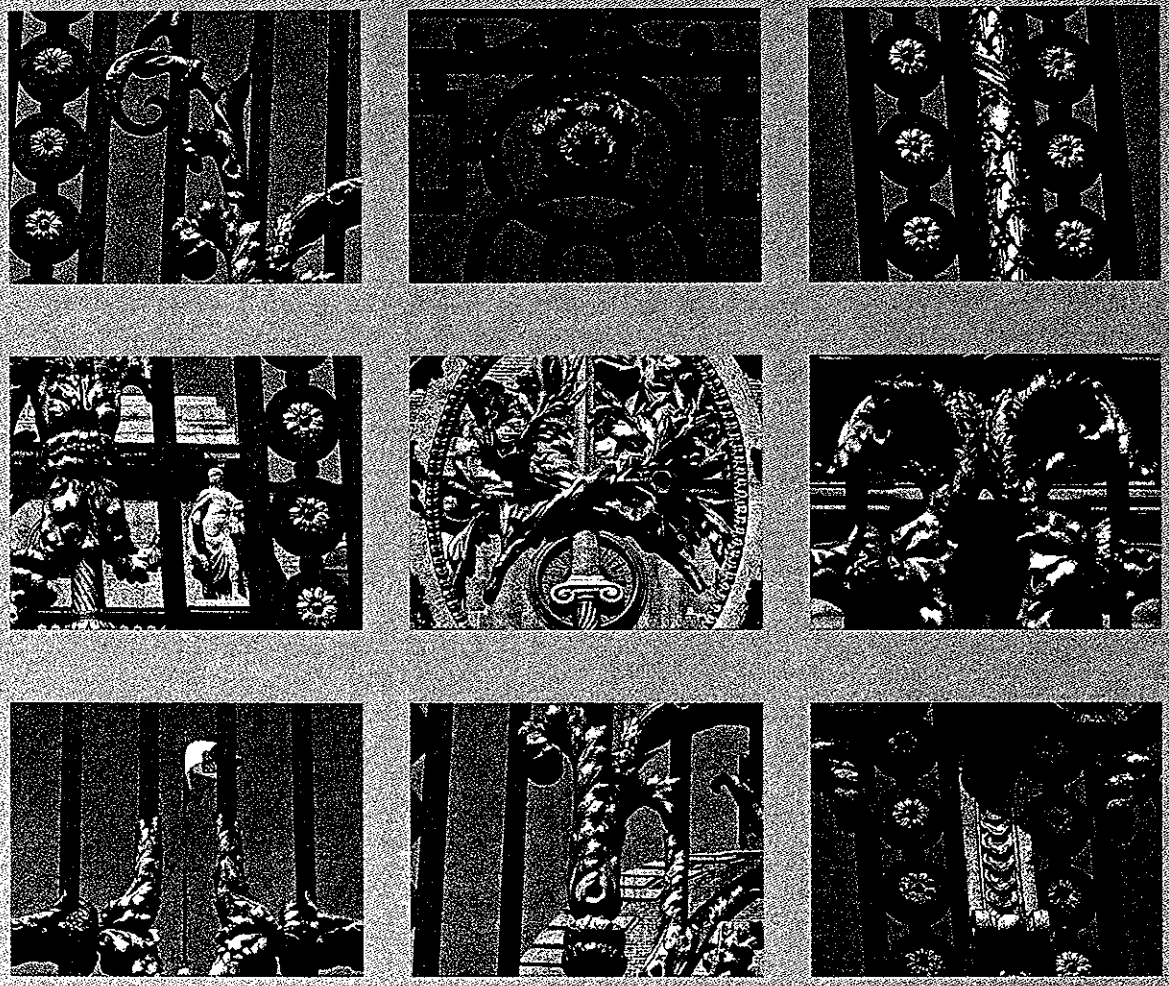
Chapter 8

France: The Key Institutions



The British constitution grew piecemeal and has not yet been formalized into one document. French constitutions—fifteen of them since the Revolution—are all written but often altered in practice. Americans regard their Constitution with religious awe, but the French and most other Europeans have seen constitutions come and go and see the need to rewrite them every few decades.

Questions to Consider

1. What are the weaknesses of multiparty parliamentary systems?
2. How has the French *semipresidential* system evolved?
3. What problem did *cohabitation* solve?
4. How does the French electoral system work?
5. How do the two big French parties resemble their U.S. counterparts?
6. What is a *technocrat?* Does the United States have any?
7. How has the French parliament been weakened?
8. What good is the French Senate? How does it compare to the U.S. Senate?
9. Why are the French and British party systems different?
10. Is France still a highly centralized unitary system?

By 1958 many French agreed that the Fourth Republic was inherently flawed and unable to settle the ghastly Algerian War. The chief problem, as defined by de Gaulle, lay in the weakness of the executive, the **premier**. The **president** was simply a figurehead, typical of European republics. The premier depended on unstable **coalitions**. Faced with controversial issues, one or more coalition parties could drop out, vote against the government in a vote of no-confidence, and thereby bring it down. In all, there were twenty cabinets ("governments") in less than twelve years. Politicians sometimes voted against effective premiers out of personal resentment. Pierre Mendès-France, for example, settled the Indochina War in 1954, but that made him too popular and effective, so the National Assembly voted him out.

