

# France

## The Institutionalisation of Leadership

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The five decades of constitutional stability that France has experienced under the Fifth Republic are a record by French standards. Since the 1789 Revolution only the Third Republic (1875–1940) has lasted longer. Yet there have been numerous events that might have brought down the new political regime of 24 October 1958: take-over threats and attempts on the life of its founder, General de Gaulle; the 1962 rebellion of both right-wing and left-wing members of parliament against the presidentialisation of the regime; the student, and social, revolution of 1968; the uncertainties surrounding the left's accession to power in 1981 and the *cohabitation* of majority and opposition first in 1986 and 1993 and again in 1997. In short, many people expected the Fifth Republic constitution, like de Gaulle himself, to be no more than 'a bad moment to live through' (Paul Reynaud). It seemed to be a short-term solution to a short-term problem – the difficult decolonisation process that the Fourth Republic was unable to address from the beginning to the end of its short life.

But the apparently fragile Fifth Republic did more than survive the challenge of events. It is only with hindsight that analysts can assess the capacity of institutions to resist the hazards of circumstance. At the time, observers and participants in the political game found many reasons to be sceptical about the longevity of the new institutions. Several factors combined to increase their doubts.

First, the constitution seemed made for one man, de Gaulle, who inspired it and tailored it to his shape, almost entirely on the model sketched out in his famous Bayeux speech of 16 June 1946. Paraphrasing Sieyès, who asked himself what there was in the constitution of the year VIII and replied, 'Bonaparte,' it could be said that in 1958, for many French people, the constitution was de Gaulle, the strong man

rising out of the chaos. A referendum – more of a plebiscite – was held under the slogan 'Yes to the constitution means yes to de Gaulle' (28 September 1958; 80 per cent said 'Yes'). Once the first moment of euphoria had passed and the difficulties that brought down the Fourth Republic had been resolved, people expected a return to normal, a return to the republican tradition of strong parliamentary regimes in force since 1875. So there was constant reference in the 1960s to an imaginary 'Sixth Republic' constructed according to various designs put forward by parties or individuals fond of constitutional re-engineering. This rhetoric has continued up to now, up to the 2007 presidential campaign.

Second, the new regime, in substance as well as in the words of its founders and their acolytes, portrayed itself as a break with the preceding system. It was against excessive parliamentarianism, against the rule of parties, against parliament's monopoly of legislation, against a weak executive and against politicians. The very radicalism of this denial of the past, in words at least, made some people fear that, once decolonisation had been achieved, an alliance of critics and opponents would be prepared to sweep the Fifth Republic away or at least take their turn to make sweeping changes to the form and content of the constitution. The right had not forgiven de Gaulle for his 'treason' in giving Algeria independence. Some of the left could not forget the troubled origins of the Fifth Republic (the Algerian revolt of 13 May 1958, the military pressure), the 'ultimate' in wickedness in the eyes of Communists and a few Fourth Republic stars (Pierre Mendès-France, François Mitterrand). The *notables* (people of local or regional prominence) did not want to prolong a regime that threatened to reduce their influence. Political scientists pointed to the regime's authoritarian features, and constitutional lawyers drew attention to the ambiguities of a system which did not fit the conventions or normal classifications of constitutional law. Was it direct democracy or representative democracy, a parliamentary or a presidential regime? French constitutional history shows that sudden changes are rarely productive. Once the enthusiasm for radical change has passed, and the pleasure of a fresh start has gone, new regimes make way for reformers and revolutionaries who, in their turn, promise better todays or brighter tomorrows. For many people the rupture of 1958 carried the seeds of failure of the new regime within itself.

Third, the idea of regime change was, it could be said, rooted in habits and minds. Within the space of twenty years the French people had experienced the demise of the Third Republic and the birth of the Vichy state on 10 July 1940; the confrontation between the Vichy regime and the French National Committee set up in London on 24 November 1941; the provisional government of the French Republic created under de Gaulle's authority on 24 April 1944, which ruled concurrently with the Laval government brought in by the Eleventh Constitutional Act of 18 April 1942; the referendum of 21 October 1945 confirming the French people's reluctance to bring back the Third Republic, and the simultaneous election of a Constituent Assembly; the drawing up of a draft constitution while France was governed according to the provisional regime set out in the Act of 2 November 1945; the rejection of that draft on 5 May 1946 and the drafting by a second Constituent Assembly (elected 2 June 1946) of a second version, approved on 27 October 1946 out of weariness more than enthusiasm (one-third said yes, one-third said no, one-third abstained);

the revision of the constitution on 7 December 1954; and the dissolution of 2 December 1955. As if these twenty years of constitutional incoherence were not enough to give rise to a feeling of uncertainty, political events added their contribution: five years of war in continental Europe; the incessant, murderous colonial struggles in Indochina, Madagascar and Algeria; the denial of values inscribed in the preamble to the constitution to cover up torture and cleaning-up operations in the colonial wars that were settled with hundreds of thousands of deaths (mostly of local people); the breaking of political and electoral promises (left-wing manifestos, right-wing practices); and, finally, government instability: there were twenty-two cabinets during the Fourth Republic, including the last, that of de Gaulle, given power on 3 June 1958 in a final surprise development. As Leon Blum foretold, 'One would leave the provisional only to enter the precarious'. By voting massively for de Gaulle and the new constitution French people demonstrated their willingness to have done with the past. But that same past gave them the right to be dubious and sceptical, to retain that doubt and scepticism which made Lampedusa write in *Il Gattopardo* (*The Leopard*), 'Things have to change to stay the same', and Americans utter the cynical phrase 'The more things change the more stay the same'.

With hindsight, events disproved the doubts. The Fifth Republic did not just innovate in the field of constitutional design. It brought in strong leadership at national level that served as a model for other social and political institutions – to the extent that authority and efficiency were promoted everywhere at the expense of pluralism and collegiality (the principal exception doubtless being university institutions). It contributed to the restructuring of political parties and interest groups. In addition the new institutions revealed unexpected dimensions beyond those sought by their authors. For example, the evolving role of the Constitutional Council and the ideological and political use of the preamble to the constitution have unexpectedly enhanced the state of law. However, the most fascinating aspect of this unplanned institutional development remains the way individuals and groups have manipulated it in their own interests. The technocratic elite took over the executive machinery, whereas the parliamentary elite, denied a significant input into the legislative process, withdrew to their local bastions and turned the Senate into the periphery's power base. The left-wing parties, initially hostile to the institutions, used them to their advantage when they came to power. The voters themselves played the electoral and referendum rules like experts, giving power to the right (in 1968, for example) or to the left (in 1981, 1988 or 1997, for example), then refocusing their aim at the next election (the departure of de Gaulle in 1969, the Socialist defeat in 1986, no overall majority in 1988 and the defeat of the President's party after a misguided dissolution of the National Assembly by Chirac in 1997). The rational voter, increasingly independent of the party organisations and freer of sectoral loyalties (class and religion), has contributed greatly to the institutionalisation of the regime and to its evolution. (S)he gave unconditional support to the presidential leadership, tempered by some punishment when it went beyond the acceptable (1967, 1969, 1986, 1988, 1993, 1997); inflicted a change of government (1981, 1995), and then *cohabitation* (1986, 1993, 1997), on the very parties which had argued against it in the name of the institutions; and made sophisticated use of the different types of elections and voting systems to 'send a message' to the political class,

especially in elections where little was at stake (e.g. local and European elections). In short, the institutions, as the rules giving access to power and about the exercise of power, giving a structure to political life, are at the heart of the political game.

In consequence the French political system cannot be reduced to the rules it sets itself or to the principles it proclaims. It is the product of past and current events. It swings between the goals which inspired it and the constraints and burdens which are imposed upon it. Numerous paradoxes and contradictions affect its structure, existence and evolution. Permanent tensions between values and needs modify its internal equilibria and transform its fundamental characteristics, either imperceptibly or abruptly. The government's strength has varied widely according to circumstances and personalities. The Constitutional Council evolved within a few years from being insignificant to having a central role. The parties have in turn been taken apart, reconstructed and weakened again, to the extent that the party system of 1958 was unlike that of 1965, and in 1990 had little in common with that of 1970. Over the last forty years governments have been supported either by a single-party majority, or by a party with no overall majority, or by coalition majorities. The 2007 elections mark a further change. The very fragmented party system has been substituted in the National Assembly by a *de facto* two-party system (UMP and Socialist Party) due to the collapse of minor parties and the 'guillotine effect' of the electoral system.

The constitutional rules are constraints imposed on the political players but are also resources manipulated by political entrepreneurs. It is this tension that gives the political system its specific shape.

## ELECTIONS AND MOBILISATIONS

Although it is popularly believed that France is an ancient democracy, the assumption needs to be qualified. The franchise was restricted until 1848; secrecy at the ballot box was not guaranteed until 1913–14; women did not acquire the vote until 1945 and the voting age was not lowered to eighteen until 1974. There was no judicial supervision of changes in constituency boundaries until 1986 (and they have not been adjusted since) and, in the current state of the Constitutional Council's jurisdiction, there is no control of referendum Bills. In short, although it would be absurd to deny democratic credentials to France, and to the Fifth Republic especially, it would be just as absurd to think of it as a quasi-ideal democracy.

### Popular participation: referendums and elections

The Fifth Republic constitution and the Gaullists' use of the institutions demonstrate clearly that authoritarian practices can be accompanied by constant appeals to the electorate. The period 1958–62, in particular, illustrates the mixture of charismatic and legal-rational legitimacy that made the infant Fifth Republic such a special regime. French people had to vote twice in 1958 (referendum and parliamentary elections), once in 1961 (referendum) and three times in 1962 (two referendums and a parliamentary election), in addition to local elections. These six national polls,

characterised by a high electoral turnout, always supporting General de Gaulle and the Gaullists without fail, punctuated a period of marked restrictions on civil liberties because of the Algerian war. This exceptional regime became the rule. A state of emergency, a regime hardly compatible with real guarantees of fundamental rights, was imposed from 1955 to 1962 in Algeria, and from April 1961 to May 1963 in mainland France, with the emergency regime introduced under Article 16 superimposed on it from April to September 1961. Thus, while elections and popular participation were necessary ingredients of democracy, they did not capture all its essence.

### Referendums

The use of referendums was one of the innovatory hallmarks of the Gaullist regime. In France plebiscites are associated strongly with the First and Second Empires, and one can understand why republicans had a particular aversion to them during the Third Republic. The Fourth Republic used a referendum for approving the constitution, but without enthusiasm and under pressure from de Gaulle (even then). It was only after 1958 that the referendum acquired respectability. Between 1958 and 1962 it became a real governmental tool, thanks to the 'direct dialogue' it introduced between the head of state and voters, above the heads of parliament and parties. The constitution envisaged the use of the referendum in *three* situations: to approve a Bill dealing with the organisation of public authorities or institutions; to authorise the ratification of a treaty which, 'without being contrary to the constitution', would affect the running of governmental institutions; and to approve a Bill to revise the constitution, if so requested by the President, after the text, in identical terms, has been voted by both houses. However, only the first of these three possibilities has been much used in practice, each time controversially. Since 1995, following a constitutional reform suggested by Chirac during his electoral campaign, the President of the Republic is able to call a referendum on a wider range of issues, including economic and social policy and public services reforms. But this option has not been exercised.

The use of the referendum under the Fifth Republic has several characteristics which differentiate its use from that in some other Western democracies. First, the process resembles direct democracy only superficially and spuriously. Although the people as a whole are asked to pronounce on a Bill, they have no power to take the initiative, either in making a proposal or in formulating the question. They have three choices only: to approve, reject or abstain. The practice of the Fifth Republic turned the referendum into a procedure at the disposal of the executive, especially of the head of state. During de Gaulle's time the referendum was exclusively the affair of the head of state, the government's 'proposal' (or that of parliament, which was careful to avoid such initiatives!) generally ratifying a presidential decision already taken. Thanks to this instrument, General de Gaulle could obtain not only the people's full consent but full power, usually solicited by a game of double questions to which only one answer could be given. Although de Gaulle's successors tried to use the referendum (Pompidou in 1972, Mitterrand in 1988 and 1992, Chirac in

2005) they took care not to put their own authority on the line, thus contributing to the modification of the referendum as forged by Gaullist practice. In fact, the referendum is always a risky operation, as is shown by recent experiences. More often than not, the electorate is not so much interested in the question officially at stake than in the possibility of sending a – usually negative – message to the men in power. At best, the President has to be happy with a polite indifference and a low turnout.

In the second place the referendums of 1962 especially, and of 1969, which would have modified the constitution without going through the revision procedure offered by Article 89, aroused intense argument between the majority and opposition parties. Recourse to Article 11 in 1962, introducing the election of the head of state by direct universal suffrage, precipitated a major crisis, defined by the president of the Senate, Gaston Monnerville, as a 'deliberate, self-willed, premeditated and outrageous violation of the constitution of the Fifth Republic'. The reform was nevertheless adopted by a majority of the French people, but only after Pompidou's government, accused of 'dereliction of duty', had been brought down, the house dismissed and a new election held in which the well-organised Gaullist majority triumphed. The debate and arguments have gradually subsided, François Mitterrand himself admitting that a sort of 'constitutional convention' would allow Article 11 to be used to revise the constitution.

