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USA, Israel, France: how democratic institutions become Trojan horses for the far right
Sophie Wahnich, 2024, Crisis and Critique

Endgame counter-hegemony

1. The form of politics made up of fake news, manipulations of all kinds, untimely reversals and all-out manipulation of the symbolic has spread like wildfire, and is now visible all over the planet. But is there really a new far right, or are we sadly at the end of a process of anti-political, anti-light and fundamentally anti-democratic takeover? A process in which "the West" is the watchword, capable of rejecting all ethics, all morality, but also all knowledge, on the pretext of ultimately saving a supposed white Western civilisation in its mythically original historical location. Europe, white America, the Judeo-Christian cradle.

This watchword 'the West', or Western civilisation, circulates from Trump's America to Macron's France, via Netanyahu's Israel. Admittedly, each place deploys it differently, but underneath these differences, each time it is a way of shattering the boundary between democracy and anti-democracy, making the notion not just of democracy but of the extreme right more confused each time.

2. For yes, France, the United States and Israel were not the origin of democracy, but they were emblematic places where democracy found its way from revolution to revolution, from civil rights to women's and gay rights, from foreigners' rights to public freedoms and social rights, from demands for equality for all citizens to social demands against poverty. What now seems to be recurring, and in part new, is that this rise in anti-democratic extremism is finding an ideal home at the very heart of the institutions and governments of these so-called democracies. It is from within these so-called democracies that these gains are first being eroded and then disappearing, with little or no success, in a war of positions that has turned social movements into an old-fashioned and pointless war of movements.

3. The distinction between war of movement and war of position is taken from Clausewitz by Gramsci. If the Russian revolution could be a war of movement by seizing the state apparatus, the revolution in countries like Italy would be a war of position, by seizing against the bourgeoisie the minds alienated from its interests. If the first model of rupture is that of insurrection, the second is that of a kind of water-lily revolution in which one plant ends up invading the whole area and changing its ecology. The confrontation with the state is only the final part of a now molecular strategy of political battle: we must culturally colonise businesses, the press, religious organisations, schools, the arts and so on. Gramsci was thus restoring to their rightful place the superstructures, ideology and praxis that made it possible to shift the deal and the hold of the bourgeoisie over the humble, to disalienate them almost in spite of themselves, by ultimately asserting one hold against another. Gramsci also speaks of "passive revolution", and underlines the ambivalence of this type of political process. It's about colonising minds.

4. This did not fall on deaf ears. In 1969 the intellectuals of the new French right, including Alain de Benoist, created the GRECE. GRECE stands for "Groupement de recherche et d'études pour la civilisation européenne". They said they wanted to confront the mixture of Judeo-Christian culture and Marxist ideology in the French

intellectual and academic world. They make no secret of the fact that they are Gramsci's good pupils when he says that violence is not necessary to lead and win a revolution. The real challenge is to transform consciences through a dialectic of consent and coercion. GRECE regularly states that it wants to "fight more with ideas and astuteness than with force". As with Gramsci, hegemony will be produced by intellectual workers who have the specific task of destroying the values of the society they want to radically transform. So GRECE is working to compete with Marxism for a cultural renaissance of the West. There will be a pagan and a Christian version of the West. On the pagan side, a culture of pure Aryan blood. On the Christian side, another imaginary blood, mixed blood to extend the empire of the mystique of Christ, mixed blood in a way that made the idea of marriages that were not exogamous unbearable. As for same-sex marriages, they are not even conceivable, because they are not destined to reproduce.

5. The United States, Israel and France are three emblematic examples of how democratic institutions can be subverted at the end of a process of counter-hegemony or corruption. The institutions that guarantee freedom and public liberties are attacked head-on by supposedly democratic governments.

The conquest of first-rate institutional powers

6. In the United States, the election of Donald Trump in 2016 initially left stunned spectators incredulous as the Republican Party and then the American presidency were held up by an orange-haired buffoon. But when he is able to tip the balance of the Supreme Court, tensions rise. With the institution that is supposed to guarantee American democracy itself in danger of tilting towards white supremacist positions, American democracy itself is in danger.

