

France: Despite conviction, former prime minister Juppé to keep posts

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Alain Juppé, prime minister of France from 1995 to 1997 and President Jacques Chirac's chosen successor, recently condemned to an 18-month prison sentence and 10 years ineligibility from public office, announced on February 3 his intention to hold on to his current offices. In an interview on the TF1 television channel, Juppé indicated that he would maintain his posts as parliamentary deputy, mayor of Bordeaux, and chairman of the ruling party of the president, the UMP (Union for a Popular Movement), "through the period of the appeal procedures."

Juppé had already reneged on a previous promise that if convicted he would immediately retire from public life. Instead, on being found guilty, he immediately launched an appeal and said he would be announcing his decision four days later. These four days witnessed a campaign orchestrated by Chirac—himself threatened with similar legal proceedings in 2007, when his presidential term and with it his immunity run out—to persuade the disgraced ex-prime minister to take on the judiciary and shrug off his opprobrium. The UMP party machine whipped up a campaign of denigration of the ruling and the judges who made it and enjoyed unlimited airtime to do so.

It is worth keeping Juppé's crimes in mind, since most of the media discussion has been taken up with the "harshness" of the sentence rather than his wrongdoing. One would almost have the impression that an innocent man had been found guilty. In fact, Juppé was found guilty of being a thief, and not only a thief—he had stolen from the "sovereign people," who had entrusted him with the responsibility of serving as deputy mayor of Paris.

The former prime minister does not deny this. In an interview with TF1 journalist Patrick Poivre d'Arvor, Juppé admitted that "he had done wrong, perhaps very wrong" and sought to present himself as a contrite victim of excessive judicial zeal.

In contrast, during his appearances in court, Juppé's demeanour was arrogant and he categorically denied any knowledge of fictitious employees on the Paris payroll. He emphatically refuted the testimony of his former office chief, Yves Cabana, that "everyone knew" that the RPR (the former name of Chirac's party) used fictitious employees: "I do not share Mr Cabana's opinion. Nobody brought this information to my attention when I took up my post."

Le Monde (February 4) reports: "The illegal abuse of office for private gain for which Alain Juppé stands condemned is quite simply described thus by the judges of Nanterre: from September 1990 to May 1995, while he had the task and the responsibility for overseeing and administering the expenditures in relationship to the staff of the city, he presented at the time of the vote for the annual budget of the City of Paris a global salary sum comprising payments for seven people 'whom he knew to be in fact at the disposition of the RPR.'"

Le Monde continues: "In other words, for years, the taxpayers of Paris paid, without knowing it, the salaries of RPR full-time staff. As the present mayor of the capital, Bertrand Delanoë, puts it, 'a mafia took hold of the town, of the funds of a local government body through fictitious employees'.... The loss, according to municipal departments, amounts to 1.2 million euros [\$1.5 million]. Such are the actions for which Alain Juppé and the leaders of the RPR on trial with him have been indicted." Delanoë is asking for the money to be repaid. But this has not been taken up in the media and was not even raised in the TF1 interview.

A particular target for attack by the UMP has been senior judge Catherine Pierce, who claims that her office and those of her team at the Nanterre law court were subject to break-ins and telephone taps, and had computers tampered with. She also received a threatening letter. The UMP machine sought to minimise the importance of these complaints and at the same time suggested that the ruling could be annulled as it had been issued under pressure.

The magistrates' organisation, the CSM (Higher Magistrates' Council), had already set in motion an investigation into judge Pierce's harassment. However, Chirac has set up his own "mission of investigation." A parliamentary enquiry has also been established by the National Assembly chairman and senior UMP leader Jean-Louis Debré. *Libération* (February 4) reports many magistrates are up in arms that "Jacques Chirac's decision to appoint an administrative commission...is a way of by-passing the CSM, the only body entitled to take charge of the defence of its members."

The Socialist Party (PS) and the right-wing UDF have refused to take part in the parliamentary enquiry. It remains to be seen if the UMP deputies decide to pursue the enquiry alone. There has also been talk of the judges not testifying in front of Chirac's commission, as it has no legal mandate.

The newspaper quotes magistrates pointing out that "The matter is already in the hands of the CSM, as the president of the Republic, on November 25, asked us to give our attention to the attempts at destabilisation to which judges can be subject."

The magistrates added: "Some of us were astounded to see the president of the Republic publicly express his confidence in a man condemned in the courts, when the president is the guarantor of the independence of the judiciary. This does not really have the appearance of a democracy any more, where the principle of the separation of powers would be respected."

The force of the assault by the UMP on the democratic principle of the separation of powers and the independence of the judiciary from the executive—the government in power—can be measured by the outcry of its members.

Eric Raoult, vice chairman of the National Assembly, denounced the judgement as “disproportionate, hypocritical and cynical.” Josselin de Rohan, chairman of the UMP group in the Senate, expressed his indignation that “someone of that stature could be branded as a criminal,” while Jacques Barrot, chairman of the UMP group at the National Assembly, called the verdict “particularly cruel” and “an assault on his [Juppé’s] dignity.”

