

Covid-19 (France): Emmanuel Macron's Shock Doctrine

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For years, Emmanuel Macron has worked to get rid of the 35-hour workweek and worker protections from unfair dismissal. Today, his government is using the coronavirus lockdown as a pretext to push ahead with this agenda — and allow bosses to unilaterally undermine labor conditions.

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Last Monday evening, France's president, Emmanuel Macron, gave a thirty-minute televised address on the public health emergency caused by COVID-19's arrival on French soil. “We are at war,” Macron declared solemnly, a declaration he was to repeat a further five times in the course of his speech. The nation was exhorted to present a united front against the viral enemy and to show civic-mindedness in confinement. But the moralizing, patriotic discourse deployed by the government — amplified by many commentators — occludes the reality of a crisis exacerbated by decades of conscious policy decisions.

Less than a week after this address, on Sunday, the French parliament passed into law the emergency measures declared by Macron, including powers for employers to alter working conditions unilaterally and a general restriction of civil liberties. This package of measures reinforces and extends policies that governments had been implementing well before this epidemic — indeed, ever since François Hollande's presidency. There's no question that *some* emergency measures are necessary. But what we're witnessing at the moment seems closer to an opportunistic instrumentalization of the health crisis to intensify police impunity and the deregulation of labor.

The gravity of the present crisis is the price France is paying for recent sustained attacks on the public sector — and on the health service in particular. Already in October 2017, hospital doctors, who rarely go on strike, [took industrial action](#) to denounce the terrible working conditions in the health sector (frozen pay, widespread psychosocial problems, burnout, understaffing). Macron had been elected that spring, hinting that he would ensure better conditions in hospitals, but these improvements never materialized. Instead, in 2019, [paramedical emergency workers went on strike](#) as hospitals [continued to be underfunded and medical staff collapsed from overwork](#): in response, military police requisitioned health workers by night to force them to work.

Despite such industrial action — and health professionals' warnings — the health service has been mercilessly [eroded by successive governments, including the current one](#). Now the shortage of staff, equipment, and beds in intensive care is worsening the crisis — and may soon start causing gratuitous deaths as people are turned away from already overfilled hospitals.

Show of Strength

Yet the government seems disinclined to learn the lessons of the present crisis — or to respond by supporting workers and bolstering the public sector. On the contrary, the bill that was rushed through French parliament this weekend, legislating the two-month state of emergency decreed by the executive, further tightens the screws on workers and reinforces the police state. The French Communist Party and the left-wing La France Insoumise [voted against](#) it, and most Socialist members of parliament abstained — but this wasn't enough to stop a crushing majority.

A number of the measures involved are, however austere, necessary to protect the population: for instance, the bill gives the state the temporary power to ban public meetings and close institutions. These essential actions give an aura of legitimacy to the whole bill. But some sections are alarming, granting unilateral powers to the government that [go beyond even the extensive provision for emergency powers already in the French constitution](#). Indeed, the measures are particularly punitive: anyone caught going out without good reason will be fined €135, then between €1,500 and €3,000. For a third violation of mandatory confinement in a thirty-day period, the government could impose a six-month prison sentence, on top of a €3,700 fine.

But [the law goes further](#), legalizing extended periods of detention without charge and extended periods of house arrest and electronic surveillance — measures that can be implemented without the permission of a magistrate. The draconian nature of these measures supports the [hypothesis articulated by French doctor and sociologist Didier Fassin](#) that the state of emergency is best understood as a “performative gesture” — its true purpose being to convey the impression that the government will act by all available means.

Moreover, the bill brushes aside workers' rights, or what are known in France as the “acquis sociaux.” These include the thirty-five-hour-maximum working week and the right to vacation pay, won over decades through industrial action and political campaigns. The bill passes into law measures such as delaying salary bonuses for relatively low-paid workers; inciting workers to take paid vacation during the confinement period (effectively reducing the total amount of annual paid vacation time); the power for employers to force workers to work overtime (more than thirty-five hours per week and on Sundays); and the power for employers to reduce the amount workers are paid. This is hardly just a response to the coronavirus: indeed, [La France Insoumise proposed amendments](#) that would have legally obliged employers to provide safe working conditions for those in essential economic sectors, more funds for the precarious, and increased investment in public hospitals, yet these proposals were all rejected.

What Jobs Are “Necessary”

Sunday's bill applies to businesses and sectors of the economy deemed “necessary to national security or to the continuity of economic and social life.” The stated aim is to make essential workers available for handling the crisis. But the second half of this definition maintains a deliberate vagueness, pointed out by the Communists and La France Insoumise — and, as one Insoumise member of parliament put it, who determines what is necessary? In fact, labor minister Muriel Pénicaud has been working relentlessly these last few days to keep construction sites open, ignoring the example of Italy, where all nonessential industries have finally been paused.