7. The Supreme Court has nine judges. Each was appointed for life by a President of the United States, and then received the approval of the Senate. Traditionally, US presidents appoint political figures or legal professionals whose political and ideological positions they share. Donald Trump appointed three of them, and installed a Supreme Court that will be on the right and extreme right of the political spectrum for a very long time to come, since six of the nine judges appointed for life are now from his Republican camp.

8. But this did not happen without a prior institutional transformation, because we must not forget that the President nominates but the Senate confirms or rejects this nomination. In 2017, Donald Trump's Republican Party, which has a majority (52 seats out of 100) in the Senate, voted to lower the confirmation threshold from 60 to 51 votes, in order to prevent the Democrats from blocking the nomination of Neil Gorsuch to the Supreme Court. The switch to a simple majority vote means that the President is no longer obliged to appoint judges who are capable of uniting people across party lines. Each appointment to this key institution in the political life of the United States can transform the face of American society on major issues.

9. The right to abortion has been attacked head-on: since 24 June 2022, it is no longer a federal right, but depends on the decisions of each State, which may or may not authorise abortion. This is a victory for the religious right, which is hostile to the 1973 Roe ruling that legalised abortion for all American women wishing to have an abortion.

"It's God's decision", declared Donald Trump in the face of this historic step backwards for women's rights. "God" for fifty years of methodical struggle waged by the religious right. The right to same-sex marriage and even contraception are also now in the hot seat.

10. On another front, on 30 June 2022, the Supreme Court limited the power of the federal government in the fight against climate change. The six conservative justices stripped the Environmental Protection Agency of the power to issue general rules to regulate emissions from coal-fired power plants. "The Court has stripped the Environmental Protection Agency of the power Congress gave it to respond to the 'most pressing problem of our time'", according to magistrate Elena Kagan. Bearing in mind that the six hottest years on record have been in the last decade, we can legitimately conclude that, far from protecting democracy as a system for protecting life, the Supreme Court has protected the interests of the coal industry and, in a populist move, kept electricity prices low, at the risk of a de facto policy of death. Viva la muerte? Except when you're fighting for abortion and contraception, when you're supposedly fighting for "respect for life and privacy" and the original constitution...

11. So we can see how the end of certain civil liberties is the result of a process of cultural counter-hegemony: supremacism against the universalist left, the religious right against sovereignty over one's own body and sexuality, and climate scepticism against scientific fact. The process is then supported by a multi-stage institutional underpinning: reduction of the Senate's veto rights, the possibility of appointing increasingly extremist judges to the Supreme Court, extremist decisions by the Supreme Court.

12. Let's move on to Israel. The judicial reform sought by the latest Netanyahu government is also aimed at making authoritarian government decisions absolute. The government's aim is to avoid any judicial review of its decisions. Here too there are several stages. In November 2022, the Prime Minister, on trial in 2021 for fraud, breach of trust and corruption involving wealthy associates who had invested in the media, invited the most extreme religious politicians into his camp. This will give him a majority in the fifth elections in four years. This coalition wants to drastically limit the powers of the Israeli Supreme Court, the last line of defence for the independence of the judiciary in the face of a Parliament that openly advocates hatred and sexism, and wants to make a chauvinist religion the new pillar of Israeli society. A number of draft laws have been put forward to push through a radically anti-democratic reform. This would do away with the independence of the only institutional counterweight to the elected majority, which acts as a Constitutional Council and an administrative, civil and criminal court of appeal.

13. The first law concerned the appointment of the fifteen members of the Supreme Court. Currently chosen by a group of judges, deputies and lawyers from the bar, under the supervision of the Minister of Justice, a second minister and two citizens would replace the lawyers, giving the government a majority of five votes out of nine. The second law aims to reduce the prerogatives of the Supreme Court to invalidate or amend laws that are contrary to the fundamental laws that make up the country. The lawyer leading the government's fight is Simcha Rothman, of the Religious Zionist Party, a Jewish supremacist and defender of West Bank settlers. The transformation of the judiciary will not only make it impossible to dismantle settlements in the Palestinian

territories occupied since 1967, but will authorise the outright annexation of the West Bank, "Judea-Samaria" in his vocabulary.