### Elections

The Fifth Republic has been generous in its use of elections, which, as well as designating local and national representatives, are also a powerful device for legitimisation. Periods when there is no consultation of the electorate (e.g. 1989–92) are rare.

Two contrasting periods in the use of voting mechanisms during the Fifth Republic can be distinguished. The first, extending from 1958 to 1979, was characterised by the standardisation of electoral systems and their common alignment on a preferred mode, the two-round majority system, either for a single candidate or for a list of candidates. After 1958 the majority voting system was used for parliamentary elections. The 1962 reform extended its use to presidential elections, and it is also used for local and county elections.

In addition, the method of selection imposed by this voting system ('voters choose in the first round, eliminate in the second') is reinforced by provisions that encourage alliances among the left and among the right, and thus towards bipolarisation. For example, in the presidential election only the two best-placed candidates in the first round can stand in the second round; and in towns of more than 30,000 inhabitants, under the 1964 Act governing municipal elections, the list of candidates obtaining an absolute majority in the first round or a relative majority in the second round could take all the seats! What is more, candidates or lists in municipal, county or parliamentary elections had to obtain at least 10 per cent of the votes cast in the first round to be eligible to stand in the second round, a barrier raised during Valéry Giscard d'Estaing's presidency to 12.5 per cent of registered voters (which in the case of high abstention rates can have such a devastating effect that sometimes only one candidate is left on the battlefield).

This system, which contributed to the formation of what Maurice Duverger called 'the bipolar quadrille', reached the peak of its perfection in the late 1960s. But its constraints quickly appeared once it no longer fitted in with the new ideological, political and social tensions created by the 1968 crisis, de Gaulle's departure and changes in French society. With hindsight, the first indications could be seen in the presidential election of 1969, which became a contest between one candidate from the right and one from the centre, the left candidate having been eliminated. In addition, with no revision of the 1958 constituency boundaries, criticism of the distorted results of parliamentary elections became ever more heated. The left made a change to proportional representation its hobbyhorse.

In 1979, with the first direct elections to the European Parliament, the worm was introduced into the fruit by a curious coalition. Centrists, Socialists and Communists, tired of the smoothing-out effect of the two-round majority system being at their expense, were fairly favourable to proportional representation. The European Community institutions preferred proportional representation, used in all member states except Great Britain and France. The Gaullists, though in principle hostile to proportional representation, came round to supporting it because they wanted France to be a single constituency, so as to demonstrate the indivisibility and sovereignty of France. The introduction of proportional representation at the national level was the first breach in the majority-rule system. When the Socialists and Communists came

Table 4.1 Elections to the French National Assembly, 1958–2007

Year	Left	Communist PCF	Green V	Socialist SFIO/PS, MRG	Centrist MRP, PR/UDF	Gaullist RPR/UMP	Right FN	Other
1958	2	19	–	20	35	18	3	4
1962	2	22	–	20	23	32	1	–
1967	2	23	–	19	18	38	1	–
1968	4	20	–	17	15	44	0	–
1973	3	21	–	22	25	24	–	4
1978	3	21	–	28	20	26	–	3
1981	1	16	–	38	22	21	0	2
1986	2	10	–	32	–	42	–	10
1988	0	11	–	38	–	38	–	10
1993	1	9	10	19	–	38	–	13
1997	2	10	6	29	15	17	15	6
2002	3	5	6	27	5	43	12	6
2007	3	4	4	28	8	46	4	3

Note: Party vote is measured as a percentage of votes cast on first ballot.

Communist: PCF: French Communist Party (Parti Communiste Français).

Socialist: SFIO: French Section of Workers' International (Section Française de l'International Ouvrière). PS: Socialist Party (Parti Socialiste). MRG: Movement of Left Radicals (Mouvement des Radicaux de Gauche).

Centrist: MRP: Movement Republican Popular (Mouvement Républicain Populaire). PR: Republican Party (Parti Républicain). Since 1978 UDF: Union of French Democracy (Union de la Démocratie Française).

Gaullist and Conservative: RPR: Rally for the Republic (Rassemblement pour la République). From 1986 to 1993: Joint candidacies with the Centrists. UMP: Union of People's Movement (Union du Mouvement Populaire).

Right: FN: National Front (Front Nationale).

to power the dismantling continued. A (not very) proportional representation system was introduced for municipal elections, with prizes awarded to a list winning on the first or second round. The d'Hondt formula of proportional representation was introduced for parliamentary elections in 1985, but replaced again since 1986 with the single-member, two-round majority system. Proportional representation was introduced too for regional elections (with *départements* as constituencies). In sum, the Fifth Republic now possesses a full palette of extremely varied electoral rules that have not been without influence on the 'destructuring' of parties (the formation of wings and factions) and alliances. Elections thought to be 'with nothing at stake' (*sans enjeu*, that is, not deciding a country's general political orientation) increasingly resemble the United States' 'mid-term elections'. Voters, freed from some electoral constraints and more aware that one election does not change much, have adapted their voting behaviour. They vote more according to the political moment and the 'message' they want to convey than to an increasingly weak partisan allegiance. This new fluidity, the product of a more volatile electorate, less determined by social and cultural factors (class, religion), consisting of what have been called 'rational voters', has harmed the main parties and allowed new political forces to emerge. The Greens and the National Front were able to burst on to the electoral scene thanks to a combination of elections 'with nothing at stake' and electoral rules that have a less drastic effect on minor parties than the majority rule. The municipal elections of 1983 and 1989, the European elections of 1984 and 1989, and the regional and parliamentary elections of 1986 were occasions for these 'outsiders' to advance at the expense of the famous 'gang of four' (Communists, Socialists, Centrists and Gaullists). The apex of this versatility was reached during the last ten years. After having elected Chirac and a sweeping rightist majority in 1995 the French electorate voted *en masse* for the left in 1997 but sanctioned the Socialist Prime Minister Jospin in 2002 when he was placed third in the presidential race. However, the failure of the small parties of the extreme left, as well as of the National Front of Le Pen in 2007, and the overwhelming success of Sarkozy both in the presidential and parliamentary elections have a taste of déjà-vu about them. It is reminiscent of the 1962 situation, accentuating even further its features in terms of both presidentialisation of the regime and simplification of the party system.

Thus the electoral evolution of the Fifth Republic took a path of progressive bipolar restructuring of the Fourth Republic's fragmented parties and electorate. This was followed by a weakening towards crisis point of a system which had stabilised only on the surface. In 1988, for the first time under the Fifth Republic, the coalition in power did not obtain an absolute majority in parliament. It was unable to legislate or govern without recourse to the ingenious devices introduced by the authors of the Fifth Republic constitution in pursuit of 'rationalised parliamentarianism', a euphemism for 'limited parliamentarianism'.

### Indifference and protest

Elections, as noted above, are undoubtedly necessary to the proper functioning of a democratic system, but not sufficient. Acknowledging that, in the absence of more

appropriate methods, elections are one of the better means of expressing views, their validity depends both on the conditions and rules which govern them (e.g. voting methods, fairness) and on voter commitment.

The abstention rate is one way of measuring the acceptability of this process of expressing opinions. The abstention rate in France is always calculated in relation to registered voters. (In the United States, for example, it is measured in relation to potential voters.) Electoral registration is not mandatory (even though it is almost automatic in small towns), and it is estimated that almost 10 per cent of potential electors are not registered. Apart from this fringe of deliberate absentees from electoral participation, the number of abstainers is regarded as medium range. About a quarter of voters desert the ballot box in national elections, though the variation between elections is not negligible. The abstention rate can exceed 30 per cent when two elections are held close together and the second election is judged less important than the first (e.g. the parliamentary elections of 1962 and 1988 and 2007 when abstention reached 40 per cent). But it may fall to below 15 per cent (e.g. 13 per cent in the second round of the presidential election of 1974, and 14 per cent in 1981 and in 2007). On the other hand, participation is lower in department and municipal elections in large towns. Participation of registered voters in French elections is about average for Western democracies; it is much higher than in US national and local elections or in UK local elections, and comparable to the ones in Germany or Italy, where there is a tendency towards a general decline. Nevertheless, the most noteworthy phenomenon of recent years has been the tumbling of participation rates in by-elections, or in polls not perceived as important by the electorate. Only one-third of voters (encouraged to abstain by the right, it is true) participated in the referendum ratifying the Matignon agreements and the associated legislation on New Caledonia.

Further polls (regional elections and a referendum in 1992, parliamentary elections in March 1993, European elections in 1999 and local elections in 2001) show persistent abstention (about one-third of the electorate abstained), though without enabling us to talk about a real 'exit' phenomenon. Indifference or dissatisfaction with regard to government parties is also expressed in other ways: spoilt or blank ballot papers (nearly 1.5 million in 1993) and the dispersal of votes in favour of 'protest' parties (e.g. hunters, ecologists, the extreme right, regionalists). For instance, in March 1993 the 'government parties' received only two-thirds of the vote, whereas they attracted more than 80 per cent of voters in 1981, when the Communist Party still had a monopoly of 'protest', with 16 per cent of the votes.

But yet another characteristic typifies French political life: the periodic eruption of violence and protest that contradict or counterbalance choices expressed through the ballot box. Unlike societies which have succeeded in channelling violent social relations into institutions that translate them into peaceful, formal and symbolic forms (e.g. British adversarial politics), and unlike countries where violence is expressed less in the political arena than within society itself (American crime, Italian mafia), the French system has always experienced street demonstrations that bring pressure to bear on power. The peasant and urban revolts under the *ancien régime*, the *sans-culottes* of 1789, the Parisian uprisings of 1793, 1830, 1848 and 1871, the populist demonstrations of 1934, the workers' strikes of 1936, the 'political' strikes

of 1947 and the Poujadists of the 1950s were similar expressions of what an American sociologist (J. Pitts) would describe as a 'delinquent community'.

The Fifth Republic does not escape the general rule. Governments from 1958 to 1991 were repeatedly confronted with explosions of temper as brutal as they were unpredictable, despite frequent elections and a generally supportive electorate. Some violent episodes had fundamental origins in the process of state reconstruction and decolonisation; for instance, France experienced endemic violence from 1955 to 1962 during the Algerian war. But bombs and assassination attempts have also peppered the rebellions of small nationalist groups in Corsica, Brittany and the Basque country. New Caledonia was on the verge of civil war from 1984 to 1988. In Réunion and the Antilles radical violence flared up suddenly, even though voters there continued to legitimise the mainland authorities over the years with electoral support which increased rather than declined.

As well as these national, nationalist or regionalist 'revolutions', sectional protest groups used violence in a more or less spontaneous way during strikes and demonstrations without it being organised or systematic. Farmers destroyed public buildings, and tradepeople and shopkeepers sacked local tax offices as a favourite way of expressing their demands. The erection of barricades in 1968 was part of this strategy, in which symbols and emotions are put to political use. There is now hardly any demonstration which does not end in ritual destruction and clashes with the police. How can these 'French passions' (Theodore Zeldin) be explained? Some observers locate the roots of the phenomenon in the way French people are socialised and educated. They argue that the French, subdued from childhood (within the family, at school) by a strong authority which does not allow discussion, can choose only between submission (passive obedience) and periodic revolt. This explanation has some salience. But other factors must undoubtedly be considered – for example incapacity or at least a poor capacity to organise group activity. Parties, unions and sectional interests have not been able to group their potential clientele into stable federations. The current fragmenting and weakening of the main ideological organisations has made the situation even more volatile. Nothing has replaced the framework once provided, for example, by the Church or by the Communist Party. The trade unions are incapable of mobilising their troops and, when discontent explodes, must adapt to the more or less confused and unrealistic demands of spontaneous 'co-ordination committees'.

Finally, the state shares responsibility for the brutal assaults it sometimes suffers. From the time of the monarchy until today interest groups have been unwelcome in 'the seraglio of power'. Groups are regarded as scarcely legitimate (since in principle only the elected are worthy) and held at a distance. In order to be heard they must often demonstrate their representativeness through noise and anger. Then we see the paradox of a state, initially haughty and disdainful, which does not negotiate with the mob, suddenly ready to concede anything and forgive anybody because there is no other way out of the *impasse*. The all-powerful state is replaced by the state ready to go to any lengths to re-establish social peace. Governments should learn from experience. But the phenomenon is repeated so often that it seems they do not. Social groups, on the other hand, have understood the lesson; they know violence pays and that it is more effective to smash shop windows than to participate in an

official planning inquiry. One of the chief defects of the French political system is thus revealed: it is still able to offer its citizens only a choice between two equally unsatisfactory options: individual action (e.g. ignoring or circumventing regulations and conventions) or violent revolt, since adequate channels of communication at citizens' disposal are lacking.

## POLITICAL PARTIES

The French party system is unusual among Western democracies. It is characterised by the fragility, instability and weakness of parties. This feature is not new or special to the Fifth Republic. But the 1958 institutions and the political events of the last forty years have given it a particular stamp.

