

Where Is the Power?

2.2

THE CONSTITUTION OF THE FIFTH REPUBLIC WAS DRAWN UP SEVERAL weeks after Gen. Charles de Gaulle was invested as the (last) prime minister of the Fourth Republic. The new constitution, which was adopted by an 80 percent vote in a popular referendum held in September 1958, was tailor-made for de Gaulle. It contained many features found in previous French republics: a president, a prime minister, and a parliament composed of two chambers—a National Assembly and a Senate. Institutional relationships were rearranged, however, to reflect the political ideas that the famous general and his advisers had often articulated—that is, the ideology of Gaullism.

The President and the Government

De Gaulle and his advisers—foremost among them Michel Debré, the principal draftsman of the constitution, who was to become the Fifth Republic's first prime minister—wanted to have a strong government. It would be capable of making decisions and conducting an assertive foreign policy without having to worry about excessive parliamentary interference or premature ouster.

The president is clearly the central feature of the Fifth Republic system. The constitution originally provided for presidential election by an electoral college composed of some eighty thousand national, regional, and local legislators, but since the approval by referendum of a constitutional amendment in 1962, presidents have been elected by popular vote. Because many political leaders, including aspirants to the presidency and former presidents, found the seven-year presidential term of office too long, the term was reduced to five years by referendum in 2000.

The president is invested with near-monarchical powers, which were expanded through interpretation by the first three of the seven incumbents of the office so far: Charles de Gaulle (1959–1969), Georges Pompidou (1969–1974), Valéry Giscard d'Estaing (1974–1981), François Mitterrand (1981–1995), Jacques Chirac (1995–2007), Nicolas Sarkozy (2007–2012), and François Hollande (since May 2012). Under the constitution of the Fifth Republic, the president appoints the prime minister, who then supposedly selects the rest of the cabinet. De Gaulle and Pompidou took an interest in many of these appointments, and Giscard d'Estaing, Sarkozy, and Hollande decided the composition of the entire cabinet on a rather personal basis. These choices were endorsed almost automatically by the National Assembly, which was controlled by politicians more or less in the same ideological camp as the respective presidents.

Under President Mitterrand, a Socialist, the situation became more complicated. For five years after his election in 1981 and the election immediately thereafter of a Socialist-controlled assembly, the composition of governments reflected the president's wishes to a

large extent. But after the parliamentary elections of 1986, and again in 1993, when the Gaullists and their allies recaptured control of the assembly, the president was forced to appoint a prime minister and cabinet to the assembly's liking rather than his own. The "cohabitation" of a Socialist president with a Gaullist government—a situation not clearly envisaged by the drafters of the Fifth Republic constitution—led to a restructuring of the relationship between the two: a delicate form of power sharing in which the prime minister took responsibility for most domestic policies and the president retained a measure of authority in foreign affairs and national defense as well as a vaguely defined influence in internal affairs.

After Mitterrand's reelection as president in 1988 and the recapture of control of the assembly by the Socialists immediately thereafter, the situation returned to "normal"—that is, the president's preeminence was reestablished. Mitterrand, however, decided not to exercise his restored powers fully but to share them with his prime minister, Michel Rocard, and, to a lesser extent, with parliament—not only because the cohabitation experience had chastened him but also because he had, in a sense, become an elder statesman who transcended politics.

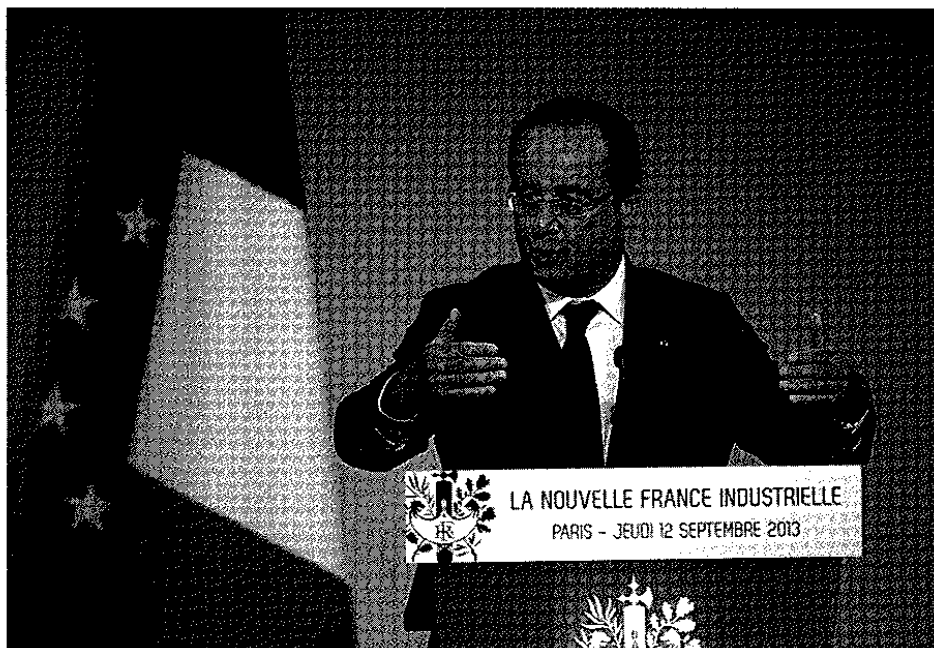
A "normal" situation of presidential supremacy was restored again in 1995 with the election of Jacques Chirac, a Gaullist, as president and the appointment of Gaullist Alain Juppé as prime minister. Two years later, however, France was subjected to a third experiment with cohabitation as a consequence of a premature parliamentary election. Although the assembly elected in 1993 was supposed to remain in place until 1998, Chirac decided in 1997 to dissolve it and call for early elections (see Chapter 2.3). This move was prompted by the pressure on France to make drastic cuts in public expenditures in preparation for participating in the common European currency, which was scheduled to be inaugurated in January 1999. The requirement to reduce the government deficit to a maximum of 3 percent of the gross domestic product (GDP) would force the parliament to make unpopular cuts in the welfare state budget. Although the assembly had an overwhelming Gaullist and center-conservative majority, the retrenchment measures required under the EU common monetary policy could not be completely enacted before the expiration of the normal life of the assembly, and it was feared that the public would take revenge on that legislative chamber at the next regular election. The early election was, therefore, seen as a preventive step. Although the president expected the Gaullists and their allies to lose some votes, he was confident that they would still retain comfortable control of the assembly.

The victory of the Socialist Party and its left-wing allies in the parliamentary elections of 1997 was as dramatic as it was unexpected. Because it was an unnecessary election, its outcome, a consequence of Chirac's miscalculations, served to undermine his presidential authority. He had no choice but to appoint Lionel Jospin, the Socialist leader who had run as a presidential candidate only two years earlier, as prime minister. In this new cohabitation, Jospin asserted himself strongly as a decision maker, so that he came to rival, and even eclipse, the authority of the president not only in domestic affairs but also in foreign policy. Sarkozy's election to the presidency in 2007 was followed in short order by legislative elections, which resulted in continuing control of the National Assembly by the Union for a Popular Movement (Union pour un Mouvement

Populaire [UMP]), the party of the president. This outcome gave Sarkozy virtually complete control over the decision-making apparatus, which he used to structure a (more or less nonideological) government to his liking and promote far-reaching policy innovations and institutional reforms (see next).

A similar situation prevailed when Hollande, a Socialist, defeated Sarkozy in the presidential elections of 2012. As of this writing, however, Hollande has not proved to be a strong president. Unlike his predecessors, he had never held a ministerial position. He had been secretary general of the Socialist Party, and his first government, led by Jean-Marc Ayrault, seemed to have been selected less for experience—only two ministers had held cabinet office before—than for intraparty balance.

There is no conflict between Hollande and Jean-Marc Ayrault, his prime minister. Indeed, Ayrault, formerly mayor of Nantes, has turned out to be a weak head of government. He has been unwilling to articulate his own views and unable to impose himself vis-à-vis other cabinet ministers, who have taken public positions on policy issues without clearing them with him beforehand.¹ To some extent his weakness stemmed from his background: he is not Parisian, had not attended any of the *grandes écoles*, and had never held a ministerial post. The lack of conflict between Hollande and Ayrault has meant the absence of the usual ambiguity of relations between the president and the prime minister, and has implied unadulterated presidential dominance. However, Hollande himself has been unable to promote a clear presidential image. By May 2013—a year after taking office—both Hollande's popularity and that of Ayrault had sunk to less than 30%.



President Hollande addressing UN General Assembly, 2013.

Source: ERIC FEFERBERG/AFP/Getty Images.

