

# French Constitutional Council approves pension cuts

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France's Constitutional Council threw out a legal challenge to President Nicolas Sarkozy's pension-cutting law, passed by parliament October 27 despite massive popular opposition. The constitutional challenge, the last legal obstacle to enacting the cuts, was submitted by lawmakers from the main bourgeois "left" party, the Socialist Party (PS).

Yesterday *Le Parisien* reported that Sarkozy plans to promulgate the law today, instead of waiting until his return from the G-20 economic summit in Seoul on Monday as originally planned.

The law gradually increases the pay-in period, and raises the minimum retirement age and the retirement age for a full pension from 60 to 62, and 65 to 67 respectively. The measure advanced despite overwhelming popular opposition, with polls showing 65 to 70 percent of the population supporting strike action against the cuts. Millions of people marched in eight successive national protests organized against the cuts; a powerful strike by port and oil workers—joined by high school students—shook France in the second half of October.

The Constitutional Council's communiqué was an arrogant, legalistic ruling, motivated by the class interests of the financial aristocracy and the right-wing views of its own members. The Council includes two conservative ex-presidents, Valérie Giscard d'Estaing and Jacques Chirac, and various former officials and lawmakers nominated since 2004 under various right-wing governments. They are overwhelmingly drawn from Sarkozy's Union for a Popular Movement (UMP) party.

The Council ruled that the government had obeyed parliamentary rules during the debate and had respected "the principle of equality between women and men," as the pension cuts applied to both and "special provisions" were made for mothers of large families.

It added that the law satisfied "constitutional requirements of a policy of national solidarity for retired workers," as its "objective [is] preserving the pensions system."

The Council struck down articles 63 to 75 of the law on

workplace health care, which the government had added by amendment. These reactionary provisions removed state job safety protections for workplace doctors, making them more dependent on employers' goodwill. The Council declared these provisions to be "legislative riders," unrelated to the subject of the bill, and thus unconstitutional. This does not, however, prevent the National Assembly from now passing these articles in a separate bill.

The Council's ruling implicates all the branches of France's government—the judiciary, as well as parliament and the presidency—in a flagrant violation of the will of the people.

It can assert that the cuts aim to preserve pensions, and that making workplace doctors more directly subject to employers is unrelated to the rest of the bill, only by willfully disregarding the political context in which the bill was passed.

Sarkozy's measure is only one of a series that the financial aristocracy plans to introduce, in France and throughout Europe, to redirect state spending to major banks and investors. Similar or even deeper cuts have been made by liberal or social-democratic governments in Greece, Ireland, Portugal, and Spain, since the outbreak of the European debt crisis this winter, and the recently elected Conservative-led coalition government in the UK. Such cuts aim to destroy the guarantee of secure pensions and living standards for workers.

International Monetary Fund (IMF) chief economist Olivier Blanchard told Europe1 that the government had accomplished an "important" and "weighty" cut, which "should have been accomplished 20 years ago." He suggested there would be more cuts: "Will this reform be enough to last for eternity? Possibly not, but we had to do it."

Blanchard signaled that massive further attacks on working conditions were to come. He said that the distinction between permanent (CDI) and temporary job contracts (CDD) needed "reform," and that the two types of contracts should be made "more equal." Asked to be more

specific, Blanchard said that “job protections” should be “lighter and lighter as time goes by.”

As for the Council’s claim that workplace health was unrelated to the pension cuts, it is false. The cuts increased the required incapacitation rate and other factors determining whether injured workers can retire (See: “French Senate votes pension cuts over mass opposition”). As a result, employers and the state have a direct financial interest in making sure workplace doctors do not give the necessary medical certification to injured workers.

In an interview with *Le Monde*, union official Bernard Salengro noted that the proposed changes in workplace health rules destroyed social gains won in 1946, at the Liberation of France from the Nazis: “With this amendment, we’re returning towards the system of [Vichy collaborationist leader Marshal Philippe] Pétain, because currently workplace doctors are legally guaranteed independence against sacking by work inspectors.”

Salengro intimated that workplace doctors were already largely at the mercy of employers’ interests: “There was an inquiry, two or three years ago, by the *Canard Enchaîné* [a satirical investigative weekly] showing that in 66 [of France’s 100] departments, workplace health services had the same addresses as the Medef [business federation].” He suggested that the Medef’s assistance in arranging loans, and help with financing and personnel placed workplace health officials largely in their debt.

A more honest ruling by the Constitutional Council would have stated that, in so far as Sarkozy’s goal is to scrap basic social protections implicit in the French Constitution’s definition of France as a “social Republic,” the law was unconstitutional.

This would have exposed critical political issues facing European workers, however: the incompatibility of social rights for the working class with the money-madness of a ruling class driven by the global crisis of capitalism to loot the workers. It would have underlined the objective social conflict between the working class and a “left” political establishment that no longer can make the social concessions it made in the post-World War II era.

In particular, the PS’s response to the Constitutional Council’s ruling—which was entirely predictable, given its right-wing record—highlights the cynical, perfunctory character of its decision to challenge Sarkozy’s cut at the Council. Socialist Party statements make clear that it supports social austerity measures along the lines of Sarkozy’s cuts.

PS deputy Manuel Valls criticized the party’s chief Martine Aubry for not having more openly supported various aspects of Sarkozy’s cuts: “We did not make sufficiently clear our support for increasing the pay-in

period. Giving the impression that the PS would return the pension age to 60 creates ambiguity.” Valls criticized the PS for not have a “credible” solution—that is, one in line with the demands of the banks.

Leading PS member Dominique Strauss-Kahn, who heads the IMF, has said that keeping the minimum retirement age at 60 “should not be a dogma.”

This reaction exposes not only the PS, but the union leaders who led protests against Sarkozy’s cuts, without intending to mobilize any serious opposition to them. Instead, they refused to mount industrial actions in solidarity with striking oil workers, who faced police strike-breaking, while holding out false hopes that electing a Socialist Party-led “left” coalition might ultimately undo Sarkozy’s cuts.

On Monday, the all-union alliance specified the date of the last one-day national protest they intend to hold against the cuts—November 23. They had announced their decision to hold such a protest on November 4.

The content of the announcement fully justifies the warnings issued from the beginning of the strike wave by the WSWs, who warned that the only way forward was for workers to organize a political struggle against the government independently of the unions and “left” parties.

The unions said the action would be “multiform,” that is, it could include various methods of protesting including possibly marching or striking, as decided by “local or industrial” branches of each union. That is, there is to be no coordinated nationwide action or attempt to organize opposition. Having isolated the oil and port workers and offering no broader perspective for the workers, the unions are moving to arrange a surrender.



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