### The party system: decomposition and recomposition

Until the 1988 and 1990 Acts on the financing of political parties and electoral campaigns, parties had no special legal status. They were organised as ordinary associations under the 1901 Act, or even as *de facto* associations. They could easily fall within the category of organisations forbidden under this law or under the decree of 1936 outlawing groups that threatened the 'republican form of government'. Legal guarantees and financial resources were not conceded to some parties that might have deserved them on account of their influence. But parties have never been so weak, so incapable of hammering out programmes, mobilising activists or attracting the voters as they have been since the 1990s. Is this decline inexorable? Or are we coming to the end of a period of disintegration that heralds a restructuring of the French political landscape? No answer to the question is possible at the moment because the parties have been affected in the last forty years by such varying fortunes, including periods of decline followed by periods of popularity. Only one thing is certain: no party has been able to consolidate the gains or progress it has made at some points in its history.

Table 4.2 Left-right placement of parties in France

Communist PCF	Green V	Socialist PS	Democrat MD	People UMP	National FN
Left	Centre-left	Centre	Centre-right	Right	

#### Party names:

PCF: French Communist Party (Parti Communiste Français).

V: Greens (Verts).

PS: Socialist Party (Parti Socialiste).

MD: Democratic Movement (Mouvement Démocratique) (ex-UDF).

UMP: Union of People's Movement (Union du Mouvement Populaire).

FN: National Front (Front National).

Source: As for Table 2.4.

The right: from Gaullist imperialism to fragmentation

In 1958 the Fourth Republic parties 'collaborated' in the construction of the new regime more or less enthusiastically – with the notable exception of the Communist Party, which showed almost complete hostility to General de Gaulle and his institutions. It was the right which rallied most vigorously to the colours of the new regime, but on the basis of a misunderstanding. It was persuaded, like the military and the French settler population of Algeria, that de Gaulle would retain Algeria within the bosom of mainland France. Besides, the reinforcement of the institutions in favour of the executive was bound to please an electorate attached to the values of order and authority. Nonetheless, Gaullism presented itself under its own flag and hit the bull's-eye in the parliamentary elections of 23 and 30 November 1958. The Gaullists (Union for the New Republic, UNR) obtained 20 per cent of the vote, while the National Centre of Independents and Peasants (CNIP) increased its share of the vote to 22 per cent, compared with 15 per cent in the 1956 elections. Thus the traditional right not only did not suffer from the emergence of Gaullism but made substantial gains from the electorate's shift to the right (the right obtained 56 per cent of the vote as against 46 per cent in 1956). However, the triumph of the traditional right did not last much beyond the period of domination over Algeria.

Electoral Gaullism was climbing irresistibly to power. The UNR and its allies obtained 36 per cent of the vote in 1962, whereas the CNIP vote collapsed (less than 10 per cent). In 1967, despite the majority parties' mediocre score, Gaullist candidates bearing the 'Fifth Republic' label maintained their share of the vote at 38 per cent. In the June 1968 'elections of fear' their score was unprecedented: 44 per cent of the vote. For the first time since World War II, one party, the Gaullists (by now called the Union of Democrats for the Republic, UDR), had obtained an absolute majority of seats. The right seemed, therefore, to have been comprehensively reconstituted, since extreme-right voters joined the Gaullists in favour of an amnesty for the last rebels of the Algerian war. Extreme-right candidates received a fraction of the vote: 0.13 per cent in 1968. The election of Georges Pompidou to the presidency in 1969 nibbled away part of the centre vote. This temporary triumph was short-lived, because the 1969 conservative advance tended to marginalise and then drive away part of the popular vote that de Gaulle had been able to attract and retain. The right risked becoming a minority, since to the defection of part of the electorate were added the internal conflicts of the 1974 presidential elections. Jacques Chirac headed a conspiracy in favour of Giscard d'Estaing and against Chaban-Delmas, the Gaullist candidate, dividing the electorate and the Gaullist movement. Having resigned his post as Prime Minister, Chirac succeeded in August 1976 in a take-over bid for the UDR, which became a powerful machine focused entirely on promoting him and his objective: winning the 1981 presidential election. From then on he was seen as the divider of the right, against Chaban-Delmas in 1974 and against Giscard d'Estaing in 1981. The bitterness aroused by this treasonable behaviour made it difficult for him to appear as the potential organiser of a federation of the right. What was more, the leaders of the parliamentary and presidential right were the accomplices and victims of the campaigns of a right-wing press that from 1981 to 1986 gave vent to the New Right's ideas and prepared the ideological ground for

nationalists and an extreme right wing promoted by an outstanding orator, Jean-Marie Le Pen. However, by defeating or marginalising all potential challengers from the right (starting with competitors in his own party, such as Balladur), Chirac has remained the only winning card. In spite – or because – of his inability to govern after the parliamentary defeat of 1997 (following a misconceived dissolution on the initiative of Chirac himself), Chirac appeared as the only serious candidate capable of defeating his leftist opponent Lionel Jospin. But the 2002 presidential election took an unexpected and dramatic direction. Jospin lay behind Le Pen in the first round, leaving the French electorate with the worst possible scenario: a second round opposing Le Pen to Chirac, who won by 82 per cent of the votes but with weak political support in the country.

Helped too by the coincidental timing of elections 'with nothing at stake' (by-elections, local elections, European elections) and by the introduction of proportional representation, the extreme right, enlarged by populist protest, became solidly implanted, and represented 12–15 per cent of the electorate. During the 1990s, it constituted the third right-wing political force, and in large measure determined the political debate and the strategies of the Gaullist party (now the Realignment for the Republic, RPR) and the UDF. Although the National Front, like the French Communist Party (PCF) of the 1950s, was a party outside the system, it became, as the PCF did then, though in a different context, the ideological reference point in relation to which the other political parties positioned and defined themselves. The rapid growth of the National Front and its entry into the party system were striking illustrations of the fluidity and fragility of that system. In five years a small group was able to climb into the first rank of parties, almost on a level with the two large structures of the right and centre (the Gaullists and the UDF), and overtaking the PCF. The problem of the right-wing parties in power was to contain this growth and to try to win back lost voters. For many years they were unable to set up a clear strategy, hesitating between rejection and complacency. The National Front played this ambiguity to its advantage, surfing on the protest mood of the French electorate during the 1980s and 1990s. It even managed to come second in the first round of the 2002 presidential election by eliminating a very fragmented left from the second ballot.

It was only with Nicolas Sarkozy that the right was able to impose itself as a credible alternative. Without making any real concessions to the National Front's ideas, Sarkozy was able to convince the popular electorate (which for a large part were also former Communist or Socialist voters) that he could better deliver on issues such as law and order, immigration and unemployment. At both the presidential and parliamentary elections in 2007, the National Front was brought back to its level of twenty-five years ago. Combined with a leadership close to retirement (Le Pen is over 80 years old), this strategy might bring to an end the extreme right/populist interlude which has been so detrimental to the political system over the past twenty-five years.

#### The centre: in search of an indefinable identity

A centrist electorate exists. The centre has for thirty years provided political change by making the balance shift sometimes to the right and sometimes to the left. It forced de Gaulle into the second round of the presidential ballot in 1965, and in 1988 refused Mitterrand the benefit of an overall parliamentary majority. But this electorate is fickle and unstable, split between right-wing impulses and left-wing ideals. Its leaders (in parliament or in local government), unable to control it, try to steer (or follow) as best they can. Under the Fourth Republic the centre had managed to construct a relatively powerful party structure with the creation of the Republican Popular Movement (MRP), one of the three large forces produced by the Liberation period. But the MRP, despite the social concerns of its leaders, remained the prisoner of its more conservative electorate and dependent on the clerical–secular cleavage still so salient during the Fourth Republic. Even though the MRP was part of almost all government coalitions under the Fourth Republic, it only represented 11 per cent of the electorate at the dawn of the new republic in 1958, compared with 29 per cent and 26 per cent, respectively, in June and November 1946. It did not really gain from its support for General de Gaulle during the Algerian war, since its remaining electors were also attracted to the hero of 18 June 1940. When the MRP broke with de Gaulle over the European issue (May 1962) it was abandoned by part of its electorate, and its share of the vote fell to 9 per cent in the 1962 parliamentary elections.

In spite of the surprisingly high polling of the centrist candidate in the presidential election of 1965 (he obtained 4 million votes), and the centrist unexpected success in the presidential election of 1969, when the president of the Senate, Alain Poher, gained more votes than the left-wing candidates and went into the second round in competition with Georges Pompidou, the centre was never able to find a programme which would attract voters or to build an organisation worthy of a real party. Following the departure of General de Gaulle, centre politicians aligned themselves with the decision already expressed by a large part of the electorate and joined the right-wing camp. This process started with Pompidou, was completed during Giscard d'Estaing's presidency and confirmed with the Socialist victory. After the 1988 presidential election and Mitterrand's promise of an 'opening to the centre', centre politicians made some signals of reconciliation towards Michel Rocard. But faced with Mitterrand's unwillingness to engage in a formal alliance, operation 'Opening' was limited to the seduction of a few *notables* and the entry on to the scene of a few personalities (non-political), called 'representatives of civil society' especially for the occasion. In 2002, the leader of the centre, Bayrou, ran for the presidency, trying to challenge Chirac, but failed. His second try in 2007 was apparently more successful, attracting more than 18 per cent of the electorate during the first round of the presidential elections. However, this major breakthrough lasted no more than two weeks. His new party launched in the wave of this success won a mere 7.5 per cent of the vote in the first round of the parliamentary elections and only four MPs in the second round.

## The left: from disunity to collapse

Although out of power from 1947 until the end of the Fourth Republic, the PCF remained the largest French party, a party with a relative majority that obtained more than one-quarter of the vote in 1956. Affected, like other parties, by the Gaullist tide, it obtained only 19 per cent of the vote in 1958, and, because of the change in the electoral system, its parliamentary representation fell to just ten deputies. But its declared hostility to Gaullism (despite some acknowledgement of the positive aspects of Gaullist foreign policy, notably the retreat from NATO's military command structure, the recognition of China and criticism of American policy in Vietnam) allowed it to maintain its position and 'capitalise' on discontent. Thus it obtained an average of 21 per cent of the vote during the period 1962–78. Until the parliamentary elections of 1973 the contrast with the Socialists (SFIO) or the Federation of the Democratic and Socialist Left (FGDS) was striking. The decline of the non-Communist left seemed unavoidable despite attempts at renewal and restructuring. The SFIO just managed to survive in 1958, thanks to its support of the constitution and its participation in de Gaulle's government, obtaining 15.5 per cent of the vote on 23 November 1958. But its subsequent opposition led it to fall back to 12.5 per cent on 18 November 1962. Efforts to reconstruct the radical and Socialist left, with the aid of political societies ('the clubs'), allowed it to climb back, encouraged especially by Mitterrand's unexpected score in the presidential election of 1965. The FGDS, founded by Mitterrand, obtained nearly 19 per cent of the vote in 1967 and so did creditably in comparison with the Communists. This federation was the result of the failure of the 'Grand Federation' initiated by Gaston Defferre in preparation for forthcoming presidential elections. In the minds of its promoters, its goals were to fight Gaullism and to set up a force comparable to, if not larger than, that of the PCF, by constructing a Democratic and Socialist Federation. The federation was supposed to bring together the SFIO Socialists, the radicals, Mitterrand's Convention of Republican Institutions (CIR) and the Christian Democrats (the MRP). But the opposition of Joseph Fontanet (MRP), who banned the term 'Socialist', and of Guy Mollet, who waved the banner of anticlericalism, wrecked the plan. Ambitions were lower when Mitterrand took up the torch again with his FGDS. Despite a programme published on 14 July 1966, the 'Little Federation', which excluded the Christian Democrats, was hardly more than an electoral alliance whose main advantage was to reduce the number of left-wing candidates. The 1967 elections were not a success in terms of votes but, thanks to the new discipline, allowed the left to gain fifteen more seats than in 1962. However, the SFIO did not want to go further with federation. The final blow was dealt to the FGDS by the 'events' of May (from which it was absent, except for Mitterrand's unfortunate declaration of 28 May 1968, announcing his candidature for a presidential post which was not available). The radicals left the federation, and Mitterrand resigned in November 1968. The old left was once more divided and weakened, while the Communist Party maintained its position. But the Communist and non-Communist left were both being harried by organisations calling themselves radical, even revolutionary, that took off during the May 'events': the Unified Socialist Party (PSU), created in 1960 by 'the new left', which fought

Gaullism but was not willing to join the PCF or by the SFIO of Guy Mollet; and Trotskyites and Maoists.

Discussions about re-approaching the 'clubs' and the SFIO started again at the end of 1968. Personal and institutional disagreements remained so strong that the Socialist Party (PS) created at Alfortville represented the betrothal of a lame duck (the SFIO) and a scraggy lark (the Union of Socialist Groups and Clubs (UGCS) of Alain Savary). Gaston Defferre was designated as presidential candidate. It was a descent into hell for the non-Communist left, whose candidate obtained 5 per cent of the vote, against 21 per cent for the Communist candidate. From these ruins it was at least possible for Mitterrand to come back with some force to propose his idea of what the party should be and what political strategy it should follow.