France at a Glance

Type of Government

Republic

Capital

Paris

Administrative Divisions

Twenty-two regions, subdivided into ninety-six departments. Overseas departments are French Guiana, Guadeloupe, Martinique, and Réunion, and overseas territorial collectivities are Mayotte and Saint Pierre and Miquelon.

Regions: Alsace, Aquitaine, Auvergne, Basse-Normandie, Bourgogne, Bretagne, Centre, Champagne-Ardenne, Corse, Franche-Comté, Haute-Normandie, Ile-de-France, Languedoc-Roussillon, Limousin, Lorraine, Midi-Pyrénées, Nord-Pas-de-Calais, Pays de la Loire, Picardie, Poitou-Charentes, Provence-Alpes-Côte d'Azur, Rhône-Alpes.

Dependent areas: Bassas da India, Clipperton Island, Europa Island, French Polynesia, French Southern and Antarctic Lands, Glorioso Islands, Juan de Nova Island, New Caledonia, Tromelin Island, Wallis and Futuna.

Independence

486 (unified by Clovis)

Constitution

Adopted by referendum September 28, 1958; became effective October 4, 1958; amended many times

Legal System

Civil law system with indigenous concepts; review of administrative but not legislative acts

Suffrage

Eighteen years of age; universal

Executive Branch

Chief of state: president

Head of government: prime minister

Cabinet: Council of Ministers appointed by the president on the suggestion of the prime minister

Elections: president elected by popular vote for a five-year term (changed from seven-year term in October 2000); prime minister appointed by the president

Legislative Branch

Bicameral parliament: Senate and National Assembly. Senate: 348 seats—326, metropolitan and overseas departments; 10, overseas territories; and 12, French citizens living outside France. Members are indirectly elected by an electoral college, with one-half the seats being renewed every three years. Term: six years. National Assembly: 577 seats. Members are elected by popular vote under a single-member majority system and serve five-year terms.

Judicial Branch

Supreme Court of Appeals: judges appointed by the president from nominations of the High Council of the Judiciary; Constitutional Council: three members appointed by president, three appointed by president of National Assembly, and three appointed by president of Senate; Council of State

(Continued)

(Continued)

Major Political Parties

Citizen and Republican Movement (MCR); Democratic and European Social Rally (RDSE); Democratic Movement (MoDem), formerly Union for French Democracy (UDF); French Communist Party (PCF); Greens; Hunters Party (CPNT); Left Radical Party (PRG), previously Radical Socialist Party and Left Radicals Movement; Movement for France (MPF); National Front (NF); New Anticapitalist Party (NPA); Socialist Party (PS); Union for a Popular Movement (UMP)

Source: US Central Intelligence Agency, *The World Factbook*, 2005, updated. www.cia.gov/cia/publications/factbook/geos/fr.html

Under normal as well as cohabitation situations, the president has a variety of appointive powers that can be exercised without interruption over military officers, political advisers, and some of the members of several judicial organs (on the advice, to be sure, of the prime minister). In addition, the president retains the powers traditionally associated with chiefs of state: to appoint ambassadors and other high civilian personnel, to receive foreign dignitaries, to sign bills and promulgate laws and decrees, to issue pardons, and to preside over cabinet sessions and to send messages to parliament. The president cannot veto bills, but he may ask parliament to reexamine all or a part of any bill he does not like. The president also has the right to dissolve the assembly before the expiration of its maximum term of five years and to call for new elections. The only two constraints are rather mild: the requirement that the president “consult” with the prime minister and the Speakers of the two chambers and the stipulation that the assembly not be dissolved less than a year after its election. So far, presidents have made use of the dissolution power on five occasions: in 1962, 1968, 1981, 1988, and 1997.

The president is involved in the political process in a variety of ways. He may submit to the Constitutional Council an act of parliament or a treaty of doubtful constitutionality, and he may submit to a popular referendum any organic bill (i.e., one relating to the organization of public powers) or any treaty requiring ratification. The constitution stipulates that the president may resort to a referendum only on the proposal of the government (while parliament is in session) or after a joint motion by the two parliamentary chambers (which meet in congress in Versailles for formal ratification). President de Gaulle ignored this stipulation, however, when he called for a referendum in 1962. Since the founding of the Fifth Republic, there have been nine referendums (after the popular ratification of the constitution itself): in January 1961 on self-determination for Algeria; in April 1962 on the Evian agreement on independence for Algeria; in October 1962 on the method of electing the president; in April 1969 on the reform of the Senate; in April 1972 on approving Great Britain’s entry into the European Common Market; in November 1988 on proposals for autonomy for New Caledonia, a French dependency in the Pacific; in September 1992 on the ratification of the Maastricht treaty on European Union; in November 2000 on the reduction of the presidential term of office; and in May 2005 on the constitution of the European Union.

The president also conducts the nation's diplomacy. He negotiates and signs (or "ratifies") treaties, and he must be alerted to the progress of all international negotiations conducted in the name of France.

One of the most interesting and significant constitutional provisions relating to presidential power is Article 16, which reads as follows:

When the institutions of the Republic, the independence of the nation, the integrity of its territory or the fulfillment of its international commitments are threatened in a grave and immediate manner and when the regular functioning of the constitutional governmental authorities is interrupted, the president of the Republic shall take the measures commanded by these circumstances, after official consultation with the prime minister, the chairs (Speakers) of the assemblies and the Constitutional Council.

Such emergency powers, which exist in various Western democracies, are intended for use during civil wars, general strikes, and similar public disorders that presumably cannot be handled through the normal, and often time-consuming, deliberative parliamentary processes. De Gaulle invoked the provisions once, during a failed plot organized in 1961 by generals opposing his Algeria policy. Although Article 16 is not likely to be used again soon, and although there is a stipulation that parliament must be in session when this emergency power is exercised, its very existence has been a source of disquiet to many who fear that a future president might use it for dictatorial purposes. Others view Article 16 more liberally—that is, as a weapon of the president in his role as a constitutional watchdog, mediator, and umpire.

The constitution makes a clear distinction in its wording between the chief of state and the head of government. The prime minister, not the president, "directs the action of the government," "ensures the execution of the laws," "exercises regulatory powers," and "proposes constitutional amendments to the president." Unfortunately, some doubt whether the prime minister and the government can be functionally separated from any president who wishes to be more than a figurehead. Indeed, the constitutional text is not without ambiguity. For example, one article specifies that the prime minister is in charge of national defense, and another makes the president commander in chief of the armed forces. Similarly, the prime minister's power to "determine the policy of the nation" may conflict with, and be subordinated to, the president's responsibility for "guaranteeing national independence."

In fact, except during the first two periods of cohabitation, prime ministers have had little independence and little discretion in relation to the president in all areas in which the latter has taken a personal interest. Furthermore—here again, except under "abnormal" conditions when the assembly and the president are on different sides of the political divide—the prime minister may be dismissed not only by parliament but also (though the constitution does not stipulate this) by the president. Indeed, twelve of the nineteen prime ministers preceding Ayrault were replaced for a variety of reasons while still enjoying the confidence of the assembly. Although their appointment does not need to be officially approved by parliament, most prime ministers have, in fact, gone before the assembly to be "invested" (formally confirmed for office). Prime ministers do not, in principle, have to reflect the party composition of the assembly, and they do not have to belong to any

party at all, although in practice it is clear that they cannot function, or even remain in office, without the support of a majority of deputies.

Michel Debré, who became prime minister in 1959, had been a loyal Gaullist even during the Fourth Republic, but he was replaced in 1962 by Georges Pompidou, a former lycée professor and banker (but not party politician) who had once worked intimately with de Gaulle and led his presidential staff. In 1968, when it became necessary to deflect from the president the mishandling of problems that had given rise to the mass rebellions in May and June of that year, Pompidou was replaced by Maurice Couve de Murville, a professional diplomat.

When Pompidou was elected to the presidency in 1969, he chose Jacques Chaban-Delmas, a former Radical-Socialist and hero of the wartime Resistance, to serve as prime minister. Pompidou wanted to cultivate a more progressive image and entice centrist parties to join the government majority forces in parliament. But in 1972 Chaban-Delmas was ousted, in part because his popularity threatened to eclipse the president's own, and he was replaced by Pierre Messmer, a Gaullist.

In 1974 Jacques Chirac was chosen as prime minister of the first government under Valéry Giscard d'Estaing's presidency as a reward for having bolted the Gaullist party—temporarily, as it turned out—and having supported Giscard d'Estaing's candidacy. Because of disagreements over economic policy and Chirac's insistence on a more significant decision-making role, he was replaced in 1976 by Raymond Barre, a “nonpolitical” professor of economics.

