as well. Parliament does not have full control of the agenda and its powers are limited in terms of government sanctions. As a result of this reduced power, MPs have deserted the chamber and are spending more time in their constituencies to concentrate on their re-election.

Lastly, the non-revocability of electoral terms in France's Fifth Republic means that those in power are less accountable to citizens. The only safeguard is the re-election at the end of their term in office.
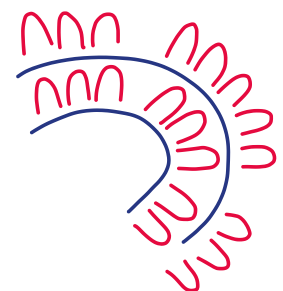
Courses of action: At a local level, participatory lists in search of greater representativity and accountability

On a national level, advocating transparency, denouncing conflicts of interest and limiting the accumulation of mandates are all endeavours that aim to limit the distrust felt towards elected representatives. Locally, experiments are possible, allowing new modes for compiling lists of candidates, electoral programmes and democratic governance.

In the mid 2010s, the growing demand for independence with regard to political parties and for a more society-based democratic system created a wave of social movements. In Spain, the Indignados movement gave rise to the political movement Podemos, which came to power in the city halls in Barcelona and Madrid. In France, these protests inspired the Nuit Debout movement in 2016, when people took back public squares. Against this background, a participatory municipal list won the local elections in Saillans in 2014, upholding democratic values and collective intelligence. The list's objective was to put residents at the centre of local council action. Tristan Rechid is one of the main initiators of this unusual list. He is now a member of the council of elders and organises training sessions all over France to explain how the project works[116]. New participatory lists flourished at the local elections in 2020, for example: Rodez Citoyen, Saint-Médard-en-Jalles Demain, Forcalquier en Commun, Changeons les Règles St-Martin-de-Londres, etc.[117]

The founding principle of **participatory lists** is placing the citizen at the centre of the process. Methods are being tested to encourage collective intelligence. Thus, the lists in Rodez, St-Médard-en-Jalles and Forcalquier tested an open vote system to nominate their top candidate, whereby a person is elected according to their capacities and not because of their eloquence or reputation. Dialogue is the main electoral tool: citizens discuss who is the most suitable person to be elected for the job[118].

Another innovative technique is majority judgement, which was tested by Changeons les Règles in St-Martin-de-Londres and the Archipel Citoyen in Toulouse. These lists use various processes of participatory democracy, such as participatory or collegial plenary meetings and small working groups. These methods were used during the local election campaign and are also applied during their term in office[119].

In this way, the collective Démocratie Ouverte proposes tools to help create a culture of cooperation and encourage citizens to engage in political action[120]. Those wishing to join a participatory list of candidates for the municipal elections can follow a series of recommendations developed by the collective[121].

The collective La Belle Démocratie proposes a "democratic compass" that allows lists of candidates to conduct a self-assessment according to criteria that promote democracy[122].
Thus, lists can give themselves a score according to 7 criteria, including:
1. A programme that is not predefined, but constructed during the campaign in cooperation with citizens;
2. Candidates are assigned as late as possible in the campaign to ensure that those chosen can best represent the citizens;
3. A highly democratic local constitution that sets out the democratic operational rules after the elections. The Belle Démocratie collective also proposes a course of action to follow during the mandate to avoid losing sight of these democratic objectives.

116. Manon Rescan, "Tristan Rechid, virus de la démocratie", *Le Monde*.

117. Félix Lacoin, *La pensée municipaliste en France : étude des listes participatives dans le cadre des élections municipales de 2020*, Rapport de travail de fin d'études, ENTPE, July 2020.

118. Details of the process and other similar tools can be found on the university website nous: universite-du-nous.org.

119. Félix Lacoin, *op.cit.*

120. "Conseils et bonnes pratiques de démocratie locale", *Démocratie Ouverte*.

121. "Vous êtes candidat.e aux Municipales de 2020 ?", *Démocratie Ouverte*.

122. "La boussole démocratique", *La belle démocratie*, consulted 24th June 2020.

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C. Political parties in crisis

123. 📖 Serge Berstein,
"Les partis politiques :
la fin d'un cycle historique",
Esprit, n°8, 2013, p. 28-39.

124. ⚛ Rémi Lefebvre,
Frédéric Sawicki,
"Le peuple vu
par les socialistes",
in Frédéric Matonti (dir.),
*La démobilisation
électorale*, Paris,
La Dispute, 2005, p. 69-96.

At the moment, citizens have a deep mistrust of institutional politics, generally, and political parties, in particular. CEVIPOF's political confidence barometer characterises the phenomenon clearly: abstention on the rise for the first round of the general and presidential elections, hijacking the right to vote as a means to protest, etc. While citizens still have some confidence in certain public institutions (e.g. the mayor 60%, hospitals 81%), political parties no longer inspire confidence: in the decade from 2009 to 2019, only 12% of people claimed to trust them.

A preliminary explanation for this crisis of confidence could be the fact that the state's political power is diminishing in a context of economic globalisation[123], which strengthens the power of economic actors. A second factor is caused by the population's growing mistrust of elite careerist politicians. In the case of the French socialist party, the political scientists, Rémi Lefebvre and Frédéric Sawicki, show how an empowered political elite ends up ignoring the expectations of a social sphere that they know nothing about because they come from a different social background[124].

Mistrust of political elites raises problems within the institutionalised system in representative democracy. Political parties compete broadly, alongside trade unions, social movements and interest groups in order to justify, politicise and give coherence to political struggles and debates.

⚙ Courses of action: attempts to reconstruct democratic vitality at a partisan level

✔ **Are "movements" more flexible than parties?**
In response to this crisis of confidence, "political movements" have developed, which you can join free of charge (a simple click on Internet), such as La République en Marche (LREM) or La France Insoumise (LFI). Although these parties were launched very successfully, they are struggling to build stable organisations over time.

✔ **The internal democratisation of parties. Primary elections have multiplied in the past 10 years and the new movements (LFI, LREM) communicate a great deal about how they are building internal democracy, although their apparently horizontal structure is sometimes actually quite centralised.**

✔ **The change of scale also appears to encourage the development of transnational political forces. That is the case on the European scale, for example, because Europe carries more weight than individual EU countries when it comes to representing citizens in the context of economic globalisation.**

D. Control over the central state's modus operandi: the Grand Corps and lobbies

Numerous studies in sociology and political science show how power is concentrated in the hands of the French state's senior officials and Grand Corps. French citizens generally feel that they are not consulted about the main decisions. This negates the principle of popular sovereignty and heightens the feeling of democratic resignation: many people are unsatisfied, but have the impression that nothing can be done. All the more so because private lobbies, otherwise known as interest groups, pressure groups or influential groups play a major role. They promote and defend private interests, by lobbying public institutions or those in power.

— France's Grandes Écoles and their socially homogenous recruitment

The French higher education system is based more on the "Grandes Écoles" than on the academic sector. Among the most prestigious (École Polytechnique, École des Mines, Sciences Po Paris, École Supérieure des Sciences Économiques et Commerciales - ESSEC), the École Nationale d'Administration (ENA, the French School of National Administration) stands out as a genuine "school of power", a powerful force of unification for the elite in France. A significant share of the senior public service is trained there. The typical profile of an ENA graduate is a white bourgeois Parisian male, who went to the best secondary schools, then followed a special preparatory course or went to Sciences Po Paris. In fact, 90% of ENA students, who passed the open entrance exams are from the most privileged social classes. Between 1985 and 2009, 72% of ENA students had parents who

were senior executives, 12% had parents with intermediary occupations and only 6% had parents who were clerks or labourers. The proportions are similar at Sciences Po Paris and the École Normale Supérieure or Polytechnique. This non-representativity is growing, in line with the proliferation of preparatory classes with fee paying entrance exams, which does not facilitate upward social mobility.

— The Grand Corps and their oligarchic strategies for holding on to power

Pierre Bourdieu[125], followed by Jean-Michel Emery-Douzan[126], showed that after mingling at the Grandes Écoles, the elite is close-knit because of rituals and a sense of "community spirit". As a result of their recruitment and career objectives, senior officials constitute the "state nobility", which maintains power, sometimes from one generation to the next. Indeed, in 2018, more than a quarter of the members of the state's Grand Corps boasted having at least one parent who was an ENA graduate. The investigative journalist, Laurent Mauduit, describes an "oligarchic caste", whose primary goal is to consolidate and capitalise on its domination, rather than to work in the general interest. This is detrimental to representative democracy's modus operandi[127]. Traditionally, the Grand Corps went from the public to the private sector. "*Retropantouflage*" is now a fast growing phenomenon, whereby former high public officials who subsequently worked in the private sector, go back to the public sector. According to Mauduit, this marks "the predation of public interests by private interests".

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125. ⊕ Pierre Bourdieu, *Raisons pratiques : sur la théorie de l'action*, Paris, Seuil, 1994.

126. ⊕ Jean-Michel Emery-Douzan, *La fabrique des énarques*, Paris, Economica, 2001.

127. ⊕ Laurent Mauduit, *La Caste. Enquête sur cette haute fonction publique qui a pris le pouvoir*, Paris, La Découverte, September 2018.

Are philanthropic foundations a panacea for democracy or a plutocratic lure?

The role of foundations, a growing sector in France, should also be examined because it is somewhat ambiguous. French style philanthropy upholds values that distinguish it from Christian charity. Consequently, it addresses social problems and often targets "rationalisation or the search for scientific quality and efficiency."[128].

However, it has been the subject of numerous criticisms. Historically, for example, philanthropy was regarded as a means to discipline the working classes. In the contemporary period, some researchers see it as an "instrument to justify social inequalities and the cohesion of the dominant groups"[129]. Donations to charitable causes are exempt from tax. This is tantamount to burdening taxpayers with the choices that sponsors make, for which there is no accountability mechanism. Hence, the comparison between philanthropy and plutocracy (government by the richest), which examines the position that the financiers, who partly fund civil society, hold in democracy.

