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France

Macron's up against the wall, let's not let the 49.3 save him

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Macron and his government have just attempted to force their way through on 16 March, by trying to impose their law on pensions without any vote in the National Assembly by using Article 49.3 of the Constitution, a real "hold-up", allowing them to gag parliamentarians imposing the adoption of a law... without a vote of adoption by the deputies! [1]

On 16 March, while strikes and demonstrations have been going on since 7 March in several sectors, the Macronists wanted to "finish it". Opposed by the whole trade union movement, with their backs to the wall and an ultra-minority in the country, they could not even build a majority in the National Assembly on this reform, despite the open support of the LR (Les Républicains) leaders. Elisabeth Borne was unable to get her law through the first reading in the Assembly at the end of February. In order to get it through the first reading in the Senate on 11 March, she made many compromises with the Republican majority in the Senate (the Macronists have less than 100 seats out of 349 in the Senate) to get a positive vote.

Hoping to finish the institutional process thanks to the support of the Republicans, Macron and Borne still had to obtain, on 16 March, a vote without debate, in the second reading, in both chambers of the Parliament. This was a formality in the Senate, but in the afternoon, in the Assembly, moving to a vote was a perilous exercise. Macron's parliamentary group has only 170 seats, plus 51 seats for the Modem (François Bayrou) and 29 for Horizons (Edouard Philippe). A theoretical total of 250 votes when the majority in the Assembly is now 287. The "presidential majority" is therefore in the minority.

Having counted several times, it appeared that a number of LR deputies did not intend to follow the instructions of their leaders. The Republicans are no longer a solid group in the Assembly in which deputies owe their seat to the nomination obtained from their leaders. On the contrary, from 2012 to 2023, the party has gone from 228 National Assembly members to 61. The survivors of 2023, often in rural constituencies, owe their seats more to their local personal weight than to a party whose candidate, Valérie Pécresse, won only 4.78% of the vote in the presidential election. These elected representatives have been under pressure for months by a popular electorate that is up in arms against the pension reform, a pressure that is much more direct than for the senators elected indirectly by 160,000 voters (essentially the delegates of the municipal councils of the communes). Macron and Borne needed the votes of nearly 40 LR deputies. Obviously, this was not guaranteed, with the political pressure of the mobilization, the strikes, the social climate of disavowal of the government present in the whole country and particularly in rural areas and small towns.

The vote of the deputies would thus become synonymous with a defeat for Macron. The Assembly session risked being immediately blocked by a majority motion of prior rejection, this vote being scheduled at the opening of the session, or by the absence of a majority during the vote to adopt the law. Macron therefore chose to overcome the obstacle of the vote by using article 49.3, which gives an exorbitant power, that has no equivalent in other constitutions.

This 49.3 diktat has become a powerful catalyst since Thursday.

Previously, in the week of 6 to 12 March, the social movement had reached a turning point on 7 March. The orientation of several CGT unions and the Union Solidaires to call for a strike everywhere from 7 March onwards had not been followed in the *intersyndicale*, notably because of the position of the CFDT. [2] The *intersyndicale* had only launched a call to shut down the country on 7 March, leaving each sector to its own initiative for the extensions. The following dates announced by the national *intersyndicale* on 11 and 15 March did not give the rhythm of a growing

confrontation, which could create a dynamic drawing in the sectors less on strike. General strikes cannot be decreed, but putting forward the renewable strike slogan could have created such a dynamic around the most advanced sectors. In fact, from the 8 March and until the beginning of this week, only the sectors that had explicitly called for the renewal after the 7 March remained on strike: SNCF (rail), Roads, refineries, energy. The rubbish collectors' strike, spectacularly mediatized in Paris, is well anchored with 10000 tons of uncollected waste, but also in Nantes, Rennes, Le Havre, Saint Brieuc, Nice, Montpellier. All TotalEnergies refineries, and the ExxonMobil refinery in Fos, are on strike, starting to create shortages despite the use of the 200 depots supplying the service stations. The effect could start to be felt in the coming days.

Every day since 8 March, activists' actions, pickets, blockades and local demonstrations have taken place in dozens of towns, ensuring continuity between the national days of action and maintaining a climate of mobilization, expressing the growing rejection of this reform of social injustice.

