

A PERSONAL WEBSITE IN QUEST OF THE ANTIQUE KEY FOR THE CONTROL OF POWERS

(This is the text of a **slideshow** that you can download there :

http://etienne.chouard.free.fr/Europe/In_quest_for_the_antique_key_for_the_control_of_Powers_July_2006.ppt.

You can use also a **pdf** version of this text : http://etienne.chouard.free.fr/Europe/Presentation_in_English.pdf.)

Hello,



My name is Étienne Chouard, I'm a College Professor in Marseille. I'm forty-nine, have four children and belong to no political party, trade union or association.

I first began to be interested in politics in September 2004 when I read the "*Treaty Establishing a Constitution for Europe*" and I found in it what I consider to be a **fatal disease of Democracy**.

At the end of March 2005, I published a **twelve page document** on my personal website, enunciating and developing five major arguments against the proposed Treaty, under the title: "*A bad Constitution which reveals a cancer of the Democracy*".

... And this document spread like wildfire on the web.

My website (<http://etienne.chouard.free.fr/Europe>) received an extraordinary number of visitors during the French Referendum Campaign, in the spring of 2005: 700 000 visits in two months (often up to 30 000 per day) and 12 000 emails (sometimes 800 in a day)... and hundreds of thousands of links still lead to its still very active pages.

And incidentally, several people have offered to translate my document, in English, German, Spanish, Italian, etc. 🖱 (note : each symbol 🖱 shows a mouse click that will have the slide show go further on).

I have little time, so I will be quick and, if you want, we can return to the points that you find unclear or debatable. 🖱

In 2005, my story begins with the fight against the European Constitution project:

In my view, **the European Executives**, under the pretence of constructing Europe and fostering fraternity, and using texts unintelligible to the average public, **have, over the past fifty years, set up tailor-made and self-serving institutions**, through which, among others:

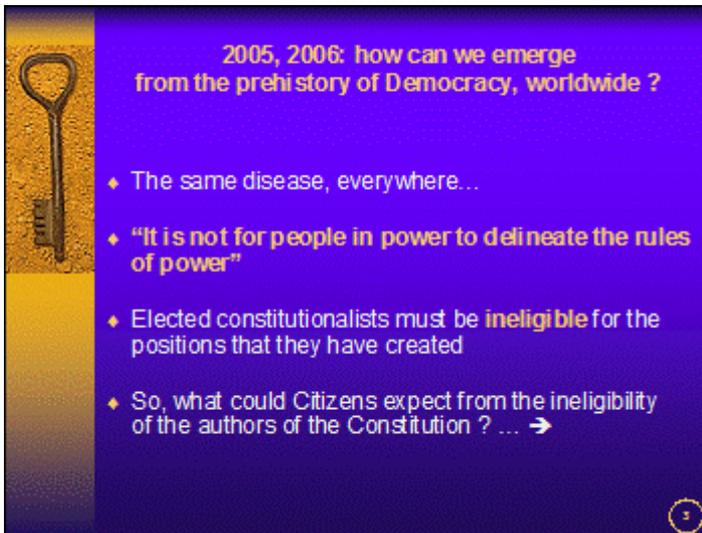


☞ The originators, at once *judge and party*, have re-written and modified the rules without seeking any popular mandate to do so,

☞ In most cases, the public has never been directly consulted on matters of new institutions or transfers of sovereignty,

- ☞ Parliament is dominated by non-elected bodies, it doesn't even initiate legislation, and several important decision areas are discreetly removed from its control,
- ☞ Citizens have no say in the conduct of Government (such that, officially at least, they count for nothing) between elections,
- ☞ Judges, with their enormous power, are appointed by the Executives, and, as such, are directly dependent on their authority,
- ☞ No political body is truly accountable to the Citizens,
- ☞ Revisions of the Constitution can be carried out without recourse to a referendum,
- ☞ The Executive is even in a position to take advantage of a **dangerous confusion of powers in some crucial areas** (curiously never clearly identified),
- ☞ The European normative process is incredibly open to the influence of private interests (lobbies, big business, etc.) and quite impervious to those of the general Public.

2005, 2006: The next step was the extension of the struggle, to emerge from the prehistory of Democracy, on a worldwide basis:



☞ After the French "Non", I turned my thoughts toward the Constitution of various countries, in which I observed the signs of the same disease that renders professional politicians unaccountable and Citizens totally powerless in-between elections.