The Fourth Republic embodied all the weaknesses of a multiparty parliamentary system that still plague Israel. Such a system can work well and with stability, as in Sweden, but it depends on the party system and the national political style. Given French parties and political style, a pure parliamentary system may never work well.

A Semipresidential System

De Gaulle hated the executive weakness of the Fourth Republic, but neither did he like the American-style presidential system with its checks and balances that might hamper his style. So he devised a **semipresidential** system, a hybrid with both an executive president and a premier (see box on page 105). For over a quarter-century, however, instead of some kind of balance between the powers of the president and those of the premier, the president held sway by virtue of

premier French for prime minister. (See page 103.)

president Elected head of state, not necessarily powerful. (See page 103.)

coalition Multiparty alliance to form government. (See page 103.)

semipresidential System with features of both presidential and parliamentary systems. (See page 103.)

Fifth Republic *Semipresidential* regime devised by de Gaulle, 1958 to present.

referendum Mass vote on an issue rather than on candidates; same as *plebiscite.*

Elysée Presidential palace in Paris, equivalent to U.S. White House.

commanding the largest bloc of votes in the National Assembly. Thus, for the first twenty-eight years of the **Fifth Republic**, the system functioned as a presidential or even "superpresidential" system. Only with the parliamentary elections of 1986—which produced a conservative National Assembly while a Socialist president was still in office—did we finally see semipresidentialism in action.

Let us first examine the original setup of the Fifth Republic, the one de Gaulle devised and commanded from 1958 to 1969. The general structure of it continues, but the powers of the president have weakened. The French president was originally elected for seven years and could be reelected without limit. Realizing that a seven-year term is too long, a 2000 **referendum** shortened it to five years. Originally, the president was selected by an electoral college of parliamentarians and local office holders. De Gaulle soon discovered he wanted nothing—certainly no politicians—to stand between him and the people, so he led a referendum in 1962 to provide for direct election of the president. It has been that way ever since.

The constitution specifies some powers for the president and some for the premier, but the practice was unclear. On paper, the president appoints a premier (but cannot fire him) who then selects his own cabinet. No parliamentary approval is required for this. Until 1986 the president was so assured of an obedient National Assembly that he handpicked both premier and cabinet ministers as mere helpers to carry out the president's program. The president presided at cabinet meetings. Virtually all foreign and defense affairs were in his hands (still mostly the case). The **Elysée** originated most legislation, often with the advice of ministers, and could even force the National Assembly to vote simply yes or no on executive proposals. The president, however, does not have the power to veto legislation. De Gaulle saw the role of president in almost mystical terms, as a "guide" and "arbiter" of the nation.

One important—and perhaps overused—power de Gaulle liked is the calling of referendums. Such mass votes on issues are alien to British tradition but very much a part of French usage, especially by leaders who believe they embody the general will and communicate directly with the people, bypassing the politicians. De Gaulle called five such plebiscites (see Chapter 10) and won each except the last. Feeling repudiated, he resigned, perhaps establishing another constitutional tradition.

WHO WAS WHEN: THE FIFTH REPUBLIC'S PRESIDENTS

Charles de Gaulle		1959–1969—reelected in 1965, resigned in 1969
Georges Pompidou	Gaullist	1969–1974—died in office
Valéry Giscard d'Estaing	UDF	1974–1981—served one term
François Mitterrand	Socialist	1981–1995—reelected in 1988
Jacques Chirac	neo-Gaullist	1995–2007—reelected in 2002
Nicolas Sarkozy	neo-Gaullist	2007–

Another potentially major power at the disposal of the French president is the ability to invoke *emergency powers* in time of danger to the nation. While many democracies have such an emergency provision, it can be abused, as Hitler used Article 48 of the Weimar constitution to snuff out freedom. Article 16 of the French constitution seems to place no limits on what a president can do during an emergency, a

deadlock U.S. tendency for executive and legislature, especially when of opposing parties, to block each other.

censure Legislative condemnation of executive.

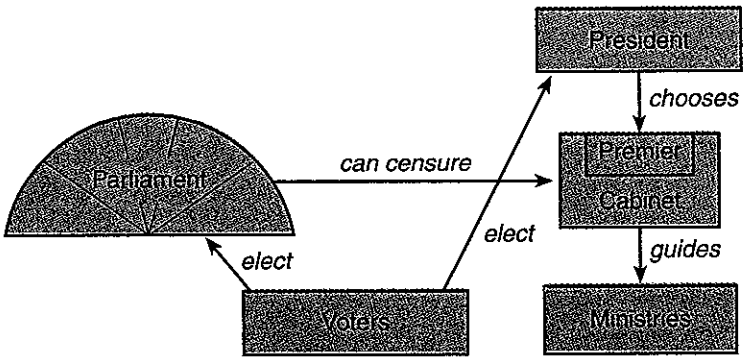
Key Concepts

The French Semipresidential System

Most European governments are parliamentary; that is, they depend on votes in parliament to put a cabinet into executive power and keep it there (see page 40). The cabinet, usually composed of members of parliament, is a sort of parliamentary steering committee that also guides the ministries or departments. If no party in parliament has a majority, a coalition of parties is necessary, and this may be unstable. In policy splits, a *vote of no-confidence* may oust the cabinet. Where a single party dominates the parliament—mostly the case in Britain—the system can be very stable.