Pierre Mauroy, the first Socialist prime minister of the Fifth Republic, was selected in 1981 by President Mitterrand because of Mauroy's nearly ideal background. Scion of a working-class family and trained as a teacher, he had served as the mayor of a large industrial city. He also had been prominent in the old Socialist Party of the Fourth Republic and managed to get along well with the leaders of the party factions.

Mauroy was succeeded by Laurent Fabius in 1984 when Mitterrand decided to change direction from a progressive, redistributive policy to a program of austerity and economic restraint. Then, in 1986, Mitterrand had little choice but to reappoint Chirac as prime minister because the Gaullist party that Chirac led had gained dominance of the National Assembly.

Michel Rocard was chosen to head the government in 1988, in part because he had an important following within the ranks of the Socialist Party and among the population at large. An ambitious politician and an undogmatic and technocratic Socialist, he had in late 1980 been a rival of Mitterrand for nomination as a candidate for the presidency and had served in various ministerial posts under Mauroy.

In 1991 Rocard was replaced by Edith Cresson. It is unclear whether this change constituted an abrupt firing or an “amicable divorce” of two politicians whose political marriage had been one of convenience. In any case, it had become necessary because the public image of the government—and, by derivation, that of Mitterrand himself—had been tarnished by the ongoing unemployment, growing delinquency, immigrant riots, and scandals involving campaign funding of Socialist politicians. Cresson, the first woman prime minister in French history, had headed a succession of ministries. She had a reputation both as a loyal follower of Mitterrand and his brand of socialism, which was to the left of Rocard's, and as a proponent of government policies favoring business and industry.²

In 1992 Mitterrand asked Cresson to resign as prime minister. This decision followed on the regional and cantonal elections a month earlier in which the Socialist Party had incurred heavy losses. Cresson's successor, Pierre Bérégovoy, had served as Mitterrand's presidential chief of staff, as minister of social affairs, and (before and after the first cohabitation period) as minister of finance. In that last position, Bérégovoy developed a reputation for fiscal responsibility.

After the parliamentary elections of March 1993, the time for a change had come again. Because the Rally for the Republic (*Rassemblement pour la République* [RPR]) and the Union for French Democracy (*Union pour la Démocratie Française* [UDF]) won overwhelming control of the National Assembly, Mitterrand had to appoint a Gaullist, Edouard Balladur, to head a new government, which was the second experiment with cohabitation. Balladur had closely collaborated with Prime Minister Pompidou, served as the general secretary of the presidential office when Pompidou became president, and later became minister of finance in the cohabitation government of Chirac.

The first prime minister appointed by Chirac after he was elected president in 1995 was his close friend and political ally Alain Juppé. Juppé had begun his career in the higher civil service as an inspector of finance. He developed close links with Chirac when he served as the deputy mayor of Paris and later as minister of the budget in Chirac's cohabitation cabinet and then as his official government spokesman. As foreign minister in the Balladur government, Juppé was an early and consistent supporter of Chirac's presidential candidacy.

A change of prime ministers occurred in June 1997 after the premature parliamentary elections. The new prime minister, Lionel Jospin, had been a member of the diplomatic service, a professor of economics, a secretary general of the Socialist Party, and a minister of education. In the presidential elections of 1995, he had captured nearly half of the popular vote as the Socialist candidate. Chirac had little choice in appointing Jospin, who had become the unchallenged leader of the democratic left and was widely considered the architect of the victory of the Socialists and their left-wing allies.

With the election of Chirac to a second presidential term in 2002 and the gain of a solid majority of the National Assembly by the UMP, the neo-Gaullist party, Chirac regained a free hand and appointed Jean-Pierre Raffarin as prime minister. Raffarin had been an unassuming regional politician—he was a member of the Senate—and was unlikely to upstage the president. But this government gradually became unpopular because of its policy shortcomings, among them the failure to tackle the unemployment problem, and its inadequate response to an unexpected heat wave in August 2003 that resulted in the death of nearly fifteen thousand people. When the UMP was soundly defeated in the regional elections of 2004, Chirac reshuffled the cabinet, replacing the embattled ministers of health and education.

Raffarin was replaced at the end of May 2005 after the referendum on a treaty to put in place a constitution for the European Union. Chirac had called for the referendum instead of letting the parliament decide, and he campaigned strongly for a yes vote. The victory of the no vote—the public rejection of the EU constitution—was attributed to the campaign waged against it by the trade unions and leftist parties, whose leaders believed that the constitutional draft posed a threat to prevailing wage structures, labor protections, and farm price supports, and by those on the extreme right, who feared a further erosion of national sovereignty. The referendum also was used to express dissatisfaction

with Chirac and his government, and the vote represented a humiliating defeat for him. Yet he refused to resign, as did de Gaulle in 1969 when a referendum on a reform of the Senate failed.³ Instead, he replaced the government.

Dominique de Villepin, who became prime minister in 2005, had impressive credentials. A career diplomat, he had been a major adviser to Chirac on foreign policy, and he had served as foreign minister under Prime Ministers Balladur and Raffarin. He also directed Chirac's 1995 presidential campaign and served as secretary general of the presidential palace. Although Villepin was regarded as completely loyal to Chirac, as were most of the members of the cabinet after Chirac's authority was seriously undermined by the results of the referendum on the European Union, Villepin emerged as the major decision maker. His relationship with Parliament, however, was tenuous, in part because he had never been elected to it (nor to any other national or subnational office) and he often ignored it. He lost support when he introduced an employment bill that was hotly contested and not backed by Chirac.

François Fillon, whom Sarkozy appointed immediately after his election in 2007, had been by turns a National Assembly deputy and a member of various cabinets, most recently as minister of education. He had also managed Sarkozy's presidential election campaign.

Table 2-3 Political Composition of Selected French Fifth Republic Governments before 1981

President:	de Gaulle				Pompidou		Giscard d'Estaing		
Prime minister:	Debré	Pompidou		Couve de Murville	Chaban-Delmas	Messmer	Chirac	Barre	
Political party	January 1959	April 1962	April 1967	July 1968	June 1969	July 1972	June 1974	August 1976	July 1979
Gaullists	6	9	21	26	29	22	12	9	12
Republicans	—	3	3	4	7	5	8	10	11 ^a
Centrists	3 ^b	5 ^b	—	—	3 ^c	3 ^c	2	2 ^d	4 ^d
Radicals	1	1	—	—	—	—	6 ^e	5	1 ^f
Left Radicals	—	—	—	—	—	—	—	—	—
Socialists	—	—	—	—	—	—	—	—	—
Communists	—	—	—	—	—	—	—	—	—
Miscellaneous	7 ^g	—	—	—	—	—	—	—	3 ^h
Nonparty	10	11	5	1	—	—	8	10 ⁱ	10 ⁱ
Total (including prime minister)	27	29	29	31	39	30	36	36	41

Source: Compiled by the author.

^a Known until 1977 as Independent Republicans.

^b Popular Republican Movement (MRP).

^c Center for Democracy and Progress (CDP).

^d Center of Social Democrats (CDS).

^e Reformers.

^f "Democratic Left."

^g Includes five independents.

^h Includes one Social Democrat, one member of the National Center of Independents and Peasants (CNIP), and the prime minister, attached to the Union for French Democracy (UDF).

ⁱ Collectively designated as the "presidential majority."

Jean-Marc Ayrault, who became Hollande's prime minister in 2012, had been the chairman of the Socialist Party parliamentary group and had supported Hollande during the primary for the party's presidential candidacy.

The size and complexity of cabinets have varied from one government to another, as has the attribution of responsibilities. A new cabinet position may be created to emphasize a special policy focus; thus, Sarkozy created a Ministry for Immigration, Integration, and National Identity in order to guide the ongoing debate about "who is French," and Hollande appointed a minister of industrial renewal who was to promote job creation and prevent further delocalization of industries.

Cabinet stability, however, has been much greater under the Fifth Republic than under the Fourth Republic, with only nineteen prime ministers—one of them, Chirac, serving on two separate occasions—over a fifty-three-year period, 1959–2012 (see Tables 2-3, 2-4, and 2-5). But there were more than thirty cabinet rearrangements during that time. Such rearrangements were made for a variety of reasons: deaths, changes in domestic or foreign policy orientations, voluntary resignations (often prompted by disagreements over government policy), and changes in the political party composition of the assembly. During ordinary periods, most of these "reshuffles" were made at the behest of the president; during cohabitation, they tended to be decided by the prime minister, often to rearrange the partisan makeup of the cabinet or to "freshen up" the image of the government.