To make philanthropy more egalitarian and plural, Robert Reich, professor of political science at Stanford University[130], proposes setting up *"a maximum tax credit, independent of the donor's income, rather than reducing the taxable income".*
As far as foundations are concerned, he sees great potential in what he also recognises as a defect: *"the fact that they lack accountability. Even though they are supervised by suitable public policies, they can operate with total independence over a long period because they benefit from not having to satisfy market demand or voters' expectations (...). Instead of striving to provide basic necessities, since that is the responsibility of the government, which may be tempted to absolve itself of responsibility when philanthropists step in, foundations could be decentralised laboratories of public utility that test ambitious ideas, like the universal income or possible responses to the problem of climate change[131]".*

Foundations are also important resources for civil society or media organisations wishing to remain independent, despite the lack of public funding for opposition forces.

128. ⚛ Nicolas Duvoux, "Les valeurs de la philanthropie", *Informations sociales*, vol. 196-197, no. 1, 2018, p. 38-46.

129. ⚛ *Ibid.*

130. ⚛ Author of the work *Just Giving: Why Philanthropy is Failing Democracy and How It Can Do Better de Rob Reich,* Princeton, Princeton University Press, 2018.

131. Interview with Robert Reich by Laure Andrillon "La philanthropie n'est pas toujours l'amie de l'égalité, c'est aussi un exercice de pouvoir", *Libération,* 25th January 2019.

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— The lobbies' hold: the drug industry in the Covid-19 crisis

The pressure that industrial lobbies exert on public decision-making is a sensitive issue. There is sometimes a huge gap between the widespread suspicion that fuels rumours, social networks and some of the press, on the one hand, and establishing verifiable facts, on the other. To illustrate this phenomenon, we will focus on the case of the drug industry in relation to the public and media handling of the Covid-19 crisis. We questioned the sociologist, Laurent Mucchielli[132]. a specialist in deviance, who recently reoriented his research towards white collar delinquency. In a scientific article published in the *Australian Journal of Sociology*, he attempts to systematise his observations, by developing a global analysis of the lobbying system that the pharmaceutical group, Gilead, set up in France's expert scientific field, as well as in its information and political decision-making spheres[133].

The American drug company, Gilead, has developed an antiviral, Remdesivir, which it hopes will prove to be an effective treatment for coronavirus. The financial interest at stake is colossal. Various protocols are being tested, such as a combination of two generic medicines, hydroxychloroquine and azithromycin. Protocols like this one are based on old drugs and would generate no profits for the drug companies, whereas the Remdesivir treatment is estimated at 4 500 euros per patient.

For a number of years, the Gilead group has patiently constructed a system of influence in France's scientific, political and media spheres. The company's accumulated investment in lobbying in France over the past 7 years is estimated to be 65 million euros. This investment is broken down into four target categories: doctors; organisations and services that provide continuous training for medical staff; the media; scientific organisations and learned societies. In 2018 alone, parliamentary lobbying cost Gilead 500,000 euros and mobilised two full-time employees. According to Mucchielli, these influential networks could explain why the debate on the hydroxychloroquine based protocol was given so much media attention, instead of being kept within the sphere of scientific research. In addition, the protocol's efficacy has not yet been demonstrated scientifically. A Scientific Advisory Group, followed by a "Committee for Analysis, Research and Expertise" (CARE) close to the government, were set up to improve government reactivity. However, the composition of both bodies confirms overt conflicts of interest. Several influential members have multiple links with the multinational: research funding, expert services, etc. Similarly, in the media sphere, the list of doctors paid by Gilead (in some way) are those who, according to Laurent Mucchielli, monopolised the media and severely criticised the hydroxychloroquine based protocol. The sociologist suggests that, either way, the handling of this crisis raises questions about the influence that a drug company's private interests may have on the collective interest and public health.

132. ⁇ Interview with Laurent Mucchielli, conducted in June 2020.

133. ⊕ Laurent Mucchielli, "Behind the French Controversy over the Medical Treatment of Covid-19: The Role of the Drug Industry", *Journal of Sociology*, 17th June 2020.

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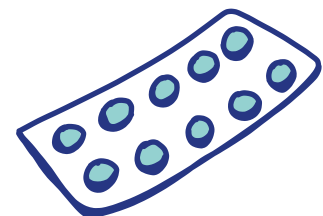
E. The public service in decline: the crisis affecting public hospitals

In France, the notion of public service was given mythical status, reflecting the image of a generous, nurturing state, concerned about well-being for all and equal, virtually free health care. However, this dogmatic construct is being undermined by the politico-administrative elites who now apply certain private management practices[134]. In the *new public management* framework, which applies private sector management methods to the public sector, the reforms of the last 20 years have reduced social protection and caused anarchic deregulation, which benefit the most well-off[135]. The authors of *La Casse du Siècle*[136] (The Robbery of the Century) analyse the hospital sector reforms, which clearly illustrate how the public service has mutated.

The publication goes over the successive reforms that have affected public hospital funding since the 1980s and radically transformed how they operate. The goal is now profitability, which involves developing business plans to measure production costs and reduce expenditure. Public health issues are no longer the only consideration. Flows must now be managed according to models drawn from the commercial sector (*new public management*).

This model creates a two speed hospital and causes working conditions to deteriorate. Unequal access to care is built on social classes and territory. In urban areas, the top professional categories have easy access to health care. On the contrary, the lower classes and people in rural or peri-urban areas are faced with a severe decline in local health services, with hospital mergers and the closure of clinics or maternity wards. New public management also affects the staff and causes a deterioration in their working conditions (greater precarity, fewer staff, etc.), which reduces the quality of the service and the care provided.

134. ⚛ Philippe Bezès, "Le renouveau du contrôle des bureaucraties. L'impact du *New Public Management*", *Informations sociales*, 2005/6 n°126, p. 26-37.

135. ⚛ Alexandre Piraux, "La privatisation de l'éthique administrative", *Pyramides*, n°22, 2011 p. 191-201.

136. ⚛ Pierre-André Juven, Frédéric Pierru, Fanny Vincent, *La casse du siècle. À propos des réformes de l'hôpital public*, Paris, Raisons d'agir, 2019.

What the Covid-19 crisis reveals

According to Pierre-André Juven[137], the health crisis exacerbated the problems facing the health system: the closure of hospital beds over the past two decades and the lack of intensive care places; the weakening of public health networks; territorial inequalities in terms of access to care; drug shortages in situations of crisis; political controversies surrounding public orders for vaccines, active ingredients, masks; scientific controversies in the medical field. The relevance of the public health consultation, the Ségur de la Santé, launched on the 25th May 2020, casts serious doubts over the institutions' capacity to transform the public health system in just seven weeks. While an agreement on pay rises is plausible, civil society organisations and trade unions have criticised the operation's opacity and disorganisation. The European stability pact imposes structural restrictions on record keeping in the health insurance sector, which actually limits the possibilities of financing the change.

137. Interview with Pierre-André Juven, conducted in June 2020.

Courses of action: developing participation in the public health sector

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According to Pierre-André Juven[137], sociologist and co-author of *La Casse du Siècle*, hospitals have never been a place for genuine citizen participation. Medicine is essentially a technical field and medical power is exercised on patients asymmetrically. Historically, the drug industry has a strong hold on the medical field. However, there has been a shift to greater democratic inclusion since the end of the 2000s with the creation of consultative committees representing users and a High Authority of Health that criticises the price of medicines or health products. These results are due to the major mobilisation of patients and doctors' associations in the 1980s: AIDES (HIV), cancer patient associations, Médecins du Monde.

In the winter of 2019-2020, the historic mobilisations in support of public hospitals managed to put the issues relating to public health organisation on the political agenda. The inter-hospital and inter-emergency collectives went beyond the classic trade union organisations, by creating a vast social movement in the health sector. The Covid-19 crisis brought the legitimacy of carers to light and remobilised carers after the crisis, as shown by the "No return to the abnormal" movement and the demonstrations on the 16th and 30th June 2020.

F. Trade unions on the decline, militants discriminated against

In the world of work, trade unions play an important role in France. They have several functions relating to: employees, businesses, as well as the organisation of society and solidarity. They also serve in the labour courts and play a role in the "joint" management of social security and unemployment benefit, etc. Overall, they are getting weaker, despite being intermediary organisations and eminent members of civil society.

— Reducing the right to strike and delegitimising discourses: vulnerable trade unions

The right to strike in France is a constitutional right. Nonetheless, in recent years the right has been subject to several restrictions[138]. For example, the 2007 Act pertaining to a minimum service in transport and education has limited the right to strike. A similar situation occurred when the state of emergency was introduced in November 2015, in response to the terrorist attacks. According to an Amnesty International report published in May 2017[139], the state of emergency restricted the right to protest, particularly in the case of mobilisations against the Labour Law.

The 2017 Labour Law and the decree relating to the new organisation of social and economic dialogue in businesses envisage the creation of a social and economic committee (CSE). This new body emerged from the fusion of three existing bodies representing staff: elected staff representatives, the Works Council and the Committee for Health, Safety and Working Conditions (CHSCT). The CSE's task is to present individual or collective staff claims to the employer and express the staff's collective opinion in companies with over 50 employees. This reform caused some controversy and the trade unions accused it of reducing the number of elected staff representatives. This concern was confirmed by a report by the DARES[140] published in 2019. It shows that as a result of this merger, which centralises resources and increases the risk of formalism, union stewards have less time "on the shop floor" and for outreach, especially in large companies[141]. Thus, while the reform may not reduce the right of the bodies that represent staff, it limits the quality of their work.

138. Karel Yon, Sophie Béroud, Baptiste Giraud, *Sociologie politique du syndicalisme*, Paris, Armand Colin, 2018.

139. Amnesty International, *Rapport annuel 2016/17 la situation des droits humains dans le monde*, 2017.

140. Direction de l'animation de la recherche, des études et des statistiques (Directorate for Research, Studies and Statistics), attached to the Ministry of Labour.

