

How Is Power Used?



2.4

A MORE OUTLINE OF THE POWERS OF THE PRINCIPAL INSTITUTIONS—the executive, the legislature, and the civil service—enumerated in the constitution and the laws cannot adequately convey how policies in France are decided and implemented. The distinction between what the French have called “the legal country” and “the real country” are evident in the tendency of Fifth Republic presidents to interpret the constitution in such a way as to increase their power at the expense of that of their prime ministers. This tendency has applied not only to cabinet appointments, in which most presidents have had an almost free hand (except during “cohabitation” episodes), but also, and most important, to the content of policy decisions. President Charles de Gaulle, who took little interest in economics, and President Georges Pompidou allowed their prime ministers a great deal of discretion except in the areas of foreign and defense policies, but President Valéry Giscard d’Estaing, an *Enarque* (graduate of the National School of Administration [Ecole Nationale d’Administration, or ENA]) who specialized in economic matters, took an active lead in almost all aspects of domestic policy even while his government was headed by Raymond Barre, a professor of economics. Giscard d’Estaing even “meddled” in the drafting of the language of government bills.

In short, the president’s domain, as distinct from that of the government, has been stretched almost at will. Under de Gaulle, presidential decisions included blackballing Great Britain’s entry into the Common Market, raising the minimum wage of industrial workers, and vetoing an appointment to the prestigious Académie Française. Pompidou devalued the franc, lowered the value-added taxes (VATs) on foodstuffs, and modified the rules on the maximum height of buildings in Paris. Giscard d’Estaing oversaw hundreds of intrusions into matters affecting taxes, wages, social security, and interest rates. François Mitterrand (before and after the cohabitation interludes) personally decided on the construction of a series of grandiose public buildings and even interfered in the appointment of the director of an opera house.

In promoting his policies, the president uses his ministers to transform his ideas into concrete legislative proposals, to defend them in parliament, and to take the blame for them when they prove unpopular or unsuccessful. The distance the president thereby establishes in the public mind between himself and his ministers is a political convenience. For example, although the austerity policies adopted between 1976 and 1980 were largely inspired by Giscard d’Estaing, public opinion surveys showed that the president was less unpopular than Prime Minister Barre. Even during the cohabitation period of 1986 to 1988, President Mitterrand was able to veto Prime Minister Jacques Chirac’s original choices for several cabinet posts, including that of foreign minister. Moreover, although Mitterrand could not interfere effectively in the government’s domestic policy decisions, he was able to prevent some measures from being enacted by



President Jacques Chirac answers questions during a live televised debate with young people about the forthcoming referendum on the EU constitution in Paris in April 2005. The constitution was not approved by the electorate, and Chirac saw his public standing and authority falter.

Source: Reuters/Patrick Kovarik.

decree. Yet the president was sufficiently removed from the daily operations of government that his popularity rose while that of Chirac declined. During the second cohabitation period, Mitterrand left virtually all aspects of domestic policy to the discretion of Prime Minister Edouard Balladur, because the control of the National Assembly by the Rally for the Republic (*Rassemblement pour la République* [RPR]) and the Union for French Democracy (*Union pour la Démocratie Française* [UDF]) was so overwhelming and the degree of cohesion between these parties so significant that Mitterrand was unable to exploit internal political differences. Furthermore, Mitterrand had a terminal illness (he died in 1996), and he wished to devote his remaining energies to symbolic acts and safeguarding his positive leadership image for future historians.¹ Whatever the reason, his withdrawal from an active decision-making role contributed to his relatively amicable relationship with his prime minister.

Some observers suggest that in calling for an early and unnecessary parliamentary election in 1997 in which his party was defeated, Chirac so undermined his presidential authority that he transformed himself into a lame-duck president even though five years remained in his presidential term. Others, however, argue that Chirac retained significant presidential power, including the power to dissolve the National Assembly again should Lionel Jospin's government become unpopular. The relationship between Chirac and Jospin was tense; oscillating between cooperation on selective policy issues, such as expanding the membership of the European Union, reducing the presidential term to five years—a change realized by constitutional referendum in 2000—reforming the judiciary, and having a competition in appealing to public opinion. In this contest, Jospin initially seemed to have the advantage; his popularity rating was uncharacteristically high for a prime minister after nearly four years in office. He used this situation to his advantage. He had a fairly free hand in reshuffling his cabinet, and he increasingly concerned himself with foreign policy, a matter that was hitherto considered an almost exclusively



President Chirac at a press conference.

