

Corruption trial (France): Justice Finally Catches up With former French president Sarkozy

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On Monday, a criminal court in Paris handed down its verdict in Nicolas Sarkozy's corruption trial. The former French president was sentenced to [three years in jail](#) - two of them suspended - for bribery and influence-peddling.

This is a legal landmark for the French judicial system for two main reasons. First, no former president had been sentenced to an actual prison sentence since France's collaborationist leader [Marshal Pétain in 1945](#). (This said, Sarkozy's one-year jail sentence will probably not be spent behind bars, but under house arrest [with an electronic tag](#)). The former president Jacques Chirac received a two-year suspended sentence in 2011 for embezzling public funds [when he was Paris mayor](#).

And second, the French judicial system has long been seen as being deferential to the government of the day in sensitive political cases. This court decision definitely runs counter to this tradition. It took a lot of tenacity on the part of the Parquet National Financier (the judicial institution in charge of tracking down complex financial crimes) to counter attempts by [Sarkozy and his allies](#) to undermine its authority. In the end, the independence of the judiciary and the rule of law prevailed. It was also the triumph of democracy: evidence that no citizen, however powerful he or she might be, is above the law.

The case centred on phone conversations between Sarkozy and Thierry Herzog, his former lawyer. These calls were monitored by French police from September 2013, as part of an investigation into claims Sarkozy had received an illegal and undeclared donation to his 2007 presidential campaign from Muammar Gaddafi, then leader of Libya. (Sarkozy has denied any impropriety.) At the same time, a separate police investigation was under way into allegations that Sarkozy had received illegal payments from the ailing L'Oréal heiress Liliane Bettencourt for the 2007 campaign. (These charges against Sarkozy were dropped in October 2013.)

The court heard that conversations between Sarkozy and Herzog in 2014 suggested that Sarkozy had promised a senior magistrate, Gilbert Azibert, a top job in Monaco in return for inside information about the Bettencourt inquiry.

Judge Christine Mée ruled that compelling evidence demonstrated a "pact of corruption" between Herzog, Azibert and [Sarkozy himself](#).

She concluded that Sarkozy, a former lawyer, "knew that he was doing something wrong". His actions and those of his lawyer had given the public "a very bad image of justice, and this called for a criminal sanction". She also added that Sarkozy's crimes were "extremely serious because they

had been committed by a former president who, constitutionally, should guarantee the [judiciary's independence](#)".

The damning verdict did not silence Sarkozy's political supporters. They rushed to the broadcast studios to denigrate the decision and lambast the judges, questioning the fairness and independence of what they regard as a "[political verdict](#)". This reaction is reminiscent of Silvio Berlusconi's attacks on Italian magistrates – whom the former Italian president labelled "[red judges](#)".

More worrying, though, was the reaction of Gérard Darmanin, the rightwing interior minister, whose role is to fight corruption. Though in Emmanuel Macron's government, he's a former member of Sarkozy's party. Minutes after the verdict was released, he declared his "[friendly support](#)" for the ex-president. Such a statement could be a massive boost to the far right – whose support feeds off the sense that France's elite are all in it for themselves. The public reaction [on social media](#) was incandescent.

Several of Sarkozy's friends and associates have also separately been convicted of financial wrongdoing, [including](#) his political mentor Charles Pasqua, his former prime minister François Fillon, his former chief of staff Michel Gaudin and a former close adviser, [Boris Boillon](#). Yet, despite such baggage, Sarkozy was recently being touted as the potential [conservative candidate](#) for the 2022 presidential election. And, further fuelling distrust of the political elite, Macron is said to have been on cordial terms with Sarkozy before his conviction. In 2018, the current host of the Élysée Palace even [asked Sarkozy to deputise for him](#) in a state ceremony.

How could Macron, the once feted [young liberal leader](#), have been so reckless and entertained [the most polarising president](#) of the postwar period? How could he have befriended someone who epitomises "[bling](#)" and who once launched an [astonishing attack](#) on the "moral and intellectual permissiveness of May 1968" and the progressive, liberal attitudes it heralded?

Leftwing critics may argue that the men are two sides of the same neoliberal-authoritarian coin. However, what they indeed have in common is that they were both elected to the presidency of the Fifth Republic – the "Gaullist Republic", born in 1958 as a reaction to the ongoing French colonial war in Algeria. It allocates extraordinary constitutional powers to the president but imposes [little accountability](#) on him. As a consequence, French voters elect a "hyper-president" or a "[republican monarch](#)" with all the pomp that goes with it. It is no surprise that presidents, once in office, are rapidly perceived as out of touch.

The Sarkozy brand is now irreversibly contaminated, and his political career is over. He is due to appear in court again later this month over the so-called Bygmalion affair, in which he is accused of having overspent in his unsuccessful 2012 re-election campaign.

The Sarkozy trials may be heralding a change of political culture in [France](#). The era of arrogant and aloof presidents who seem untouchable and above the law may be about to end. This criminal conviction is happening at a time when the French have grown exasperated at the lack of accountability of their president. With presidential elections taking place next year, and the left and the far right eager to capitalise on public discontent with the system, who knows what the political consequences might be?

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P.S.

- CounterPunch. March 5, 2021:
<https://www.counterpunch.org/2021/03/05/justice-finally-catches-up-with-sarkozy/>
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