Table 2-4 Political Composition of Selected French Fifth Republic Governments, 1981–1988

President:	Mitterrand					
	Mauroy		Fabius ^a	Chirac ^b	Rocard	
	May 1981	June 1981	July 1984	March 1986	May 1988 ^c	June 1988 ^d
Prime minister:						
Political party						
Gaullists	—	—	—	20	—	—
Republicans	—	—	—	7	—	1
Centrists	—	—	—	7 ^e	—	1
Radicals	—	—	—	2	1	1
Left Radicals	3	2	3	—	2	3
Socialists	39	37	36	—	26	25
Communists	—	4	—	—	—	—
Miscellaneous	1 ^f	1 ^f	1 ^g	—	2 ^h	3 ^h
Nonparty	—	—	3	6	11	15
Total (including prime minister)	43	44	43	42	42	49

Source: Compiled by the author.

^a Cabinet: eighteen ministers (including fourteen Socialists).

^b Cabinet: fifteen ministers (including seven Gaullists, five various Union for French Democracy [UDF], three nonparty).

^c Cabinet: nineteen ministers (including fourteen Socialists).

^d Cabinet: twenty-two ministers (including fourteen Socialists, one Left Socialist, four UDF, three nonparty).

^e Center of Social Democrats (CDS).

^f Movement of Democrats, an ex-Gaullist group supporting Mitterrand in the presidential elections of 1981.

^g Unified Socialist Party (PSU).

^h Direct (nondifferentiated) members of UDF.

Table 2-5 Political Composition of Selected French Republic Governments since 1991

President:	Mitterrand		Chirac					Sarkozy	Hollande
Prime minister:	Cresson ^a	Bérégovoy	Balladur	Juppé	Jospin	Raffarin	Villepin	Fillon	Ayrault
Political party	May 1991	April 1992	March 1993	May 1995	June 1997	May 2002	May 2005	June 2007	May 2012
Gaullists	—	—	14	19	—	16	30	21	—
Republicans	—	—	7	8	—	6 ^b	1 ^b	—	—
Centrists	2 ^c	—	5 ^d	6 ^d	—	8 ^e	1 ^e	—	—
Radicals	—	—	1	1	—	1	1	—	—
Left Radicals	2 ^f	2	—	—	3	—	—	—	2
Socialists	32	31	—	—	18	—	—	5	31
Communists	—	—	—	—	3	—	—	—	—
Miscellaneous	1 ^g	—	2 ^h	2 ⁱ	2 ^j	—	—	3	2 ^k
Nonparty	9	9	1 ⁱ	6	1	8	—	3	1
Total (including prime minister)	46	42 ^m	30 ⁿ	42 ^o	27 ^p	39 ^q	33 ^r	32 ^s	36 ^t

Source: Compiled by the author.

^a Cabinet: twenty ministers, including sixteen Socialists, one centrist (France United), one Ecologist, two nonparty. The government included six women, two in the cabinet. Cresson was replaced by Pierre Bérégovoy in April 1992.

^b Liberal Democracy.

^c France United—a coalition formed in the Assembly in 1990 of left radicals and centrists to enlarge the presidential majority toward the center and support Michel Rocard.

^d Center of Social Democrats (CDS).

^e UDF.

^f Movement of Left Radicals (MRG). These two ministers also belonged to France United.

^g Ecologist movement.

^h Two "direct" adherents of Union for French Democracy (UDF).

ⁱ Direct (nondifferentiated) members of UDF.

^j One from the Greens and one from the Citizens' Movement (MDC).

^k Greens.

^l Simone Veil, a centrist close to Giscard d'Estaing.

^m Cabinet: twenty-one ministers.

ⁿ Cabinet: twenty-four ministers.

^o Cabinet: twenty-seven ministers.

^p Cabinet: fifteen ministers.

^q Cabinet: sixteen ministers.

^r Cabinet: seventeen ministers.

^s Cabinet: sixteen ministers.

^t Cabinet: twenty ministers.

Under the constitution, the chief of state presides over cabinet sessions. Similar provisions existed in earlier regimes, but, especially in the Third and Fourth Republics, they meant little, because "working" sessions of the cabinet were, in effect, led by the prime minister. In the Fifth Republic, the president—except, again, during cohabitation interludes—has effectively led most cabinet meetings and determined their agendas. Moreover, he has had a major voice in determining the size of the government, which has ranged from twenty-four to forty-nine full and junior ministers, and in deciding which of the full ministers—usually between sixteen and twenty-eight—are "cabinet" ministers—

that is, they participate in the weekly cabinet sessions. Such liberty will be limited in the future, because under a constitutional amendment of 2008, the size of the cabinet will be subject to legislation by parliament.

The role of the prime ministers has not been negligible. They have been political personalities in their own right, and most have had experience in elective office.⁴ They have accepted the prime ministership for reasons of ambition, more than half viewing it as a stepping-stone to the presidency. Nevertheless, they have played a distinctly subordinate role in policymaking except during periods of cohabitation; they have rarely been given credit for the achievements of their governments; and they have been used as scapegoats, to be replaced when the president loses popularity. Yet as government leaders, prime ministers have presided over important interministerial committees, counseled presidents on policy, and promoted and defended legislation in parliament and before public opinion. But the association between president and prime minister does not necessarily constitute a genuine policymaking partnership; in fact, all presidents thus far have clearly rejected the notion that there is a two-headed executive and have affirmed presidential supremacy, except during the cohabitation periods 1986–1988, 1993–1995, and 1997–2002, when the executive was temporarily “depresidentialized.”⁵

The complex and ambiguous relationship between the president and prime minister has given rise to a debate about which of the two has been the more important decision maker. Chirac has been quoted as saying, “I decide, the minister[s] execute.”⁶ Sarkozy has made similar statements; he has asserted that he was elected to act and that he intended to do so. Prime Minister Fillon accepted the primacy of the president; as he put it, “it is the president who governs.”⁷ In practice, this statement means that the president may make decisions that contravene the policies preferred by the prime minister.⁸ The majority view is that the president is the real power, but, according to some, it is the prime minister who makes the concrete *domestic* policy decisions that count.⁹ Still others take a more balanced view.¹⁰ In fact, the relative power of each depends on the political composition of the National Assembly. If, on the one hand, that body is controlled by the president’s party, the president’s authority is virtually unchallenged. If, on the other hand, the assembly is controlled by a different party, the prime minister, whose tenure depends on support by the assembly, plays the dominant executive role and the president’s position is more or less reduced to that of a figurehead. The president may be weakened for other reasons as well. After the failed referendum of 2005, Chirac, although continuing to have the nominal support of the parliament, was discredited both at home and abroad and considered a political dinosaur.¹¹

In contrast, Sarkozy’s position was strengthened when the parliamentary election that followed soon after his accession to the presidency produced an assembly dominated by his own party. As a result, he was able to get major pieces of legislation enacted, including a number of institutional reforms embodied in constitutional amendments.

The Parliament

In terms of its bicameral structure and internal organization, the legislature of the Fifth Republic bears a clear resemblance to that of earlier republics. The National Assembly is composed of 555 deputies from metropolitan France and 22 from overseas departments and territories. All are elected for a five-year term by direct popular vote on the basis of a

single-member constituency. Until recently, members of the Senate were chosen for nine-year terms by an electoral college composed of National Assembly deputies, department councillors, and delegates of city councils. One-third of the membership was renewed every three years. The number of senators has been increased periodically—from 295 in 1979 to 305 in 1981, 319 in 1987, and 321 in 1991. In July 2003 the parliament approved an organic law that reduced the term of senators from nine to six years and called for renewal of half of its membership every three years and an increase in its membership from 331 in 2004 to 341 in 2007 and 346 in 2010. The new law also reduced the age of eligibility for election to the Senate from thirty-five to thirty years.

The organization of the parliament follows traditional patterns. Each chamber is chaired by a president (Speaker), who is elected in the assembly for five years and in the Senate for three years. The Speaker is assisted by vice presidents (or deputy Speakers), six in the assembly and four in the Senate, reflecting roughly the number of major party groupings in each chamber. These officers, who collectively constitute the “conference of presidents” in each chamber, formally determine the allocation of committee seats and the organization of parliamentary debates.

To participate meaningfully in legislative affairs, deputies must belong to a parliamentary party (*groupe parlementaire*). In the Fourth Republic, a minimum of fourteen deputies constituted a parliamentary party. With the establishment of the Fifth Republic, the required number was raised to thirty. This change forced small contingents of deputies to align (*s'apparenter*) with larger ones, thereby reducing the number of parties in the legislature. After the parliamentary elections of 1988, the number was reduced to twenty in order to reward the twenty-seven Communist deputies for their selective support of the government and, in particular, for supporting Laurent Fabius, the former Socialist prime minister, as Speaker of the assembly.