Source: PATRICK KOVARIK/AFP/Getty Images

presidential domain. Conversely, Chirac had difficulty recovering from his ill-advised dissolution of the National Assembly, and his relationships with his own Gaullist party and with other right-of-center forces were frequently less than cordial. Chirac again miscalculated in 2005 when he put his authority on the line in campaigning publicly in favor of the EU constitution. But when he lost on that issue and replaced the prime minister, he did not regain authority; rather, that authority was shifted to the new prime minister.

Normally, and to a limited extent even during cohabitation, presidents make use of the cabinet, but they do not rely on it alone. They appoint, and preside over, “restricted” committees composed of selected ministers, higher civil servants, and whatever additional personalities they may co-opt. Furthermore, there is a growing staff of presidential experts, who, like the White House staff in the United States, often function as a supplementary cabinet.

Deputies, Senators, and Decisions

In a formal sense, the French Parliament has been weakened by the constitution as well as by the legislature’s own standing orders. Nevertheless, that institution is not intrinsically so weak as to be dismissed. Although for most domestic policy decisions—and certainly in all budget matters—

the initiative belongs to the government, deputies have succeeded in significantly modifying government bills through amendments on matters such as abortion, unemployment, farm credits, education, the reorganization of the television networks, and the reform of local fiscal administration.

Sometimes, the government abandons a legislative project to which it is ostensibly committed if support for the project is insufficient among deputies belonging to the majority. This situation occurred in 1976 for capital gains taxation and in 1993 and 1994 for Balladur’s proposals related to the employment of young people at wages below the minimum and a variety of educational reforms. Similarly, it occurred in 2012 when Hollande had to drop his reform of the system of multiple electoral mandates (*cumul*) because the majority of deputies in his own party opposed it.² In other cases, the government permits, or encourages, leaders of a parliamentary group belonging to the majority to introduce legislation. In 1980 the Gaullists sponsored a bill on “participation”—the distribution of industrial shares to workers in given companies. The government itself lacked enthusiasm for the policy, but it did not wish to needlessly antagonize the Gaullist party, whose support would be needed for other matters. In still other cases, public opposition

to a project may be strong enough to pose political risks for its supporters, thereby inciting deputies to abandon their endorsement of it and the government to abandon it. This situation arose in 1983 for a bill to bring private schools under greater control of the Ministry of National Education and for a bill introduced in 1986 to reform the citizenship and naturalization laws. Yet government bills affecting labor, social security, and the naturalization of immigrants have been significantly modified by parliamentary input. One government bill, the Civil Solidarity Pact (*Pacte civil de solidarité*), which legalized the cohabitation of unmarried couples, was extensively altered by the parliament, especially the senate.³

A lack of evidence of open conflict over policy between majority deputies and the government does not necessarily mean that deputies have resigned themselves to inaction. Instead, it may indicate that they made their influence felt during the drafting phase of the bill through backstage negotiations with ministers or higher civil servants. Frequently, too, a government bill reflects the pressures of interest groups. Watered-down tax bills, softer price controls, and the government's failure to institute the genuine participation of workers in industrial decisions within firms have all stemmed largely from the successful lobbying of business associations. Similarly, the government's acquiescence on wage demands and retirement benefits must be attributed to the pressure of labor unions, especially those representing transport workers. Such pressure is not US-style lobbying by means of appearances before legislative committees; instead, lobbying is carried out through frequent contacts between leaders of big business and higher civil servants. In this respect, trade unions have been at a disadvantage because the personal links of their leaders to upper-echelon bureaucrats are weak. In the past, unions compensated for this weakness by threatening strikes and unrest, and they succeeded in pushing the government into making periodic wage adjustments in their favor, particularly during election years. But in view of the continuing moderation and the increasingly "centrist" orientation of the socialist leadership under Prime Minister Jospin, such methods were likely to bear less fruit than they had in previous years, even when the Socialist Party was in power. When the right controls the government, as it did from 1993 to 1997, the unions are in an even weaker position. The Jospin government, which took office thereafter, was so dependent on the support of communist and other leftist deputies, some of them close to the unions, that it had to initiate various policies favored by organized labor, including reducing the workweek to thirty-five hours, raising corporate taxes, and modifying some privatization attempts.