141. DARES, *Appropriation et mise en œuvre des ordonnances du 22 septembre 2017 réformant le droit du travail*, 2019.

— Concealing the trade union crackdown and the lack of resources

Trade union reps have been weakened in terms of the exercise of their fundamental rights (right to strike, social dialogue and proximity to employees). They are also faced with union busting in companies and the state is devoting fewer resources to tackle the issue. In Karel Yon's view, several elements reveal how the protection granted to trade unions and trade unionists has actually been weakened. First, since 2004, the Ministry for Labour no longer publishes the figures relating to the dismissals of protected employees, which helps conceal anti-trade union practices. In addition, the state has reduced the number of audits conducted by labour inspectors, who approve or reject the dismissals of "protected employees" and can block discriminatory practices against trade unions.

In addition to these recent changes, trade union organisations are not trusted. According to the social dialogue barometer published in 2018 by CEVIPOF, "65% of employees do not trust them, just behind the media (72%) and political parties (90%), which win the prize for rejection".

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Courses of action

The Union Repression and Discrimination Observatory
was created by the Copernic Foundation and various trade unions, including the CFTC, the CGT, FO, the FSU and Solidaires, as well as the French lawyers' union and the Judiciary Union, with the support of numerous researchers and experts. It condemns the management's anti-union practices and helps produce comprehensive information in this field.

Union organising.
New forms of union are emerging. They are less centralised and more adapted to the changes in employment and working conditions ("uberisation", self-employed workers, sub-contracting and temps, delocalisation abroad, etc.).

The association UNITI a "union for isolated workers" in the Lyon agglomeration is a case in point.
It provides support for the organisation of security officers, home care workers and cleaners, who are confronted by specific problems. In the multinational sector, the projet ReAct helps coordinate employees and people living in the vicinity of multinational sites in several regions in the world. It organises the *Global Labour Institute* **(GLI) Paris, the French speaking branch of the international GLI network, an initiative to regenerate trade union internationalism.**

G. Participatory mechanisms, paths of renewal or a hidden tied system?

142. ❀ Anne Châteauneuf-Malclès, Loïc Blondiaux, *La démocratie participative : entretien avec Loïc Blondiaux*, ses.ens-lyon.fr, 2018.

Whether in the private sector or the sphere of public action, participatory mechanisms have been regarded as one of the best ways to enhance democracy. Yet, despite a growing number of public authority initiatives, these mechanisms are still struggling to enhance representative democracy. Institutionalised citizen participation is driven by public institutions and consists of involving ordinary citizens or laypersons in decision-making processes. Gradually, as various mechanisms developed and the number of social science studies increased, the problems of bias in citizen participation came to light. According to Loïc Blondiaux, professor in political science and expert on these issues, "the experience of participatory democracy so far has led to more deceptions, [and] frustrations than genuine renewal in democracy and the failures outnumber the successes". One of the main limiting factors highlighted by scientific research is that public participation is often restricted and the most integrated social groups are over-represented, "a limitation that

representative democracy already faces and that institutionalised representation does not yet seem to counteract"[142].

The mistrust of so-called laypersons' knowledge is also a severe limitation. It is in keeping with the political principles governing the establishment of representative systems, which were designed to limit the power of a "people" regarded as "unfit". In the architecture of participatory mechanisms, citizens are often confined to purely advisory mandates. This is the case for numerous district councils, but also for some citizens' juries and many consultative procedures. Nevertheless, this feedback invites public authorities, especially local authorities, to be more creative in the design of participatory mechanisms, as shown by the significant development of participatory budgets, for example.

143. 📖 Cédric Pietralunga, "Environnement : Emmanuel Macron propose deux référendums", *Le Monde*, 29th June 2020.

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⚙ Courses of action: increasing the number of citizen conventions.

The Citizens' Climate Convention, la Convention Citoyenne pour le Climat brought together 150 randomly selected people from October 2019 to June 2020. For the first time, a representative panel of the diversity of French citizens, women and men, was to be directly involved in preparing the law. In fact, the French President pledged that the convention's legislative and regulatory proposals would be submitted "unfiltered" for a referendum or a parliamentary vote or would be directly enforced. During a discussion at the Élysée on the 29th June 2020, the French President told the panel that he endorsed the majority of the proposals, but decided to withdraw three

of them. He plans to organise two referendums on the subject, with one before the end of 2020. Several proposals are also to be addressed by a Defence Council before the end of July. In addition, this citizens' convention model seems to have been appreciated and Emmanuel Macron expressed his wish to repeat the experience for other issues. *"You have shown that for a difficult, even explosive subject, it is possible to reach a consensus, to move forward in peace and harmony. Therefore, I would like other citizens' conventions to be set up on other subjects".*[143]

The Covid-19 crisis: the scholar and the politician against democracy?

Devaluing traditional knowledge is a major obstacle when it comes to democratising the socio-technical mechanisms, which in our societies, are essential forms for administrating power. The handling of the Covid-19 crisis was significant in this respect. While preparing this report, we interviewed Lionel Larqué on the links between science and democracy. Physician, campaigner for popular education and general delegate for the NGO Alliance Sciences Sociétés (alliss.org)[144], he highlighted the absence of NGOs in the expert advisory mechanisms that the government set up to facilitate crisis management (the Scientific Advisory Council, the Council for Analysis, Research and Expertise). Yet, "*NGOs have considerable expertise on epidemics*". In Larqué's view, this counterproductive architecture is "*political/scientific bilateralism without a third party...*" It demonstrates a "*technocratic drift in the link between science and politics*", whereas "*knowledge circulates in our societies (...), meaning emerges from the crossover between traditional knowledge and life experience*". When this crossover is rejected, science becomes a tool of political power and, as we have seen with the drug lobbies in the Covid-19 crisis, by providing "authoritative arguments", it sometimes becomes an instrument of economic and financial power.

⚙ For science and democracy to work together, the polarisation between science and "common sense" must be overcome. This would be beneficial to new "homespun"[145], new alliances where science is re-embedded in the fabric of social life and its needs, its reflexive thinking and strategic orientations. This kind of alliance involves linking science and social life in participatory protocols ("citizen science", participatory action research, etc.), but they are still marginal.

144. ❓ Interview with Lionel Larqué, conducted in May 2020.

145. ⚛ Isabelle Stengers, *Réactiver le sens commun : lecture de Whitehead en temps de débâcle*, Les empêcheurs de penser en rond, Paris, La Découverte, 2020.

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What is more, citizen participation tends to reproduce inequalities, particularly relating to gender.
Contemporary participatory mechanisms continue to be built by and for men, who "often control the mechanism's design and organisation, and define the issues and subjects to be discussed. They talk more often, for longer and with more confidence[146]". This is because "the masculine-neutral-universal is definitely the main benchmark for measuring how speeches are generally received, even if they are not always uttered in this way[147]". Men's hegemony is most apparent during public debates. When studying women's contributions to a discussion about a project of territorial mobility, the geographer, Yves Raibaud, shows that women, irrespective of whether they are users or professional planners, are systematically interrupted by men when they speak; men monopolise 90% of the time allotted for talking[148].

In the end, "despite participatory democracy's claims, its mechanisms remain structured by social relationships of sex and relationships of power"[149]. The sociologist, Christine Delphy, condemns our perception of "universalism"[150]. This rather problematic situation goes unnoticed, as if participation was widely accessible to women and men alike. These observations are also valid for other types of public, the most vulnerable and some ethnic minorities.

146. ⚛ Marion Paoletti and Sandrine Rui, "Introduction. La démocratie participative a-t-elle un sexe ?", *Participations*, February 2015, n°12, p. 14.

147. ⚛ *Ibid.*

148. ⚛ Yves Raibaud, "La participation des citoyens au projet urbain : une affaire d'hommes !", *Participations*, February 2015, n°12, p. 57-81.

149. ⚛ Marion Paoletti and Sandrine Rui, "Introduction", *art.cit.*, p. 12.

150. ⚛ Christine Delphy, *Un universalisme si particulier : féminisme et exception française*, 1980-2010, Paris, Syllepse, 2010.

151. ✿ Marie Saiget, "Regrouper et séparer : la participation des femmes comme mode d'empowerment en contexte d'après-guerre", *Participations* 2015/2, n°12, p. 167-192.

152. ✿ *Ibid.*

153. ✿ Hervé Masurel, Preface of "Guide méthodologique des marches exploratoires", *Cahiers pratiques*, Les éditions du Comité interministériel des villes, December 2012, p. 4.

154. ✿ See the file *Métropolitiques* on "Les enfants dans la ville".

155. An approach designed and run by ATD Quart-Monde, whereby poor people, who have been mobilised and trained as "activists in the fight against poverty", take part in joint training sessions with professionals to make their voices heard and make themselves understood. It shows the need to include poor people systematically in all decisions that concern them.

156. An approach designed and diffused in France by Augusto Boal. In the case of the company Naje, for example, social problems are depicted by the public, as well as by professionals from different services, who work together to find solutions, compagnie-naje.fr.

157. An approach designed and run by Suzanne Rosenberg. The aim is to change the way social situations are tackled locally; a group of professionals and residents, who are considered on an equal footing, put together joint proposals.

158. ✿ Marion Carrel, Suzanne Rosenberg, "L'empowerment et le travail social sont-ils compatibles en France ?", *Recherche sociale*, 2014/1 (N° 209), p. 25-35.

159. ✿ Anaïk Purenne and Hélène Balazard, "Les citoyens peuvent-ils participer à la production de la sécurité ?", *The Conversation*, avril 2018.

⚙ Courses of action: experimental mechanisms to increase the participation of those excluded from the democratic sphere

✔ Non-mixed meetings and debates, spaces of *empowerment*.

The mechanisms for meetings and debates reserved for minority groups, which are seldom represented in the democratic sphere, are now seen as a means to restore decision-making power to minorities. To illustrate this, the NGO CARE International organised meetings for women only in Burundi in a post-war context[151]. This process gave women political empowerment. Solidarity groups were created and encouraged social integration. Women also had experience of speaking out and gained experience of democracy. In this way, new issues emerged that are not usually discussed or expressed during mixed gatherings.[152]

✔ Exploratory approaches

Exploratory approaches are another mechanism for non-mixed citizen participation, developed for women in Canada in the early 1990s. They were tested in 12 French cities, including Paris and Lille in the 2000s. They aim to consider urban planning through a gender lens and focus on problems that are not usually highlighted[153]. This type of mechanism and other peer mediation can also be envisaged for children, who are often excluded from democracy and urban planning[154].