The Epinay congress of 11–13 June 1971 set Socialists faithful to the 'old party', grouped round Savary, against the mixed bunch who wanted a new party (without being agreed on its content or arrangements). Mitterrand defended the idea of an alliance with the PCF that would permit a rebalancing of the two families of the left. The task seemed difficult because, in contrast to the Socialists, who had foundered in 1969, the PCF had maintained its position. It had reaped the benefit of the socio-economic strife of 1969 and improved its image by distancing itself from the USSR (condemning the Soviet invasion of Czechoslovakia in August 1968) and by accepting the principle of pluralism and alternating governments should it be elected. Despite their differences, the Socialist Party and the Communist Party reached an agreement on 16 June 1972, signing a 'Common Programme of Government'. At the same moment, left-wing radicals separated from the Radical Party of Jean-Jacques Servan-Schreiber, formed in January 1973 the Movement of Left Radicals (MRG), which, in its turn, signed the Common Programme.

Fifteen years after the inauguration of the Fifth Republic, twenty-six years after the post-World War II split, fifty-three years after the foundation of the Communist Party at the Congress of Tours, the left seemed to be on the way to turning the old myth of 'the reunification of the working-class movement' into reality. The 1973 elections did not completely fulfil the hopes invested in this venture, but the pump was primed. The Socialists obtained 19 per cent of the vote, against 21 per cent for the PCF. This early progress received a strong boost at the time of the presidential election, when Mitterrand, sole candidate of the left, was only just over 400,000 votes behind Giscard d'Estaing (less than 1 per cent of voters). At the Assembly of Socialism of October 1974 this success led to the further incorporation into the PS of parts of its outlying fringes (the PSU and the French Democratic Confederation of Labour, CFDT). Michel Rocard, Robert Chapuis and a few thousand activists joined the PS despite the reservations of a final stubborn group which kept the PSU going, come what may. But the PCF found the Union of the Left no help, whereas the PS and Mitterrand reaped the reward of their strategy. In particular, in the local elections of spring 1977 the PS and the MRG advanced and profited more than did the PCF from the gains of the united left (58 towns of over 30,000 inhabitants were won by the left, 35 of which were run by Socialists). The Communist Party used the updating of the Common Programme, which it especially wanted and which was justified by the change in economic conditions (the 1973 oil crisis), to raise its price, demanding that the nationalisation programme should be considerably expanded.



The break-up of the Union occurred on 23 September 1977. The 1978 elections did not seem to punish this new divide, since the PCF still obtained 21 per cent of the vote and the PS-MRG alliance gathered 25 per cent. Nevertheless the division and quarrels within the left contributed to the achievement of the governmental majority.

With hindsight it was clear the small decrease in the PCF vote was in fact the beginning of its descent into hell, punishment for a party incapable of adapting to the new realities, a party which remained Stalinist in numerous aspects of its internal functioning and its policy decisions. From now on, all the PCF's efforts to get out of its downward spiral only accelerated its fall, whereas the PS swept from victory to victory. The PCF share of the vote fell to 15 per cent in June 1981, to 11 per cent in the European elections in 1984, to 10 per cent in the parliamentary elections of 1986 and to 7 per cent in the first round of the presidential elections in 1988. At the beginning of the 1990s the PCF share of the vote was stable at about 10 per cent, very much behind the PS and overtaken by the National Front, but fell again in spite of the efforts of its new leader, Robert Hue. Not only has the PCF by now been superseded by the Greens, it is also challenged by the extreme-left parties, which together obtain a larger share of the vote than the PCF. Over the same period the PS-MRG, bolstered by its leader's triumph, achieved 37.5 per cent of the vote and won an absolute majority of seats in 1981. Even when defeated in 1986 it still attracted 32 per cent of the vote. It climbed to 35 per cent in 1988, missing an absolute majority by a few seats. Although the PCF agreed in 1981 to associate itself with the Mauroy government (it obtained only four ministerial posts), the exercise of power was no more helpful to it than opposition had been. Obligated to swallow the indignities of the austerity programme, it finally withdrew from the Fabius government in July 1984, which enabled it to criticise the Socialists' management more strongly. But the repercussions were not only electoral. The PCF lost its activists (its intellectuals, for the most part, had left much earlier), its local bastions and thus its logistical and financial support. Georges Marchais, famous for his television performances, became no more than a sad clown whose comments were scarcely of interest, they seemed so out of touch. In the past, the PCF either seduced or frightened. It no longer attracts voters, and excites at best indifference among its opponents. Instead, the Socialist Party, after the 1993 *débâcle*, managed to recover strongly in part because of the policies and mistakes of Chirac and of his Prime Minister Alain Juppé. Even more than in 1981, the 1997 victory of the Left coalition was a 'divine surprise'.

During the five years of cohabitation, the leftist government achieved many good economic and social results but failed to renew its programme and to convince its allies to rally behind Jospin as the candidate of a united left in the 2002 presidential elections. The extreme dispersion of left votes put Jospin in third position behind Le Pen. In spite of this defeat, neither the PS nor the PCF drew lessons from this bitter experience. The PS, under the chairmanship of François Hollande, tried to hide its ideological crisis and its internal divisions. They were exacerbated further by the deep division created by the referendum on the constitutional Treaty in May 2005. The left of the party, led by Laurent Fabius, chose to vote 'no' while the rest opted for 'yes'. While managing to reconcile these contradictions on the surface, the

PS found itself without a natural leader for the presidential elections. Primaries were, for the first time, organised, leading to the unexpected victory of Ségolène Royal; for the first time a woman was chosen as a presidential candidate but this major innovation was not enough to compensate for the political, organisational and ideological crisis of the party. Once more the Socialist Party had to start from scratch in order to adjust to the changes of the time. Its good fortune and at the same time its weakness is that it remains the only party of government on the left. The extreme left has no hope of gaining power and the PCF is unable to change and to learn from events (such as gaining a miserable 2 per cent of the vote at the presidential elections in 2007). This is all the more challenging for parties of the left, which permanently represent less than 50 per cent of the electorate and which can expect to win under only two conditions: a divided right and/or the capacity to attract part of the centre-left electorate.

### Institutional constraints

It was thought for a long time that voting and institutional constraints (the two-round ballot system and the corresponding bipolar choice in the presidential election) had brought about a simplification of political life and imposed discipline and reorganisation on the parties. In other words, these constraints were supposed to have had a beneficial effect in encouraging the parties to reform themselves. There was some evidence in support of this analysis until the 1970s. However, the argument neglected the impact of two leaders, very different but both of exceptional stature, de Gaulle and Mitterrand. With one of them dead and the other placed in an institutional position which did not allow him to play the role of party leader, the centrifugal forces increased, under the very same influence of the rules of the constitutional game. What in practice is the fundamental goal that is at stake? It is the presidential election, which encourages, as it ought, the competition of those who think, rightly or wrongly, that a 'national destiny' awaits them. This competition first arises inside the parties, if several leaders seem to have the makings of a future President (e.g. as suggested by opinion polls). It results in the exacerbation of personal conflict, factional strife, strategies and alliances whose contribution to party division is increased the more outside factors (e.g. popularity ratings, media comment) intervene. For a presidential election to reinforce the parties, two conditions – not present in France – should be fulfilled: there should be two main parties only, and candidates should be subject to selection, whether in public (as in the United States) or inside the parties. In the absence of these conditions the parties themselves become the goal at stake and the site of great, and sometimes absurd, battles. French parties, born in a parliamentary context, class-related, ideologically based, do not fit well into such a scheme. General de Gaulle was right: the head of state of the Fifth Republic needed a gathering or realignment of the people, not a party. The posthumous revenge of the founder of the Fifth Republic is that the institutions born in 1958 have not, contrary to what was first thought, restructured or founded a modern party system.

That is why the party 'crisis' of the 1980s was not a short-term incident. Although it was masked for a long time by presidential charisma and by the constraints of the

electoral system, the crisis is now obvious. The progressive modification of institutional constraints from the 1980s (the changes in electoral systems) did not cause these transformations. But it revealed and promoted them. Until 1979 the homogeneity of the electoral system was total. The two-round ballot majority system was used for all types of elections, from municipal ones to the presidential election. After 1979 a combination of elections 'with nothing fundamental at stake' and a diversity of electoral rules offered new opportunities to voters and groups that had hitherto been marginalised. With the fall of the Berlin Wall, the collapse of ideologies, the growth of new challenges (the environment, immigration and the demands of ethnic minorities), the French parties became like their European equivalents, i.e. in crisis. But the crisis is more deadly in France because French parties have never constituted the backbone of the political system.

The 2002 and 2007 presidential elections confirm this point. In 2002, the left lost because of an excessive fragmentation and Chirac won mainly because the electorate was put in the impossible position of having to choose between him and Le Pen. In 2007, Sarkozy's victory was not only the result of his programme and charisma. For the first time since the beginning of the Fifth Republic, the dominant party of the right was able to vote and choose the candidate. The same happened within the Socialist Party, where a 'beauty contest' was set up in order to choose the candidate from amongst the 'elephants' (the faction leaders). For the first time, here too, the candidate was chosen by the party on the basis of a real competition. It is still too soon to say if these changes are provisional or if they are an indirect consequence of the limiting of the presidential mandate to five years, a change which accentuates, furthermore, the presidentialisation of the system and might have an impact on the leader/party relationship.

## PARLIAMENT

### Rules and discipline

Parliament under the Fourth Republic, despite a few constitutional provisions soon ignored, was a parliament, it could be said, 'having neither faith nor law' (*sans foi, ni loi*). It violated even the clearest constitutional provisions with impunity, played ducks and drakes with others, manipulated electoral laws, annulled the election of candidates who displeased it (in 1956 the Poujadists), passed special laws (the state of emergency) and brought discredit on itself with its budgetary procedures, capricious motions of censure and its impotence even in the election of the President of the Republic. Since it controlled the agenda and was in charge of its own sittings and committee organisation, the Fourth Republic parliament had in fact considerable freedom of action – or, rather, licence. It is scarcely surprising that the founding fathers of the Fifth Republic wanted to react against this state of affairs. Yet it is surprising that later commentators should have measured the decline of parliament under the Fifth Republic by the standards of this model.

The Fifth Republic parliament is undeniably subject to severe restrictions that were applied (with excessive zeal) from the beginning. Constitution designer Michel Debré's basic premise – which proved to be erroneous – was that the numerous deep cleavages across France made it impossible to aggregate opinions and votes around a majority pole on one side and around an opposition pole on the other (as in Great Britain). What 'nature' could not offer had therefore to be brought about through 'artifice', i.e. rigid rules defining the function of parliament. In this respect the constitution effected a true revolution by comparison with the two previous republics, because it constrained parliament within strict limits:

- 1 Parliamentary sittings were reduced to two ordinary sessions of about three months each, which were not modified to a nine-month single session until 1995.
- 2 The assemblies' standing orders had to be approved by the Constitutional Council, making encroachments contrary to the letter and spirit of the constitution difficult.
- 3 The government controlled the agenda and the organisation of debates.
- 4 The number of standing committees was reduced to six, each really a 'mini-parliament' ill suited to effective consideration and amendment.
- 5 The range of parliamentary intervention is limited by Articles 34 and 37, which fix 'the domain of law' (areas in which parliament is free to legislate) and 'the domain of regulations' (issued by the executive), where parliament cannot intervene.
- 6 The financial powers of parliament are limited by Article 40, which declares out of order any Bill or amendment entailing a decrease in public revenue or an increase in expenditure.
- 7 Controls over the government (motions of confidence or censure) can be applied only according to strict provisions laid down in Articles 49 and 50.
- 8 Finally, multiple procedural provisions further reinforce the government's position by giving the executive a panoply of means to bypass or reduce parliamentary obstacles, for example the 'package' vote, and the government's power to declare that a vote on a particular text will be treated as a motion of confidence.

The 'rationalisation' of parliament, the expression most commonly used to describe and justify these reforms, has been much written about and has attracted innumerable criticisms. Yet the reforms are hardly original, since they are merely an importation of British parliamentary procedures. The scandal is in the contrast with the preceding 'golden age of parliament' and in the way the procedures were applied by the first rulers of the Fifth Republic. The constitutional provisions were severe but their application was even more so (Suleiman 1986).

In fact the executive was helped in its task, particularly by public opinion and by the judgements of the Constitutional Council. The government's task was facilitated politically by the disrepute parliament earned under the Fourth Republic, a reputation carefully nurtured by the political leaders of the Fifth.

Furthermore, the humiliation of parliament was the result of parliamentary 'self-flagellation'. In effect, the reduction in the parliament's power would not have been

so steep and sustained had members of parliament not lent a hand. Two factors within parliament contributed to reinforcing the ascendancy of the executive at the expense of the National Assembly in particular. First, training in majority-party discipline – a phenomenon unknown in France before the Fifth Republic – was accomplished in almost military style, MPs accepting without a murmur the governmental edicts passed down by party managers. Second, parliament marginalised itself, reducing itself almost to the role of rubber stamp through members' poor professionalism and high absenteeism.

## What is parliament for? Representation, decision-making and control

### The representative function

Parliament is composed of two chambers: the National Assembly and the Senate, which in a unitary system seems constitutionally bizarre. Why seek representation through two chambers? It either risks pointless conflict or leads to a large consensus. The explanation owes nothing to the rules of democracy but much to the liberal political tradition. If the power to check constitutes one of the essential components of a liberal regime, then the second chamber's main justification is in moderating the excesses of the lower chamber.