The maximum duration of ordinary sessions of parliament used to be five-and-a-half months a year: eighty days in the fall (from early October) and ninety days in the spring (from early April). In 1995 the constitution was amended to provide for a single ordinary session of nine months, from October through June, totaling 120 days. Special sessions may be convened at the request of the prime minister or a majority of the deputies, but such sessions must have a clearly defined agenda. Since 1981 many special sessions have been called, largely to deal with budgetary matters,¹² most recently an emergency session in the summer of 2012 to deal with the financial emergency.

In theory, both chambers have equal powers with the following exceptions: budget bills must always be submitted first to the assembly, and only the assembly may oust the government on a vote of censure (described later in this section). The decision-making role of parliament as a whole, however, is limited, particularly in comparison with the legislature's role in earlier French republics and in other western European democracies. The areas in which parliament may pass legislation are clearly enumerated in the constitution (Art. 34). They include, notably, budget and tax matters; civil liberties; penal and personal-status laws; organization of judicial bodies; education; social security; jurisdiction of local communities; establishment of public institutions, including nationalized industries; and rules governing elections (where not spelled out in the constitutional text). Matters not stipulated fall in the domain of decrees, ordinances, and regulations, which are promulgated directly by the government. The distinction between laws and

decrees is not a clear-cut one. In some areas—for example, local government, education, or labor and social policy—the parliament often does little more than establish general principles and leaves it to the government to fill in the details by decree or executive order. In addition, the government may ask the parliament (under Art. 38) to delegate to the government the power to issue decrees in areas normally under parliamentary jurisdiction. This procedure was used frequently during de Gaulle's presidency. This "fast-track" approach was used most recently in July 2005 by Prime Minister Villepin for an emergency employment bill. This procedure has a limited duration—six months—and the action taken must be validated by a formal government bill.

As is the custom in all parliamentary democracies, a distinction is made in France between a government bill (*projet de loi*) and a private member's bill (*proposition de loi*). The former has priority; in fact, since the founding of the Fifth Republic less than 15 percent of all bills passed by parliament have originated with private members (or backbenchers), and most of these passed because the government raised no objections or because it encouraged such bills. Finance bills can be introduced only by the government, and backbenchers' amendments to such bills are permissible only if they do not reduce revenues or increase expenditures. Furthermore, if parliament fails to vote on (in practice, to approve) a budget bill within seventy days of its submission, the government may enact the budget by decree.

The government has the deciding voice on what bills are to be discussed in parliament and how much time shall be allocated to debate on parts of a bill. It can also prevent amendments to a bill by resorting to the "blocked-vote" procedure—that is, demanding that the legislative body vote on the text of the bill as a whole. This procedure has been used well over 140 times in the assembly, with more than 90 percent of such bills passing. In the Senate, about one-third of the bills introduced in the blocked-vote fashion have been rejected.

Enactment of a bill requires passage in both the assembly and the Senate. Should the two chambers disagree on any aspect of a bill, a variety of procedures can be used to achieve agreement. The bill in question may be shuttled back and forth between the chambers until a common text is agreed on. Alternatively, the government may call for the appointment of a conference committee, or it may ask each chamber for a "second reading."¹³ If disagreement persists, the assembly may be asked to decide by a simple majority vote, thereby enacting the bill in question. Neither chamber allows members to filibuster.

Constitutional amendments are subject to a special procedure. The initiative belongs both to the president (after consulting with the prime minister) and to parliament. Once an amendment bill has passed both chambers in identical form, it is submitted to the people for ratification. A referendum may be avoided if parliament, in a joint session convoked for this purpose by the president, ratifies the amendment by a three-fifths majority.¹⁴

Checks on the Executive

Although the constitution grants the legislature jurisdiction in areas broad enough to embrace the most important domestic policy matters, in the Fifth Republic the parliament has been in a poor position to exercise this power. In the Fourth Republic, more than two dozen assembly standing committees contributed much to the legislative process. Indeed,

these committees, because of the expertise of their members, became quasi-independent centers of power. Although they produced high-quality legislative proposals, they sometimes offered counterproposals to government bills, designed to embarrass the government and bring it down. By contrast, in the Fifth Republic only six standing committees (usually consisting of 61–121 deputies each) are permitted under the constitution. They do their work within carefully limited time periods and are forbidden to produce substitute bills.

In theory, the parliament can do more than just register and ratify what has been proposed to it by the government. During the first decade of the Fifth Republic, parliament, and above all the assembly, was relatively docile. Especially since the mid-1970s, however, parliament has been more actively engaged in lawmaking (see Chapter 2.4). Evidence of this more active role is the growing number of successful amendments to government bills introduced both by legislative committees and backbenchers.

During the weekly question periods in the National Assembly, deputies pose questions (in written or oral form) to individual ministers. Answers, which are not immediately forthcoming, may be provided by a minister or by a person deputized by him, such as a higher civil servant. Such question-and-answer sessions are sometimes followed by a very brief debate or sometimes by no debate at all. These sessions cannot be followed by a vote of censure, which would prompt resignation of the government.

Motions of censure must be introduced by a unique and specific procedure and separate from the assembly's routine business. These motions require the signatures of at least one-tenth of all the deputies, who may cosponsor only one such motion during each parliamentary session. A "cooling-off" period of forty-eight hours also must precede the vote on such a motion. A motion of censure carries only if an absolute majority of the entire membership of the assembly supports the censure. The government may also challenge or provoke the assembly to consider a motion of censure simply by making a specific bill or a general policy declaration a matter of confidence (Art. 49, sec. 3). If no successful censure motion is approved, the bill in question is considered to have passed, and the government remains in place. In the fifty years between 1959 and 2008, the government resorted successfully to this "provocation" method more than sixty times. Among the more recent instances were an electoral reform bill in 2003, a decentralization bill in 2004, and the labor relations bill of February 2006 that provoked massive demonstrations and strikes. During the same period, more than forty motions of censure were introduced by deputies, but only one, in October 1962, obtained the requisite majority vote. In that particular instance, President de Gaulle was required to accept the parliamentary dismissal of his prime minister (then Pompidou). But de Gaulle nullified the effect of the censure vote by dissolving parliament and, after the elections that followed, simply reappointing Pompidou to head a "new" government. The constitutional reforms ratified on July 23, 2008, restricted the use of Article 49: it can henceforth be used only for finance bills or bills on the funding of social security, and no more than once during each parliamentary session.¹⁵ The 2008 reforms provided for many other measures aimed at strengthening the role of parliament. Among them are the following:

- the right of the *Conférence des Présidents* (a committee of parliamentary leaders including the chairs of each parliamentary party) of the assembly to lengthen the time allotted for debate on a bill
- the reduction of the amount of time allotted to the government to answer written parliamentary questions
- an increase in the maximum number of standing committees raised from six to eight
- the requirement that certain nominations made by the president be confirmed by a joint committee of the two chambers of parliament
- the obligation of government to seek parliamentary authorization for the use of armed forces outside the country for more than six months

The reforms also expanded the rights of the opposition by increasing its role in proposing the parliamentary agenda and in calling for the appointment of committees of inquiry.

Many of these constitutional changes, which are based substantially on the recommendations of the “Balladur Committee on Executive-Legislative Equilibrium,” an ad hoc body chosen by Sarkozy,¹⁶ still required follow-up organic laws to be passed by parliament. They constitute the first major restructuring of executive-legislative relations since 1958 and serve to democratize political life. They were ratified in joint session on July 23, 2008, by 539 votes to 537, one vote more than needed.¹⁷ Yet it is not clear how they will affect the dominance of the executive over the legislative process.

Another weapon that parliament can use against the executive is the Constitutional Council. This body consists of nine members—one-third each chosen by the president, the Speaker of the National Assembly, and the Speaker of the Senate—appointed for nine-year terms, with one-third renewed every three years. Originally, the council was viewed as largely advisory. But under the constitution it must be consulted on the constitutionality of an organic bill before it becomes law and on the constitutionality of treaties before they are considered ratified. It also pronounces on the legality of parliamentary regulations and the propriety of referendum procedures and watches over presidential and legislative elections and confirms the results. It must also be consulted if the president invokes the emergency clause (Art. 16) of the constitution. In addition, the president, the prime minister, the Speaker of either chamber, and, since the passage of a constitutional amendment in 1974, sixty deputies or sixty senators may submit any bills, before they become law, to the council for a judgment. Under the original text of the constitution, the validity of a bill could be challenged only before it became law, a challenge used most often by members of the opposition. Under a constitutional amendment ratified in 2008, ordinary citizens may appeal to the Constitutional Council to challenge an action based on legislation (*after* it has been passed, as in the United States and Germany) in violation of fundamental liberties (Art. 61-1). Such challenges must go through the “filter” of the highest administrative courts and civil/criminal courts, the Council of State or the Court of Cassation, respectively.