In a presidential system (see page 40), such as the United States and Mexico, the executive does not depend on parliamentary support, for here the chief executive is elected more or less directly for a fixed term. The parliament can do what it wants, but it cannot oust the president in a vote of no-confidence. (It may impeach the president.) The advantage of a presidential system is its stability and certainty: There will always be a president to lead. The disadvantage is that the president and the legislature may **deadlock**, producing something similar to the *immobilisme* that plagues parliamentary systems.

The French system is *semipresidential,* for the cabinet still has a certain parliamentary connection. The premier is named by the president but can be **censured** and forced to resign by the National Assembly. If that happens—and it has occurred only once, in 1962—the president can dissolve the legislature and hold new elections. Influenced by the French model, Russia and China also adopted semipresidential systems.



The French System

turnout Percentage of those eligible who vote in a given election.

situation that is up to the president to define. During such an emergency the National Assembly must meet, but it has no power to block presidential decisions. The emergency clause has been invoked only once—in 1961, when the same generals who put de Gaulle into power tried to overthrow him for pulling out of Algeria—and many agreed it was a genuine emergency.

The presidential paradise came to an end with the National Assembly elections of 1986, which produced, as expected, a legislature dominated by conservative parties. The problem was that President François Mitterrand, a Socialist, had two years remaining in his seven-year term. For the first time the Fifth Republic had a president who did not control the National Assembly. No one knew how to handle it; the constitution was unclear. Some feared a hostile deadlock and paralysis of government. Others thought that Mitterrand would have to resign in order to make way for the election of a conservative president. Instead, Mitterrand played a waiting game that preserved him as president but reduced the powers of the presidency. Mitterrand thus clarified the French constitution and set a precedent for when the same situation occurred in 1993 and 1997.

DEMOCRACY

FRANCE'S PRESIDENTIAL ELECTION OF 2007

"Sarko et Ségo" were the nicknames the French gave to their two leading candidates for president in 2007, neo-Gaullist Nicolas Sarkozy, 52, and Socialist Ségolène Royal, 53. Both were energetic achievers who held high positions while still young. Both were first elected to the National Assembly in 1988. Sarkozy sparkled with plans for change and economic reinvigoration; Royal was vague about a "just order" of welfare and equality, standard Socialist themes. It was a hot contest; both rounds drew huge 84 percent **turnouts**.

Ségolene Royal

French elections are held in two rounds. The first round on Sunday (most European elections are on Sundays), April 22, had twelve candidates. The results are shown in the large table on page 107. Only the two top vote-winners then went on to the decisive second round two weeks later, which Sarkozy won 53 to 47 percent. As might be expected, Sarkozy won big among those over 60, the self-employed, and farmers.

Ten minor candidates took 43 percent of the first-round vote. Many French protest against the system by voting for no-chance parties on the first round, figuring that only the second round counts, and everyone knew it would be between Sarko and Ségo. In 2002, frivolous voting for several left parties dropped Premier Lionel Jospin, a serious contender for the Socialists, into third place on the first round and out of the contest. The French left was more careful in 2007, concentrating on Royal to make sure she would be in the second round two weeks later.

Both Sarko and Ségo were unusual candidates. Sarkozy (see box on page 108), the son of an immigrant, portrayed himself as an outsider. Royal, the first major-party woman candidate, was one of eight children of an authoritarian army colonel, against whom she rebelled and whom she sued. Brilliant, she studied at both the Political Studies Institute and the ENA (see page 125 in Chapter 9), the typical path for the French

In 1986 Mitterrand called on the leader of the largest conservative party (sometimes called **neo-Gaullist**), Jacques Chirac, to become premier and went along with most of Chirac's cabinet choices. Mitterrand also did not block most of Chirac's legislative program, which rolled back many of Mitterrand's socialist experiments in the economy. The two struck an informal bargain—called **cohabitation**, living together but not married—in which Chirac concentrated on domestic affairs and Mitterrand on foreign and defense policy plus the symbolic functions of the presidency. In 1993, faced with another conservative victory in parliamentary elections, Mitterrand named another neo-Gaullist, Edouard Balladur, as his premier. In 1997, faced with a Socialist victory in the early parliamentary elections he had called, President Chirac named Socialist chief Lionel Jospin as premier, an arrangement that lasted until 2002. As of this writing, France does not have cohabitation because both president and premier are of the same party. Should the split occur again, Paris knows how to handle it: cohabitation again. During cohabitation, French presidents are not as strong as de Gaulle was, and premiers are stronger than he intended. Institutions evolve.

neo-Gaullist Chirac's revival of Gaullist party, now called Union for a Popular Movement (UMP).

cohabitation French president forced to name premier of opposing party.

elite. She held several ministerial positions under President Mitterrand. Royal had four children with her civil-union partner (they never married), Socialist leader François Hollande. Such private matters rarely bother Continental voters. (But they do American and British. Why the difference?)