14. The moderate, let's say centre-left mayor of Tel Aviv, Ron Huldai, warned on 13 February 2023 that "dictatorships do not return to democracy, except in a bloodbath". President Isaac Herzog called for the reform to be put on hold, in order to first achieve a "broad consensus". In fact, week after week, Israeli society resists demonstration after demonstration. A cautious man of the left, the President has gone beyond his ceremonial duties, so aware is he of the danger: "I have the feeling - we all feel it - that we are very close to a collision, perhaps even a violent one. Both sides must understand that if one side wins - whoever that side may be - we will all lose. In an article translated into several languages, two leading figures in the Israeli army, Roy Riftin (retired Brigadier General) and Joab Rosenberg (retired Colonel), state that "The threat to Israel today comes from its own government" (13 April 2023 worldwide). According to them, "the government of Israel is threatening to institutionalise intolerance and suffocate democracy with laws that past and present attorneys general consider a coup d'état, and which would have very serious consequences for the country's national security and the stability of the region." We now know how right they were to warn. National security was undermined as never before on 7 October 2023.

15. France might appear to be in a different category: hasn't it just constitutionalized the right to abortion and its Constitutional Council called into question a large part of the Darmanin law on immigration? But to do so would be to remain blind to what are counterfeits of great dishonesty. The devil is in the detail and like the stolen letter, all you have to do is look.

16. Let's start with some interesting details. The former Minister for Education has her children in a private Catholic school that does not respect the laws of the Republic. A sexist establishment, denying the right to free sexuality and abortion. Was she really so indifferent as to be entrusted with this post? Gerald Darmanin, the current Minister of the Interior, was educated in traditionalist Catholic schools, whose fundamentalist, sexist and homophobic positions he readily adopts, and has a history with Christian Vanneste on the fringes of the right and extreme right. In 2008, he contributed to the far-right monthly *Politique* magazine, the press organ of the *Action française* royalist party, inspired by Charles Maurras and linked to the *Restauration nationale* movement. And much closer to the present day, in December 2022, during a debate on the immigration reform bill, he quoted the monarchist historian Jacques Bainville, a benchmark of the far right. Of course, *l'Action française* disassociated itself from these remarks, which were considered to be confusing.

And much closer to the present, in December 2022, during a debate on the draft reform on immigration, he quoted the monarchist historian Jacques Bainville, a reference point for the far right. Of course, *Action Française* disassociates itself from these remarks, which were deemed confusing. But confusion is the hallmark of a Trojan horse. Finally, although this time it is less a question of the government than of the senior civil service, Fabrice Leggeri, a 55-year-old senior French civil servant, a graduate of the *Ecole Normale Supérieure*, who headed the European Union's border control agency, better known as *Frontex*, from 2015 to 2022, resigned following a disciplinary investigation. He has now announced that he is joining the *Rassemblement National (RN)* for the European elections in June 2024. He will be in third place on Jordan Bardella's list.

According to him, Le RN has a concrete plan for combating the flood of migrants, which the European Commission and the Eurocrats do not see as a problem, but rather as a project.

17. So there is nothing watertight about the boundary between the traditionalist positions of the French far right and the State. But beyond that, the President himself is creating confusion in minds ready to give themselves over to the national rally. Elisabeth Borne, his Prime Minister, said of Marine Le Pen: "I don't think we should trivialise her ideas; her ideas are always the same. So now the Rassemblement National is putting on a show, but I still think it's a dangerous ideology (...) heir to Philippe Pétain, head of the Vichy regime who collaborated with Nazi Germany". Faced with this historical reminder, E. Macron replied "You won't succeed in making millions of French people who voted for the far right believe that they are fascists". We shouldn't choose moral arguments that also happen to be historical arguments. What is the moral of history? According to President Macron, this type of argument is outdated. We need to respond to the RN by addressing the country's challenges, without lies or denial.