The Constitutional Council's decisions have had a significant impact on legislation, as recent cases show. In 2009 it invalidated a bill creating the High Authority for the Diffusion of Art Works and the Protection of Copyright on the Internet (HADOPI), which aimed at the regulation of the Internet, on the grounds that it infringed on freedom of expression. As a result, the bill, which parliament had adopted in special session, had to be revised. In the same year, the council voided a government "carbon tax" bill that applied to the use of oil, gas, and coal by households and businesses. The council argued that it contained too many exemptions for polluters. This decision was welcomed as a rebuke to Sarkozy, whose government was forced to revise the bill, but it was criticized by his supporters as judicial overreach. Critics also argued that the council had been excessively politicized: several of its members, notably its president, had been appointed by lame-duck presidents of the republic.¹⁸

Incompatibilities and Cumulations

Under the Fourth Republic, deputies were often too willing to unseat a government in the hope that there would be a portfolio for them in a subsequent cabinet. If they should, in turn, be ousted from the cabinet, they would still retain their parliamentary seats. The constitution of the Fifth Republic, however, purposely changed all that. Under Article 23, a position in the cabinet is incompatible with simultaneously occupying a seat in parliament. Consequently, any deputy (or senator) who ascends to the cabinet must resign his or her parliamentary seat—which is immediately filled, without special election, by that person's "alternate" or replacement (*suppléant*), whose name was listed on the ballot alongside that of the deputy during the preceding assembly elections. If the alternate resigns or dies, a by-election must be held.¹⁹ Deputies appointed by the government for special tasks (as *chargés de mission*) may retain their parliamentary seats if the appointment is for less than six months.

The spirit of the incompatibility clause has been violated repeatedly. Cabinet ministers have run for parliamentary seats they do not intend to occupy, and presidents have encouraged that practice to test popular support for the government. Constituents vote for such candidates because they are better able to secure "pork barrel" appropriations when their representative sits in the cabinet rather than in the parliament.

The incompatibility rule has not affected the traditional accumulation of concurrently held elected offices (*cumul des mandats*). For many years, most deputies were concurrently mayors or members of regional, departmental, and municipal councils, and a sizable number were serving as members of the European Parliament as well. Of the 577 deputies elected to the assembly in 2012, 476 deputies (83 percent) are *cumulards*, holding at least one supplementary elective office—most of them as mayors. A typical combination of members of parliament has been mayor and/or president of an urban agglomeration. Others have combined their parliamentary mandates with positions as presidents of regional or general (departmental) councils.

There is a difference of opinion about the effect of *cumul* on the orientation of deputies,²⁰ but there is little doubt that the concurrent holding of subnational elective positions, while multiplying the deputies' incomes, has cut deeply into the time available to the deputies or senators to devote themselves to their parliamentary work or to oppose the

government. To rectify this situation, and perhaps to increase the attention span of parliamentarians, parliament passed a law in 1985 to limit the accumulation of elective offices to no more than two.²¹ That limitation, let alone abolition of the *cumul*, was not enthusiastically accepted by many politicians, nor has it been completely effective. Since enactment of this reform, about half of deputies have opted to retain their positions as mayors as well as their parliamentary seats.²² The problem also extends to cabinet ministers, even though from 1997 to 2002 Prime Minister Jospin required all his cabinet appointees to relinquish their positions as mayors of large cities as a precondition for taking office—a practice not followed by his successors. President Sarkozy himself is an example of “cumulation” by a cabinet minister. In 2005 he was minister of the interior, president of the UMP, and president of the general council of the department of Hauts-de-Seine, his local political base. In 2004 President Chirac had imposed his own idea of incompatibility when he forced Sarkozy to choose between remaining minister of the interior and becoming president of a major political party, the UMP. Sarkozy then resigned his ministerial post, but a year later Chirac reappointed him to that post while allowing him to retain his party leadership as well. During the presidential campaign of 2012, Hollande had promised to have a bill introduced to abolish *cumul*, but when he became president he shelved the proposal due to opposition by most deputies, especially Socialists.

The limitations on the power of deputies have not served to improve their public images or, indeed, their self-images. Still, there is no proof that individual legislators in France are substantially less powerful or less rewarded than their counterparts in Great Britain. In 2013 the gross monthly base salary of French deputies and senators was 5,514€8 (roughly corresponding to that of higher civil servants and senior university professors). In addition, the typical deputy received a rental subsidy, car allowances, reimbursements for administrative assistance (partly paid for by the assembly), as well as travel allowances and tax concessions, so that the total might go as high as 13,500€ a month. For many deputies, such compensation is insufficient to cover the cost of maintaining two residences and traveling to and from their constituencies, and some are forced to pursue their “normal” professions as best they can. To prevent double-dipping, the total monthly base salary for holders of multiple offices was set at 8,272€. This, however, does not include the perks that may be added, especially for mayors of sizable communes.

In fact, most deputies are not wealthy, and in terms of social background, age, and occupation they are reasonably representative of the population. The National Assemblies produced in the eight elections held from 1981 to 2012 have included a large number of government officials, educators (especially among the Socialists), white-collar employees, and a fair number of physicians. The number of blue-collar workers and farmers has been insignificant, however: the National Assembly elected in 2012 included one worker (compared to 65 [out of 522] in 1945, 32 [out of 491] in 1978, and 19 [out of 577] in 1986).

Parliament continues to be a major pool for recruits to ministerial positions, although in recent years it has faced some competition from the civil service and occasionally from the corporate world.²³ It may no longer be as powerful in the legislative process as it was in the Fourth Republic, but parliament is still important as forum for the debate and processing of government-initiated bills.

The Administrative State

One feature of the French polity that has changed little, and is not likely to do so in the near future, is the administrative system. Since the time of the Old Regime and Napoleon, this system has been highly centralized; the various echelons below the national government—departments (*départements*), districts (*arrondissements*), and communes—continue to be administrative rather than decision-making entities, whose responsibilities can be defined, expanded, or contracted at will by the national government.

At the pinnacle of the system is the permanent civil service. Defined in its broadest sense, it is the corpus of more than 3 million government employees and constitutes about 15 percent of France's total labor force. In addition to the ordinary national civil servants, it includes military officers, teachers (public elementary school through university), employees of local government bodies, and employees of the railroads, civil aviation, electric power companies, and other nationalized sectors. Denationalization (or privatization) policies, pursued at a steady pace for the past several years, will undoubtedly result in a reduction in the number of state employees.

The civil service proper (*la fonction publique*) numbers about 1 million. It is subdivided into several categories, ranging from custodial and manual workers to high administrative functionaries who are directly responsible to cabinet ministers. The civil service is functionally divided into "sectoral" categories. The most prestigious of these are the General Inspectorate of Finance, Court of Accounts, Foreign Ministry, and Council of State (the pinnacle of the national administrative court system)—collectively labeled the *grand corps*. This body also includes the prefectural corps, whose members, the prefects, are the chief agents of the government at the departmental and regional levels and are under the authority of the minister of the interior.

Since the time of Napoleon, recruitment to the higher civil service has been tied to the educational system. A variety of national schools, the likes of which are not found in other countries, train specialized civil servants. These *grandes écoles*, which are maintained alongside the regular universities, have highly competitive entry and graduation requirements. The best known are the Ecole Polytechnique, which trains civil engineers and scientists; the Ecole Normale Supérieure, whose graduates become professors in prestigious lycées and universities; and the Ecole Nationale d'Administration (ENA). The ENA, which opened its doors only in 1946, has trained the majority of higher administrative personnel for the *grand corps* and the prefectural corps. It numbers among its graduates three presidents (Giscard d'Estaing, Chirac, and Hollande), several prime ministers (Fabiou, Chirac, Rocard, Balladur, Juppé, Jospin, and Villepin), and many cabinet ministers.²⁴

The French have often criticized the independent stature and self-assured behavior of the higher civil service. They have argued that although it makes for stability, it tends to undermine democracy. This criticism has been based on the upper- and upper-middle-class origins of most of the higher functionaries on the fact that they are subject to neither popular elections nor adequate controls and on the belief that they have tended to serve not the citizen but an abstraction called "the state."