First Round

Nicolas Sarkozy	Union for a Popular Movement	31.2%
Ségolène Royal	Socialist	25.9
François Bayrou	Union for French Democracy	18.6
Jean-Marie Le Pen	National Front	10.4
Olivier Besancenot	Communist Revolutionary League	4.1
Phillipe de Villiers	Movement for France	2.2
Marie-George Buffet	Communist	1.9
Dominique Voynet	Greens	1.6
Arlette Laguiller	Workers Struggle	1.3
José Bové	Independent anti-globalization activist	1.3
Frédéric Nihous	Hunting, Fishing, Nature, Tradition	1.2
Gérard Schivardi	Workers party	0.3

Second Round

Sarkozy	53%
Royal	47

If the French want to avoid cohabitation and restrengthen the presidency, they could cut the last link between legislative and executive branches (the "can-censure" arrow) and become a straight presidential system, U.S.-style. True, the U.S. system often deadlocks between the White House and Capitol Hill, but the president still has plenty of power to govern without permission from Congress.

PERSONALITIES

SARKOZY: BRASH, ENERGETIC OUTSIDER

Nicolas Sarkozy

French President Nicolas Sarkozy, elected in 2007, is different from most previous French presidents. There is nothing elite about him. He is the son of an immigrant, a Hungarian aristocrat who left his family when Nicolas was five and who married twice more. Nicolas rarely saw his father and said he felt abandoned and humiliated. He grew up in the Paris home of his maternal grandfather, a physician and Greek Jew who converted to Catholicism. There was not much money; his mother worked as a lawyer and Nicolas worked while going to college.

Most French leaders have been brilliant intellectuals and graduates of an elite Great School (see page 125), but Sarkozy was a mediocre student. He graduated from a Catholic high school and the overcrowded Nanterre University in business law. He divorced his second wife and married his third—both former models—shortly after taking office. He is short (five feet five, 1.65 meters) but trim and fit. What he lacked in size and pedigree he made up for in energy and brashness.

A Gaullist since childhood (learned from his Gaullist grandfather), Sarkozy ran for and won a seat on the city council of a wealthy Paris suburb at age 22. At 28 he was elected mayor and at 33 a deputy in the National Assembly. In 1993, at age 38, he became budget minister in the *cohabitation* (see page 107) cabinet of Premier Edouard Balladur, a neo-Gaullist.

In 1976, Jacques Chirac had taken over and reorganized the moribund Gaullists, turning them into the biggest right-wing party, now the Union for a Popular Movement (UMP), often known as "neo-Gaullist." (De Gaulle left office in 1969 never having bothered to build a strong Gaullist party.) Sarkozy immediately became a Chirac protégé but in 1995 backed Balladur for president. Chirac won and the two have disliked each other ever since, even though Chirac subsequently named him finance and interior minister. A consistent pattern: Sarkozy served and then turned against powerful politicians in his climb to the top.

In 2004 Sarkozy was elected leader of the UMP and became their presidential candidate in 2007. When Muslim youth rioted in 2005, Interior Minister Sarkozy called them "scum" and ordered the police to crack down. Most French approved, and Sarkozy won the presidency in 2007 on a platform of law and order, equal opportunity, and economic rejuvenation. The French left hates him and calls him an authoritarian demagogue who, with brilliant speaking skills, manipulates populist themes.

Hard to pigeonhole, Sarkozy sounds both conservative and liberal themes. He appointed four Socialists—including Bernard Kouchner, founder of Doctors Without Borders—and seven women ministers, including a woman of North African origin. Another big difference: Only one minister is an ENA graduate (see page 125), but half are lawyers, unusual for France. Sarkozy pledged to invigorate the economy but, in keeping with French tradition, used state supervision and funds to do it. He did not mind running hefty budget deficits, which clashed with EU policy. He claimed to be pro-American, but as an equal partner, not an obedient follower. Initial French enthusiasm for him soon soured into irritation at his blunt ways and sparse results, but the media feasted on his marriages, divorces, and outbursts.

PREMIER AND CABINET

deputy Member of French and many other parliaments.

interior ministry In Europe, department in charge of homeland security and national police.

Until cohabitation, French ministers, including the prime minister, served as little more than messenger boys for the president. The premier's main function was to push presidential measures through parliament. Under cohabitation, however, Premiers Chirac, Balladur, and Jospin brought much power to that office by pursuing their own legislative agendas. Even with no cohabitation since 1997–2002, the premiership did not return completely to the subservient model designed by de Gaulle. French presidents like to appear above ordinary politics, so they let their premiers do the heavy work, especially on the economy. The precise balance of powers between president and premier in France has not been settled and is likely to change with new personalities and situations. Just after Nicolas Sarkozy won the 2007 presidential election, he named a fellow neo-Gaullist, François Fillon, as his premier.