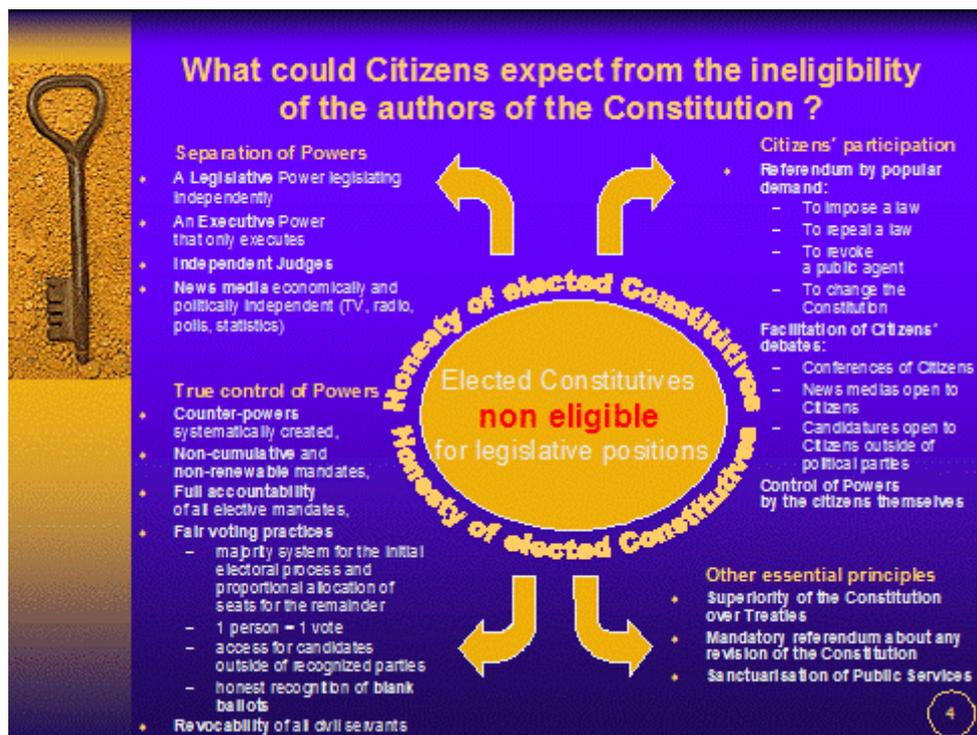
☞ My central thesis, which is critical for the constitutive process, is that: **"it is not for the people in power to delineate the rules of power"**. In other words, we cannot trust Members of Parliament, Ministers or Judges to write our Constitution, given that they have a vested interest in perpetuating the Citizens' impotence in-between elections. In other words, **they are unavoidably in conflict of interest**.

☞ As a consequence of the above, on my blog and my forum, i.e. outside the mainstream media which are controlled by Business and do not do justice to dissenting views, I submit the opinion that **"we will not emerge from the prehistory of Democracy unless and until we establish that elected constitutionalists are ineligible for the positions that they have created"**.

☞ So, let's see, in the next slide, what could Citizens expect from the **ineligibility of the authors** of the Constitution... ☞

What could Citizens expect from the ineligibility of the authors of the Constitution

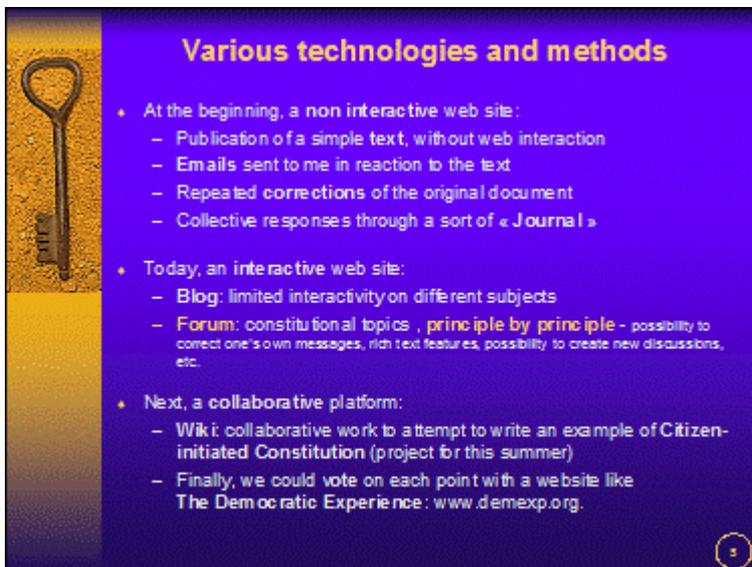
This is going to be a confusing slide, I apologize, but there are just too many gains that could result from the ineligibility of the Authors of the Constitution... Let me walk you through the diagram :o)



Through such a rigorous separation between the constitutive and the legislative powers, we could at last achieve honesty and the realization of the great sound principles neglected since Antiquity: that is,