18. It is in the name of the absence of denial that the President is defending the Asylum and Immigration Act, which toughens legislation on foreigners. After the Lepenisation of the mind, the Lepenisation of the law. Let's mention the restriction of work permits to job vacancies that are not filled, and only to jobs that are in short supply in sectors that are struggling to recruit, defined region by region. But even more symbolic, Gérald Darmanin is in favour of the restrictions on State Medical Aid put forward by the right and the far right. In January 2021, Marine Le Pen proposed replacing it with emergency vital aid, because according to her "it happens that an illegal immigrant is treated better than a French person, who pays contributions and is not reimbursed in full". In reality, the AME is only granted to illegal immigrants who earn less than €810 per month for a single person, just like the complementary health insurance scheme for French citizens. Health Minister Aurélien Rousseau warns: "This is a major public health issue. The aim of the AME, of coverage, is to intervene before the situation becomes too serious, particularly for all infectious diseases. Tuberculosis, hepatitis, we're going to spread diseases. Spain, which tried this reform, went backwards". 3,000 healthcare workers call for the AME to be maintained. In vain and against the wishes of a large part of the Macronist troops, who are not resigning. The right of asylum itself is becoming more complex.

19. In fact, in this country, it is often said that it is now time to try a de-diabolised Rassemblement National, since morality no longer intervenes to judge it. After all, there was no anti-RN Republican front in the 2022 legislative elections. There again, no morality. It is possible to send back to back LFI and the RN as two extremes where in 2017, LFI was declared protest ... In 2017, E. Macron had said "Not taking a position is deciding to help Madame Le Pen". In 2022, he is defending a case-by-case approach. All the leaders of the left then criticised the majority for not taking a clear enough stand against the far right. As a result, 89 RN MPs were elected to the National Assembly, making it the largest opposition group. On 29 June 2022, two MPs were elected to two prestigious posts in the Palais-Bourbon: Vice-President of the National Assembly. This election, which was won by an absolute majority in the first round of voting, included votes from part of the presidential camp. As a direct consequence of the massive influx of MPs from Marine Le Pen's party, this new historic fact is not creating any unrest,

regrets or remorse in the camp of the presidential majority formed by Renaissance, MoDem and Horizons.

20. Admittedly, in the face of the European deadline, rediabolisation is going well. But the RN is defending the same economic policy as the majority, far from making any social promises, except by raising the spectre of immigration... despite the new law. There's nothing new in the show, the guignol is predictable, and the role-playing of the objective partners is no less so.

A dialectic of consent and coercion

21. In his article entitled Critique of Violence, Walter Benjamin first distinguishes between two types of violence: violence that establishes the law (legislative power) and violence that conserves the law (executive power). Then, within this conservative violence, he contrasts two types of violence. Executive or legal violence, which has no new purpose, and police violence. The essence of the latter is described as ignoble because it is both conservative and a creator of law (with the right of disposition and ordinance), and juxtaposes executive and legislative power, which makes police power discretionary. The only limit to the police is virtue. On 26 Germinal An II, Saint-Just opposed the profession of henchman to the virtuous police officer, because only virtue can limit this discretionary power, where law can become confused with fact. "The police were founded on false principles. It was thought to be a job for henchmen: not at all; nothing is further from severity than harshness, nothing closer to fright than anger. The police have walked a fine line between these two extremes.

22. Today, police everywhere are witnessing a situation where democracy is under attack by the very people who are supposed to protect it. Maintaining public order must make it possible to live in safety but also to express democratic conflictuality in complete safety, thus protecting public freedoms.

23. In France, the police, who have won over to the opinions of the RN in a vertiginous manner, are undermining their democratic function without being sanctioned. While this is not entirely new, it has become increasingly so since the state of emergency can be activated by the executive without the need for a general assembly vote and allows the police to act without the scrutiny of a judge. Police everywhere, justice nowhere, the slogan is finding more and more empirical reserves whether during the demonstrations on the labour law, the yellow waistcoats, or the climate. The violence against yellow waistcoat demonstrators had reached such a level that doctors had raised the alarm, as had Michèle Bachelet, the UN High Commissioner for Human Rights, also made a statement. She told the Human Rights Council in Geneva that "the demonstrators" were calling for a respectful dialogue and genuine reforms. And yet, in several cases, they are being met with violent and excessive use of force, arbitrary detentions, torture and even, according to some reports, extrajudicial executions (...) "we encourage the French government to continue the dialogue and urgently call for a thorough investigation into all reported cases of excessive use of force".