Clearly, there is a contradiction here: on the one hand, there is the legalization of coercive police measures to make people stay at home (in their free time), and, on the other, maximum leeway for workplaces to stay open, protecting profits to the last. It seems that the “essential” sectors will be

defined by decree in the coming days, but the measures on paid vacation will apply to all French businesses. The parliamentary majority refused to state a time limit for these numerous exemptions from the “code du travail” (French labor law), and many fear they could enter law in a more permanent way.

Concretely, the emergency bill legalizes abuses that are taking place already. Postal workers in Croissy-sur-Seine who withdrew their labor because they didn't have proper protection were forced back to work by the police, a strategy resonant with [other recent harsh police responses to industrial action](#). At an industrial bakery, where a worker was taken to the hospital with a suspected case of COVID-19, management unilaterally [decided to increase the number of hours](#) in the workweek.

The same dynamic is visible at Amazon France, where sales have risen sharply since the beginning of the crisis. It has decided to keep its facilities open, although it has [recently stopped orders for nonessential products](#) in the country. Amazon workers staying at home to obey confinement laws and take responsibility for protecting themselves from the virus have been warned that they will not be paid for any “unjustified absences.” Even as Amazon France claims that working conditions are safe, it is inducing its employees with a €2-per-hour pay increase — thus setting the price of life rather low. Unions and workers have called for the closure of its warehouses, [reporting a lack of the most modest safety provisions](#), like hand sanitizer and gloves. In this context, finance minister Bruno Le Maire's calls for workers to show “solidarity” in this time of crisis (as a response to unions' safety concerns) are particularly distasteful.

Enforcing the Shutdown . . . for Some

The situation in France is thus characterized by a stark contrast between personal confinement and corporate freedom. This contrast is reinforced by a further disparity in how confinement is policed between the working-class areas in and around Paris and the posh residential districts.

For instance, at a fruit and vegetable market in Barbès, in Paris, a young black woman [was held to the ground](#) and surrounded by masked policemen, some of them carrying automatic weapons, while her mother pleaded with the officers to let her daughter go: she didn't have the right paperwork to go grocery shopping.

In some particularly absurd cases, the homeless have been fined for not staying at home (in Paris, Lyon, and Bayonne). As usual, class and social vulnerability have biased law enforcement against the least powerful. A hundred thousand policemen and gendarmes have been mobilized throughout the country. And [some outlets are reporting](#) that seven thousand military troops from the anti-terrorist operation Sentinelle could also be mobilized. By Saturday evening, almost forty thousand fines had [already been imposed](#).

The restrictions placed on civil liberties in this weekend's law must be read in the light of recent developments in French politics. Since the repression of the gilets jaunes protests in 2018, demonstrations are more tightly regulated, tens of thousands of people have been arrested, and others are banned from demonstrating or arrested on their way to a demonstration for a notional crime that *might* be committed, while police numbers and investment in crowd-control weapons are at their peak. Going back further still, the state of emergency declared after the 2015 terrorist attacks was used to legitimize the repression of far-left protest groups, while some of these “exceptional” measures were permanently written into the French constitution in November 2017.

As for the measures pertaining to workers' rights, it is no coincidence that they resonate with

reforms that the extreme center and the Right have been pushing through for years. In 2015, under Hollande's presidency, prime minister Manuel Valls passed — using article 49.3 of the French constitution, which [allows laws to be passed without parliamentary approval](#) — the “Loi Macron,” named after the then-economy minister, a relatively unknown Emmanuel Macron. The key aspects of the Loi Macron were increasing working hours, widening work on Sundays, deregulating professions, and introducing more competition to certain markets.

This was followed up in 2016 with the “Loi El Khomri,” which increased the workweek above thirty-five hours. Decisively, it undermined the principle of common standards by allowing special agreements between employers and employees that could push the workweek up by ten hours or, in special cases, by twenty-five hours. Such agreements were to be made on a case-by-case basis — outflanking unions' right to intervene — and employees moreover [lost their rights to compensation in cases of unfair dismissal](#). The general trajectory here is that successive governments are increasingly aligned with the demands of employers' union MEDEF.

In France, as elsewhere, the coronavirus crisis is more than a medical emergency. It provides a cloak of legitimacy and urgency to measures that would otherwise provoke the fiercest opposition. Simultaneously, it makes starkly visible latent inequalities and the insidious erosion of public services. In last Monday's speech to the nation, Macron implied the crisis would constitute a political turning point: “Many certainties, many convictions will be swept away.”

It is difficult at this stage to determine whether this, like his ode to the welfare state on March 12, is mere rhetoric. For now, it seems his government is mainly giving itself more means to entrench its preexisting certainties and convictions. But the French president's words could be prophetic. Over the last few evenings, as Parisians come to their windows for the ritual 8 p.m. cheering, applause for health workers has been interrupted by indignant cries demanding more money for the nation's hospitals: “Du fric, du fric, pour l'hôpital public!”

P.S.

- Jacobin, 03.25.2020:
<https://www.jacobinmag.com/2020/03/emmanuel-macron-covid-19-crisis-coronavirus>

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