



COVID-19 in France: Democracy on Lockdown

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The ongoing COVID-19 pandemic in France has forced the authorities to again limit civil liberties, after earlier having imposed a state of emergency over terror threats. Despite the government's countermeasures, having people in isolation and the drop in social activity can deepen the negative effects of the crises, from growing inequality to the expansion of radicalism. Hastening and simplifying procedures amid the limitations on economic growth raises concerns about the fragile balance between citizens' security and liberty.

A strict domestic lockdown was introduced in France on 17 March, necessitated by the increase in COVID-19 cases—more than 117,000 detected infections and 20,000 deaths as of 21 April. Citizens are obliged to file declarations every time they leave home. The police enforce the limitations ruthlessly (about 800,000 fines and 11,500,000 checks since the beginning of confinement). Although the reasons for the lockdown in fighting the spread of the virus is not contested, fears related to the social and political costs are increasing. An expedited proceeding of parliament with less regard to terms fixed by law has sparked worries among legal experts and human rights watchers.

Challenges to Social Cohesion. Like in any other country, the pandemic in France worsens social inequalities. Strict enforcement of the lockdown in poorer neighbourhoods has become problematic. The Parisian suburb (department) of Seine-Saint-Denis is the most obvious example, recording 10% of all isolation breaches reported in the country during the first two days of isolation. The first serious riots of frustrated youth against the police took place on 20 April in Villeneuve-la-Garenne. Disadvantaged neighbourhoods in big cities are also more impacted by the virus than those inhabited by middle and higher classes. Scarcer access to healthcare, the generally poorer health of their residents, and professions more exposed to infection are to blame. In general, the less remuneration a person receives, the more likely he or she has to leave home to work during the pandemic—in salesrooms, warehouses, urban services, deliveries, etc. Seeking to smoothen this inequality, the government will increase social allocations by €150–250. State suppliers of gas and electricity have stopped cutting off services from non-payers. Homeless people are the most endangered and currently number 65,000 nationwide (among which there are about 10,000 Poles). Special vouchers are being distributed to enable them to buy food and personal hygiene items. The annual winter eviction ban has been extended to 31 May. Meanwhile, for those at home, family conflicts are inflamed by overpopulation in living spaces, with a 32% rise in domestic violence interventions. The Government secretary for equality between women and men has opened a hotline for victims and special meeting places in public spaces have been arranged as well. The state is also funding up to 20,000 hotel night stays for people fleeing a domestic violence situation. Simultaneously, access to contraception has been facilitated (pills without a prescription) as well as to medical abortion (up to the ninth week with a video consultation).

Although the government's poll numbers have increased during the pandemic, the police, secret services, and social workers worry that prolonged confinement will trigger not only social revolt but also increased

radicalism. About 8% of pupils have lost any contact with school. Just before the pandemic struck, President Emmanuel Macron announced a campaign to fight radicalisation among youth. Removing extremist content from school programmes (smuggled in during origin country language and culture lessons) has been prioritised. Now, home isolation can make it more difficult for some youth to maintain contact with French language and culture, increasing at the same time the influence of family and peers. Public broadcasters, cultural institutions, and e-book editors have put access to content online for free. But reaching young people depends on their financial, social, and cultural environment. Prime Minister Edouard Philippe has stated that keeping the social sensitive youth out of school is a “danger to the republic”. Educational facilities in the most sensitive areas will be reactivated as a priority after 11 May.

The social conflict is also exacerbated by claims that more wealthy citizens can “flee” the restrictions. The massive exodus from big cities (in the case of Paris, about 11% of permanent residents) to second homes in other provinces is believed to have contributed to the dispersion of the virus across the country. It has also awoken worries about the performance of local healthcare systems. Particularly sensitive is the situation of state retirement homes (EHPAD), inhabited by 10% of people age 75 or older. About 64,000 of these residents have contracted the coronavirus and about 10,000 have died.

One of the main tasks of the government’s anti-crisis plan is to prevent social tensions, especially when it comes to preserving workplaces. About 9 million employees are grounded by the pandemic but receive 84% of their net salary from the state. Thanks to the public intervention, only 7% of the forced isolation cost (€120 billion overall) will be put on to households. The Ministry of Agriculture is supporting the recruitment of people willing to work in the farm sector, which this year is lacking seasonal workers, given the restrictions on movement. About 240,000 people have filled the demand so far and they will be allowed to put their “grounded” salary into savings.

A dedicated government webpage makes it easier for NGOs to contact volunteers willing to help the elderly, ill, or home-bound, and take care of the children of medical personnel. The authorities encourage enterprises not affected by the isolation to compensate for the efforts of their employees with bonuses of up to €1000, tax-free. Some big supermarket chains have done this.

Democracy and the State of Emergency. Some of the government’s reactions to the pandemic may have harmed the political process. Holding the first round of local elections on 15 March just as it was proclaiming the lockdown has provoked major controversy. The date of the second round is unclear. The dubious need for holding the 15 March vote affected the credibility of the authorities in this crucial period and contributed to some citizens neglecting the danger of infection.

Further concerns are related to the Sanitary Emergency Law. Some of the restrictions issued under regulations allowed by this law are being criticized by human rights watchers as excessive. For example, access to a defender by people in detention has become more difficult. Moreover, court deadlines have been suspended, prolonging pre-trial detention for 22,000 inmates. A move protested by the Chief Inspector of Prisons. Simultaneously, to prevent prison riots, about 10,000 inmates have been released.

The Sanitary Emergency Law is accompanied by an organic law that—because of the pandemic restrictions—extends the time for pre-judicial control of constitutional complaints. The Constitutional Council ruled that the law was constitutional despite not adhering to the 15-day period mandated by the Constitution between introducing a draft law and the voting. Fears around the efficacy of constitutional control of law have thus appeared. Legal experts also worry about some judgments of the State Council (the highest administrative court), esteemed as too favourable for the government.

All of this taken together highlights—noticeable far before the pandemic—the government’s tendency to simplify procedures. Back in February, although authorised to do so under the Constitution, it adopted a new pension law without voting in the National Assembly (then, the law was suspended). Broadly disputed, but not introduced yet, is the potential to mandate the use of a tracking application to detect infections, which has stirred up privacy concerns.

Conclusions and Prospects. Like in other democratic countries, a public debate about the scale of the restrictions on civil liberties is taking place in France. The fear is that the authorities will use the intervention—justified to ensure the safety and health of citizens—to limit their freedom for other reasons. The concerns have deepened during the pandemic because it only reinforces the government’s tendency, initiated after the wave of terror from 2015–2016, to embolden control over France’s population. However, the open public debate (including in state-owned media), developed political culture, and vibrant civil society dampen concerns about the future of French democracy.

The isolation has amplified existing social problems, such as domestic violence, social disparity, and radicalism. The growing divisions are challenging Macron’s rule but do not necessarily endanger it. The “rally round the flag” effect (reflected by the significant increases in trust in polling), dispersion of the opposition, and fear of radicalisation all benefit Macron. The radical right, presented as his main adversary, will hardly gain representatives in the areas most affected by the lockdown, such as immigrant neighbourhoods, as Le Penist ideology holds disdain for these social groups. The government’s rating will fall once exhaustion with the hardships endured in the face of the pandemic sets in.