24. In Israel, the movement against Netanyahu's judicial reform has taken the form of recurrent demonstrations against what is seen as a choice that could put an end to the democratic nature of the Israeli political system. In July 2023, the police were filmed violently beating demonstrators and photos with the names of the police officers were

distributed by students to denounce these practices. Instead of prosecuting the police officers, the students were prosecuted for "insulting a civil servant", "defamation" and "inciting violence", and branded as anarchists. The Minister for National Security, Itamar Ben Gvir, one of the members of the government from the extreme religious right, declared his full support for the police officers described as "heroes", while opening a judicial investigation into one of them in order to show his support. Since coming to power, the same government has sought to create a national guard that is free from legal constraints and obeys only elected representatives. The conflict is open between a national police chief who asserts that the police must only obey the law and this Minister of Internal Security responsible for the border police and the police and therefore the hierarchical superior of the former, who considers that in a democracy the police must only obey elected representatives. In this case, the government would have absolute power, doubly unbound by the reform of the justice system and the police.

25. In the United States, the murder of African-American George Floyd on 25 May 2020 in Minneapolis has become the emblem of police violence. In this city, black people are 8.7 times more likely to be arrested for minor offences and account for 60% of those killed by the police between 2000 and 2018. And yet, according to a Reuters study of 3,000 complaints of misconduct against Minneapolis police between 2012 and 2020, 9 out of 10 did not result in any disciplinary action. In fact, in Minneapolis, the police do not answer to the city council but to its very right-wing union, the powerful Minneapolis Police Federation (MPF). There's no class warfare here, and both senior and junior officers are part of it. While the Democratic mayor bans military training, the MPF pays for it for its members. Bob Kroll, who has been in charge since 2015, has been the subject of twenty internal investigations and has only been disciplined three times. The same man describes anti-racist and anti-police violence demonstrations as "terrorist". He supports Donald Trump and appears unassailable. Impunity is thus at the heart of so-called legitimate state violence.

End of story: the imbroglio paves the way for the fall of democracy

26. Georges Balandier analyses muddle or imbroglio both as the exercise of cunning in politics and as a mode of intervention in the symbolic order. The imbroglio is an effective strategy sought for its own sake insofar as it makes the facts on which the debates are based disappear. By labelling those who defend democracy as terrorists or anarchists, by making people forget that it is dubious coalitions that allow you to be in power and not a silent majority, by subverting the institutions that guarantee democracy - the supreme court, parliament, the police - the imbroglio takes hold. Concepts disappear, such as the republican arc in France, while others reappear, such as the legitimacy of killing terrorists. When no one is sure of their reasoning, reality becomes shrouded in a thick fog. It is possible to sell off the lives of human beings, the life of the planet, by relaunching war armaments and growth and rolling back all the resolutions taken in the face of the environmental crisis. Viva la muerte?

27. The disappearance of reality as such in an era of post-truth and falsification leads to the very impossibility of making history a reference point and of making the history of the present, because no one knows where the referent of political discourse lies. If the art of the historian is to cross-reference sources, will the artificial intelligence that has been promoted in the last few months as the supreme skill in cross-referencing all

the data available on the net be capable of cross-referencing the true and the false, while distinguishing between them, or will it consider the multiplicity of occurrences as the value of truth? Will historians remain cops of the referent, or will they become cops of the AI figures?

28. When history becomes impossible to make, it also means that democratic politics is disappearing or has disappeared. Without a relevant look back, it becomes difficult to enlighten citizens who, whatever they think about it, are reduced to rolling the dice when it comes to choosing the next representatives, or to seeing the political arena as a deregulated market where you have to try every product and every way of getting round the rules.

In the United States, impunity is becoming a founding principle for Trump. If elected, he will pardon himself for his involvement in the assault on the Capitol, he has announced. In Israel, for Netanyahu, political survival in the face of the justice demanded by a people that is still combative legitimises an alliance with the extreme religious right capable of the worst. And in France, who will unravel the murky game of variable-geometry de-demonisation of the RN?