Though this counterbalancing principle is so ingrained that it is now hardly ever discussed, the Senate's unrepresentative character is a sword of Damocles suspended over this venerable institution. Senators are indirectly elected by an electoral college made up of some 80,000 'grand electors' (mostly directly elected local government councillors); thus the democratic element is extremely attenuated. Its principal merit in a system of concentrated power like the Fifth Republic remains that of 'checking'. No doubt it is this characteristic that makes the Senate 'untouchable' despite its weak representativeness. Its strength derives mainly from the fact that it has become the voice of the most influential lobby in France: the local communities (in particular communes and departments). However, it is rather shocking that due to its mode of selection the Senate has been a bastion of the right consistently since 1958.

The representativeness of the National Assembly is incontestably superior, even though it is imperfect, whether from a political or a sociological point of view. Politically it is undeniable that the single-member, two-round majority system does not answer perfectly the requirements of representation. It is a 'French speciality', other democracies preferring proportional systems (with the exception in Europe of the United Kingdom, which uses a one-round plurality system). Since 1958 no parliamentary majority has been based on a majority of votes (this was also the case in 1986 after the Socialists had introduced a very disproportional proportional system). In addition, the minor parties are barred from the second round by a high 'exclusion threshold' (currently 12.5 per cent of the electorate), and the middle-ranking parties are under-represented if they have not concluded electoral pacts. Two examples suffice to illustrate the extent of this under-representation, in particular for

the parties positioned in the extreme corners of the political chessboard. In 1958 the PCF, which received 19 per cent of the vote, won only ten seats, while the Gaullist National Union for the Republic (UNR), which received 18 per cent of the vote in the first round, won 207 seats thanks to votes transferred in the second round. In 1993 the National Front, with 12.5 per cent of the vote, obtained no seats, while the UDF, whose score was only 50 per cent higher (19 per cent of the vote), acquired 206 deputies. These inequalities in representation have been aggravated by the constituency map, both because constituency boundaries have been gerrymandered and because demographic disparities have increased over the years. Even though the new constituency boundaries drawn in 1987 removed the most blatant discrepancies the situation remains imperfect, as the results of the 1988 elections illustrate. The PS and the Movement of Left Radicals (MRG) almost won an absolute majority (they lacked a mere thirteen seats), though they obtained altogether only 36 per cent of the vote in the first round. In 1993 the right, with 37 per cent of the vote in the first round, made a clean sweep with 448 seats. The phenomenon was repeated in 1997, 2002 and 2007.

### The decision-making function

Governments have always been active in the drawing up of legislation, but the weakness of the French parliament appeared in all its depth when it proved incapable not only of drawing up legislative proposals but even of simply approving them. This incapacity led to governments under the Third Republic turning to 'decree laws', and under the Fourth Republic to 'framework laws': a symbolic case of theoretical omnipotence emerging as practical impotence.

Nevertheless, honour was saved, because infringements of the theoretical and legal use of orders were presented as exceptions or violations. The Fifth Republic was considered scandalous when it claimed to put the clock right, i.e. to reconcile law with practice: in other words, to recognise the important role of the administration and government in drawing up legislation, to constitutionalise and thus to legitimise what had been seen until then as errors or stop-gap procedures. But this endeavour (Articles 34 and 37 of the constitution) proved fruitless, since it too was founded upon a utopian premise: the belief that it was possible to draw a line between the important and the secondary, the principle and the application, the fundamental and the subsidiary.

The best illustration of the ambiguity of parliamentary decision-making powers is without doubt the procedure for issuing regulations in Article 38, which is the constitutional codification of the practice of 'decree laws'. As with 'decree laws', the use of regulations (*ordonnances*) removes almost all power from parliament, since the ratification process is reduced to the tabling of a Bill that is never discussed, and the content of regulations is only vaguely defined in the relevant enabling law. However, this dismal observation should be balanced by a reminder that enabling laws have never been numerous, they have not always been used effectively, the Constitutional Council's control over their use is increasingly vigilant and, finally, parliament still has a right to amend regulations. More important, the use of

*ordonnances* often demonstrates a sort of 'tribute of vice to virtue', since it could be said that governments of the Fifth Republic have used regulations even when they had majority support in parliament, because parliamentary debate is not as ineffective or as second rate as it is sometimes portrayed to be. If parliamentary power – and the mobilisation of opinion that debates can produce – was as futile as is claimed, the use of regulations would be unnecessary.

It is doubtless in budgetary and financial matters, and in foreign policy, that parliament's powers have been weakened most dramatically. Not only does the constitution forbid parliament to increase costs or decrease public revenue, but the government is reluctant to accept proposals affecting its own plans, even when they imply no extra cost, or would bring in extra revenue in ways unacceptable to the Minister of Finance. This curtailment of parliamentary powers is considerable by comparison with both a parliamentary regime like Italy and a presidential one like the United States, where the assemblies have sizeable prerogatives over revenue and expenditure.

Although the government has more room for manoeuvre than parliament (e.g. decrees for bringing forward or annulling expenditure, a 'freeze' on budgets, or staged implementation), it too has limited freedom, because it exercises real choice over an estimated 5 per cent of the budget at most. Moreover, when members of parliament resist, they can make themselves heard: the explanation of generous central government grants to local authorities is not simply central government generosity. The inextricable jungle of local taxation is partly due to multiple amendments of budgetary and other laws by elected national representatives acutely conscious of their local interests. Recently, a Bill was passed which, while modernising the budgetary process to make it more efficient, allows parliament more freedom for intervention and control. In addition, for the first time under the Fifth Republic, Nicolas Sarkozy has announced that the Budget and Finance Committee Chair will be offered to the opposition.

The role of parliament in foreign policy is even more marginal. At best parliament is called upon to ratify *faits accomplis*, though certain members (notably the chairs of the Foreign Affairs and Defence Committees) are rather better informed about decisions. Under the Fifth Republic this 'presidential reserved domain' was shared only slightly with the Prime Minister during the periods of *cohabitation* (1986–8, 1993–5 and 1997–2002), though the competition between Mitterrand and Chirac or Chirac and Jospin did not profit parliament. On the contrary, majority and opposition both seemed paralysed by the fear of causing their respective leaders problems. Neither the policy of *détente* nor the withdrawal from NATO's command structure, neither the Franco-German reconciliation nor the Franco-American skirmishes were inspired by or decided in parliamentary debate. Parliament was at best a forum for criticism or approval of a decision that had been taken or a line that had already been decided. On this point as on others the Mitterrand republic hardly differed from the Gaullist republic, as the 'management' of public opinion during the Gulf War of January–February 1991 showed. Parliamentary debate was reduced to its simplest form, representatives of the parliamentary groups being kept regularly informed by the Prime Minister. On the other hand, there were at least eleven televised interventions by the head of state between August 1990 and February

1991. Parliament is without doubt the first victim of the 'rule by the media' that has taken over in Western democracies.

#### The control function

Unquestionably it is in its controlling function that parliament has adapted least well to the needs of the time, in particular under the Fifth Republic. Parliamentary control over the government can take several forms. It can be purely partisan, that is, voiced by the opposition. Its function is to criticise government activity, to condemn abuses or violations of the law and to counter with its own policy proposals. This type of 'control' may attract attention, but it is effective only under some conditions: when the government is supported by a heterogeneous group of members, with a bare minimum or no absolute majority; or when the opposition mobilises public opinion sufficiently to force the government to withdraw under the combined pressure of internal forces (within parliament) and external forces (in the streets). These conditions have not been rare under the Fifth Republic. But in strictly constitutional terms this 'control' is considered an empty threat since, 'by definition', the majority supports the government.

A second type of control, considered in the classic typology as 'control with a penalty', involves the transformation of the parliamentary landscape: a significant section of the majority party (or parties) decides to cross the Rubicon and vote for a motion of censure put down by the opposition. If the motion secures the majority required under the constitution the government is forced to resign, and the President must decide whether to proceed to a dissolution of parliament and put the question to the electorate. This type of control is drastic. In the constitutional field it is like nuclear arms against conventional weapons: in theory it has a dissuasive effect, but it could not be used often without destabilising the system. The Fifth Republic illustrates this situation very well: one government only, that of Georges Pompidou, was brought down, when a section of the parliamentary majority broke ranks with General de Gaulle in 1962. The consequences (dissolution of the National Assembly and elections won by de Gaulle's supporters) show without question that the executive's power of dissuasion (dissolution) is more powerful than parliament's power of dissuasion (a vote of censure). While these techniques are still used in certain fragmented parliamentary regimes (Belgium, the Netherlands, Israel), elsewhere they tend increasingly to be stored away with other constitutional antiques. One cannot conceive of a parliamentary regime without them, but at the same time there is little illusion about their impact.

There remains a third method of control, quieter and more subtle, which does not belong wholly to the majority or to the opposition. It requires much energy, perseverance and know-how on the part of parliamentarians. It consists of detailed, thorough and precise checking of the activities of government and its administration. The ways and means are infinite: oral and written questions, oral questions with debate, committees of inquiry or of control, special inquiries, reports, hearings and so on. But in all these cases partisanship has to be put aside, or at least reduced, in favour of an honest, critical and comprehensive investigation. Needless to say, that

is not easy in a parliamentary regime, where the system is based on the institutionalisation of difference: the government, with its majority, governs; the opposition criticises. It is unsurprising, therefore, that the country where this method of control functions most intensively is the United States, where there is no clear, stable boundary between majority and opposition (majority and opposition determine themselves by varying continuously from vote to vote).

It is this absence of checks, more than anything else, that makes governments so powerful, particularly under the Fifth Republic. Too often the premium is on the *fait accompli* in the knowledge that control will be non-existent or ineffectual.

## PRESIDENT AND GOVERNMENT: THE 'REPUBLICAN MONARCHY'

Two elements contributed to making the head of state of the Fifth Republic the 'republican monarch' that Michel Debré outlined at the time of the Liberation, under the pseudonym of Jacquier-Bruère: the constitution itself and the use subsequently made of it. At that time the length of the mandate (seven years) was considered as an element of this quasi-monarchical presidency. However, under pressure from the media and from an heterogeneous coalition (including Giscard d'Estaing and the Socialists) Chirac, who had declared himself hostile to the '*quinquennat*' the year before, had to swallow it rather than be defeated. After the reform adopted by a rather indifferent people on 2 October 2000 the presidential mandate was reduced to five years.

### The principle: the constitution, the whole constitution, and nothing but the constitution

The President of the Fifth Republic benefits from a twofold advantage by comparison with the canons of classical constitutional law: the President has in some respects the advantages and privileges of the head of state in a *presidential* system; in other respects he enjoys the prerogative powers of a head of state in a *parliamentary* system. This ambiguous combination of roles ensures for French Presidents their unique powers, simultaneously giving them complete political irresponsibility and the strength to make decisions and pressure other constitutional bodies. Placed at the summit of a parliamentary regime, the head of state, as tradition expects, appoints the Prime Minister and, jointly with the Prime Minister, appoints ministers. The head of state can address messages to both houses but, in conformity with 'republican tradition', cannot speak direct to parliamentarians from within the chamber. He may dissolve the National Assembly, and appoints three members of the Constitutional Council, including its president. To these powers belonging specifically to the President are added those shared with the Prime Minister and government, in particular the signing of regulations and decrees, appointments to various civilian and military posts, as well as all measures decided in the Council of Ministers. There are no surprises hidden in this brief list of the principal powers accorded by the constitution: they descend in a direct line from the parliamentary tradition of the nineteenth century.

Table 4.3 Presidents of France, 1958–2007

Election	Year	President	Party support
1	1958	C. de Gaulle	Gaullists, Centrists
2	1965	C. de Gaulle	Gaullists, Centrists
3	1969	G. Pompidou	Gaullists, Centrists
4	1974	V. Giscard d'Estaing	Centrist republicans, Gaullists
5	1981	F. Mitterrand	Socialists, Communists
6	1988	F. Mitterrand	Socialists
7	1995	J. Chirac	Gaullists, Centrists
8	2002	J. Chirac	Gaullists, Centrists
9	2007	N. Sarkozy	Conservatives, Independents

Note: The first party indicates the President's affiliation.

But added to this first list are several prerogative powers not often awarded to a head of state under a classic parliamentary regime. Under Article 11 the President can call a referendum on the proposal of the government or the two assemblies. On the other hand, only the President can avoid a referendum on reform of the constitution by deciding to submit it to the two assemblies meeting in congress. If there arises a serious and immediate threat to 'the institutions of the Republic, the independence of the nation, the integrity of its territory or the fulfilment of its international obligations', and if there is an interruption in the regular functioning of the constitutional public authorities, Article 16 gives the President full powers and makes him a temporary 'legal dictator'. In the light of this extraordinary provision, without parallel in other Western constitutions, the powers in Article 15 (the President of the Republic is the head of the armed forces) and in Article 52 (the President of the Republic negotiates and ratifies treaties) are almost a relief. Like the President of the United States, the President of the French Republic is all-powerful in the ordering of peace and war, of weapons and diplomacy.