Nevertheless, the higher civil service has not been monolithic or dictatorial, nor has it been immune from internal conflicts and external pressures. The professional civil service

is, in principle, nonpartisan, but it is not immune to political change; and new presidents and prime ministers often resort to political housecleaning in the higher civil service. Since May 2012, about one-third of prefects have been replaced.²⁵

Although the ENA has recruited only a minuscule portion of its student body from the working class and the peasantry—despite a number of half-hearted attempts to broaden the method of recruitment²⁶—its graduates, the *Enarques*, have been as likely to be progressives (even leftists) as they are conservatives or reactionaries. Over the past several decades, the prestige of the *Enarchie* has declined.

Sometimes conflicts erupt between the civil servants who work for the Ministries of Finance and Industry and who often have close personal and ideological ties with big-business managers and those who work in the Ministries of Health and Education and who tend to have affinities with their clientele and therefore have a social reform outlook. Differences of opinion also often occur between the civil servants in the Ministry of Justice, who are concerned with procedural propriety, and those in the Ministry of the Interior, who tend to be sympathetic with the police's preoccupation with public order. There is also a certain tension between the traditional bureaucrats who serve in the standard ministries and have a legalistic orientation and the technocrats who have been trained in economics, statistics, and management methods. Despite periodic commitments to rationalize operations, the size of the civil service has grown steadily. While the number of national civil service positions, especially in education, has been reduced since 2007, others, such as in social administration, increased substantially in 2009.

The number of independent administrative authorities has grown steadily. At this writing there are about forty of them, including the following: Commission Nationale de l'informatique et des Libertés [CNIL]), created in 1978 to guard against abuse of government files on citizens; the Conseil supérieur de l'audiovisuel (1989); the Commission nationale de contrôle des interceptions de sécurité, dealing with the bugging of telephones (1991) and created in response to criticisms by the European Court of Human Rights; the High Authority in the Fight against Discrimination and for Equality (Haute autorité de lutte contre les discriminations et pour l'égalité, 1999); the Nuclear Safety Authority (Autorité de sûreté nucléaire, 2006);²⁷ and the High Council for the Family (Haut conseil de la famille, 2009).²⁸ Like the independent regulatory commissions, their US counterpart, these agencies are supposed to be immune to partisan intrusions, but charges of partisan political interference persist. In addition, there are ad hoc committees appointed by the government, such as the Gallois Commission on Growth and Competitiveness and the Moreau Commission on the Future of Retirements, which were appointed in 2012. The recommendations submitted by these bodies to the prime minister often serve as the basis of government policy.

Public Corporations

A component of the administrative system that is difficult to categorize, and yet is of great importance, is the nationalized sector. The state's involvement in the management of economic matters has resulted in special approaches to recruitment, job classification, and political control. On occasion, positions of responsibility in nationalized, or "public," enterprises are given to individuals co-opted from the private sector or are handed over as

political “plums” to politicians who have proved their loyalty to the president.²⁹ Because of the complexity of the management problems, parliamentary oversight of nationalized enterprises has been difficult. Yet at the same time, their very existence can be a useful weapon in the hands of a government interested in long-term economic policymaking or at least in influencing the behavior of the private economic sector in its production and pricing policies.

From the beginning of the postwar period to the early 1980s, about 15 percent of the French economy was in government hands, including mass transport, gas, electricity, nuclear energy, the postal service, civil aviation, the procurement and distribution of fuel, a large proportion of banking and insurance, and one automobile manufacturing firm (Renault). In 1981 and 1982, the Socialist government (in conformity with its preelection platform) introduced bills to bring additional sectors under public control, among them a dozen industrial conglomerates (manufacturing metals, chemicals, electronics, machine tools) and most of the remaining private banks. Such a policy proved to be ill-advised, however, and soon after coming to power in 1986 the Gaullist Chirac government proceeded to denationalize most of these sectors, as well as most of the government-owned television networks. When the Socialists returned to power in 1988, they continued the privatization policy but at a slower pace. The pace sped up considerably, however, after the installation of the Gaullist governments of Balladur and Juppé. For them, privatization, in addition to conforming with the Gaullists’ recently emerging neoliberal (market-oriented) ideology, served to bring a quick infusion of funds into the public treasury. Not all the privatization projects had smooth sailing, however: Juppé’s proposal to privatize the Thomson firm, France’s largest industrial–military production conglomerate, was shelved because of widespread opposition. For similar reasons, the Socialist government of Jospin, which took office in 1997, had to scale back the privatization of the country’s civilian airline and the telecommunications monopoly. Later, the Villepin government, spurred on by both EU rules as well as the need for cash, resumed attempts at privatization, notably of the network of superhighways and civilian maritime lines, in the face of fierce opposition by the trade unions and leftist political parties. The Fillon government continued this policy, as it prepared to transform the postal service from a government department to a mixed enterprise.

Control and Redress

One institution that has played a significant role as a watchdog over administrative activities is the Council of State (Conseil d’Etat). Originally created in 1799 by Napoleon to resolve intrabureaucratic disputes, it has gradually assumed additional functions. It advises the government on the language of draft bills; it reviews the legality of decrees and regulations issuing from the executive; and, most important, it acts as a court of appeal for suits brought by citizens against the administration. Such suits, involving charges of bureaucratic arbitrariness, illegalities, or abuse of power, are initiated in department (prefectoral) administrative tribunals. Unfortunately, several years may elapse before such cases come before the Council of State.

A 1973 innovation was the “mediator,” the French equivalent of the ombudsman or citizens’ complaint commissioner. This official, appointed by the president for a six-year term on the recommendation of parliament, may examine a variety of complaints involving, for

example, social security agencies, prisons, nationalized industries, and administrative and judicial malfunctions. The mediator may request from any public agency information considered pertinent to the investigation, initiate judicial proceedings against misbehaving bureaucrats, and suggest improvements in the laws to the government. Appeal to the mediator, which is free of charge, is not direct; rather, it comes through a deputy or senator. In 2009, following a constitutional amendment ratified a year earlier, parliament enacted a law creating a new position: defender of the rights and liberties of citizens. This official, to be appointed by the president for a nonrenewable six-year term, will replace the mediator in 2011. Citizens will be able to appeal directly to this office.

Subnational Government and Administration

The extent to which national decisions can be, or should be, influenced by officials at the local level has been intensely debated in France over the past two decades. Questions have also arisen about whether the existing subdivisions are the proper size, whether they are adequately financed, and whether they provide a meaningful arena for the political participation of citizens.

Metropolitan France consists of ninety-six departments (*départements*), which are the basic subnational administrative units into which the country was divided during the Revolution of 1789. In addition, there are four overseas departments.³⁰

Each department is both self-administering *and* an administrative subunit of the national government. Whatever autonomy the departments possess is reflected by its general council, which votes a budget; decides on local taxes and loans; and passes laws on housing, roads, welfare services, cultural programs, and educational services (supplementary to those made mandatory by the national government). Members of the general council are popularly elected by single-member constituencies—the cantons—for six-year terms; half of the membership is renewable every three years. The council, in turn, elects a president, or chair. Traditionally, however, the executive officer of the department was the prefect, an agent of the national government who used to be charged with administering the department on behalf of the Ministry of the Interior and other national ministries. Therefore, the prefect was involved in maintaining public order, together with the mayor of a town. The local police force, however, was an instrument of national administration and, as such, was directly under the authority of the minister of the interior in Paris.

In 1982 the prefects were renamed commissioners of the republic. They still functioned as agents of the national government, but they left budgetary and many other policy decisions to the general councils, except for services and expenditures mandated by national legislation. In 1987 the title of commissioner was changed back to prefect. The prefect is assisted by a cabinet composed of specialists in public works, agriculture, housing, and other services.

On the level beneath the departments are the 325 *arrondissements*, the basic single-member constituencies for parliamentary elections. Some heavily populated *arrondissements* are subdivided into two or more constituencies. A further subdivision is the *canton*, which contains agencies such as units of the national gendarmerie, tax offices, and highway services.

Since 1972 the departments have been grouped into twenty-two regions. The regions have their own assemblies, elected by popular vote on the basis of proportional

representation for six-year terms. The regional assemblies and their presiding officers all serve to coordinate the activities of several departments.

The lowest, but most significant, administrative unit is the commune. The more than 36,000 communes range in size from villages of fewer than 100 inhabitants to the national capital. Communes have varied responsibilities, including fire protection, upkeep of elementary school buildings, provision of selected social services, imposition of certain taxes, and maintenance of public order.³¹ When some communes have become too small to provide a full range of services, they have been either administratively merged with neighboring communes or compelled to associate with them functionally. Under provisions put into effect in the early 1970s, certain services, such as water supply and fire protection, may be performed jointly by several communes. Conversely, some communes are so large that special regimes have been invented for them: Paris and Lyons are themselves subdivided into arrondissements. Sarkozy had proposed a restructuring and consolidation of subnational authorities, and Hollande has continued this effort, and has advocated a reduction in the highly inflated and costly number of local civil servants but so far without success.