✔ Improving the symmetry between public actors and those excluded from the democratic sphere

Approaches, such as "co-training by combining knowledge and practices"[155], de "forum theatre"[156] or "mutual qualification"[157] are all transitional mechanisms designed to give the "voiceless" a collective voice. They are based on consultative processes involving professionals from the social work sector, in particular. They can be designed "solely as a means to restore individual power to disadvantaged people, but also as a means to challenge and transform professional practices, public policies and methods of empowerment".[158]

A "citizens' consensus conference" devoted to the issue of bridging the gap between the police and the population in working class districts was held in December 2018 in Vaulx-en-Velin (Rhône). It had a similar aim. Initiated by young people in the district (accompanied by a social centre and researchers), its goal was to provide the necessary tools to "laypeople, as well as police and gendarmes, so they could discuss and consider joint recommendations over a weekend".[159]

Course of action to overhaul the French democratic system

In response to the democratic challenges and to ensure that more long-term issues are integrated in decision-making, like ecological transition, the Fondation Nicolas Hulot pour la Nature et L'Homme recommends setting up a constitutive participatory process (to draft a new constitution). This method, described stage by stage in a report[160], draws lessons from various past and/or foreign experiences. It is a novel and inclusive process, which involves all citizens and uses tools from participatory democracy. In particular, it includes the establishment of a "long-term assembly". The role of this new parliamentary chamber would be to "preserve living conditions from individual interests and the short term with a dual function: a power of legislative initiative linked to long-term issues and a constructive right of veto, i.e. to allow the assemblies to re-examine draft legislation if the latter conflicts with long-term issues. Its role to counterbalance short term [interests] would be enhanced by its original composition, its members would be [drawn] from civil society and no longer from the political system: qualified experts and randomly chosen citizens".

160. ◁ᴱ Loïc Blondiaux and al., *Osons le Big Bang démocratique, Une méthode pour adapter nos institutions au XXIᴱ siècle*, Fondation pour la Nature et L'Homme, 2017.

Several mechanisms block democratic institutions. Political leaders, career politicians, and the Grand Corps that make up the senior public administration appear to be increasingly cut off from society. In parallel, the boundaries between the public sphere and big business are more porous to the detriment of the public interest. Lastly, abstention is eroding the foundations of representative democracy. In the end, the French feel that they are not properly represented by a majority of white men who belong to the same social class. With the handling of the Covid-19 health crisis and the early signs of social and economic crises, the question of overhauling the French democratic system is becoming more urgent. For this reason, a dialogue with the opposition forces is necessary so they can challenge decision makers when democratic dysfunctions are identified.

Part 3
Mobilise, engage, challenge

Given the limitations of representative and participatory democracy, what options allow citizens to be heard and become genuine political players? In contemporary France, civil society, in all its diversity, plays an essential role as an opposition force and for social expression. For years, conflict was perceived as a driving force for social change[*]. However, the public authorities' prevailing strategy is now to avoid dialogue when dealing with social conflict: governments turn a blind eye and prioritise security measures. How can modes of dialogue be restored to allow for conflict and democratic debate? How can citizens' power be boosted to enhance democracy?

[*] Cf. L. Coser, *Les fonctions du conflit social, op.cit.*

A. The state, between quiet repression and the deterioration in the rule of law

— Violations of the right to protest

In France, maintaining law and order has traditionally followed certain principles, such as professionalisation, proportionality and avoiding physical contact with the crowd. This involved "showing one's power so as not to have to exercise it"[161] The aim is to avoid a situation where "law enforcement makes matters worse when attempting to control a disturbance,"[162]. These guiding principles are now being undermined by the budget cutbacks affecting the specialist units and the use of non-professional security forces. The political scientist, Olivier Fillieule, refers to the "brutalisation of the maintenance of law and order"[163], a pattern that is apparent in most European countries and is sharply criticised by the French ombudsman. The latter called on the Minister of the Interior to end "practices that fail to respect citizens' rights"[164]. This kind of approach leads to "considering certain activist movements as terrorist movements. As in the expression 'a good Indian is a dead Indian', a good demonstration is a demonstration that will not take place (...).

The new arsenal for maintaining law and order ends up violating the constitutional right to protest"[165]. This arsenal was deployed, in particular, for the yellow vest movement and also drew criticism from the United Nations, the European Union and the European Court for Human Rights.

Violations of the right to protest post Covid-19

In the framework of the health emergency linked to the Covid-19 crisis, the right to peaceful assembly was subjected to special treatment. In May 2020, despite the relaxation of the health restrictions, the general and absolute ban on demonstrating was maintained (decree of 11th May 2020 banning gatherings of more than ten people on a public thoroughfare and in public spaces). After an appeal by the Human Rights League and several trade unions, the Council of State suspended the decree on 13th June 2020, while maintaining a ban on any event exceeding 5 000 people during the summer of 2020. This decision led the government to review its doctrine. Nonetheless, the right to protest has not been re-established sensu stricto: the decree of 14th June 2020 imposed a transition from a declaration system for demonstrations to a system of prefectural authorisation. The new decree was also suspended by the Council of State for demonstrations of less than 5 000 people on the 6th of July, which no longer require "authorisation".

— Accumulating discriminatory security laws, towards a surveillance society

In parallel to the changes in the tenets of maintaining law and order, the state of emergency and its multiple extensions, enacted after the Paris and Nice attacks in November 2015 and July 2016, respectively, have been severely criticised by legal

161. ⚖ National Assembly, Rapport de la commission d'enquête parlementaire relative au maintien de l'ordre, 2015 p. 31.

162. 🔊 ACAT, "Après 100 jours de manifestations, quel bilan selon l'ACAT", Communiqué de presse, 7th March 2019.

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163. ⚖ Presentation by Olivier Filleule at the 5th seminar of the *Independent Police Complaints Authorities' Network* (IPCAN), organised by the French ombudsman on the relations of the police and the population, 18th October 2019, Paris.

164. 📰 Nicolas Chapuis, "La question du maintien de l'ordre, l'ultime décision du Défenseur des droits", *Le Monde*, 10th July 2020.

165. ⚖ 5th seminar of the *Independent Police Complaints Authorities' Network* (IPCAN), organised by the Defender of Rights on the theme of police-population relations, 18th October 2019, Paris.

and academic experts. They regard it as being ineffective and an infringement of democracy in various ways, for example: *"the votes are subject to fast-track procedures, which reduce the parliamentary debate to a minimum; the misuse of extension laws aims to reinforce the means for the lasting surveillance and control of citizens; the judicial judge's constitutional role as guardian of individual freedom is negated; opposition forces are denigrated, particularly judicial powers, whose role has been reduced to blocking and barricading"*[166]. Furthermore, there is the danger of a general climate of suspicion, after the French President's appeal for a *"vigilant society"*, which is likely to worsen the stigmatisation of certain social groups and lead to premature denunciation.

These concerns about the erosion of the rule of law are not restricted to intellectuals and academics in France. The United Nations High Commissioner for Human Rights has also expressed alarm about the situation and is worried that the state of emergency is not just being used to fight terrorism, but to curb the action of environmental campaigners. Despite many criticisms highlighting the ineffectiveness and dangers for democracy, the draft legislation to tighten national security and counter terrorism decreed on 31st October 2017 led to the inclusion of four emergency mechanisms in the common law governing police powers (until 31st December 2020). These are: the closure of places of worship; the so-called perimeters of "protection"; house arrest; and administrative searches. In a statement released on 31st October 2017, the Human Rights League condemned a *"misleading exit from the state of emergency"* and a *"real setback for the rule of law"*, paving the way for the greater stigmatisation of Muslims, discriminatory identity checks and widespread surveillance. This concern is shared by many legal experts, including Paul Cassia, public law professor at the University of Paris 1 Panthéon-Sorbonne. He describes the law as *"the most detrimental to individual liberties in the history of the Fifth Republic, apart*

from the period when Charles de Gaulle applied article 16 of the Constitution"[167].

— Violations of the freedom of association

Over and above the changes in the doctrine for the maintenance of law and order and the state of emergency, an in-depth review conducted by the Observatory of Associative Freedoms[168] (Observatoire des libertés associatives) 📄 p. 56 revealed the emergence of practices of "quiet" repression that target civil society organisations' collective action[169]. This phenomenon has not really been publicised by civil society actors and public authorities, nor has it been widely documented by social scientists to date.

In September 2018, the penal administration terminated the decades-old agreement that had bound it to Genepi[170], an association that works with prisoners. The decision led to subsidy cuts for the association and restricted its access to prisons. One of the reasons used to justify these sanctions points to Genepi's criticisms of how the penal system functions. "Subsidising an association that attacks the very foundations of our institution is incoherent" as the Ministry of Justice explained to the newspaper *Libération*, before reviewing its position after the outcry triggered by the decision[171].

In Bure, in the Meuse, opponents to the underground nuclear waste disposal site are being investigated for "criminal association". The judicial inquiry began in 2017 and has already cost over 1 million euros and led to the general surveillance of the collective's premises. Several local and national civil society organisations have condemned the harassment and criminalisation that objectors have been subjected to[172].

166. 📖 Twenty celebrities, including Etienne Balibar and Thomas Piketty, "Non à la pérennisation de l'état d'urgence !", *Le Monde*, 23rd February 2017.

167. 📖 Paul Cassia, "Sortie de l'état d'urgence temporaire, entrée dans l'état d'urgence permanent", Blog de *Médiapart*, 31st October 2017.

168. The Observatory of Associative Freedoms, which comprises civil society organisations and researchers, documents numerous cases of public authority obstruction of associations' freedom of action or speech. 📢 Its first report, due out in the autumn of 2020, analyses 100 cases of repression and proposes courses of action to break the democratic deadlock.

169. ⚙ Julien Talpin, "Une répression à bas bruit. Comment les élus étouffent les mobilisations dans les quartiers populaires", *Métropolitiques*, 22nd February 2016.