The 1958 constitution is thus ambiguous or, rather, ambivalent in its terms. It leaves ample margin for manoeuvre to politicians (who are not deprived of something to bicker over) and interpreters (who are not deprived of something to expound upon). In addition this baroque structure is crowned by Article 5, which solemnly opens Section II, devoted to the powers of the President of the Republic. This provision, which ought in principle to clarify and underpin the group of technical provisions that follow, has with experience provided an 'obscure clarity'. It has unleashed political passions and given rise to a thousand and one interpretations. The President of the Republic, proclaims the article, endeavours to ensure respect for the constitution. He provides, by his arbitration, for the regular functioning of the public authorities as well as the continuity of the state. He is the guarantor of the independence of the nation, of the integrity of its territory, of respect for Community agreements and treaties. There have been endless quarrels over the semantics among politicians, legal experts and political scientists about the word 'arbitrer'. Some people, referring to legal tradition or sport, insist on the *neutrality* inherent in the function of arbitration. Others, especially de Gaulle's supporters, appeal to etymology and invoke the Latin word *arbitrium*, which implies the power to decide in an

Table 4.4 Governments of France, 1958–2007

Legislature No.	Year	Prime Minister	Party composition
1	1958	C. de Gaulle	Gaullists, Centrists
	1959	M. Debré	Gaullists, Centrists
2	1962	G. Pompidou	Gaullists, Centrists
	1967	G. Pompidou	Gaullists, Centrists
4	1968	M. Couve de Murville	Gaullists, Centrists
	1969	J. Chaban-Delmas	Gaullists, Centrists
	1972	P. Messmer	Gaullists, Centrists
	1973	P. Messmer	Gaullists, Centrists
5	1974	J. Chirac	Gaullists, Centrists
	1976	R. Barre	Centrists, Gaullists
	1978	R. Barre	Centrists, Gaullists
7	1981	P. Mauroy	Socialists, Communists
	1984	L. Fabius	Socialists
8	1986	J. Chirac	Gaullists, Centrists
	9	1988	M. Rocard
1991		E. Cresson	Socialists
1992		P. Bérégovoy	Socialists
10	1993	E. Balladur	Gaullists, Centrists
	1995	A. Juppé	Gaullists, Centrists
11	1997	L. Jospin	Socialists, Communists, Greens, Radicals, Citizens
12	2002	J. Raffarin	Gaullists, Centrists
13	2005	D. de Villepin	Gaullists, Centrists
14	2007	F. Fillon	Conservatives, Centrists

Note: The first party indicates the Prime Minister's affiliation.

autonomous manner (as in the expression *libre arbitre*, free will). But, in the end (in the absence of a *real* constitutional referee), the meaning of Article 5 was decided and imposed by the holder of the post, in particular by the first of them, General de Gaulle. The definition of presidential power results as much from the way it is exercised as from the constitutional text itself. It has been said that the constitution was tailored to fit de Gaulle. In certain respects this assertion cannot be denied. But, essentially, the clothes have taken shape with use, as the experience of *cohabitation* from 1986 to 1988, from 1993 to 1995 and from 1997 to 2002, in a contrary way, demonstrated.

### The practice: the use of the constitution

In contrast to the United Kingdom, whose constitution consists not of a single, solemn document but of a multitude of texts, laws, traditions and 'conventions', France is very attached to the idea of a written, solemn, rigid constitution – so rigid that if the constitution is unable to deal with some problem or other there is a change in the regime and a new constitution is adopted that supposedly deals with the questions not resolved by the preceding version. However, this childhood illness of French constitutionalism has had a few periods of remission, of which the most

important and most famous was the Third Republic. Recently, a more pragmatic approach has prevailed and many constitutional changes have been introduced through amendments approved either by popular referendum or parliamentary vote.

The Gaullist interpretation and use of institutions are thus not novel. They demonstrate evidence of the capacity for institutions to be transformed by convention. From 1958 on, the impetus for change was in the hands of the head of state, as interpreter and actor, with the more or less tacit support of the conservative majority, and a left-wing opposition that was critical but ambushed by the hornets' nest of Algeria. Thus the Gaullist transformation of the constitution was made possible by a combination of favourable elements: exceptional circumstances, the complicity of government and majority, and the lack of any constitutional body to condemn violations or one-sided interpretations of the constitution. The rebellion of the majority in 1962, when the Algerian War was over, could have closed one period and one type of application of the constitution. The more or less implicit consensus was broken. But in submitting the constitutional and political issues to the judgement of people (the referendum on changing the constitution to introduce the election of the head of state by universal suffrage; the dissolution of the National Assembly and the elections of 11 and 18 November 1962) de Gaulle made the electors the judges of the legal case. By giving twice, and massively, the approval de Gaulle requested, the electors ratified past constitutional practices and the conventions which until that time had benefited from majority, but not unanimous, support. In July 1981 the number-one opponent of Gaullism, François Mitterrand, had just been elected President when he ratified Gaullist presidentialism, adopting it for himself: 'The institutions were not made for me, but they suit me very well'. After Pompidou (which was hardly surprising), after Giscard d'Estaing (despite denouncing in 1967 'the sole exercise of power'), François Mitterrand in his turn put on the seven-league boots.

Who could resist such temptation? The head of state's powers are *indefinable* because literally *indefinite*, without finite limits. This thesis was demonstrated by its antithesis when the right, led by Jacques Chirac, won the 1986 and the 1993 parliamentary elections, as well as in 1997, when the left, led by Lionel Jospin, won, always against the incumbent President. In all cases, the President suffered a serious loss of power. With the end of parliamentary support the powers of the head of state underwent a severe redesign process. As Mitterrand conceded in a televised interview on 2 March 1986, 'No one imposes conditions on the President of the Republic. He appoints whom he wants to. But he must do it in conformity with popular will.' He could theoretically submit an issue to a referendum, but the government or parliament would have had first to propose it to him. He could summon parliament to an extraordinary session, but only at the request of either the Prime Minister or the majority of National Assembly members. He could continue to nominate people to civil or military posts, but only with the Prime Minister's counter-signature. In short, the all-powerful monarch's unbounded domain was reduced in this new political context to the defined space which the constitution assigns explicitly to the President without imposing special conditions, i.e. the right of dissolution, the right to nominate three members of the Constitutional Council, and especially Article 16,

the formidable prerogative which stops a responsible government reducing the President's military and diplomatic prerogatives to purely formal powers. This last area was the only issue on which the Chirac government did not systematically keep the President at a distance (in other areas he increased the number of cabinet meetings chaired by the Prime Minister which the President did not attend, and restricted the minutes of meetings, which have to be sent to the President, to their essential points). The experiment of *cobabitation* has been particularly fascinating in this issue, with its inextricable mixture of politics and constitutional rules, and in the shrewd manipulation of symbolic powers and law.

The wide range of powers accorded by the constitution and, more important, those acquired by convention at the expense of other constitutional authorities require the President to possess some means of exercising his or her choice and imposing his decisions. The outcome is the result of compromise. On one hand, the government instituted by the constitution has no boundaries, but the President can stamp his mark on it by selecting ministers and the Prime Minister. On the other hand, the Prime Minister is surrounded by a team of faithful advisers, responsible for following up activities in the principal policy sectors, particularly issues in the presidential domain, whose day-to-day management is, moreover, the responsibility of ministries. This system is potentially conflictual, even explosive, because it multiplies the centres of decision-making and influence: the President, his or her advisers, the Prime Minister and his or her *cabinet*, and the ministers. Indeed, conflicts have not been lacking, but they have mostly been confined to the limited circle of decision-makers and have only occasionally boiled over into the media. It must be said that de Gaulle imposed from the outset a discipline and rigour the Fourth Republic had forgotten: conflicts are now regulated in the quiet of antechambers, or resolved by the departure of the dissatisfied or 'dissident' elements.

### The presidential staff

The President exerts his influence and prepares himself for decision-making through standing and *ad hoc* councils, and with the help of their advisers within the President's general secretariat and the President's *cabinet*. The councils held at the Elysée (the President's headquarters), chaired by the head of state or a close collaborator, do not have equal importance. Some councils draft policy, decide general directions or take decisions, such as the Defence Council, which establishes defence policy and the overall budgets for the armed forces and examines the impact of international events on strategic and military decisions. In contrast, other councils are set up as specific, provisional responses to some problem stirring public opinion. Finally, Presidents can at will set up close councils on subjects of their choice to discuss a question they think crucial, settle a dispute between members of the government or examine some topical problem requiring close co-ordination between the Elysée, the Matignon (the Prime Minister's headquarters) and the most important ministries. For example, in August 1990 François Mitterrand held several close councils to examine the Gulf conflict. But for most of the time councils have less dramatic, more prosaic objectives. In policy areas where the President wishes to intervene directly they

are the ultimate restricted meetings before the Council of ministers meets. This council, chaired by the President, is a place for neither debate nor confrontation but simply a body for the political legitimisation of measures settled beforehand or elsewhere. Thus there is, *de facto*, a hierarchy which lets Presidents impose their point of view, or that of their advisers. But this hierarchy of decision centres depends on the voluntary 'compliance' of the Prime Minister. When this political agreement ceases, as was the case during the periods of cohabitation, the close councils evaporate and the Council of Ministers becomes a formalistic exercise. The only ones then remaining are those explicitly specified in Article 15 of the constitution (Higher Councils and Committees of National Defence).

The President's general secretariat at the Elysée is the presidential decision-making centre. It comprises a small group of senior civil servants (between twenty and thirty), who are mostly members of the elite groups educated in the prestigious administrative schools. Secretariat members specialise in the activities of one policy sector so that they can keep the President informed, follow up issues in that sector and draw the head of state's attention to potential problems or desirable initiatives. The secretariat as a whole is placed under the direction of the secretary-general, whose function goes well beyond that of administrative co-ordination. The secretary-general is the closest collaborator of the President (the only one to meet the President daily), may represent the President in councils, and constitutes simultaneously a protective screen and an essential intermediary. This official is given delicate, discreet tasks and often plays a pivotal role in negotiations during the setting up of a new government. In delicate periods like those of *cobabitation* this role becomes crucial. In recognition of the influence and importance of the function, holders of the post have always been people of outstanding ability, entirely devoted to the head of state and of sphinx-like discretion. They have generally gone on to hold top posts, e.g. Bernard Tricot and Burin des Roziers under de Gaulle, Michel Jobert under Pompidou, Pierre Brossolette and Jean-François Poncet under Giscard d'Estaing, Pierre Bérégovoy under Mitterrand, Dominique de Villepin under Chirac. Many of them later become ministers or even Prime Ministers.

The President's general secretariat works closely with the government's general secretariat. More loosely attached to the Elysée general secretariat is the President's *cabinet*. This *cabinet* consists of a few advisers charged with 'following' the political aspects of a particular policy sector, whether in the 'presidential domain' in the sense defined earlier, i.e. the constitutional domain narrowly defined (diplomacy, defence), the 'reserved' domain (African questions), or on issues judged to be fundamental (finance, industry, environment) or of special concern to the President of the day.

Is this Elysian office the real government of France? Or is it rather a sort of parallel structure which 'shadows' the official government structure? In fact, it is neither: the Elysée machinery seems more an instrument for drafting and following up the head of state's orders, which, essentially, settle the broad lines of policy. It serves too, when necessary, as a supreme body for regulating conflicts that are particularly deep or important. With the reduction of the presidential mandate to five years and the election of Nicolas Sarkozy it seems that a further 'presidentialisation' of the system is taking place. The President himself and his team of faithful collaborators are fully involved in the detailed applications of the presidential platform.

## The government: the men of the majority

The Fifth Republic has experienced coalition government, dominant-party government and even several years of *cohabitation*. It could be said, therefore, that all facets of the complex relationship between President, government and parliament have been explored. But one fact is constant and bears no exception: the government is always the expression of the majority in the National Assembly (a relative majority only from 1988 to 1991). The governmental structure, from this point of view, is much nearer the parliamentary than the presidential model, where the President always chooses the ministers, whatever the majority within the legislative chambers. This formative principle of government under the Fifth Republic was hidden by the head of state's broad margin for manoeuvre in the choice of ministers and, especially, of the Prime Minister, when supported by a faithful majority. People tended to assume the head of state had total freedom. In practice, during *cohabitation*, the President can hardly do other than ratify the Prime Minister's choice, though he can exercise a veto – but only with discretion – over inappropriate nominations. In 'normal' times the President can propose, even impose, ministers to whom the Prime Minister is hostile.

What is the Prime Minister, therefore? Second-in-command? Chief of staff? The king's valet? On this issue, too, judgement must be qualified. Certainly the Prime Minister is the President's man or woman. Certainly the Prime Minister is subordinate to the head of state. But this relative dependence does not exclude, within the secrecy of committee meetings and offices, harsh discussion, different evaluations and even quarrels. Moreover, even when there is no dispute over principles the means of applying them remain an area of often considerable latitude in the hands of the Prime Minister and government. The Prime Minister's leeway is reinforced by the administration's ability to issue procedural decisions and interpretative circulars and to commit more funding or less. In short, the vision of a Prime Minister reduced to implementing more or less passively orders from the Elysée does not stand up to analysis. It gives too much weight to formal hierarchies and legal provisions, and completely neglects the strategy of the actors, their capacity to create autonomous space and to influence, bluff, evade. It neglects the complex meanderings of decision-making and, especially, the implementation process. It forgets the networks and alliances which can form between members of the President's and Prime Minister's cabinets and, even more likely, the frequent compromises that emerge from positions which at the outset were antagonistic. Without denying the President's uncontested superiority – to state the contrary would be to go against well-established facts – the role of the Prime Minister and the members of the government should not be underestimated.