Premiers name ministers, who do not have to be approved by the National Assembly but usually are. A cabinet not to the liking of parliament could be censured and ousted. Accordingly, Socialist Mitterrand felt he had to name neo-Gaullists Chirac and Balladur, because they had majority support in parliament. This is the general basis for selecting prime ministers throughout Europe (compare with Britain, page 36, and Germany, pages 181–183).

The president cannot directly fire a premier, but, if they are of the same party, the president may persuade the premier to resign. In 2002 Chirac named as premier Jean-Pierre Raffarin, a rumpled provincial senator, but got him to resign in 2005 after the EU constitution fiasco. Socialist President Mitterrand had earlier named and dropped several Socialist premiers; two of them served less than a year. Cohabitation actually improves a premier's tenure in office, because the president cannot use party pressure to get premiers to resign. During the first two cohabitation periods, Mitterrand had no party leverage over his neo-Gaullist premiers, Chirac and Balladur, who lasted two years until new elections. Curiously, Socialist Lionel Jospin, in cohabitation with Gaullist Chirac, was one of France's longest-serving premiers (1997–2002). Divided government may be good for France.

Another difference from parliamentary systems is that a French **deputy** chosen to be a minister must resign his or her seat. (A replacement is elected along with each deputy, so there is no need for by-elections, as in Britain.) In parliamentary systems, such as Britain, ministers keep their seats in parliament. De Gaulle wanted to make sure ministers could not run back to parliament to protest

COMPARISON

WASHINGTON GETS AN INTERIOR MINISTRY

In 2002, the United States finally got something like a European **interior ministry**, the Department of Homeland Security. America, fearing centralized police powers, had never accepted the European view that national government exists to supervise the nation. The terror attacks of 9/11 made Americans a little more European. By combining and centralizing portions of existing departments to safeguard Americans in their own country, the new DHS does many of the same things as a European interior ministry, although there is still no national U.S. police. The new U.S. department also demonstrated that from time to time governments must add departments to meet new situations. European governments do this frequently, whenever the prime minister wishes. The American process requires elaborate Congressional approval.

technocrat Official, usually unelected, who governs by virtue of economic skills.

his policies. By the same token, unlike Britain, French ministers do not have to be members of parliament; many are experienced administrators and nonparty **technocrats** who have never been elected to anything. De Gaulle picked as one of his premiers Georges Pompidou, who had never run in an election (but who went on to become an effective president in his own right).

Like most European cabinets, the French cabinet can be easily remade to suit the premier. Ministries are not quite the same as U.S. departments, which are firmly fixed by statute and change only after great deliberation. Paris ministries, often renamed, are almost ad hoc combinations of existing French agencies and bureaus and change according to the policy goals of the executive. In 2007 Premier Fillon named a rather trim cabinet of fourteen ministers (seven of them women) for these ministries:

Foreign Affairs
Defense
Finances
Interior
Justice
Social Affairs and Housing
National Education
Environment
Health and Solidarity
Agriculture
Transportation, Public Works, Tourism, and Sea
Culture
Overseas France
Youth and Sports

Additional *ministers delegate* filled more specialized offices within the ministries and were also considered part of the government. In general, left-wing governments have larger cabinets since they propose major changes under state supervision. Conservative governments, on the other hand, usually like smaller cabinets, as they do not plan to supervise society. Repeated changes in ministries sounds chaotic to Americans, but the same career civil servants still run the various bureaus; the changes are only at the top, at the ministerial level. In France we see bureaucrats actually running the country, a pattern developed even more fully in Japan.

THE NATIONAL ASSEMBLY

During the Third and Fourth Republics the National Assembly was dominant. Making and unmaking cabinets, the parliament controlled the executive. Some say this sort of parliamentary system has a weak executive and strong legislature, but that is not quite accurate. In this case the legislature was not strong either. Divided into several quarrelsome parties that were unable to form stable coalitions, the French National Assembly was no more able to govern than were the cabinets. The government "fell" every few months on average.

This is not quite as chaotic as it sounds. When a government in a parliamentary system "falls," it does not mean the entire structure of government collapses; indeed, little changes. It just means there has been a policy quarrel among the parties so that the cabinet coalition no longer commands a majority in parliament. The cabinet then either resigns, is ousted in a vote of no-confidence, or

limps along as a minority government. After several days or weeks of negotiations, another cabinet is put together that wins majority approval. Often this cabinet is composed of the same ministers in the same jobs as the previous cabinet. Instead of too much change, parliamentary systems often suffer from too little. As the French have said for decades: "*Plus ça change, plus c'est la même chose.*" (The more it changes, the more it stays the same.) Some premiers have their hands so full just keeping the coalition together that they are often unwilling to risk doing anything that might make it come apart. The result is *immobilisme*.

Palais Bourbon Paris house of French National Assembly.

