

Report from Paris by Katherine Kanter and Sophie Tanapura

Mitterrand and Article 16

A national crisis generated by the Socialists' inability to reverse economic disaster could lead to "emergency rule."

Socialist Party chairman Mitterrand, who opposed the Gaullist constitution when it was promulgated in 1958, and for two decades railed against the expanded powers of the presidency, has stated that, all things considered, he now finds those presidential powers quite well suited to his personality.

We shall soon see a test of the constitution's application in the hands of the Socialists as deep economic crisis and social disorders erupt. Even discounting any new oil-price shock or international banking collapse, France faces a politically intolerable level of 2 million unemployed that is growing daily and increasing small-business bankruptcies, both triggered by a totally depressed situation in the auto and construction sectors. A Giscard presidency would have had to face this economic challenge as well; but the neo-Malthusian Socialists are actively worsening the dangers.

The most striking example of Mitterrand's policy of economic euthanasia, as we have reported, is the decision to "freeze" the construction of 12 nuclear reactors. This will not only undercut the precondition for industrial health, namely, a secure, low-cost source of energy supplies, but this autumn will severely affect the steel, construction, and other subcontracting suppliers. And as unemployment grows further, social instability will increase to the point that Mitter-

rand's Keynesian, welfare-state initiatives are impossible to finance.

The budget minister, Laurent Fabius, has already performed difficult contortions to keep the budget deficit at the 70 billion franc level previously announced; painful contractions in social spending are ahead. The financing of the Assedic, the nearly bankrupt national unemployment fund, is now under discussion, centering on which category of workers will pay out more to sustain the jobless.

In short, the Socialists soon will have nothing to distribute except austerity. That will not be easy, partly because it is less than certain that the Communist ministers in Mitterrand's cabinet will play out the script the Socialists have assigned them. They may instead depart, after entrenching the Communist-controlled trade-union federation, the CGT, in their various cabinet domains, administration, transportation, and health.

Mitterrand will then have to find a way to neutralize or eliminate a CGT that opposes the Socialists' antinuclear and austerity policies.

Faced with such a threat to his political power—no doubt involving social mobilizations, strikes by industrial and civil-service workers, peasant riots, and so forth—François Mitterrand could find it not only opportune but necessary to *rule by decree*, bypassing the National Assembly, a power that is granted to him by Article 16 of the

constitution—the provision he fought so stridently against in the 1960s and 1970s.

Article 16 specifies that, when the institutions of the Republic, the independence of the French nation, the integrity of French territory, or the fulfillment of international commitments, is threatened, or when the regular functioning of constitutional public powers is interrupted, the president can undertake any measures that he finds appropriate outside of parliamentary control for the duration of the emergency.

This extraordinary power was intended to be used for a very brief span of time. De Gaulle invoked Article 16 to put down a military putsch launched from Algiers in 1961—a putsch coordinated with both NATO and large parts of the leadership of the Socialist Party. Article 16, in other words, expresses the ultimate intent of the constitution of France by granting its highest authority the power to save the Republic in case of mortal danger from within or without.

The invocation of Article 16 combined with the mass mobilization of neofascist shock-troops, however, negates that intent, in that it subordinates republican institutions as well as the decision-making process to the interest of a party bent on eliminating rivals.

François Mitterrand reckons with the readily mobilizable Jacobin mobs of the Socialist-run labor union CFDT and the environmentalist movement that proved so important for his own election. In such circumstances, the combining of emergency state powers with the "power of the streets and the barricades" would prove deadly for the French Republic.