The Prime Minister is aided in his or her task by two institutions – one administrative, one political – that make powerful engines driving the governmental machine. The first is the General Secretariat of the Government (SGG), created in 1935 to co-ordinate government activity under the Prime Minister's authority. The Secretary-General of the Government is traditionally a member of the Council of state, benefiting from a continuity that enables him or her to play the role of 'memory' or 'pivot' of governmental action. It is a prestigious post of the first importance even though it does not attract great media attention. On its holder

depend good co-ordination of the government's legislative activity (Bills and decrees) and the smooth running of procedures (following up decisions taken in the Council of Ministers which the Secretary-General attends), collecting ministerial counter-signatures, adopting measures of enforcement, drafting the government's submissions should the Constitutional Council request the annulment of legislative proposals. This structure, of quite modest size (about 100 people), is crucial, for it is through it and thanks to it that government projects take a legal form. It guarantees their coherence, continuity and good order.

The Prime Minister's cabinet is the political counterpart of this administrative machine. Here the preoccupation with continuity, legal correctness and smooth administration gives way to politics, speed and innovation. The cabinet officially comprises only about twenty members, under the authority of a cabinet director, assisted by deputy directors, specialist advisers and officials assigned to specified issues. The cabinet chief concentrates especially on the day's political issues and 'manages' the Prime Minister's political engagements. This official structure is swollen by the addition of 'unofficial' and 'clandestine' advisers, considerably increasing the number of staff. The entourage of Jacques Chaban-Delmas in 1970–2, for instance, was estimated at 200 people. The members of the Prime Minister's cabinet come generally from the top civil service and especially from the 'great bodies' of public servants (*grands corps*). Other people slip in from time to time: a few academics, some members of the Prime Minister's political team or local entourage. (Pierre Mauroy's *cabinet* contained many people from northern regions.) The recruitment principle is simple: competence and trust (or at least a strong recommendation). Generally fairly young (thirty to forty-five years old), *cabinet* members are assigned a policy sector which they 'cover' on behalf of the Prime Minister, whom they inform, advise and perhaps represent in inter-ministerial meetings. Specialist advisers and officials are the Prime Minister's 'functional equivalents', in permanent contact with their opposite numbers in the Elysée and the ministries in 'their' sector. Nothing is decided at a ministry unless they have been informed and have given the green light. The functions of the members of the Prime Minister's *cabinet* are extremely important and tend to be a staging post for those destined for high office in the public service, banking, industry and, of course, politics.

These structures of political and legislative co-ordination and organisation are required for a collegiate government that is simultaneously a political body and the top of the administrative structure. Though ministers are responsible for the policy sectors assigned to them, they have only limited autonomy under the Fifth Republic, unlike their counterparts in, for example, Germany or Italy. The Prime Minister of the Fifth Republic is not simply *primus inter pares*. He or she can impose decisions, take strong measures and force a recalcitrant minister to submit or to resign. Good coordination is necessary because a government is never, despite appearances, a united and homogeneous whole. Everything, on the contrary, encourages dispute, rivalry and competition – party or intra-party divisions, personality clashes, demarcation disputes, quite apart from the fierce struggle to obtain the maximum personnel and financial resources. The conflict is more than personal; it is structural. By the discipline they impose, the decisions they make and the method they practise, Prime Ministers must ensure a cohesion made even more problematical by one of the



methods frequently used to keep allies/adversaries quiet: giving them a ministerial portfolio. External peace is then paid for in conflicts that are no less fierce just because they are internal.

Each minister is both a political leader and the head of an administration. Under the Fifth Republic a double depoliticisation of the ministerial task was attempted: first by making the ministerial function incompatible with a parliamentary mandate and then by recruiting 'experts' from the senior civil service to numerous ministerial portfolios. Though not a total failure, these attempts have not yielded the hoped-for results. Although ministers resign from parliament and are replaced by their successors, they have become, *de facto*, 'super-parliamentarians', possessing more abundant resources for their local electoral clientele than other parliamentarians. As for the experts, so numerous that, on average, they represent up to 30 per cent of the ministerial team, they rapidly converted themselves into politicians. It was thus demonstrated, *a posteriori*, that running a ministry cannot be reduced to simple technical-administrative management.

On European issues, co-ordination of French decisions in Brussels is assured, under the Prime Minister's authority, by a lightweight body attached to the Ministry of Foreign Affairs, the General Secretariat for European Affairs (SGAE). Created initially to adapt central structures to the needs of economic co-operation within the Organisation for Economic Co-operation and Development (OECD), the SGAE plays a vital role in negotiations with the European Union and, according to general opinion (in France, but also abroad), has proved itself an effective instrument, allowing French negotiators to speak with a single voice on briefs previously settled in Paris.

At the summit of this strongly hierarchical structure is the Council of Ministers. Chaired by the head of state, it meets every Wednesday and takes the final decisions on Bills, decrees and individual appointments. Under the Fifth Republic it has superseded the Cabinet Council, except during the periods of *cobabitation*, when Jacques Chirac first and Lionel Jospin ten years later increased the number of cabinet meetings in order to oust the head of state. Important politically and symbolically, the Council of ministers is nevertheless a formality. Debate or discussion is rare and takes place only with the agreement or at the request of the President. It is more a 'recording studio' than a place for collective work and exchanges. Only time will tell if the new options chosen by Nicolas Sarkozy will last long: by reducing the number of ministers to fifteen, he declared his willingness to restore debates within the Council.

## MYTHS AND PARADOXES OF DECENTRALISATION

The constitution of the Fifth Republic leaves us in no doubt: France is a 'single and indivisible republic'. However, political reality is more complex than political comment or legal provision would lead people to believe. Behind the façade of unity, fragmentation can be glimpsed. Behind centralisation a multiplicity of centres of decision-making and influence appear. Behind the centre-periphery confrontation collaboration can be discerned.

## The republic: single and fragmented

Although the statutes of all local authorities are identical and regulations are supposed to apply everywhere, analysis of practical outcomes reveals extraordinary diversity, a jungle of special institutions and *ad hoc* rules that challenge Cartesian rationality. This situation stems first of all from the attitude of local authorities to the powers that all in principle enjoy, which in a way are their 'capital'. Some local authorities let their 'inheritance' lie fallow, i.e. they do not use them; others use their powers strictly and carefully; yet others adopt an 'entrepreneurial' strategy, exploiting to the maximum the legal, technical and financial advantages they enjoy; finally, some authorities promote 'risky' policies on the edge of legality, opening the way to new legal interpretations or taking the chance of being penalised by the central authorities.

To this first – inescapable – differentiation caused by variations in the use of identical legal resources must be added the potential for local governments to multiply *à la carte* the bodies through which they intervene or collaborate in providing local services. Thus there exist 12,000 joint bodies providing a single service, 2,000 joint bodies providing more than one service, and around 200 'metropolitan' bodies making possible the co-operation between the central commune and its periphery, no two of which match each other exactly in powers, resources, organisation or mode of operation. In addition there are thousands of mixed public-private companies (which are often 'mixed' in name only), offices (for cultural activities, low-rent housing, etc.) and public bodies whose number and scope are not known with any certainty.

In fact the local authorities – towns, counties and regions – form only the visible tip of the iceberg or, to use a financial metaphor, are 'holding companies' controlling all manner of subsidiaries. But there is no consolidated 'balance sheet' which might give a realistic, detailed view of this local galaxy. Looked at in another way, central government, in order to satisfy myths and symbols, has continued the absurd practice of issuing the same regulations for the counties of Lozère and the Hauts-de-Seine, the towns of Toulouse and Colombey-les-deux-Eglises, and the regions of Rhône-Alpes and Limousin. But the reality and the constraints of facts upset these neat arrangements, whose origins can be found in the Jacobin conviction that centralisation and uniformity go together.

## Centre-periphery: mutual counterbalance and control

To use a well-known metaphor, there is interdependence and even, at the limit, osmosis between centre and periphery. The first evidence of this interpenetration of 'central' and 'local' is the composition of political personnel. Almost all national politicians, members of parliament and ministers hold a local political mandate (sometimes two) and, in addition, exercise numerous associated functions (chairing joint boards, districts and many local organisations, such as mixed companies and local public bodies). In France, as in many other countries, political careers often start at the local level. But only in France is there an almost systematic practice of accumulating elected offices. More than 90 per cent of members of parliament

have at least one local mandate. In 1990 all mayors of towns with at least 80,000 inhabitants had a national mandate. The Act of December 1985 which limited the accumulation of mandates put a brake on the pathological situation in which a politician could be simultaneously a member of parliament, mayor, councillor of a county or region and sometimes also a member of the European Parliament. Premier Jospin proposed to adopt an even stricter line by limiting the accumulation to two mandates and prohibiting parliamentarians from being at the same time the executive of a local body. But it failed on this second account, given the fierce and winning resistance of the Senate, an assembly which exemplifies in its most acute form this type of practice. Nicolas Sarkozy, who himself held local and national mandates before his election, has given his support to this ongoing convention and tradition of French political life.

This 'personal union' has multiple consequences, both negative and positive. The high rate of parliamentary absenteeism noted above can be explained in part by the constraints of accumulation. The real power of veto, or at least the strong potential for lobbying parliament on local problems, should also be noted, witness the inability of successive governments – including those of de Gaulle in all his power – to rationalise the patchwork quilt of towns; the defeat of the referendum on a regionalisation proposal in 1969; the burying of several innovative reports; and the capacity of local authorities to extract central government resources and to make money from their contribution to policies decided by central government. The positive contribution from this confusion of roles is the benefit local experience brings to the legislator, and the awareness of local needs introduced into central government decision-making. In other words, the accumulation of offices and the local loyalties of national politicians may provide an antidote to centralisation, well described by Pierre Grémion as 'tamed Jacobinism'.

A second factor of interdependence stems from the institutionalisation of local factors in national political and constitutional life. This element often goes unremarked in France, whereas no one ever fails to mention the guaranteed representation of states by the upper house in a federal system. The institutional mechanisms put in place or preserved by the Fifth Republic give local authorities much more influence than they have in some other systems characterised as regionalised or decentralised.

The essential device for effecting the penetration of central power by local forces is the Senate, which can still be described, as under the Third Republic, as the 'Grand Council of the Towns of France'. In a system centralised in principle, the Senate constitutes in practice the equivalent of a federal senate. It derives its legitimacy not from the people but from the local authorities, through the local politicians and 'grand electors' who elect it. It has no constitutional power of veto over edicts it considers contrary to the local interest but, *de facto*, has a real conventional power of veto. It would be a very daring government that tried to impose substantial reforms on local government against the advice of the Senate. This would be to risk a war of attrition and, if parliament finally won, becoming bogged down. Since the failure of the 1969 referendum no one has been prepared to appeal directly to the people over senators' heads. The formula often used about the American constitution applies here too: the 'advice and consent' of the Senate is necessary if any reform affecting

local authorities is to pass. The approximately 500,000 local government councillors are more than just one of the most powerful lobbies in the country; in contrast to many pressure groups, the local tax lobby is 'within the walls'. It was fashionable in the 1960s to denounce the 'colonisation of the provinces', a view of events that had some truth. But, in doing so, people omitted to analyse a parallel phenomenon, less visible, more hidden by political rhetoric: the conquest of the centre by the periphery, a healthy and necessary rebalancing of the Jacobin (and inappropriate) legal and financial structures.

Today, more than ever, local authorities constitute a fundamental element of the political system: not only are their existence and autonomy guaranteed by the constitution (the principle of being 'freely administered', Article 72) and by several legal interpretations of the constitutional Council since 1982, but they have a decisive influence at the heart of the republic. National elites are also local elites. The hierarchy of their values is not always that proclaimed by grand state principles, as is shown by the benevolent attention paid to local authorities, and the absenteeism of parliamentarians who are more interested in their county or town hall. The financial and economic weight of local government is growing; local governments' budget now represents 45 per cent of government expenditure (with the enormous advantage of supporting only one-third of the salary burden) and their capital investment represents three-quarters of all public civil investment. In sum, everything combines to make them a key part of the system – the Basic Law, the constitutional 'conventions', the influence of their elites, their financial weight and their crucial importance to the implementation of public policies.

## CONTINUITY AND CHANGE

As emphasised at the beginning of the chapter, the Fifth Republic has shown evidence of exceptional longevity and a sizeable capacity for adaptation and flexibility. This condition is explained by the continuing support for the Gaullist institutions by the general public, and by the gradual adherence to them of those political and intellectual elites that were initially hostile. Although in the 1960s plans for a Sixth Republic burgeoned in parliament and the media, the initiatives gradually dried up in the 1970s and no longer appear except as a sort of 'ritual obligation' on the part of the left-wing opposition. The Common Programme of the left still suggested manifold changes, putting forward numerous measures to reduce 'presidentialism' in favour of returning to the more classical canons of parliamentarism. The arrival of the left in power had two consequences: it legitimised a constitution that had at last allowed an alternation of governments, and explicitly ratified the unconditional rallying of the left to the Gaullist institutions. The candidates from both the centre (Bayrou) and the Socialist Party (Segolène Royal) brought the issue up again during the 2007 presidential campaign. It is an easy argument against the incumbents, and the economic or political costs of raising it are close to zero. But it sounds more and more rhetorical and its impact on public opinion is very limited.