Parliamentarians who are unhappy with government bills have a juridical weapon at their disposal: the Constitutional Council. That body is not a judicial review organ in the sense of the US Supreme Court; it is not a court of appeals to which citizens' complaints about constitutional violations may be brought; and it does not have the authority to nullify laws already in effect. Its major legislative function used to be simply examining organic bills (which could also include the budget) *before* they were passed by parliament and before they were signed into law. (For these reasons, many observers have regarded the council as a supplementary branch of the legislature rather than a court.) In recent years, however, the council has widened its scope considerably, beginning with a ruling in 1971 by which it forced the government to withdraw a bill that would have given prefects the power to forbid or cancel public meetings. In this case, the council acted on

the grounds that the bill violated freedom of association.⁴ In 1977 the council nullified a bill that would have allowed the police, without a warrant, to search parked cars, because the bill violated a constitutional provision (Art. 66) on judicial safeguards of individual liberties. In 1980 the council nullified a bill aimed at special surveillance of foreign workers on the grounds that it violated the principle of equality before the law. Then in 1982 the council voided parts of the socialist government's nationalization legislation dealing with compensation to private shareholders on the grounds that it amounted to an unconstitutional deprivation of property. Earlier in the Fifth Republic, during the tenures of Presidents de Gaulle and Pompidou, the council, which was heavily Gaullist in composition, tended not to take issue with decisions by the executive. Since then, and in large part because it has been increasingly called on by opposition deputies, it has taken a very independent position.

If parliament's contributions to the legislative process have amounted to less than many had hoped, it reflects not only the "rationalized" legislative process but also the condition and behavior of the deputies themselves. Parliamentarians have often lacked the expertise of the administrative professionals who draft government bills. Furthermore, deputies' absenteeism has made it difficult for them to acquire mastery over a subject or to participate in parliamentary debates with consistency. Absenteeism has continued to be a problem despite the recent limitation of the number of additional elective offices a deputy might hold.

Even if such problems were overcome completely, deputies would still be unable to make their wills prevail as individuals. Under Gaullist presidents and under Giscard d'Estaing, the deputies belonging to parties of the left lacked unity and voting strength, and the Gaullist or Giscard-centrist deputies hesitated to confront the government in open parliamentary sessions, for they, too, were divided between enthusiastic and reluctant supporters of the government.

After the elections of 1981, the tables were turned: The right-of-center parties were too small and fragmented to fight the executive, whereas the socialist deputies became part of an obedient machine for endorsing presidential wishes. After the parliamentary elections of 1993, the tables were turned again. The conservative control of the National Assembly and the internal cohesion of the RPR and UDF strengthened the position of the prime minister in relation to the president, but it also strengthened the position of the conservative parliamentary parties in relation to the prime minister. Following these elections, the position of these parties, and of the assembly as a whole, was strengthened not only because Prime Minister Balladur disliked confrontation and was inclined to share the burden of delicate policies with parliament but also because the new Speaker, Philippe Séguin (1993–1997), worked hard to upgrade the level of participation of the assembly. He did so by taking an active role in the articulation of policy alternatives, encouraging legislative amendments, inviting foreign dignitaries to the assembly, and controlling absenteeism by attempting to do away with "proxy" voting. He also held numerous hearings with government officials. Laurent Fabius, who succeeded Séguin as Speaker, thereby resuming the position he had held from 1988 to 1991, continued efforts to upgrade the role of the assembly in the shaping of domestic policy until he moved to a cabinet position in 2000. Further changes were made by Jean-Louis Debré, who became Speaker in 2002. Debré asserted that he "act[ed] neither [in behalf of] the

right or the left, but for this chamber.”⁵ He increased the number of parliamentary committees and expressed his desire to have some of them chaired by the opposition as well as to have commissions of inquiry cochaired by majority and opposition. Yet he was torn between his desire to project the power of parliament and his firm loyalty to Chirac.