From then, the 16 March vote took on a particular meaning. The strike movement no longer appeared capable of blocking the project, and the inter-union movement itself began to put forward the idea of a petition movement for a referendum, signifying the end of the priority given to direct confrontation through strikes and demonstrations. Also, the hope remained that Macron would not find his majority during the vote in the Assembly and the idea of the 49.3 appeared all the more unacceptable, denounced as a denial of democracy, making the adoption of the law illegitimate.

This diktat of the 49.3 gave an immediate boost to the mobilization. On the one hand, it shifted the future of the confrontation to the parliamentary arena, on the other hand it revived all the street mobilizations and the decisions to maintain or start renewable strikes.

Through calls of numerous inter-union organizations or spontaneously, rallies and demonstrations were launched as soon as the use of the 49.3 was announced on Thursday afternoon. Very combative demonstrations and mobilizations spurred by the feeling of having been robbed of a vote that would have been a disavowal of the government. The anti-democratic injustice of the 49.3 came on top of the social injustice of the pension reform, the social injustice of the galloping inflation suffered every day of the month in energy and fuel bills, in the price of shopping trolleys.

The rage and anger were found in the marches, including in the breaking of street furniture, while police violence, charges and arrests multiplied. On Friday 17 March, 15 university sites were blocked, with many young people taking part in the demonstrations, notably at the Place de la Concorde in Paris, and numerous demonstrations were taking place as on the previous day in dozens of towns. The national *Intersyndicale* only gave the date of 23 March as a national deadline, which is far from the level of reaction needed to block the government's coup de force, which needs mass calls for strikes and demonstrations this weekend. Mobilizations will take place but in a scattered way without bringing the full force of the movement to bear, even though the disavowal of the government and Macron is growing in the country.

Yesterday, in the Council of Ministers, Macron justified the use of the 49.3 by invoking the need to pass this reform "to maintain the confidence of financial markets in the signature of France" while interest rates are rising. On the one hand, Macron wants to dramatize the situation, on the other hand he shows in broad daylight that his reform only aims to give a signal on the control of public accounts, in the wake of the commitments of Bruno Le Maire, Minister of Economy and Finance, to the European Commission, real political goal behind the false mask of "rescue of the pension system by distribution".

Macron and his government are clearly in the depths of a political crisis caused by the social crisis that they themselves have aggravated. Underestimating the rise of social anger, Macron thought he could carry out a

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large-scale social attack while the working classes are suffering from inflation, the rise in the cost of living, the shortage of public services, and clear cuts in unemployment benefits. He cynically thought that precisely this deterioration in living conditions would be his best asset to anaesthetize the social response to his attack on pensions. He openly counted on the amorphousness of the social movement, thinking that the trade union movement was incapable of uniting and taking real action to block his project. His ignorance of social reality goes hand in hand with his contempt for the working classes. Both lead him today to a political impasse.

A motion of censure that could gather all the opposition votes will be tabled next Monday in the Assembly. If it had a majority, it would automatically lead to the cancellation of the adoption of the law on pensions and the resignation of the Borne government. In order to have a majority, more than twenty-five Republican deputies would have to vote for it. This is a very unlikely hypothesis, even if several members of this group will vote for it. But in any case, we must not rely on this possibility to decide the fate of this battle. We must, as has been the case for the last two months, continue to build a social balance of forces equal to the popular rejection of Macron's reform. Today, he has his back to the wall, a situation that was unforeseeable a few months ago.

17 March 2023

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[1] Paragraph 3 of Article 49 of the French constitution allows the prime minister, "after deliberation by the Council of Ministers," to force a bill through the Assemblée Nationale with no vote. The only alternative to prevent the bill from passing is then to overthrow the government. When the prime minister triggers this procedure, MPs have the option of tabling a motion of no confidence within 24 hours. [Le Monde](#).

[2] The *intersyndicale* is composed of eight trade-union confederations/federations (CGT, CFDT, FO, CFTC, CFE-CGC, UNSA, Solidaires and FSU) and four youth organisations l'Union nationale des étudiants de France (Unef), l'Union nationale lycéenne (UNL), le Syndicat général des lycéens (SGL), and the Fédération indépendante et démocratique lycéenne (FIDL). The CFDT is the largest French trade union confederation by number of members (875,000) but historically less radical than the CGT to which it comes second in voting results for representative bodies.