DEMOCRACY AND SOCIETY 20.04.2023 | Théo Bourgery-Gonse

Macron's pension fiasco

The French President's choice to push his reform through is a sign of pure detachment and tells the story of an institutional make-up nearing its end

Just like 'a good beginning makes a good ending', as the idiom goes, a bad beginning is prone to lead to a pretty bad ending — there goes the story of the French pension reform.

The now-infamous reform, which will see French workers' legal retirement age increase from 62 to 64, has been signed into law last Friday, after months of backlash. Emmanuel Macron, who made this reform a campaign promise back in 2022, is now ready to move on and give his term in office a 'second wind'. Irrespective of what the future holds, one thing's for certain: pushing the reform through came at great political costs and has made the gap between government officials and voters starkly wider. Turning back the tide will be no mean feat.

An (un)necessary reform?

According to government estimates, the pension system was facing a gasping deficit of up to € 150 bn by 2030 if nothing was done. There was no other option available than to increase the legal retirement age and ask French people to work an extra two years, the government claimed, to avoid running the risk of seeing pension levels drop or social contributions increase. And, as Macron would remind everyone who cared to listen, the French have had it relatively easy compared to neighbouring EU countries, where the retirement age stands at a 65-year-old average. It's time the French get to work.

Yet, it's not completely clear whether closing the deficit is in fact necessary. The French Pensions Advisory Council, which publishes a report every year on the state of the pension system, pointed to a growing deficit in the short-term, though things would flatten out over a longer period of time — a reality that is attributed to the indexation of pension levels to inflation rather than prices. And inflation has historically – bar the past few months – been lower than salary growth rates.

Both the government and oppositions went on to raise legal queries to France's top Constitutional Court, which approved the bill, finding the accumulation of Constitutional tools to be legal, 'though unusual'.

In any case, Macron's government pushed through the reform in early January, despite considerable political pushback. Against all odds, after years of waning in the backdrop of the French political scene and marred by divisions, trade unions came back to the fore, more united than ever in their fight against raising the age bar. A dozen nation-wide protests, some of which reached the highest participation numbers in 30 years, were organised, with one clear message: shelve the reform.

The parliamentary process that the reform went through fuelled even more anger. In the name of speed and efficiency, the government made inventive use of several Constitutional tools – the running joke in political circles now is that the French have all become Constitutionalists – starting with article 47-1 which is dedicated to social security budget bills and caps debates to 20 days in each House. The government then went on to use another article during Senate debates to block amendment-specific votes and only allow for one overarching vote on the entire bill at the end. Finally, acknowledging the failure to secure the simple majority needed for the vote to pass in the Lower House (National Assembly) – which has the final say – Prime Minister Elisabeth Borne triggered Article 49-3 of the Constitution, allowing the government to impose the adoption of a text by the Assembly, immediately and without a vote.

This list is a mouthful, but it matters because it speaks to the government's eagerness to move quickly – and just as quickly move on. Both the government and oppositions went on to raise legal queries to France's top Constitutional Court, the *Conseil Constitutionnel*, which approved the bill, including the age increase, finding the accumulation of Constitutional tools to be legal, 'though unusual'.

Legal doesn't mean legitimate

The ruling of the Court, alongside the signing of the reform into law, may make the process and the final text legal, but its political legitimacy is long gone.

To this day, an average of 70 per cent of French people are against longer careers. Since the start of the legislative process, Macron's popularity has continuously gone down. Trade unions have remained united throughout and have called on the government to 'pause' the reform

while getting a bigger conversation on the French's relationship to work underway, as burnout rates explode and working conditions are some of the worst in the EU.

Legality is a necessary though not sufficient condition for doing politics: the reform might be sound, but Macron can't put a foot out of the Elysée Palace without being heckled.

Macron's decision to push through come what may, ignoring the clamours of the streets, is not a show of strong one-upmanship but instead of sheer disconnection, and it tells the story of a French institutional make-up that is nearing its end. The radical personalisation of power through a Presidential system is dying, as not one political leader has the legitimacy Charles De Gaulle once benefited from, emerging out of WWII, and which he used to build from scratch the political system we still function under today.

The government's argument that legislative processes were legal, and therefore the law is legitimate, is flawed: 'democracy does not just draw its legitimacy from the Constitution', political historian Pierre Rosanvallon said a few days back, 'but what emanates from it too', and from how legislative legality weaves into the political realities of a nation. Legality is a necessary though not sufficient condition for doing politics: the reform might be sound, but Macron can't put a foot out of the Elysée Palace without being heckled.

What France needs as it comes out the other end of this dark political tunnel is more power for the Parliament, in a way that ensures better representation of all people in all law-making spaces. Learning to navigate the complex world of coalition-building, as Macron's party only secured a relative majority in the Lower House, is critical. Setting the foundations for a large-scale review of our political institutions is a daunting task, but it would help bring back trust in democratic decision-making. A Jean-Jaurès think-tank poll published in March found that 80 per cent of the French people are ready to get involved in a conversation over how to change political structures in France.

The people are ready, and Macron needs to hear it.



Théo Bourgery-Gonse
Paris

Théo Bourgery-Gonse is an economics journalist for EU media EURACTIV with a focus on labour and the 'gig' economy. He previously worked on Brexit negotiations at the UK's Financial Conduct Authority.