Among the additional constraints on the actions of parliament are the occasionally strained relations between the National Assembly and the Senate, which are not always in agreement. Party discipline is a factor as well. Moreover, majority deputies do not wish to endanger their prospects for political advancement (such as appointment to ministerial posts) or their pork barrel favors to their constituents. Overall, the lack of seriousness with which deputies have often viewed their own efforts can be attributed in part to their realization that much of the work carried out in parliament does not necessarily have permanent value: the decisions that count are made elsewhere, including by the bureaucracy.

Bureaucratic Politics

In theory, civil servants do not make policy; they only carry out the research and prepare the groundwork for policy and then implement it at various levels. But in effect, career administrators are co-decision makers. During the Fourth Republic, the political executive was subject to such frequent change and was therefore so unstable and weak that the French government depended on the permanent, professional civil service for decisional continuity and even initiative. In the Fifth Republic, the distinction between the political decision-making elite and the higher bureaucracy has been obscured by the tendency of presidents to recruit (or to persuade the prime minister to recruit) a large portion of their cabinets from the administrative corps. In addition, civil servants frequently dominate interministerial committees as well as the *cabinets ministériels*, the staffs of collaborators appointed by each minister. In principle, the members of these cabinets are responsible to the minister whom they serve, but because they understand the technicalities of a dossier better than the minister, they often act according to their own discretion, sometimes in concert with the staffs of other ministries.

During the Fifth Republic, the size of the staffs of the individual ministers has grown steadily, from an average of about 10 per minister, or about 300 for the ministries collectively, during the 1960s and 1970s, to 12.5 per minister, for a total of 580 under Prime Minister Chirac (1987) and more than 600 under his successor, Prime Minister Michel Rocard. This growth of what has been called a “parallel administration”⁶ reflects in part the growth in the number of ministries, but it is also a manifestation of a spoils system in which jobs are given to more people. Yet money is saved because a smaller proportion of the appointees (e.g., 22 percent under Rocard as compared with 36 percent under Chirac) are the more highly paid professional civil servants who graduated from the ENA. More recently, this growth has been kept under control. The staff of the ministers in Fillon’s cabinet numbered 517 when he took office in 2007, but subsequently increased to 626.

The position of the *Enarchie* in the French political system can be appreciated from the fact that during the Fifth Republic, two presidents, seven prime ministers, and five of the twelve candidates in the 2002 presidential election were graduates of that institution. But some important politicians such as Nicolas Sarkozy and Jean-Pierre Raffarin have

not been part of this “old boy” network. In recent years, there has been a spate of arguments about the continued utility of the ENA, as well as suggestions about rethinking the structure and recruitment basis of that institution.

As for the size of the national bureaucracy (*fonction publique*), the government periodically proposes some pruning, in part because a growing number of sectors that were once part of the state have been privatized. Yet the national bureaucracy, with its nearly 2.4 million employees in 2005, continues to be important. At its pinnacle is the Council of State (*Conseil d'Etat*), which is heavily involved in the drafting of government bills and is the ultimate source of appeal by citizens for administrative malfeasance.

Other participants in the decision-making process are the study commissions, *comités de sages*, whose appointment is from time to time encouraged by the president, the prime minister, or individual ministers. These commissions, which are roughly comparable to the Royal Commissions in Great Britain, may include academicians, managers of public enterprises, military officers, and politicians, but they have tended to be dominated by civil servants. Examples of some of the many study commissions convened during the Fifth Republic are the Toutée Commission on wage negotiations in nationalized industries (1967), the Sudreau Commission on workers' participation in industrial management (1974), the Nora Commission on the impact of computer technology (1978), the Giraudet Commission on the reduction of the workweek (1980), the Long Commission on the reform of citizenship and naturalization laws (1987), the Stasi Commission on secularism in the republic (2003), and the Camdessus Commission on the reform of labor laws (2004). The commissions' reports to the government, which reflect the input of interest group representatives and miscellaneous experts, may be used by the government as a basis for legislative proposals, or, if the government does not agree with the reports' conclusions, they may be ignored. Several reasons explain the proliferation of commissions: the need to circumvent a parliament that might make proposals that would be unwelcome to the government or, conversely, to supplant a parliament that has been unwilling to make decisions (and failed to use the power to set up its own special study or investigation committees); the desire of the government to “pass the buck” for politically risky policies; and—on a more positive note—the quest for a policy based on a broad consensus.