The constitution has nevertheless undergone profound evolution during the forty-five years of its existence: first, *conventions* with the Gaullist interpretations and

practice and the experiences of *cohabitation* in 1986–8, 1993–5, 1997–2002; second, formal amendments (5 constitutional amendments between 1958 and 1992, and 13 after that). The 1962 reform was radical and controversial, substituting presidential election by universal suffrage for the oligarchic method conceived in 1958 that gave power to the *notables* (the electoral college of 80,000 ‘Grand Electors’). The 1974 reform of the rules of appeal to the Constitutional Council was described with contempt as a ‘mini-reform’ but was very important for institutional development, transforming the Constitutional Council into a quasi-constitutional court. This incremental change is worth pausing over, for it has been and remains fundamental, as much for the intellectual, ideological ‘revolution’ it has brought about as for the running of the system. French legal–political thought had been dominated by a phobia about ‘government by judges’, and by the assertion of the principle of the sovereignty of parliament and the law.

There was supposed to be no threat or check to the sovereignty of law. The law, the expression of the general will in revolutionary and then republican dogma, was by definition perfect and indisputable. This idealised vision started to be questioned during the inter-war period, when anyone could see that ‘the sovereign was captive’. The sovereignty of the people meant, in practice, the capricious, disorderly sovereignty of members of parliament. The law itself fell from its pedestal because it was mostly supplanted by ‘decree laws’, in the absence of a parliamentary majority able to forge ‘the expression of the general will’.

Certainly the object in 1958 was not to introduce control by constitution in the way that was being tried in the new Italian and West German democracies. Even less was it to import constitutional checks into a judicial system that would not lend itself well to the American tradition of control by constitution. The intention of the constitution-makers in 1958 was more specialised and precise: to safeguard the integrity of the institutional machinery of the Fifth Republic by hindering drastic revision. So a specialist body was set up to verify, first, that framework laws and regulations did not betray either the letter or the spirit of the fundamental law and, second, that parliament did not cross over into the regulatory domain, escaping from its own orbit as defined by Article 34. The Constitutional Council was set up as the guardian of the temple or, to put it bluntly, the executive’s ‘watch dog’, the opposition’s term. Only the President of the Assembly, on one side, and the Prime Minister and the head of state, on the other, had the power to refer to the council a law they thought might not conform to the constitution. The Constitutional Council, not very active, and dependent on the executive, was considered a ‘rump’ judge, arousing indifference at best; otherwise, contempt.

The internal evolution of the Constitutional Council was accomplished in small steps, but the last stage had the effect of a thunderclap on the political class. Let us recall the facts briefly. Until the end of the 1960s constitutional judges confined themselves to dealing with norms (organic laws, ordinary laws, Assembly regulations, amendments) adopted or discussed by parliament and their effect on the constitution as narrowly interpreted, that is, as ninety-two Articles of a technical character which, essentially, organised the ‘code of conduct’ of the public authorities. In contrast, the preamble which precedes the articles, referring to the 1789 Declaration of the Rights of Man and of the Citizen as well as to the preamble to the 1946

constitution (‘the economic and social rights particularly relevant to our times’), appeared to be a noble gesture, a declaration whose beauty and grandeur were rivalled only by their uselessness.

The Constitutional Council did not change the order of things at one stroke. To begin with, as if only in passing, it noted the existence of the preamble. Hardly anyone paid much attention. But some months later, in 1971, the government realised with horror that the preamble was now a crucial element of the constitution. The Constitutional Council from then on considered the preamble to constitute an integral part of the constitution and regarded it as part of its role to verify that laws conformed to that collection of references whose character is more politico-philosophical than strictly juridical.

This unexpected blow might have remained merely ‘sword-play’ if the procedures for referring cases to the council had stayed unchanged. Given the competent authorities, referral would probably have occurred only in exceptional cases, where one of the chambers disagreed with the government and its majority pressured its president to appeal to the council. The contribution of Valéry Giscard d’Estaing was to give the internal evolution of the council the scope it merited. Among numerous measures envisaged as creating a sort of ‘opposition’s charter’ he proposed granting the right of referral to the council to sixty parliamentarians. By definition those parliamentarians would belong solely to the opposition, since it is difficult to imagine the majority who had voted for a law inviting the censure of a judge. The opposition of the day jeered at the proposal and refused to vote for this mini-reform of the constitution, not realising that the modification would have consequences comparable to those set in train by the election of the President by universal suffrage. The Constitutional Council had become in its own way the arbiter, the guarantor of the institutions and, even more, of common values.

The combination of these internal and external transformations has set up a dynamic greeted with enthusiasm by some and with alarm by others. Whatever one’s opinion of the development, several decisive factors have emerged over the last period.

First, the Constitutional Council has continued to extend its scope, not only by invoking the ‘fundamental principles recognised by the laws of the republic’ and referring to principles laid down in the 1789 declaration or in the 1946 preamble but also by revealing general principles which had not been explicitly stated. The Constitutional Council is indisputably a creative judge.

Second, the council has widened its scope by bringing under its control the examination of old constitutional norms when they are modified by new laws. However, some regret its refusal to examine ‘exceptional legislation’ (the state of emergency arising from a 1955 Act) at the time of the extension of the state of emergency in New Caledonia (1985).

Third, in dealing with legislative norms which are so imprecise that the executive could use them in an abusive or overzealous way, the council has adapted the technique of ‘declaration of conformity, with conditions’. It lays down the conditions of application or interpretation that would enable the law to be accepted as conforming to the constitution.

Finally, ‘fear of the police being the beginning of good behaviour’, the council’s influence is not only negative, applied after the law has been adopted. Its body of

jurisprudence, and the principles it has enunciated and applied, now constitute a 'bible' that the executive and parliament must respect if they are not to risk judicial censure.

Further reforms are under discussion. The numerous criticisms levelled at the Socialist government in the early 1990s encouraged Mitterrand to distract attention by suggesting reform of the constitution, a 'tidying-up'. The sharpest criticism concerned the Council of Magistracy (the magistrates' governing body) in particular, at a time of corruption scandals, because of its dependence on executive power, and the High Court of Justice, ill suited to examine ministerial responsibility in a manner which reassured people (over the issue of contaminated blood). Mitterrand therefore decided to ask an *ad hoc* committee of experts (legal experts and political scientists with a variety of political allegiances) to draw up proposals for revising the constitution. The committee's report of February 1993 did not suggest radical reform but made a host of proposals for improving the way the institutions functioned. Two Bills deposited by Pierre Bérégovoy were hastily presented to parliament before the March 1993 elections, but the incoming right-wing government preserved only two elements, reform of the Council of the Magistracy and of the High Court of Justice. These reforms would modify nothing fundamental, just as those connected with the ratification of the Maastricht Treaty did not upset the institutional balance. Likewise the 1995 reforms enlarged both the President's power to call referendums and the parliament's powers by extending its session. However, some important changes have been introduced during – and in spite of – the cohabitation between Chirac and Jospin.

After the introduction of the parity principle (Constitutional Law of 8 July 1999), the institutions must guarantee equal opportunity to men and women and make any institutional effort to promote its realisation. According to this rule, for instance, it is mandatory to present a list of candidates – when such is the case – made up of an equal number of men and women listed alternately. Such an obligation in local elections has allowed women to accede *en masse* to the local councils. However, this 'affirmative action' has its own limits: the rule does not apply to elections based on individual candidatures in a single constituency; nor does it provide guarantees that women will get access to posts of influence, as is shown by their poor performance when it comes, for instance, to the election of mayors. Male supremacy has remained nearly unchallenged. However, this measure is a first important step in improving women's representation in a country where they constitute less than 10 per cent of the MPs. A further political move took place in 2007 when Sarkozy decided that the ministries would be equally allocated to women and men.

The abovementioned limitation of the president's term from seven to five years adopted in 2000 – the so-called *quinquennat* – is the latest important formal change of the constitution. It presents a big advantage: reducing a political mandate far too long given the prerogatives given to the President. But the snowball effects of such a reform have barely been evaluated or have been overestimated. For instance, it has been argued that by aligning the duration of the presidential and of the parliamentary mandates the 'risks' of *cohabitation* would be reduced. Nothing is less certain than such an assertion. First of all, it is only by chance that these elections take place more or less at the same time (as happened in 2002 because of the dissolution of the

National Assembly in 1997), but even in such a case the electors can split their vote. The mechanics of two different types of constituency play an important role: only two candidates in the second round for the presidential race; nearly 600 constituencies where triangular battles are possible and local considerations important. The reduction of the presidential mandate is undoubtedly a positive change, but taken in isolation from the rest of the constitution it constitutes in a way a leap in the dark. No real lesson can be drawn from a president (Chirac) who knew that his first *quinquennat* would also be his last mandate. The tone might be set by the new elected president (Sarkozy), whose style, age and ambitions are quite different.

The fundamental mainspring of the Fifth Republic, despite the modifications, the party-political contingencies and the potential for *cohabitation*, remains the central position occupied by the executive – a presidential executive in 'normal' times, a mixed executive in a period of *cohabitation*. Assisted by a powerful and prestigious bureaucratic elite, the executive of the Fifth Republic is at the heart of the political system, an arrangement that brings with it a certain level of 'democratic deficit'. Effectiveness, governmental solidarity, concentration of power and the authority of the leader take priority over pluralism, debate and a system of checks and balances. But few voices are raised to question seriously the fundamentals of a system that has the support and approval of the elites as well as of popular opinion as a whole, as is shown again by the contrast in political participation and turnout: nearly 85 per cent for the presidential election, 60 per cent for the parliamentary elections three weeks later.

## BIBLIOGRAPHY

### Elections and mobilisations

- Cole, A. and P. Campbell (1989) *French Electoral Systems and Elections since 1789*, Brookfield, VT: Gower.  
 Pierce, R. (1995) *Choosing the Chief: Presidential Elections in France and the United States*, Ann Arbor: University of Michigan Press.  
 Wilson, F. (1987) *Interest Group Politics in France*, Cambridge: Cambridge University Press.

### Political parties

- Amblar, J. (ed.) (1985) *The French Socialist Experiment*, Philadelphia: ISHI.  
 Bartolini, S. (1984) 'The French Party System', *West European Politics* 7 (4): 103–27.  
 Charlot, J. (1971) *The Gaullist Phenomenon*, London: Allen & Unwin.  
 Duhamel, O. (1980) *La Gauche et la Ve. République*, Paris: PUF.  
 Ross, G., S. Hoffmann and S. Malzacher (1988) *The Mitterrand Experiment*, Oxford: Polity Press.

### Parliament

- Huber, J. (1996) *Rationalizing Parliament: Legislative Institutions and Party Politics in France*, Cambridge and New York: Cambridge University Press.
- Suleiman, E. (ed.) (1986) *Parliaments and Parliamentarians in Democratic Politics*, New York: Holmes & Meier.

### President and government

- Jones, G. W. (ed.) (1991) *West European Prime Ministers*, London: Frank Cass.
- Knapp, A. and V. Wright (2006) *The Government and Politics of France*, London: Routledge.
- Mény, Y. (1992) *La Corruption de la République*, Paris: Fayard.
- with A. Knapp (1998) *Government and Politics in Western Europe. Britain, France, Italy, Germany*, third edn, Oxford: Oxford University Press.
- with Y. Surel (2000) *Par le Peuple, pour le peuple. Populismes et démocratie*, Paris: Fayard.
- Suleiman, E. (1994) 'Presidentialism and Political Stability in France', in J. Linz and A. Valenzuela (eds) *The Failure of Presidential Democracy*, vol. 1, Baltimore: The Johns Hopkins University Press.

### Continuity and change

- Andrews, W. G. and S. Hoffmann (1981) *The Impact of the Fifth Republic on France*, New York: State University of New York Press.
- Guyomarch, A., H. Machin, J. S. Hayward and P. Hall (eds) (2001) *Developments in French Politics 2*, Basingstoke: Palgrave Macmillan.

## Italy

### The Never-ending Transition of a Democratic Regime

Gianfranco Pasquino

Since 1992–3 the Italian political system has been undergoing a political and institutional transition. More precisely, the Italian transition, which has so far not affected the democratic framework but the performance and the quality of its democracy, is characterised by two fundamental phenomena. The first phenomenon concerns the rules of the game, that is, the mechanisms through which political power is won, allocated and distributed and the overall institutional structure of the political system. The second phenomenon is represented by incessant and significant changes in the party system concerning the type of parties and their coalitional arrangements. In the meantime, there have been a couple of significant rotations in office between the two major coalitions, though curiously without any change in their leaders, and several governments have followed each other. Attempts have been made to reform the institutions and even the constitution. To no avail. As of 2007, there appears to be no solution in sight.

The fragile, but lasting, equilibrium that characterised the long first phase of the democratic Republic has disappeared and has not yet been replaced by a new equilibrium. To paraphrase Josep Colomer (1996: 16), the Italian institutional equilibrium that prevailed in the First Republic proved to be stable without being accompanied by 'a high degree of political efficacy or satisfactory representation'. A new equilibrium has not appeared. This is both because, 'given the bargaining strength of the actors, none of them would find it worthwhile to enter into a process of bargaining and political change' and because the main features of a potentially