Meeting in the windowless **Palais Bourbon**, deputies prior to 1958 tended to play politics with each other and ignore what was happening outside. In a massive avoidance of responsibility, deputies concentrated on either getting into the cabinet or bringing it down. Things changed with the Fifth Republic; the legislators' paradise came to an abrupt end.

The National Assembly no longer makes cabinets; today that power belongs to the premier, in consultation with the president. Indeed, the relationship between the cabinet and the legislature has been deliberately weakened; as noted earlier, a deputy named to the cabinet must resign his or her seat. One link does remain: The National Assembly can censure a cabinet, indicating its extreme displeasure. The president on the other hand, can dissolve the National Assembly for new elections before the end of its normal five-year term, which is what Chirac did in 1997. The president is limited to one dissolution per year.

The premier and president, not the legislature, now hold key powers of legislation. Most bills originate with the government. The government sets the agenda. If the government specifies, its proposals must be considered without amendments on a take-it-or-leave-it basis called a *blocked vote*,

Comparison

Israel's Experiment

Israel, to some extent, followed in France's footsteps. Both had a weak executive dependent on a shaky coalition of several parties. Both modified their systems. De Gaulle ended the Fourth Republic's parliamentary system and founded the Fifth's semipresidential one. Israel stayed parliamentary but also tried to strengthen the executive.

Israel's single house, the 120-member Knesset, is elected by proportional representation and permits any party that wins at least 2 percent of the national vote to have at least a few seats in parliament. (It used to be only 1 percent.) Israel has a dozen or more parties—some based on a single personality—none of them having a majority in parliament. Thus every Israeli government has been a coalition, prone to breakup when the parties in it quarreled. Israel, too, suffered immobilism in the face of major problems.

Taking a turn to semipresidentialism, in 1996 Israel tried directly and separately electing its prime minister by popular vote. Each Israeli voter had two votes, one for a party in the Knesset, the other for prime minister. Designed to bring greater stability to Israel's chief executive, the experiment failed because the prime minister could still be ousted on a vote of no-confidence and coalition cabinets were as hard to form as ever. Israeli voters, figuring they had selected a strong prime minister, then scattered their votes among a dozen small parties, fractionating the Knesset even more. After two elections under the unique, hybrid system, Israel repealed it in 2001 and went back to the regular parliamentary system. The moral: Be careful when mixing components of different systems (presidential and parliamentary).

unitary System that centralizes power in the capital with little autonomy for component areas.

first-order civil division Main territorial units within countries, such as departments in France.

prefect French *préfet;* administrator of department.

Midi French for "noon"; the South of France.

which prevents parliamentary dilution of legislation. The National Assembly no longer has the time or structure to consider legislation closely: Its sessions are limited to five-and-a-half months a year; it has only six committees; and a bill cannot be bottled up in committee but must be reported out.

The government is able to pass many laws by simple decree, provided the premier and the president agree (with cohabitation they may not). The 1958 constitution specifies the types of laws that must go through parliament; presumably no other laws need to. While most decrees concern details, the power of government decree also extends to the budget. Here, the legislature has lost its original, most fundamental, power—the power of the purse. Any parliamentary motion to either decrease revenues (a tax cut) or increase spending (a new program) are automatically out of order. And if the parliament cannot settle on the budget within seventy days, the government may make it law by simple decree.

GEOGRAPHY

DECENTRALIZING UNITARY SYSTEMS

A state's territorial organization—its "civil divisions" and their relationship to the capital—can heighten or dampen center-periphery tensions, although no sure-fire formula has been found. There are two approaches, **unitary** and federal. More than Britain, France is a unitary system, a carry-over from monarchical times, whereby the **first-order civil divisions**—counties in Britain, departments in France, prefectures in Japan—have little autonomy and serve mostly as administrative conveniences for the national capital.

These units can be changed and their boundaries redrawn with little ado. The leading executives in these civil divisions are appointed and supervised by the national government. France's **prefects** are perhaps the best examples of how the unitary state rules. There are, to be sure, elected county, departmental, and municipal councils, but their powers to tax and spend are limited. Any major project must be cleared with and usually funded by the national authorities. Most countries in the world are unitary systems. (U.S. states, although they look like federal systems, are actually unitary.)

The advantage of a unitary system is that it gives greater control to the center for rational administration and modernization. Standards can be enforced nationally. Central administration can knead disparate groups into a single nationality, as France has done over the centuries. The unitary system best suits a country like Japan that is not too large or does not contain different cultures and languages.

There are several difficulties with unitary systems. One is that they may ignore the wishes of local people, especially those at the periphery. Crushing the **Midi** caused centuries of resentment. Many of today's *méridionaux* (southerners) see themselves as a race separate from the northerners. Thus a unitary system may foster center-periphery tensions (see page 55). Corsican and Breton violence shows the incomplete integration of France's regional subcultures into a French whole.

Further, a unitary system, because it is so uniform, can be overly rigid and make big, nationwide mistakes that in a federal system would be implemented and corrected piecemeal, as the components tried various policies. Often there is too much national control over purely local issues. Even trivial matters such as a new traffic light might have to be approved by Paris or Tokyo.

