

BONDAGE JUDGE SHAKES GISCARD

For those whose impression of the French judiciary was formed while watching Investigating Magistrates in Maigret serials, they are in for a rude awakening. Apparently, the gallic puritan in public life, with a decadent taste for philandering with good claret and dalliances with theatrically improper young ladies in the private upstairs rooms of St Michelle restaurants, is a thing of the past. All that is now as removed from reality as the pervasive burgundy velour wallpaper which decorated the settings of these doubtful rendez-vous. The real French judiciary, or at least part of it, has gone punk. Consider the case, if you will, of Justice Jacques Bidalou.

The Bidalou case is set fair to add a further improbable twist to the French Presidential elections, casting additional light on the encroaching character of the French state. Bidalou, 36, a leading activist in the left wing French judges' trade union, the Syndicat de la Magistrature (it really exists and has not been invented for the columns of *Marxism Today*), was suspended from the Hayange (Moselle) bench on 9 February last for declaring himself a 'punk' and appearing in court in unbecoming hairstyles and garb. Although French press photographers have yet to reveal him in a full Mohican hairstyle,

he is to be seen sporting a fetching, spiky ensemble of orange and green hair, and a bondage outfit upon which the keener observer will detect a St. Laurent Rive Gauche label. He is more likely to appear in court in chains than are any of the prisoners in the dock.

Arraigned by the Superior Council of the Magistrature, he has been accused of over 40 incidents of 'lack of delicacy' and 'contempt of court', although not all the incidents relate to his appearance on the bench. A number are to do with his outspoken (some say outlandish) television appearances where he has discussed, in suitably punkish terms, his more conservative judicial colleagues and some of his current cases. Not surprisingly, great offence has been caused to propriety and to the right wing French judges' trade union (yes, it also really exists and represents no flight of imagination on our part). Bidalou has been convicted of discharging motorists who have refused to fasten their seat-belts (compulsory in France), to pay motorway tolls ('a medieval taxation' — Bidalou), of disregarding Appeal Court decisions, and of allowing immigrant squatters to stay in hostels where they refuse to pay the rent.

But that is not the real point of the Bidalou saga. While these grave acts may appear to threaten French civilisation as we know it, the burden of the case against Bidalou is more than skin, or green and orange hair, deep. It is no accident that the case against him has been brought by none other than the Justice Minister, M Alain Peyrefitte, or that it is being heard before a panel of nine very senior judges all handpicked for the task by the French President himself. Heard in camera, the original indictment fills a 450 page dossier, felt by the Syndicat de la Magistrature to reek of overkill, but by the legal authorities to be no more than an appropriate rejoinder to this outbreak of judicial punkery.

Bidalou's real offence to the system is two-fold and goes far beyond the threat posed to the French state by unfastened seatbelts. First, during a case brought against an unemployed man who had defaulted on a bank loan, Judge Bidalou subpoenaed Prime Minister Raymond Barre on the grounds that unemployment was the ostensible cause of the offence, and the Prime Minister was clearly culpable in the matter of unemployment. Now Barre appears to have been none too keen to give evidence on this matter, and the Judge none too keen to step back onto the firmer ground of the usual legal proprieties. For his part, Barre is unwilling to accept that unemployment is either an issue of national concern or, for that matter, anything to do with him. And least of all is he about to

answer any allegations laid at his door by a judge with green and orange spiky hair wearing chains and safety pins.

Second, the character of the case against Bidalou has reopened the question of the power of the French President who has had considerable influence on the way the punk judge has been treated. Not only does the President have unbridled power to appoint all key media personnel including programme directors, as well as judges, and panels of judges to hear cases against particular judges, and to receive substantial gifts of diamonds from deposed African dictators like Bokassa, and so on, but no one is any longer certain about what constitutes definable limits to his power. And while Giscard evidently thinks that this modern Divine Right of the Elysee is entirely appropriate, Bidalou, like the proverbial thorn in the flesh, is getting a great deal of public coverage for refusing to accept the legitimacy of these imperial manifestations. Indeed, it is likely that Louis XIV might have thought them dubious if not excessive. Therein lies the clash between the Sun President and the Punk Judge.

In the meantime, Judge Bidalou has been relieved of his responsibilities on the Hayange bench, has been found guilty of abuse of authority (precisely what he claims the state is up to), guilty of insolence, of violating the principle of the separation of powers in his interaction with Raymond Barre, and of wearing silly clothes. He has replied in style by forming an International Punk Section of the Syndicat de la Magistrature to which he has, thus far, recruited only himself. Lest I give an unfounded impression of isolation, let it be said at once that his judicial colleagues in the Syndicat have taken more orthodox industrial paths, declaring that 'the independence of the judges is dead', and calling for strike action.

Doubtless, when international class support is sought in the working class movement of judges, we can safely predict that the British bench will rally to the call. Lord Denning and Mr Justice Melford-Stevenson (who is itching to come out of retirement) will emerge to continue their vigilant and famous defence of the individual from state harassment. They will certainly be seen mounting a secondary picket of the High Court in the Strand. Perhaps they can be induced to wear those curious bright red coats, purple sashes, funny curly off-white wigs and little black caps in a display of punk solidarity.

**Contributors: Martin Myant,
Malcolm Sawyer, Martin Jacques,
David Triesman**