On February 2, Chirac publicly vaunted the “exceptional qualities” of Juppé and singled him out for his “honesty.” Minister for Regional Affairs Patrick Devedjian claimed that Juppé was “due a more reasonable assessment” and that in deciding not to leave politics “was acting responsibly.”

Judge Eric Halphen, who has investigated alleged corruption charges against Chirac and who knows what it is to be harassed when investigating high-ranking politicians, was obliged, on France 2 TV on February 2, to warn Juppé’s friend Devedjian, a barrister by profession, that to impugn the honesty of a judge’s decision was punishable by six months’ imprisonment.

The escalating civil war between the executive and the judicial branches of the French state is beginning to resemble the Italian situation, where judges were and still are being harassed as they try to impose the rule of law against the mafia and corrupt politicians in the operation known as *mani pulite*—clean hands.

Le Monde, the centre-left mouthpiece of the establishment and *Libération* (close to the Socialist Party bureaucracy), in their February 4 editorials, came down on the side of the judiciary. They fear that the stability and the credibility of the French state—under great stress externally (within Europe and in its conflict with the US) and internally (the social crisis caused by the imposition of austerity measures)—will be jeopardised by this assault on the judiciary and the undermining of the legal system.

Le Monde begins by citing the comments of a senior judge: “These cases show that France is a democratically underdeveloped country whose elected representatives have not yet mentally assimilated the idea of the independence of the judiciary.” These words were not spoken by a left radical, but by Dominique Barella, chairman of the Magistrates’ Union, the moderate majority union. It soberly sums up the extraordinary reactions of the vast bulk of the French right the day after Alain Juppé’s indictment.”

The *Libération* editorial speaks of the “Berlusconisation” (in reference to Italian prime minister Silvio Berlusconi) of French political life. “Chirac wants to bring these upstarts to heel.... Chirac wants to try his luck in a ruthless struggle.... [T]his Berlusconisation of Chirac, for which Juppé is only a pretext, is a turning point in the presidency’s five-year period. You can bet on the beneficiary being the far right rather than the rule of law—*l’état de droit*.”

Here *Libération* touches on profound questions dating back to the French Revolution of 1789. For France to develop a modern capitalist society, privilege (represented by different laws governing, respectively, the aristocracy, the Church and the rest of the people—the third estate) had to be abolished. *L’arbitraire*, the arbitrary right of the king to be above the law, was replaced by an *état de droit*, where every citizen is supposed to be equal before the law. This is the meaning of “equality” in the famous slogan “Liberty, Equality, Fraternity.”

But “equality before the law” was only ever nominal and never challenged the reality of one law for the rich and another for everybody else. The massive accumulation of wealth by the corporate elite and their political servants like Chirac and Juppé, against the

backdrop of the growth of poverty in the mass of the population, has made this even more blatant.

Like Berlusconi, Chirac has been bending the law for his corporate friends. Only a couple of months ago, Chirac decided that the French state should pay hundreds of millions of dollars to the state of California in the Executive Life scandal on behalf of François Pinault, one of the richest men in France. Pinault, a close friend of Chirac, had taken part in the fraudulent and illegal buyout of Executive Life through his investment company, Artémis.

On the UMP campaign to defend Juppé, *Libération* warns: “The right, which claims to be the embodiment of law and order, firmness in the face of criminality, finds itself consciously giving credit to the idea that it can be right to have different standards of justice: one strict with the common criminal, the other indulgent with those found guilty in the RPR.”

Neither the *Le Monde* nor the *Libération* editorialists refer to Juppé’s justification for his appeal in his TF1 interview: “For 20 years, all the parties had difficulties organising their finances. All of them. Many have been indicted, not all of them. Many trade unions have had recourse to what is called, rightly or wrongly, fictitious employees. All have not been indicted.... There it is, I’ve got caught, fine. The law must be applied to me as to any other citizen. Let me be allowed at least to simply say that I think it’s a bit too much.”

Delanoë, when he asked for the restitution of the salaries of the fictitious employees, spoke of “a system of embezzlement of public money for a mafia” and declared that “I would think it only right that the UMP, the continuation of the RPR, should pay back to the people of Paris the stolen money.” The leader of the Paris UMP, Claude Goasquen, retorted, “Delanoë had better remember that before the RPR system there was the Socialist Party system of which he was a part.”

Alain Auffray in *Libération* (February 2) recalls that the former Socialist Party treasurer, Henri Emmanuelli, was given an 18-month suspended prison sentence and loss of civic rights by a Rennes appeal court in 1996 for benefiting from the trading of influence in the Urba case. When Lionel Jospin, the leader of the PS at the time, characterised this as “an iniquitous decision,” the then RPR justice minister, Jacques Toubon, warned that “those who question legal judgements” are “breaking the law.” Patrick Devedjian declared that the severity of the punishment was “understandable, taking into account their [those indicted] role in society.” When the overtures made to President Chirac by François Hollande, the present leader of the PS, on Emmanuelli’s behalf, failed, the latter immediately resigned.

The hypocrisy of the elite asking for indulgence when caught stealing public money, the complicity of the media, and the lack of aggressiveness from the so-called opposition Socialist Party will not be lost on the 200,000 unemployed people who have been stripped of their benefits by Juppé and his friends in power, nor the millions of workers who have seen their pension rights reduced.



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