170. Genepi is a students' association that campaigns to break down the barriers in penal institutions, by sharing knowledge and testimonies between inmates, volunteers and the civil society.

171. 📖 Julie Brafman, "Prisons : le ministère de la Justice coupe les ponts avec le Genepi", *Libération*, 29th October 2018.

172. 📖 Jade Lingaard, Marie Barbier, "La justice a massivement surveillé les militants antinucléaires de Bure", *Médiapart*, 27th April 2020.

In Toulouse during the same period, a community health centre in a working class district had its prefectural funding cut for being "too militant", in the words of the public authorities. It was also accused of being too involved in contentious court proceedings relating to the state's refusal to cover some patients' medical costs under the healthcare system. Although these situations differ (in terms of the type of association and the institutional responses), they raise the same question: what public authority recognition and respect is there for associations' freedom of action and criticism?

In most cases, these experiences of repression follow collective actions or criticism (critical speeches, petitions, public protests and even non-violent civil disobedience), which challenge the public authorities.

These experiences cover a huge range of domains: from environmental protection to the fight against discrimination, sport to culture, housing rights to solidarity. In addition, civil society organisations operate throughout the territory: in city centres and working class districts; in suburban and rural areas. The institutions involved are found at all territorial levels: the central state and its decentralised services, regional authorities and semi-public bodies.

The analysis conducted by the Observatory of Associative Freedoms has identified four forms of repression:
- **Verbal obstruction and disqualifications** n the form of defamatory attacks or even the proscription of spaces for dialogue.
- **Material and financial obstruction**, which concerns subsidy cuts or "sanctions" and problems of access to premises for meetings.

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The Covid-19 crisis as an indicator of violations of freedom of association

The multiform crisis that emerged from the Covid-19 pandemic further exacerbated these tendencies. First, many civil society organisations played a crucial role in tackling the health and social effects of the crisis. An essential role acknowledged by the French President and Prime Minister in their speeches to the nation: "the state can, and must, do a great deal. But the state cannot do everything" affirmed the Prime Minister in his speech on 12th April 2020. The declaration proved to be accurate. However, it raises questions, especially because, at the same time, there were new violations of associative freedoms during lockdown. For example, the association Utopia56, which helps people in exile, published a list of 37 fines imposed on its volunteers between 19th March and 8th April, when they were distributing material (tents, sleeping bags, etc.) and food to migrants. The document comes with a video showing a police officer explicitly stating his intention to "wear out" the activists on the ground, by increasing the number of checks and fines. On 24th April, in a public statement on Twitter, the mayor of Cholet (mixed right wing) spoke out against the local branch of the Human Rights League, which had succeeded in making the administrative tribunal suspend the "curfew" that he had just imposed by municipal decree.

The mayor denigrated the association as "politicised, with totalitarian ideas". Several days later, on 1st May, the solidarity brigades in Montreuil organised the distribution of free fruit and vegetables as a meaningful act of solidarity and to express their anger about the handling of the epidemic. In response, the stand was surrounded by thirty police, distribution was disrupted and several fines were issued with a new justification: "assertive action". In the light of past experience and, particularly, given the state of emergency introduced after the terrorist attacks (2015 to 2017), the health emergency and its post lockdown extension have raised fears that the common law measures could persist and provide the legal basis for new infringements of freedom of association. Important derogating measures were adopted in the framework of the health emergency, established by the Law of 23rd March 2020. These measures go far beyond the health sector: freedom of assembly, right to protest, restriction of worker's rights, religious freedom, etc.

- **Legal and regulatory obstruction**, which includes complaints, fines and court proceedings against activists from civil society organisations and administrative barriers, such as refusing accreditation.

- **Physical and police obstruction**, which includes forms of physical repression of collective action, as well as raids and arrests. In general, law enforcement agencies are involved.

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⚙✓ Courses of action: new actors seeking democratic shields to protect the democratic functions and freedom of association

Alongside the existing national collectives, like the Collective for Citizens' Action (Collectif des Actions Citoyennes), or federations, such as the Associative Movement (Le Mouvement Associatif), two coordinated initiatives have emerged to document and respond to the different forms of repression imposed on action organised by civil society organisations: the Observatory of Associative Freedoms and L.A. Coalition [173] (L.A. stands for Libertés Associatives, which refers to freedom of association). In Europe, similar patterns have been observed. As a result, in 2018, sixteen European foundations joined forces to re-examine their role in relation to these issues. They created the programme CIVITATES and helped set up national coalitions of actors from civil society organisations. L.A. Coalition is the French branch of the programme. It was created on the initiative of VoxPublic with the aim of "proposing response strategies to counter repression". In association with L.A. Coalition, an "Observatory of Associative Freedoms" was created in 2019 on the initiative of the Institut Alinsky. This observatory surveys the infringements of the freedom of association and identified 12 recommendations for recognising and protecting the freedom of association and extending collective citizenship:

✓ Guarantee institutional recognition to provide better protection for associations

Expressing criticism and upholding rights is a democratic function that can be qualified as being of public interest. A registration procedure could be envisaged for associations whose activities involve collective citizenship, so they are better protected in the event of abusive retaliatory action (recommendation 1).

✓ Set up vetting and complaints procedures

Existing institutions, like the French ombudsman (recommendation 2), the National Public Debate Commission (recommendation 3) and mechanisms, such as legal aid for legal entities (recommendation 4)

can be adapted and improved when launching an appeal in the event of abuse. When trials are meant to intimidate activists (SLAPP), abusive charges could be dismissed rapidly in order to protect the freedom of collective expression (recommendation 5). An independent policing oversight body could improve the protection of collective and individual freedoms (recommendation 6).

✓ Extend associations' democratic freedoms, by building an environment that promotes the exercise of collective citizenship

Existing public funding mechanisms could be complemented to provide greater support for human rights protection and involvement in the public debate (recommendation 9), directly and through tax relief or tax credits

(recommendation 8). More generally, multi-year funding (recommendation 10) and joint commissions for allocation (recommendation 11) could limit arbitrary cuts and consolidate associations' democratic activities. Lastly, a parliamentary fact-finding mission (recommendation 12) could issue an annual situational analysis of freedom of association to ensure that the above mentioned tools succeed in guaranteeing that civil society organisations flourish.

Similar phenomena can be observed in various European countries.

— Endeavours to disqualify protests: a setback for public democratic debate

In an interview in May 2020, Éric Dacheux, professor at the University of Clermont II, points out that political rhetoric has always been a battle of words, a dual endeavour to build common interest and disqualify outsiders. "*The politician's goal has never been about truth, which is science's concern. However, this begs the question: if the politician defends a public debate ethic, which moral values does he defend, how willing is he to build common ground*[174]". The notion of "barbaric" in antiquity and the use of the word "terrorism" today are "elements of language" that the authorities use to designate their enemies, when they want to create a media impact. According to Dacheux, the main problem lies in the collusion between the institutional public sphere, which generates "elements of language" and the public media sphere, which uses the terms per se, without challenging them or putting them into perspective[175]. Any industrial or associative dispute in the public sphere is seen as wrong: a demonstration or a strike systematically becomes "hostage taking" or "overreacting".

The media sphere has a special definition for the term "activist" (militant), insinuating leftist or extreme left activism. Amandine Gay, filmmaker and activist, describes it as a disqualification: "*Why should Rokhaya Diallo be described as an activist before she is described as a journalist? No one would say to Laurent Joffrin that he was an activist. 'Activist is a qualification used to (...) disqualify us*[176]".

This type of association of ideas or elements of language was particularly effective in relation to the journalist, Taha Bouhafs. He was held in police custody after tweeting that he was in the same theatre as Emmanuel Macron on 21st November 2019, in the middle of the social unrest. People gathered outside the theatre and the French President and his wife were exfiltrated. Taha Bouhafs' career was scrutinised by all the editorial boards and he was systematically labelled a "militant journalist" and accused of "communitarianism" by some of the media[177]. This raises the question of the collusion between economic actors, the media and public actors and there is a danger that it will curb the freedom of opinion.

Éric Dacheux also mentions two important changes in the government's rhetoric since the end of the 1990s, which he suggests are a setback in terms of public democratic debate. The first is the omnipresent warlike vocabulary used when politicians are faced with a crisis. "We are at war" was the common theme of Emmanuel Macron's speech on 16th March 2020, announcing the lockdown and the drastic restriction of individual freedoms that followed. The second is the more widespread use of business and management vocabulary in reference to the political management of the country. "*Governance*", "*project*", "*management*" or other Anglicisms, euphemisms or oxymorons are a form of "newspeak", which changes our perception of reality and the way our democracies are generalising mercantile capitalism. These words are deliberately elaborated by liberal think tanks, of which the OECD has the most clout in France[178].

174. [?] Interview with Éric Dacheux, conducted in May 2020.

175. After Pierre Bourdieu (*Sur la télévision*, Liber-raisons d'agir, 1996), Serge Halimi, in *Les Nouveaux Chiens de Garde* (1997 then 2005), actually revealed the closeness between journalists officiating in the main media and political power. The problem is not so much that these journalists obey orders, but the fact that they share the same vision of the world as the ruling elite. Their training (Sciences Po, schools of journalism), their proximity to Paris and their shared economic interests (business shareholders, select elite clubs) are highlighted as factors that make journalism more normative than critical. [] p. 31

176. ⊕ Yaëlle Amsellem-Mainguy, Régis Cortéséro and Emmanuel Porte, "Activisme, militantisme, engagement et éducation populaire", *Les cahiers de la LCD*, 2018/3, n° 8, p. 65-79.

177. [] Barbara Lefebvre, "Taha Bouhafs, piètre journaliste et dangereux militant", *Le Figaro*, 23rd January 2020.

178. ⊕ Keith Dixon, *Les évangélistes du marché*, Paris, Raisons d'agir, 2008.

