

France: Raffarin's attempt to amnesty his government provokes political crisis

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The debate over the “Republican amnesty” traditionally granted after each presidential election has exposed the Raffarin government’s political instability. Adapting itself to the law-and-order trend of recent French politics, the debate focused principally on reducing the number of amnesties for violent crimes or misdemeanors: illegal parking, owning dangerous dogs, etc. But at the heart of the debate was the strong opposition that President Jacques Chirac’s political allies confronted when they attempted to grant amnesty for the type of politico-financial crimes for which Chirac himself was under investigation.

Michel Hunault, the UMP (Union for a Presidential Majority, the new umbrella party of the French right headed by Chirac) representative in charge of the amnesty law, tested out the political waters on July 5, announcing that “we will eventually have to examine the question of politico-financial misdemeanor trials with the greatest transparency.” He added, “A debate on trials for abuse of social goods (ABS) is inescapable.”

The importance of ABS—the category of crime that includes illegal payments by corporations or the faking of salary payments—is that it includes most of the crimes of which government members and political leaders, such as President Chirac and Alain Juppé, the former prime minister and head of the UMP, are accused.

Even if one limits oneself to politico-financial scandals, the number, magnitude, and complexity of the scandals that have long rocked the French right are remarkable. Amongst other things, Chirac is accused of complicity in a large-scale bribery scheme involving the construction industry in the Paris region, and of having helped cover up a scandal concerning the financing of the official publications of the city of Paris

when he was mayor. Juppé is implicated in a scandal in which the RPR (Rally for the Republic, the former party of Chirac) claimed it was hiring employees who, in fact, did not exist. The RPR’s treasurers also face criminal charges.

The rest of the political elite reacted furiously to Hunault’s suggestions. François Bayrou, head of the section of the conservative UDF (Union for French Democracy) that did not join the UMP, declared, “I will oppose any attempt at amnesty with all my strength.” Alluding to the conflicts within the UMP, and in particular to RPR-UDF divisions, *L’Express* claimed that “any UMP parliamentarian who sponsored a ‘self-amnestying’ bill would risk dividing, or even perhaps exploding, the new majority party.”

The official left—Socialists, Communists and Greens—also declared their hostility to any amnesty attempt. The Socialists and Greens did not principally base their opposition to amnesty on the administration’s corruption. Instead, they put forward the right-wing argument that it was an obsolete tradition in a law-and-order epoch: “We are voting against this little amnesty law because it is a reward for incivility and our country needs to get back on the path towards civility,” claimed the leader of the Socialists in the National Assembly.

The government then tried to deny that it had a politico-financial amnesty in mind. After having publicly criticized Hunault’s comments, Justice Minister Dominique Perben announced on July 8, “There is no proposed amnesty for politico-financial crimes in this law.” Invoking the need to modify laws concerning “corporate budgeting,” he added that the government would try to raise the question of ABS crimes when the issue was likely to raise less opposition: “One could ask the question, but there will

have to be a real debate on the laws regulating ABS ... I hope that, if we examine this subject one day, it will be in an atmosphere of serenity and new-found calm.”

On July 9, Perben presented the law to the Assembly without once mentioning politico-financial matters. On July 10, Prime Minister Raffarin visited the UMP group at the Assembly to conclude a “pact of loyalty and of confidence.” He refused to answer journalists’ questions about politico-financial amnesty, replying: “I am not favorable to polemics. The electoral campaign is finished. I’m just working.”

The Assembly approved the amnesty law, but adopted a Socialist amendment outlawing any amnesty of ABS and excluding 41 types of violations, as opposed to 28 that were excluded in 1995. The bill then went to the Senate, which passed it on July 24. It excluded 49 types of violations. The left as a whole denounced “a ritual incitement to incivility” and voted against the law. The law must now return to the Assembly.

Large sections of the press and political circles no longer wanted to discuss the issue of politico-financial amnesty. *Le Monde* only described the breakdown of the Senate vote, *Le Figaro* carried an article concerning prisoners liberated by presidential decree, *Libération* protested Perben’s refusal to amnesty the farming activist José Bové, who will leave prison in a few weeks, and AP press services wrote that in “brandishing the specter” of a possible politico-financial amnesty, Communist senators were only trying to “breathe new life into a dying polemic.”

However, the UMP has not abandoned its efforts to obtain an amnesty for politico-financial crimes. On July 9 the Socialist representative Jean-Marc Ayrault claimed the UMP would try to “hide its measures for politico-financial amnesty” in its proposed justice system reforms, due to be introduced in early August. The press mentioned several possible reforms that would block the prosecution of many of those currently charged with politico-financial improprieties: limiting the length of a trial to five years, narrowing the legal definition of ABS and “illegal interest-taking,” and shortening the statute of limitations so as to exclude any actions carried out more than three years ago.

Each measure would have its disadvantages, and some might face the opposition of magistrates or the Constitutional Council. Gilles Gaetner concluded in

L’Express: “[T]he government has little room to maneuver, if it really wants to wipe clean the slate of politico-financial improprieties. Only an amnesty would offer a real way out. Back to square one.”

This complacent admission that high officials are guilty of serious crimes and are trying to cover them up conveys the attitude of the entire French ruling elite. The Socialists are principally using the amnesty debate to portray themselves as tougher on crime than the right. They are careful not to mention the numerous politico-financial amnesties they themselves enjoyed while François Mitterrand was president, the fact that many of the politico-financial scandals (such as the Elf and the Parisian region construction scandals) implicate Socialists, and that several Socialists (such as Dominique Strauss-Kahn) helped cover up the right’s improprieties—for example, in the Méry scandal.

The amnesty debate shows that, despite its control of the Assembly and the Presidency, the conservative government is quite fragile. Any serious political blow threatens the very existence of the UMP, a political umbrella created by Chirac to control a previously fractious French right. No one really wonders whether Chirac and the UMP are guilty of corruption—everyone knows it to be true. The UMP’s principal strength is that the official “left-wing” opposition is corrupt and feckless, and will therefore never seriously undertake a campaign to expose it.



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