- ☞ **The strict separation** of ☞ Legislative and ☞ Executive Powers,
- ☞ the independence of Judges,
- ☞ guaranteed independence (financial and ideological) of all instruments of public information (polls, surveys statistics, radio and TV),
- ☞ **True control of Powers:**
- ☞ systematic counter-powers,
- ☞ non-cumulative and non-renewable mandates,
- ☞ full accountability of all elective mandates,
- ☞ fair voting practices, among which I wish to emphasize the last two: (☞ majority system for the initial electoral process, and proportional allocation of seats for the remainder, ☞ 1 person = 1 vote, ☞ **access for candidates outside recognized parties**, ☞ **honest recognition of blank ballots**),
- ☞ revocability of all civil servants.
- ☞ **Active participation of all citizens** in public debates and proposed legislation:
- ☞ Referendum by popular demand: ☞ to impose a law ☞ to repeal a law ☞ to revoke a public agent ☞ or to change the Constitution.
- ☞ Facilitation of Citizens' debates: ☞ with Conferences of Citizens, ☞ News media open to Citizens, ☞ and candidatures open to Citizens outside of political parties...
- ☞ as well as in the evaluation and sanction of the People's representatives, on an ongoing basis, etc.
- ☞ **Other essential principles:**
- ☞ Superiority of the Constitution over Treaties
- ☞ Mandatory referendum about any revision of the Constitution
- ☞ Sanctuarisation of Public Services (social security, health, education, energy, etc.) ☞

We have just seen the crucial issues in the defense against abuses of power, in my view, and, passing, nobody speaks about them. Internet is a chance to speak about what is really important... :o)



Various technologies and methods

- At the beginning, a non interactive web site:
 - Publication of a simple text, without web interaction
 - Emails sent to me in reaction to the text
 - Repeated corrections of the original document
 - Collective responses through a sort of « Journal »
- Today, an interactive web site:
 - **Blog**: limited interactivity on different subjects
 - **Forum**: constitutional topics, **principle by principle** - possibility to correct one's own messages, rich text features, possibility to create new discussions, etc.
- Next, a collaborative platform:
 - **Wiki**: collaborative work to attempt to write an example of Citizen-initiated Constitution (project for this summer)
 - Finally, we could vote on each point with a website like **The Democratic Experience**: www.demexp.org.

☞ **During the first eight months, my website was not interactive:**

☞ I first published a simple document,

☞ asking readers to provide comments by email.

☞ I made corrections to the document, every day, as necessary, in reaction to the comments I received.

☞ Faced with an incredible amount of reactions, I decided to publish my "Journal".

☞ **It was not until January that the site became interactive,**

☞ with a blog section,

☞ **and especially a forum section (a very interesting experience);**

☞ This summer, I plan to

☞ **add a wiki section to collaborate with other interested Citizens on a project to attempt to write a new Constitution.**

☞ And, further into the future, I would like to **let everybody vote on each point**, with a website like **"The democratic experience"** which seems to be an extraordinary opportunity for direct Democracy. ☞

Internet may have a decisive role in the political involvement of Citizens, alongside elected representatives:

- ☞ Significantly, Internet has been decisive in this new Citizens' adventure by allowing the free dissemination of politically incorrect opinions, in spite of the stifling of the Referendum debate by the political and mediatic Establishment, which was nearly unanimous in favor of the "OUI" and attempted to suppress the Public's voice. Internet alone offers a vehicle to the full and unrestricted expression of opinions and it allows conflicts to be played out in order for decisions to be fully informed.

Internet may have a decisive role in the political involvement of Citizens alongside elected representatives

- ◆ Internet allows a free dissemination of politically incorrect opinions.
- ◆ The constituted powers gain legitimacy and strength through open debate and toleration of contradiction.
- ◆ It is probably not up to the elected representatives to solve great societal issues on their own.
- ◆ Internet may help Democracies to free themselves from the present "Aristocracy of the Elected".

- ☞ For me, the constituted powers discredit themselves when they stifle opposition, and conversely, they gain legitimacy and strength through open debate and toleration of contradiction – even if only in order to refute it more effectively, before the Public.

- ☞ One might even go so far as to say that it is not up to the elected representatives to solve great societal issues on their own: their role is rather to facilitate general debate, to leave the final say to the People, and then to see to the enforcement of the People's decisions.

- ☞ Given a chance, or, better, some assistance, Internet may help Democracies to free themselves from the present "Aristocracy of the Elected". ☞



In
sum,
I think
the old key
which can guarantee
the control of Powers is...
the ineligibility of the Authors
of the Constitution for the positions
that they have created.



Thank you 😊