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B. Toughening collective mobilisation: the temptation of radicality and illegalism

Collective action refers to multiple forms of civic action organised by groups to advance their collective problems or interests, which are little understood or disregarded by the public authorities, e.g. the fight against police violence or discrimination. Collective action involving "mobilisation" is a particular method characterised by protest. The practices specific to social movements take various forms, also known as "re-pertoires of action": meetings, petitions, demonstrations, strikes, meetings with the authorities, diverse pressure, etc. For a long time, these practices were described as "unconventional" forms of political participation. They were regarded as being distinct from the "conventional" forms mentioned in part 2 of this report: belonging to a political party, voting, trade union militancy, etc. These "repertoires of collective action" vary depending on the environment and the period[179].

According to the sociologist, Michel Wieviorka, three main periods can be distinguished:
- The mobilisation of the working class movement, which first developed in the framework of the nation state and is opposed to the employer's domination in the workplace.
- The new social movements in post-industrial society, which accept the framework of the nation state and bear strong cultural and anti-authoritarian messages.
- The current mobilisation against globa-lisation, which appears to express the desire for social recognition and identity, rather than direct opposition to classic forms of domination. These actions are organised in a context of declining state sovereignty and often strive to develop new forms of regulation[180].

In line with the *Occupy* movements, the Nuit Debout protest movement aimed to use democratic means to challenge the long-term enforcement of the state of emergency in France. The Nuit Debout movement occupied public spaces – condemning their increasing privatisation – which made it highly visible. One of the movement's specific demands, "real democracy now" was widely shared and echoed the Spanish *Indignados* movement. It is a critique of the non-representativity of representative democracy, institutions and the elites. Experimenting with deliberative democracy was one of the features of the Nuit Debout movement[181].

This democratic ideal was partially adopted by another movement that developed in France at the end of 2018. The yellow vest movement emerged in response to a rise in fuel prices and the introduction of a carbon tax. It rapidly became a protest against the political choices that Emmanuel Macron made when he first took office: review of the wealth tax, housing benefit, reducing the speed limit to 80 km/h on secondary roads, etc., in a context of public spending cuts and growing regional inequalities[182].

179. ⚛ Charles Tilly, "Les origines du répertoire de l'action collective contemporaine en France et en Grande-Bretagne", *Vingtième siècle* n°4, 1984, p. 89-108.

180. ⚛ Michel Wierviorka, "Mouvements et anti-mouvements sociaux de demain" in Pierre Cours-Salie and Michel Vakaloulis (dir), *Les mobilisations collectives : une controverse sociologique*, Paris, PUF, 2003, p. 43-54.

181. ⚛ Benjamin Sourice, *La démocratie des places. Des Indignados à Nuit debout, vers un nouvel horizon politique*, Charles Léopold Mayer, Paris, Éditions Charles Léopold Mayer, 2017.

182. ⚛ Institut des politiques publiques, "Le territoire des gilets jaunes".

The protest prolonged the political crisis apparent during the 2017 presidential elections, as "the yellow vests express a deep mistrust of the state and intermediary bodies, indeed any form of representation[183]". This movement stands out from other recent protests on several points: the speed and intensity of mobilisation was widespread, both locally and nationally; people not used to expressing their discontent joined in (peri-urban France and its so-called intermediary professions, who have stable incomes, but are "sensitive to fiscal policies and the economic effects", including fluctuations in fuel prices[184]); and, lastly, its specific and widely disruptive repertoire of action (occupying roundabouts, blockages, damaging motorway toll booths, destroying speed cameras,

the choice of sites for demonstrations in Paris). Another specific feature was the violent repression used to quell the movement. Furthermore, the movement was decentralised and not the result of campaigning by centralised organisations or intermediary bodies and its success owes a great deal to social media.

183. ⚛ Observatoire du bien-être, "Qui sont les Gilets jaunes et leurs soutiens ?"

184. ⚛ Aurélien Delpirou, "La couleur des gilets jaunes", La Vie des idées, 23rd November 2018.

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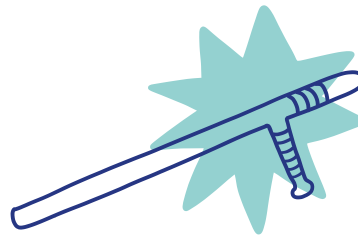
C. Which repertoires of action allow room for conflict and discussion in an agonistic democracy?

185. ⚛ Salvador Barberà, Matthew Jackson, "A Model of Protests, Revolution, and Information", *SSRN Electronic Journal*, July 2018.

186. ⚛ François Dubet, "La transformation des colères en politiques est-elle possible ?", *AOC*, 10th December 2018.

187. ⚛ Clément Mabi, "Citoyen hackeur. Enjeux politiques des civic tech", *La Vie des idées*, 2nd May 2017.

188. ⚛ Reliance is "the action of linking and interlinking, as well as its outcome". Anne Lehmans, "Vers une gestion participative de la connaissance dans les communautés de pratique émergentes : de l'économie à l'écologie de la connaissance", *Communication & Management*, 2015/1, Vol. 12, p. 81-95.

Recent theoretical works have underlined the potential importance of social networks in the emergence of mass protest movements[185]. According to the sociologist, François Dubet, the danger is that anger and outrage are freely expressed on social media, but not genuinely expressed publicly. This generates resentment in a social movement rather than coalescence[186]. Yet, digital tools are presented as a solution for "modernising" democracy. The culture of public expression on the Web is bubbling, plural and inclusive. It is being watched closely by the participatory world, which often struggles to mobilise citizens. Could it be an opportunity to promote democratic pluralism and bring about inclusive changes on a large scale? Are other forms of citizen-led discussion developing in parallel that deserve attention?

— Civic Tech and online citizen discussion: broadening the democratic sphere on certain conditions

Civic Technology includes all digital technology that helps improve the inclusion of citizens in political life. Based on a system of checks and balances, Civic Tech fosters civic discussion and constitutes a sort of citizens' lobby to exert outside pressure on institutions. It involves working with public authorities and strives to make the government more accessible 🗎 p. 28 [187]. Public authorities can also use Civic Tech in the framework of institutional participatory procedures. This report focuses essentially on how citizens use Civic Tech.

By relying on digital social media, Civic Tech can be applied to various different actions: the development of citizens' networks according to the principle of reliance[188] (for example, 350.org, a forum that targets collective mobilisation linked to energy transition); local community involvement in public decision-making (e.g. demodyne.org)crowdfunding (e.g. kisskissbankbank.com); sharing citizens' data (e.g. nosdeputes.fr). Furthermore, online petitions are the most frequently used online participatory technology in the world. They help put social problems on the media agenda. For example, Change.org, a certified social firm and global Web platform for online petitions, aims to help people who launch petitions to rally support and then approach decision-makers.

Over and above simply connecting citizens, how can the real impact of these repertoires be measured in terms of public action? Measuring impact is difficult. On the one hand, this aspiring community constitutes a politically divided opposition force, split between those who are willing to combat inequalities in the sense of emancipation and those who want to avoid conflict. This discord creates tension between institutional and independent initiatives, a familiar feature of social movements and classic participatory mechanisms. The danger is that Civic Technology is becoming a new sphere for criticism, which is tolerated by the authorities because it is incapable of seriously transforming the role of citizens in democracy. On the other hand, using digital tools raises the issue of users' representativity with regard to society and their legitimacy when it comes to expressing demands in

the general interest. The first observations ⧉ p. 28 show that the communities mobilised are just like the people who designed the tools: young, urban and white. The inequalities that characterise the digital technology gap are still apparent.

— Decentralisation, an aspect of democratic experimentation? The example of actions for "transition"

As a decentralised state, France has very diverse local and regional authorities, with no less than 54 000 subnational political bodies. This diversity is unique in Europe and is a guarantee of good management in the sense that public authorities must cooperate in order to act and monitor each other[189]. However, this complexity may be off-putting for citizens who do not understand what it means. It may also make the modus operandi of public policies opaque.

However, alternatives and citizens' movements can be developed at the local political level[190]. Karine Lancement, leader of the citizen participation and transitions project at the research centre CEREMA (Centre d'études et d'expertise sur les risques, l'environnement, la mobilité et l'aménagement), describes[191] the plethora of locally-based movements, especially for issues of transition relating to ecology, energy, economics and organic agriculture.

Cities in transition, local currencies, citizens' lists (for the local elections), exchange networks, cooperative housing and new municipalism ⧉ p. 39, are all examples of citizens' movements, which have been launched on the fringes of institutions or aim to change them. Some movements, like the ZAD (zones to defend) or the movements against "pointless major projects" are more radical and challenging with regard to institutions. This activist world is rooted in different territories. The notion of "commons" has also been adopted. "The concept of commons, which calls for the co-existence of a defined resource, a specific community and a mode of collective governance, reflects an awareness of the limitations of public or market regulation".[192] Some movements are keen to establish a network in order to transform an unfavourable environment and spread ideas based on notions of degrowth, energy savings, poverty reduction or climate change. Some examples include the Climate Action Network, citizens' collectives for transition[193], and the site transiscope.org.

189. ⚛ Jean-Claude Thoenig, "Territorial administration and political control: decentralization in France", *Public Administration*, n°83, vol.3, 2005, p. 685-708.

190. Some refer to contributive democracy.
◁: See for example: https://fonda.asso.fr/ressources/democratie-contributive-de-quoi-parle-t.

191. ⟨?⟩ Interview with Karine Lancement, conducted in May 2020.

192. ⚛ Utopia, *Propriété et communs. Idées reçues et propositions*, Ed. Utopia, 2017.

193. The movements for transition: entransition.fr, colibris-lemouvement.org or the collective for citizen transition transition-citoyenne.org.

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Citizens sign petitions to express their demands during the Covid-19 crisis

To sustain democracy during the state of emergency throughout the crisis, civil society organisations and citizens used online petitions to express their demands. The petition that collected the most signatures (579 000) is calling for the provision of hydroxychloroquine in all hospital pharmacies. Another quite popular petition (108 000 signatures) is demanding Covid-19 tests for everybody. Alongside these massive petitions, local petitions have multiplied. Some were launched by carers calling for more resources, such as the petition launched by the hospital staff in Clermont Ferrand. Other petitions criticising the lockdown policy called on the government to relax measures.