Once the parliamentarians have passed a bill, it gains substance only when it is enforced. But governments (and higher civil servants) may demonstrate their reservations about a bill by failing to produce the necessary implementing regulations or ordinances. The government has “denatured” acts of parliament by delaying, or omitting, follow-up regulations on bills dealing with educational reforms, birth control, prison reform, and the financing of local government. Occasionally, the administrative bureaucracy may, at the behest of a minister, produce regulations that contravene the intent of the law passed by parliament. In the 1980s, after parliament passed a bill requiring equal treatment of immigrant workers, administrative regulations subjected them to special restrictions. Similarly, an act of parliament forbidding discrimination on the basis of religion or race aimed at businesses engaged in international trade was followed by a government regulation permitting such discrimination. The Council of State may nullify such regulations after a legal challenge, but litigation is selective and may take several years.

The interplay between bureaucratic and legislative actions illustrates the complexity and pluralism of the decision-making process. In this pluralism, the public at large plays a role inside as well as outside the formal institutional framework. Indeed, it was “the street” that incited the government to abandon bills on educational reform,⁷ agriculture, and social security reform. During massive public demonstrations to keep the thirty-five-hour workweek, one demonstrator declared, “If the government doesn’t give in to these public demonstrations, it isn’t a democracy.”⁸ Such an attitude reflects widely prevailing doubts about the efficacy of “normal” political institutions.

Delegating Responsibility for Decisions

At times, the executive and its administrators may resort to various forms of buck-passing to weaken the effects of long-established legislation. To avoid using public monies to keep the government-controlled health insurance funds solvent, the government has occasionally permitted the funds to raise the social security contributions of the insured. Similarly, the autonomous public corporation that runs the Paris transport system has contracted with private firms to clean the metro stations instead of employing its own workers and paying them the minimum wage generally granted by legislation to public employees. Finally, although all subnational administrative activities are ultimately subject to the supervision or “guardianship” (*tutelle*) of the national government, the latter has saved itself trouble and money by permitting considerable local variations in the implementation of primary school curriculums and vacation policies, public health standards, and social services for the aged. The decentralization measures begun in 1982 and continued in 1983 institutionalized that approach and at the same time provided for greater local autonomy and grassroots participation.

Since the early days of the Fourth Republic, governments have been committed to a form of capitalist national planning. Four-year economic modernization plans were prepared through complex procedures involving the cabinet (notably the Ministry of Finance), government statistics offices, and several hundred technocrats working in a National Planning Commission and tripartite subcommittees (*groupes de projet*) dealing with themes such as growth, employment, and regional development, and composed of representatives of the government, the “social partners,” and independent experts. This harmonizing of conflicting class interests was supposed to result in a fair macroeconomic plan that represented a fine balance between a productivity orientation and a social one. The plan, therefore, was invested with a certain moral authority, and, with that in mind, the government and parliament processed specific pieces of legislation that were consistent with the plan, such as bills on public works investments, social welfare, wages, employment, and housing. For both President de Gaulle and President Pompidou, the plan was an “ardent obligation.” Under President Giscard d’Estaing and his prime ministers, the planning institutions were retained, but planners did little more than prepare position papers and statistical forecasts, and the government ignored many of their policy recommendations.