A Senate That Fights Back

département Department; French first-order civil division, equivalent to British county.

Most parliaments are composed of two chambers, and most do not know what to do with the upper chamber. Sweden simply abolished its upper house. The greatest value of an upper house is in representing territorial subunits, as the U.S. Senate represents the states. Where the system is unitary (Britain, France, China) rather than federal (the United States, Germany, Russia, India, Mexico, Nigeria) an upper chamber does not have much use.

France's main legislative body, comparable to the British House of Commons, is also the lower house, the 577-member National Assembly elected every five years (or sooner if the president wishes it). The upper house, the *Sénat*, has 326 members elected for nine years each—with elections for about a third every three years—by a gigantic electoral college made up of National Assembly deputies plus more than 100,000 regional and municipal councilors. De Gaulle thought that these councilors, because they would overrepresent rural and small-town France, would produce a conservative Senate amenable to his direction.

Britain, France, and Spain in recent years loosened their unitary systems by instituting regional autonomy. Britain devolved some home rule to Scotland, Wales, and Northern Ireland. France's twenty-two regions and Spain's seventeen *autonomías* now have elected councils with considerable decision-making powers on economic growth, education, housing, and other regional concerns. Although not nearly federalism, these unitary systems have moved in a quasi-federal direction.

The change in France under Mitterrand is particularly striking, for it rolled back a tradition that started with Louis XI. French monarchs tried to erase regional differences but sometimes only worsened local resentments. Napoleon perfected this centralizing and homogenizing pattern. He abolished the historic provinces and replaced them with smaller, artificial units called **départements** named after rivers. The departments were administrative conveniences to facilitate control by Paris.

Each department—there are now ninety-six (plus four for overseas territories)—is administered by a prefect, a lineal descendant of Richelieu's old *intendant*, now an official of the Interior Ministry. Prefects, very bright and highly trained (often at the ENA—see page 125) monitored laws, funds, and mayors with Olympian detachment.

In 1982, Mitterrand got a law that reduced the domain of prefects and increased local autonomy. Elected councils in the departments and regions got policy-setting and taxation powers in education, urban and regional planning and development, job training, and housing. Soon French local and regional government became more important, and elections to their councils were hotly contested. Competition set in as cities, departments, and regions sought to attract new industries. Local taxes increased, but the ways of assessing them became widely divergent and innovative.

The subnational units of French government started acting somewhat like American states, developing their own strategies for prosperity. France in no sense became a federal system—indeed, its decentralization did not go as far as Spain's during this same period—but decentralization was Mitterrand's most important and lasting contribution to the French political system.

National Front French anti-immigrant party.

Rural France is not necessarily conservative; it looks out for farming. Above all, the Sénat represents farmers' viewpoints; indeed, 8.5 percent of senators are farmers. The French Senate criticizes and amends numerous government bills. Sénateurs are not under pressure like lower-house assembly members to pass what the government wants. The French Senate—sometimes called the "agricultural chamber"—is listened to by the government on farm matters, for angry French farmers can create havoc. Still, when the government wants a measure passed, it can override Senate objections by a simple majority in the National Assembly.

The French Senate, although not equal in power to the National Assembly, cannot be dissolved by the government. De Gaulle came to regret the Senate's autonomy and in 1969 tried to dilute its power by a plebiscite. The French people, annoyed by de Gaulle, supported their Senate, the last arena of French parliamentary freedom, and rejected the referendum. The UMP held a majority in the National Assembly but lost its majority in the Senate in 2004.

The French Multiparty System

Parties can make or break a political system. Britain's stability and efficiency would diminish if instead of one party with a majority in Commons there were half a dozen parties of about equal size. Much of what was wrong with the Third and Fourth Republics was not government institutions but the parties that tried to operate them.

We must avoid evaluating all two-party systems as good and all multiparty systems as bad. Americans especially disdain multiparty systems and often cite Italy and the Fourth Republic as examples of the ills they create. But several multiparty parliamentary democracies are stable and effective, for example, Sweden, Switzerland, Holland, and Belgium. At least as much depends on the way the parties behave as on how many parties there are.

By the same token, the Fifth French Republic would not have worked the way it did had not the Gaullist party ballooned into the largest party. Indeed, if the Fourth Republic had been preserved but with Gaullists occupying the largest slice of the National Assembly, the most troublesome problem of that system—*immobilisme*—would have disappeared, for de Gaulle would have had a stable majority at his disposal.

France has at present two large parties, three small ones, plus a sprinkling of minor parties. The largest and currently ruling party is the center-right Union for a Popular Movement (*Union pour une Movement Populaire*, UMP), commonly referred to as "neo-Gaullists." The smaller Socialist party (PS) occupies the center-left. In between, the centrist Union for French Democracy (UDF) ran a respectable third in the 2007 presidential race but has been largely absorbed by the UMP in parliamentary races. On the right, the racist **National Front** gets a protest vote for president but no parliamentary seats. The once-mighty French Communist party has drastically shrunk. (For more on French parties, see Chapter 10.)