The largest of these petitions (160 000 signatures) demanded that access to natural spaces be authorised on condition that social distancing rules were respected. Many petitions were also launched on local issues, for example, the demandes locales petition calling for the reopening of Parisian markets. Most of these petitions went unheeded. There were several exceptions, for instance, the petition of Montpellier restaurateurs, who requested and obtained a derogation from the mayor and the prefect so that deliveries could go on until 11 p.m. and not just 8.30 p.m. This appears to be a matter of economic influence, rather than the recognition of civil society.

⚙ Courses of action

The right to experiment, which was made part of the constitution in 2003, may help develop the innovative role played by civil society organisations and local institutional bodies. Experimenting is "a vector of adhesion: in fact, it dispels fears and overcomes resistance caused by any prospect of change".

It gives local and regional authorities new power to encourage innovation and modernise public action. So far, this power has hardly been used, apart from isolated ambitious initiatives, like the project "zero unemployment territories."

However, Karine Lancement discusses some of the obstacles facing a more widespread adoption of this type of initiative. Local and regional authorities have a concentrated top-down power system, based on the Fifth Republic's model: the role of the mayor or the president of the council is hegemonic and their functions mean they can spend an exceptionally long time in office compared to other democratic countries. The proliferation of technical mechanisms that are piling up (a few are participatory, but most are compartmentalised), tends to overwhelm rather than mobilise citizens. Consequently, federating this type of movement is difficult.

— Challenging the decision makers, taking part in decision-making: the capacity of civil society organisations is still limited

Parallel to these local experiments, civil society organisations are increasingly striving to advance certain causes and make their voices heard. However, they are faced with an imbalance. Their limited technical capacity and resources, in addition to the changes in public subsidy mechanisms, hinder their attempts to hold the authorities to account.

A lack of resources and expertise to counter the big private corporate lobbies
According to the sociologist, Sylvain Laurens, one of the major limitations of associative opposition forces is the asymmetry between the influence of private businesses and that of civil society. In the researcher's view, this asymmetry is primarily a matter of resources: *"For example, Greenpeace, in Brussels, [...]a big NGO with a budget of almost 4 million euros and 15 employees. Opposite, the European Chemical Industry Council (CEFIC) is 10 times bigger and employs 150 people."*[194]. The lobbying power of interest groups and big business 🗋 p. 42 was brought to the public eye with glyphosate[195]. Although the French presidential candidate, Emmanuel Macron, promised to ban it once he was in power, he eventually backed down under industrial pressure. In February 2020, the newspaper *Le Monde*[196] and the Brussels NGO, Corporate Europe Observatory showed how corporate pressure, combined with the diplomatic backing of several countries (United States, Canada) helped achieve this outcome.

194. 💬 Interview with Sylvain Laurens, conducted in February 2020.

195. 📖 Adrien Sénécat, "Le glyphosate, « vrai poison » ou « faux sujet » ? Petit manuel pour comprendre le débat sur l'herbicide controversé", *Le Monde*, 28th June 2019.

196. 📖 Stéphane Horel, "L'Union européenne sous pression pour autoriser des pesticides interdits dans les produits importés", *Le Monde*, 17th February 2020.

Despite the major difference in resources, NGOs do make themselves heard, by *"bypassing regulatory spheres"*. In fact, as Sylvain Laurens explains, *"when I interview lobbyists from multinational companies, they tell me that the ecologists have a lot of weight. But what power does Greenpeace have? It has the power to raise the alarm about certain substances. The NGO organises campaigns and advocacy, which target journalists. These campaigns generally focus on a substance and they can put the topic on the agenda. It is a genuine power. Because the firms concerned will have to adapt. But in reality, this influence is tiny. Power in Brussels is producing norms and this regulation occurs in technical spheres. NGOs have very limited influence over that"*.

On a national and European level, Laurens suggests that civil society's lack of influence primarily reflects the high technical costs. However, some NGOs have adopted the rules of the game, like the NGO protest in Brussels against glyphosate: *"they pooled their resources to get a senior person, an expert capable of presenting technical and scientific arguments and not just a moral or political line of judgement."*

According to Cyrille Cormier, an independent expert and former director of the energy and climate campaigns for Greenpeace France, *"the financial and human resources invested by businesses (like EDF), the business unions (like AFEP, MEDEF) represent colossal sums of money"*[197]. In his view, the imbalance is also exacerbated by the fact that the same people are dealing with these issues at top government level and at top business level. They all graduated from the corps des Mines 🗋 p. 41. He agrees with the analysis of the former Minister of Ecology, Corinne Lepage, and the nuclear physician, Bernard Laponche, who stated *"there is no nuclear lobby, it is not a lobby, because it is inside the state and not outside"*.[198] The corporate monopoly of the state administration explains why there is no democratic debate on these issues. The nuclear industry is a case in point.

The fight to improve poor housing also illustrates this imbalance, in a country where 4 million people live in substandard housing and 12 million are vulnerable because of the housing crisis. According to Manuel Domergue, director of studies for the Abbé Pierre Foundation "the poorly housed do not seem to constitute a social force, capable of imposing its agenda [...] In contrast, organisations that represent private financiers, developers and estate agents, insurers or the construction sector know how to make themselves heard."[199] Domergue is an expert in public housing policies. He claims that influence lies mainly with two major stakeholders: on the one hand, the developers and the building and public works sector, with the French Building Federation; and on the other hand, the Social Housing Union, responsible for rented accommodation for 12 million people. Although more notice is taken of the economic actors than of the civil society organisations that promote housing rights, the latter do manage to make themselves heard. Nonetheless, they have little genuine influence on public action. In fact, their *"advocacy is focused on MPs, even though we know that intelligent lobbying should target the administration. We don't go there very often because we don't have the time and the resources."*[200] Although the Abbé Pierre Foundation is one of the major actors in the campaign to improve housing for the poor, *"we only have four staff working on the issue and one of them is responsible at the European level. We also draft the report on substandard housing, so we have very little time to go and see the services in Bercy. And as they are involved in technicalities, and not the public debate, we need to produce technicalities too... and we don't have the time for that. When MPs consult us in the autumn about the draft finance bill, it's already been decided, the trade-offs were already settled in the spring or the summer."*[201]

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197. 🗋 Interview with Cyrille Cormier, conducted in March 2020.

198. ⚛ Simon Cottin-Marx, Barnabé Binctin, "Nucléaire, une (dé)raison d'État. Entretien avec Bernard Laponche", *Mouvements*, 2018/3, n° 95, p. 165-184.

199. ⚛ Manuel Domergue, "Scandale du mal-logement : si peu de bruit...", *Revue Projet*, 2018/3, n° 364, p. 14-22.

200. 🗋 Interview with Manuel Domergue, conducted in March 2020.

201. 🗋 *Ibid*.

202. ⚛ Viviane Tchernonog, Lionel Prouteau, *Le paysage associatif français*, Dalloz, 2019.

203. ❓ Interview with Charlotte Debray, conducted in February 2020.

204. ❓ Interview with Michel Chauvière, conducted in February 2020.

205. ⚛ Simon Cottin-Marx, "Les directeurs.trices de centres sociaux face à la bureaucratisation. Les conditions de travail dans le monde associatif dépendantes de l'action des pouvoirs publics", *RECMA*, n°357, 2020.

206. ⚛ Mathilde Pette, "Associations : les nouveaux guichets de l'immigration ? Du travail militant en préfecture", *Sociologie*, vol. 5, no. 4, 2014, p. 405-421.

207. ⚛ *Ibid.*

The new public funding mechanisms: a major cap on associations' innovation and their capacity to challenge the authorities

A second major obstacle limits the opposition forces' capacities for action. In recent years, the work by Viviane Tchernonog and Lionel Prouteau[202] underlined a disturbing trend: civil society organisations receive less and less funding in the form of subsidies (and indirect aid, like state-aided contracts, which have been discontinued) and depend increasingly on procurement contracts. When civil society organisations do still receive subsidies, they are allocated to fund projects and not running costs. This limits their capacity to take initiatives, their independence and even their continuity.

According to Charlotte Debray, the director of FONDA, one of the main think tanks in the associative world, this approach is by no means neutral. "*The development of financing through calls for projects, procurement contracts, instead of multi-annual grants, is the same as putting actors in direct competition. The need is defined by the elected representatives, the financiers. And that restricts the spheres where associations can make proposals.*"[203]

Debray has observed civil society organisations closely. In her view, public funding schemes can limit their diversity and their capacity to support a cause: "*the risk is that small associations are excluded from public funding and social innovation disappears as a result. The danger, for example with [issues of] social integration, is that associations abandon the most difficult populations.*"[204] Civil society organisations may become more "bureaucratic" as a result to the detriment of their public interest assignments[205]. According to the sociologist, Michel Chauvière, "*associations are basically forced into being like businesses, but [they] are penalised for it. That kills the function of counter-power. What worries me is that the spheres of relative independence... [that] associations [enjoyed,] are shrinking*". The development of public sector contracts really "'*leaches' the sector. It cuts back, sorts out, sweeps away. The associative world is taking a battering. And that is a setback for democracy.*"

Mathilde Pette's work on one stop shops for immigration, for example, shows how the relationship with public authorities may make the work of activist civil society organisations more conformist. "Geared towards influencing migratory policies and supporting and defending foreigners, activist work is simultaneously shaped and conditioned by migratory policies. Associations adapt their activities according to the framework established by the political context. That's how the nature of activism changes: it becomes routine, more legalised, more individualistic and more formal."[206] In this case, forming partnerships with the public authorities often prevents civil society organisations from organising protest actions because they play by the "state's rules"[207].

Civil society, a source of democratic resilience in a health emergency

Twenty-five rulings, seventy decrees and as many ministerial orders, were adopted, creating a massive judicial arsenal that affects numerous domains and reduces the democratic sphere beyond the strict health question. Between 10th March and 20th April, 125 appeals were referred to the Justice of the Supreme Administrative Court against the regulatory measures linked to Covid-19 and 15 appeals were launched against the means employed to implement them. Trade unions and civil society organisations mobilised to no avail in an attempt to use legal measures to protect freedoms. Over 90% of the appeals were rejected, in most cases they were dismissed after "screening", i.e. with no debate and no hearing[208].