After the election of Mitterrand to the presidency in 1981 (and the appointment of Rocard as minister of planning), the economic plan was to be not only revived, geared to the production of social goods, and made more redistributive in orientation but also given extra weaponry with a larger number of nationalized industries and a plethora of

economic regulations. Yet the Ninth Development Plan, theoretically in effect in 1983, became in practice a dead letter, because it was “displaced” by an interim plan conforming to the austerity policy to which the government had committed itself. Moreover, part of the plan was replaced by piecemeal economic policy contracts with individual regions (*contrats Etat-région*). Under the Chirac government that began in 1986, not much remained of the plan except its name and its institutions. Whatever economic policy there was to be was confined to the cabinet and, more specifically, to the Ministry of Finance. Indeed, in view of its program of reprivatizing a variety of industries and banks, its commitment to deregulation and “degovernmentalization,” and its reliance on market forces, the government would have little if any room for planning. With the installation of the Rocard government in 1988, the Tenth Development Plan (1989–1992) was adopted, but only a junior minister was in charge of it, and planning in a meaningful sense was not revived. Under Rocard’s successors, planning has fared no better: plans are still made, but because of the increasing role of the market and the relocation of certain aspects of economic decision making and monetary policy to the transnational levels of the European Union, the policy impacts of plans are open to question. In 2005 Villepin fired the national planning commissioner who had been appointed by Raffarin, Villepin’s predecessor; he abolished the Planning Commission; and he replaced it with data-gathering agencies under the direct authority of the prime minister.⁹ Villepin finished the job by dismissing the last of France’s planning commissioners and abolishing the position.

Conflicts within the System

The analysis that was previously presented suggests that the government’s attitudes are not monolithic. Occasionally, the national administration is hampered by internal conflicts as well as conflicts with parliamentary and local politicians. For example, the ministers in charge of labor (especially unskilled labor) and social affairs have sought to raise minimum wages and upgrade working conditions, but the ministers of finance have interfered with such policies to save money both for the Treasury and for the influential business sector whose profits are maximized by cheap labor. The minister of the interior, who is in charge of the police, has been concerned with internal order and security, whereas the minister of justice has sought to protect the rights of citizens.

Some of these conflicts are resolved in response to political considerations rather than merely administrative ones. Administrative institutions are not immune to political influence; moreover, National Assembly deputies may serve on the boards of nationalized industries, on regional bodies, and in agencies involved in economic policymaking. Such deputies may be trained technocrats or civil servants and therefore professionally concerned with “objective” approaches to problem solving. Yet at the same time they are politicians responsive to local electorates.

The conflict between administration and politics is seen most clearly in the relationship between the mayor and the prefect. The prefect, who is legally responsible to the national government, has the power to nullify acts of a city council; to veto the budget adopted by the general council; and even, under certain circumstances, to depose a mayor. A prefect takes such action rarely, however, because a mayor may be more powerful than a prefect,

especially if the mayor heads a large city and is simultaneously a member of parliament or, even better, is a cabinet minister. A large number of ministers, including most of the prime ministers, continued to function as mayors of towns while exercising their national functions. In fact, shortly after becoming prime minister after the presidential elections of 1995, Alain Juppé was elected mayor of Bordeaux in the municipal elections that followed. When Jospin became prime minister in 1997, however, he required his cabinet members to relinquish their posts as mayors, so that they would be able to devote their full attention to their national tasks. This innovation may serve as a precedent.

Sometimes a mayor may be too political and too powerful to suit the taste of the national government. In 1978 Chirac, the mayor of Paris, was “punished” for his presidential ambitions and his unreliable support of President Valéry Giscard D’Estaing. Chirac, at the president’s instigation, failed to obtain a national financial supplement for maintenance of the municipal police force—a situation that forced Chirac to increase local tax assessments and threatened to reduce his popularity.

This description of the French political system is not intended to suggest that France has a mixed system in which various institutions and individuals filling a variety of different political positions play equally significant roles. Still, the fact that the constitution has given presidents vast powers to make decisions and that they have added to these powers by one-sided interpretation does not mean that they always make use of these powers. Under Giscard d’Estaing, the distinction between president and prime minister was made more obscure than before. Giscard d’Estaing did not, in reality, freely decide all policies. He sometimes avoided tough decisions for electoral reasons, contenting himself with making a good impression on television and otherwise “playing at being president.” During the election campaign of 1988, Mitterrand, in a “Letter to all the French,”¹⁰ outlined his ideas about the constitution, economic policy, education and research, social security, citizenship, and foreign and defense policies, but after he retrieved his presidential powers he gave only general direction to Prime Minister Rocard. The latter, in turn, produced his own “circular” in which he articulated his ideas of government.¹¹ In a television debate with Jospin during the presidential election campaign of 1995, Chirac deplored the “monarchical drift” of French decision-making patterns and contended that presidents were increasingly behaving like “super prime ministers” instead of confining themselves to articulating grand visions and providing general “impulses” to political actions. He argued that the French regime was basically parliamentary rather than presidential, and he called for an increase in the power of the parliament to legislate and control the actions of the government.¹² But during his second term, Chirac became an active decision maker and in 2005 and 2006, as his presidency was nearing its end, he behaved in an increasingly irresponsible manner.¹³