France's Electoral System

French presidential and legislative elections normally come every five years. The two were originally intended to be out of kilter, but starting in 2002 presidential elections come shortly before legislative elections. The five-year presidential term was intended in part to end the need for presidents to either cohabit or to dissolve the National Assembly for new elections.

The traditional electoral system of the Fifth Republic—single-member districts with runoff—is actually taken from the Third Republic. Like Britain and America, France uses single-member districts but instead of a simple plurality to win (FPTP) requires a majority (more than 50 percent). If the candidate does not get it on the first ballot—and that is usually the case—the contest goes to a runoff a week later, this time with either the top two candidates or those with at least 12.5 percent of the eligible voters of that district. Now only a simple plurality is needed to win. The second round, then, is the decisive one; the first round is a bit like U.S. primaries.

Presidential elections run under similar rules. All but the top two candidates for president are eliminated in the first round; a second round two weeks later decides between the top two. In 2002, the unexpected first-round win of the National Front's Le Pen humiliated France. To prevent a recurrence, France might consider dropping the two-round system and go to simple plurality win (FPTP) in one round. That would force small parties to coalesce into larger parties before the election. No electoral system works perfectly, as Americans learned in 2000, when Gore outpolled Bush by half a million votes but still lost in the electoral college.

The French system permits or encourages several parties to exist but not necessarily to win; the Anglo-American systems discourage third parties. Proportional-representation systems, on the other hand, permit small parties to exist and even win. In Germany, for example, a Green vote of over 5 percent wins them dozens of seats. But the French party system is rooted in French society, and this

DEMOCRACY

FRANCE'S PARLIAMENTARY ELECTIONS OF 2007

France's parliamentary elections followed the presidential victory of Nicolas Sarkozy and gave 313 of the National Assembly's 577 seats to the center-right Union for a Popular Movement (UMP). Sarkozy—who still had a safe majority, especially with help from small kindred parties—had been hoping for a coattails effect, but the rival Socialists actually gained on the UMP, winning 186 seats. There were several smaller parties and some independents.

A few candidates won actual majorities in their districts, and they were declared winners immediately. In most districts, however, voters had to go to a runoff a week later. Candidates who had polled less than one eligible voter in eight in the first round were dropped. In most districts weaker candidates also withdrew and endorsed the candidate who most matched their preferences. For example, a New Center candidate who scored lower would withdraw and urge his supporters to vote for the UMP candidate in the second round. As with the presidential contest, the second round is the decisive one.

	1st Round	2nd Round	Total Seats
Union for a Popular Majority (UMP)	40%	47%	313 seats
New Center	2	2	22
Socialists	25	42	186
National Front	4	0	0
Communists	4	2	15
Greens		3	3

is a more complex and fragmented society than the British or American. In any case, the French party system seems to be coalescing into two large blocs, one left and one right. Over the decades, there have been fewer and fewer relevant parties in France.

THE CONSTITUTIONAL COUNCIL

In the 1980s, a little-noticed branch of the French government started drawing attention: the Constitutional Council. Although it was part of the 1958 constitution, it came into its own as a buffer between Mitterrand and the conservative-dominated parliament during his two cohabitation periods. Some started comparing it to the U.S. Supreme Court. The comparison is shaky.

- Both have nine members, but the French serve for nine years, not for life. Three members of the French court are appointed each by the president, the speaker of the National Assembly, and the speaker of the Senate.
- The French Council members are rarely lawyers and see their role as political rather than legal. The U.S. Supreme Court sees its role the other way around.
- The scope of the French Council is much more limited. It can review the constitutionality of laws only after they are passed by parliament but before they have been signed by the president. It considers cases not from lower courts but on demand by the executive or any sixty members of either chamber of parliament.
- Rather than establishing legal precedents as the U.S. Supreme Court does, the French Constitutional Council has acted as a brake against hasty and ill-considered legislation. As such, the ruling parties in France tend to dislike its decisions while the opposition parties often like them.
- In 1999 the head of the Constitutional Court had to step down over allegations that he had siphoned off vast sums from a giant state-owned oil company he had earlier headed. This did the Court's reputation no good.

The role and powers of the U.S. Supreme Court are unique. Some French thinkers would like to see their council become more like the U.S. Supreme Court. The German Federal Constitutional Court is one of the few that approach the Supreme Court in importance.

KEY TERMS

censure (p. 105)
coalition (p. 104)
cohabitation (p. 107)
deadlock (p. 105)
département (p. 113)
deputy (p. 109)
Elysée (p. 104)
Fifth Republic (p. 104)
first-order civil division (p. 112)
interior ministry (p. 109)
Midi (p. 112)
National Front (p. 114)
neo-Gaullist (p. 107)
Palais Bourbon (p. 111)
prefect (p. 112)
premier (p. 104)
president (p. 104)
referendum (p. 104)
semipresidential (p. 104)
technocrat (p. 110)
turnout (p. 106)
unitary system (p. 112)

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