However, a multitude of challenges did succeed in changing the public authorities' position. The Quadrature du Net and the Human Rights League managed to persuade the Council of State to stop using drones in Paris to monitor compliance with lockdown rules because it constitutes a "*serious and evidently illegal breach of the right to privacy*". The parents' association in the Drôme (FCPE)

challenged the mayors, who did not wish to reopen their schools. They decried this "unilateral decision" for being detrimental to parents and children in the municipalities and for being taken without prior consultation. A patients' association, such as Renaloo, which represents kidney patients, was granted its request by the ministry. Consequently, patients and their immediate families, who did not have the option of teleworking, were allowed to cease their activity to limit the risk of intra-household contamination. Faced with an escalation in the number of unfair fines targeting cyclists[209] and with the closure of cycling facilities, the French Bicycle Users' Federation (FUB) filed a successful petition to protect fundamental liberties and the Council of State ordered the government "*to make clear publicly and widely that the bicycle can be used for authorised travel during lockdown*"[210].

208. Julien Mucchielli, "L'état d'urgence sanitaire, ses possibles dérives et la nécessité d'un contrôle", dalloz actualité, 30th April 2020.

209. David Livois, "Neuilly : contrôlé à 200 m de chez lui, le cycliste écope de 135 euros d'amende", *Le Parisien*, 24th March 2020.

210. Julien Bonnet, "Confinement, bisbilles autour des pistes cyclables fermées à Strasbourg", BFMtv.com, 17th April 2020.

Courses of action:
how can democratic discussion be developed?

✔ Recognising and funding democratic discussion in order to consolidate its role and independence

To promote democratic discussion, Marie-Hélène Bacqué and Mohamed Mechmache submitted a report to the Minister Delegate for Urban Affairs, François Lamy, in July 2013. The report calls for a radical reform of urban policies and proposed including "a right to civic discussion as an integral part of the French Republic's democratic system". The report is based on the observation that representative democracy and the mechanisms for institutional participation are insufficient per se to erase inequalities in terms of access to political decision-making. To complement public funding for the two forms of democracy (representative and participatory), it proposes "making the human and financial resources available" to promote democratic discussion. This involves creating "the conditions for a more inclusive approach to constructing public interest". This proposal was not included in the Act on Town Planning and Urban Cohesion in February

2014. Residents and associations in working class districts created a national coordination group in September 2014, "Not without us" (Pas sans nous), calling for the right to civic consultation. They launched an appeal and a petition to create a fund for a citizens' democracy. This fund would guarantee the long-term vision and independence of citizens' initiatives.

✔ Institutionalising mechanisms to take into account the questions raised by civil society

To this end, municipalities, such as Grenoble or even Paris, Saint-Nazaire and Strasbourg are testing mechanisms to ensure that public action takes different issues into account.

✔ Promoting cooperation between associations

The citizens' collective, Collectif des Actions Citoyennes, which is part of L.A. Coalition, is promoting cooperation between civil society organisations working on the same issues in the same region. This reduces competition between them, particularly when it comes to funding.

✔ Financing civil society organisations and their multi-year operations, rather than occasional projects

With the lack of public funding, some philanthropic foundations support this type of approach and can help further by financing multi-year operations, rather than projects.

✔ Towards a harmonised European framework for civil society organisations

The aim is to promote the development of more powerful transnational organisations and allow French NGOs and civil society organisations to obtain funding more easily. For example, simplifying procedures and the options for donating and making a bequest to civil society organisations, as in other European countries.

Conclusion

How can democracy be cured?

Citizenship in crisis and denial of rights, electoral abstention, the yellow vest movement: this report was born out of the need to better understand the dynamics and tensions affecting democracy in France today. These questions are not new, "but today, the institutions of representative democracy are confronted with global mechanisms that are beyond them, like the staggering rise in power of transnational economic actors (...), the digital and Internet giants, which have a significant impact on public debates, opinions and lifestyles. (...) At the same time, the population's rising educational level and the increasingly diverse sources of information have enhanced critical thinking with regard to governments. Institutions and governments in representative democracies are, therefore, being called into question on two levels, from above (...) and from below, with citizens who no longer accept delegating their power and their voice without having the chance to express themselves"[211].

Since March 2020, the Covid-19 health crisis has further reinforced attacks on democracy and citizens' mistrust of government and political elites. The French executive's top-down approach to handling the crisis, the marginalisation of local actors, the lack of transparency in decision-making have revealed flaws in the French democratic system. These can be summed up with a paradox: participatory democracy is now being tested nationally and even at top government level (the Great National Debate, the Citizens' Climate Convention, the current reform of the Economic, Social and Environmental Council), yet the actors that have an essential role of counterbalancing the authorities are being undermined. Their very existence is negated when they try to make their voices heard, challenge the authorities or contribute to the public debate.

211. ⚛ Loïc Blondiaux, Anne Châteauneuf-Malclès, "La démocratie participative : entretien avec Loïc Blondiaux", ses.ens-lyon.fr

Conditional political citizenship

In a traditionally Republican country like France, education for young people and children was thought of in terms of citizenship education. Apart from school, this was historically the army's role. Despite recent changes, these two institutions regard "disciplining" young people and using euphemisms for conflict as imperative. These public action guidelines constitute the first mechanism that obstructs the development of the necessary skills for exercising political citizenship.

> ⚙️✓ **Action plan: Support "youth organising" and the empowerment of young citizens**

A second mechanism reflects the growing economic insecurity. It is compounded by the pervasiveness of discrimination, which remains ignored. In fact, democracy is based on the expression of diverse points of view, which, in turn, depends on the guarantee of formal rights and social and economic capital. In this respect, the rising poverty in France today is a major obstacle to citizens' exercise of democracy. Although France does have "safety nets", they appear to fall short of allowing everyone to feel like a full citizen. The denial of citizenship and disparate treatment concern other minority groups as well. Barely perceptible discriminatory practices are often denied and rarely taken into account in the public debate. Yet, they can prevent people from feeling that they have rights or are a full member of the national community. On another level, in today's era of digital government policies and digitisation, the digital divide is likely to exacerbate the exclusion of certain social and regional groups. In parallel, the changes affecting the "fourth power", which the press represents, are barring citizens from the right information.

> ⚙️✓ **Action plan: Empower people in precarious situations 📄 p. 22 and minority groups 📄 p. 25 so that everyone can exercise political citizenship.**

Representative democracy in crisis

The political, administrative and economic elite appears to be increasingly cut off from society because it tends to operate in a closed system. The public good is negated by the rise in power of the lobbies, which are financed by big private corporations. Moreover, by relying on different financial mechanisms (chiefly, public debt), the ruling elite governs according to criteria of efficiency, which are being increasingly financialised. Abstention is a further mechanism that blocks democratic institutions. It challenges the legitimacy of representative democracy. The mechanisms used by participatory democracy, which are flourishing as a partial response to these limitations, reproduce political inequalities too often. However, experiments have opened new paths to reconcile the democratic debate and the participation of a maximum number of people.

In this context, coupled with the health crisis and its consequences, the need to overhaul the French democratic system is becoming increasingly clear.

> ⚙️ **Action plans: making the representative system more democratic**
>
> ✔ Develop the skills of ordinary citizens and intermediary bodies in order to counterbalance the influence of lobbies and the financial world, regain control of public action and restore transparency.
>
> ✔ Develop different methods so citizens can express their opinions. Encourage decision-making methods, which combine citizen participation and collective intelligence (like the development of participative lists for the local elections 📄 p. 39 or even citizens' juries). Experiment with mechanisms for direct democracy (referendum type citizen initiatives), using the right to experiment.
>
> ✔ Make access to senior public service and to elective mandate more democratic for all minority groups who are discriminated against 📄 p. 25 (e.g. create grants and ad hoc funding, support the fight against discrimination).

Opposition forces, between repression, resistance and reconfiguration

Civil society organisations play an important counterbalancing role in democracy when they have the capacity to hold to account institutions, public decision-makers and the private actors who shape citizens' lives.

However, the number of breaches of rights and freedoms is high and has increased in recent years. In parallel, there is a powerful upswing in security rationale, which leaves little room for the expression of political and social conflicts. On the other hand, collective mobilisation is adopting tougher repertoires of action, as associations have less and less room for manoeuvre. Furthermore, there is a great imbalance between associations' resources and those of large corporations, which associations may have to tackle in their various lobbying activities. This is exacerbated by the close relationship between the state's Grand Corps, some elected representatives and big business.

These mechanisms simultaneously block the possibility of constructive dialogue between public and private institutions and civil society organisations. However, new spaces are emerging on a local level and institutions are more open to democratic discussion.

> ⚙️ **Action plan: making the representative system more democratic**
>
> ✔ Protect the freedom of civil society organisations by supporting actions to defend the freedom of association.
>
> ✔ Support the financial and institutional independence of the non-profit world so that civil society organisations can be more effective when it comes to counterbalancing 📄 p. 66, defending rights and taking part in the public debate (notably, through capacity building).
>
> ✔ Encourage testing and feedback with a view to improving mechanisms that integrate the dynamics of discussion within the public action development process.

Citizenship, institutions, civil society

French democracy under strain

France is recognised as a country that upholds human rights and democratic values. Yet, like society, democracy evolves continuously and it has been under considerable pressure in France in recent years. Since March 2020, the Covid-19 health crisis has exacerbated the violations of democracy and heightened citizens' distrust of the political elite. The centralised top-down executive management and the lack of transparency in decision-making illustrate the flaws in the French democratic system. These can be summed up with a paradox: participatory democracy is now being tested at top government level, yet the opposition forces are challenged when they attempt to question the authorities or contribute to public debate.

The report discusses different issues, including: the learning process involved in emancipatory citizenship, the fight against inequalities, which leave some people on the sidelines of the democratic process, and the renewal of representative democracy's institutions, which appear increasingly disconnected from society and its expectations. It proposes a series of levers for action in order to test new forms of democracy, here and now, and allow civil society organisations and citizens to (re)claim their place.

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