Almost immediately after he assumed the presidency and appointed his ministers, Sarkozy announced that he was “the decider,” that he was given a mandate to act, and that he would make every effort to promote the policies to which he had committed himself during the election campaign. As president he proved true to his promises. His style of leadership was that of a “hyper-president,” engaged in what his critics regarded as a solitary exercise of power: he made all major decisions, and Prime Minister François Fillon, a personal friend, played a clearly secondary role. The composition of the

government, which was entirely determined by Sarkozy, was the most diverse of the Fifth Republic (at least until the Hollande presidency): it included women, several of them Muslim, in important cabinet posts; and he also named a number of socialists to official positions in an attempt to show that he was not bound by traditional ideological constraints. Although he was considered by many as impulsive and even vulgar, his reform agenda was impressive (see Chapter 2.5), and he had little difficulty getting the support of a Union pour un Mouvement Populaire (Union for a Popular Movement, or UMP)-dominated parliament. Yet Sarkozy's domination was not absolute: Prime Minister Fillon did not always agree with him; for instance, Sarkozy favored resident foreigners' right to vote in municipal elections (as do most Socialists), but Fillon opposed it (as do many UMP deputies). There were occasional disagreements within the cabinet, and challenges to some of Sarkozy's policies within his own parliamentary majority, especially in the Senate. He was also constrained by public opinion and by external pressures. Hollande is subjected to even greater constraints: opposition to his policy of austerity by two members of his own cabinet and open disagreement on the part of the Speaker of the assembly.

NOTES

1. Mitterrand failed in that effort because some unpleasant aspects of his past were revealed, including his extreme-right connections before World War II, his involvement with the Vichy regime, and his continuing friendships with fascist collaborators after the war.
2. Hollande did impose a ban on ministers holding regional or local executive positions.
3. The Senate watered the bill down by exempting incestuous cohabitation. See Suzanne Daley, "France Gives Legal Status to Unmarried Couples," *New York Times*, October 14, 1999.
4. The actual provisions of the 1958 constitution do not include a bill of rights. Nevertheless, the preamble of that document includes references to the Declaration of the Rights of Man and Citizen of 1789 and to the preamble of the Fourth Republic constitution, both of which have extensive listings of rights and liberties, including freedom of association. In its decisions, the Constitutional Council has "inserted" these references into the constitution by according them operational validity.
5. Didier Hassoux, "Debré, incontrôlable, fait grincer à l'UMP," *Libération*, December 23, 2004.
6. Jean-François Doumic, "L'administration parallèle," *Le Monde*, February 2, 1989.
7. Public demonstrations forced the government to shelve a proposal to nationalize the private schools in the 1980s and to reform secondary education in 2005.
8. France 2 broadcast, March 10, 2005. Nevertheless, the thirty-five-hour workweek, enacted in 2000, was made more flexible in 2005 by enabling employers to offer more hours with overtime pay.
9. "Villepin limoge Etchegoyen, commissaire général du Plan," *Le Figaro*, October 28, 2005.
10. "Lettre à tous les Français," *Le Monde*, April 8, 1988.
11. "Gouverner autrement," dated May 25, 1988, in *Regards sur l'Actualité* 143 (July–August 1988): 15–18.

12. "Le débat télévisé entre les deux candidats," *Le Monde, Dossiers et Documents, L'Election Présidentielle*, 1995, 55.
13. In March 2006, in the face of massive public protest and growing parliamentary opposition, Chirac signed and promulgated the *Contrat première embauche*, the controversial legislation to facilitate layoffs of young workers, but suggested that the law not be enforced. See Antoine Guiral and Vanessa Schneider, "Chirac à tort et à travers," *Libération*, April 1, 2006.