Paris has always been a special case. Between 1871 and 1977, Paris did not have a mayor but was ruled by two prefects directly on behalf of the national government: a prefect of the Seine (the former name of the department in which the capital is located) and a prefect of police. Each of the twenty arrondissements had its own mayor, whose functions were generally limited to maintaining civil registers, performing marriages, changing street names, and doing the like. Since the reinstitution of the mayor for all of Paris, the twenty district mayors have been replaced by "civil administrators." The prefect of the Paris department and the prefect of police, however, remain in place.

The relationship between the national government and the subnational units has been rendered confusing by the functional units that overlap geographic boundaries. In addition to the departments and regions, there are twenty-five educational districts (*académies*), which administer the educational system from elementary school through university, sixteen social security regions, and six military districts. All of these functional units have been, in the final analysis, administrative conveniences put in place by the national government, and they have provided little in the way of local decision-making opportunities.

The subject of subnational government has not escaped Sarkozy's attention. Among the reforms proposed by him—based on another ad-hoc committee headed by Balladur³²—is the restructuring of departments and regions and their administrative responsibilities, and the creation of new "metropolitan regions." One of them would be a special regime for a "Greater Paris," which would include the city as well as a number of surrounding departments.³³

Decentralization: Processes, Consequences, and Problems

The competences of the various subnational authorities and the relationship between them began to change dramatically with the decentralization policies inaugurated during the presidency of Mitterrand in the early 1980s. These policies, which continue to this day, have provided for greater autonomy of the prefect in relation to the national government, greater decision-making competence in selected domains such as education, welfare, and housing for local, departmental, and regional units, and increased revenue-gathering authority.³⁴ Such changes have been made not by constitutional

revision but by acts of parliament and therefore can be rescinded, at least in theory. In March 2003 a constitutional amendment ratified by parliament in joint session formally stipulated that France was a republic whose organization was “decentralized,” although it is not entirely clear what this amendment and the ensuing legislation empower local units to do. In any case, decentralization is not federalism, because national government tutelage (*tutelle*) remains. The local units can, however, resort to local referenda and organize mergers of communes. And they have greater fiscal responsibility, which was delegated to them under the slogan of “financial autonomy.” In return, these units are receiving less and less money from the national government. This buck passing has meant, among other things, that the departments have greater responsibility for funding recipients of monthly minimum income support³⁵ and for maintaining the network of national roads, which has been transferred to the departments. Some communes, especially the less affluent, complain that although the national government imposes mandatory services upon them, it does not provide adequate financial resources for these services. Indeed, local and regional politicians complain that the national government, instead of permitting greater latitude in revenue gathering, has actually imposed limits on local taxes.³⁶ The most recent instance has involved the *taxe professionnelle*, a tax imposed locally on investments in business. In 2009 the government proposed to abolish it and replace it with a tax on energy consumption (*taxe carbone*), but the move was opposed by mayors (and by many senators who also happened to be mayors) because the *taxe professionnelle* provided about \$22.6 billion annually to local communities and constituted a significant part of their revenue.³⁷

Complaints have also been heard from the presidents of the regional assemblies, especially Socialist presidents, who have refused to sign proposals for the “transfer of competences.”³⁸ These proposals, or conventions, were based on a law of 2004 on “local responsibilities and liberties.” Buck passing has affected Paris as well, especially since control of that city has passed into the hands of the Socialists. The decentralization reforms have made possible a degree of policy experimentation on various subnational levels, brought government closer to the people, and spawned a variety of approaches to “participatory democracy,” but they also have introduced confusion, exacerbated inequalities, and sharpened rivalries among regional, departmental, and local authorities. Although the mayors of the larger towns welcomed decentralization, many have refrained from seeking reelection or have given up their parliamentary mandates because of the increased pressures associated with decentralization. For many small communes, decentralization also has been a handicap, as they are too poor to manage by themselves some of the services that were the responsibility of the national government.³⁹

A more complex problem is that of the island of Corsica, which became part of France in the eighteenth century and differs from the mainland in its language, unique social patterns, and growing separatist sentiments. Since the mid-1980s, the island has been given greater autonomy, especially with respect to education and culture, but for many Corsicans such changes have not been enough. A minority of French politicians would like to grant the island complete independence, but because it was Napoleon Bonaparte’s birthplace and, more important, because large numbers of mainland French people have settled there, many argue against such an outcome.

A major purpose of subnational units is to serve as arenas for citizen involvement in politics and the recruitment of politicians for both national and subnational offices. This is particularly true of communes: the outcome of municipal elections, which occur every six years and produce nearly 500,000 councillors, ultimately affects the composition of the Senate, because the councils are part of the electoral college that chooses senators. Municipal elections also enable the citizens to express their midterm feelings about the performance of the national government and, more specifically, that of the party in power.

NOTES

1. "Jean-Marc Ayrault rappelle à l'ordre la majorité et le gouvernement," *Les Echos*, September 20, 2012.
2. Cresson, however, developed a reputation for outspokenness and lack of tact, and within a few weeks of her assumption of office the popularity of her government plummeted, as did Mitterrand's.
3. Chirac used as precedent Mitterrand's announcement, just before the Maastricht referendum, that he would serve out his term regardless of the outcome.
4. Only three had never been elected to any office before becoming prime minister: Pompidou, Barre, and Villepin. Raffarin had been a member of the Senate and therefore was not the product of direct popular election.
5. For a detailed statement of the legal-constitutional position of the prime minister, see Philippe Ardant, *Le Premier Ministre en France* (Paris: Montchrestien, 1992). For a discussion of the evolution of the prime ministers' actual relationship with presidents, see Robert Elgie, *The Role of the Prime Minister in France, 1981–91* (New York: St. Martin's Press, 1993).
6. TV channel France 2, July 14, 2004.
7. Interview, France 2, July 3, 2007. See also Alain Auffray and Antoine Guiral, "A quoi sert Fillon? Le premier ministre cherche à exister au côté d'un président hyperactif," *Libération*, June 28, 2007.
8. For example, in April 2004 Chirac decided to promote a more socially progressive orientation and contravened the decisions of Prime Minister Raffarin. Béatrice Gurrey, "M. Chirac impose un virage social au nouveau gouvernement," *Le Monde*, April 3, 2004. In 2009 Sarkozy was in favor of giving noncitizens the right to vote in local elections, while Fillon opposed it.
9. See interview with Dominique Chagnollaude by Alain Auffray, "Matignon resté le coeur de l'État," *Libération*, February 7, 2005.
10. Robert Elgie, "Semi-Presidentialism: Concepts, Consequences and Contesting Explanations," *Political Studies Review* 2 (2004): 314–330.
11. Marc Semo et al., "Chirac, serial-loser vu de l'étranger," *Libération*, May 29, 2005.
12. Seventeen special sessions were held between 1981 and 1986, four between 1986 and 1988, four in 1989, and eleven between 1990 and 1992.
13. Typically, more than half of the bills passed have not required the use of conference committees.
14. The most recent constitutional amendments adopted by such a joint session—a "congress" assembled in Versailles—were passed in June 1999 (providing for the domestic applicability of decisions handed down by the International Penal Court and for gender equality in putting up candidates for elective office); in January 2000 (ratifying the Treaty

- of Amsterdam of 1997, which empowered the European Union to determine supranational immigration and asylum policies); and in March 2003 (specifying the “decentralized organization” of the Republic).
15. Assemblée Nationale, 13e Législature, No. 820, *Projet de loi constitutionnelle de modernisation des institutions de la Ve République*, April 23, 2008. See also Pascal Jan, “Un parlement modernisé et renforcé,” *Regards sur l'Actualité* 354 (October 2009): 78–89.
 16. Dominique Chagnollaude, “Les propositions du comité Balladur pour une Ve République plus démocratique,” *Regards sur l'Actualité* 339 (March 2008): 15–25.
 17. Some of these changes had been demanded for some time by the Socialists, but only one Socialist deputy (Jack Lang) voted for the constitutional amendments, thus providing the extra vote.
 18. For example, Robert Badinter, Mitterrand’s minister of justice, appointed in 1995; and Jean-Louis Debré, an ardent supporter of Chirac, who had been Speaker of the National Assembly, appointed in 2007.
 19. As soon as Raffarin left his post as prime minister in 2005, his *suppléant* in the Senate resigned that seat so that Raffarin could regain it in that chamber. Not all *suppléants* have been so accommodating. In the mid-1990s, the attempt by Catherine Trautmann to regain her post as mayor of Strasbourg when she was replaced as a cabinet minister met with the successful opposition of her *suppléant*.
 20. It has been argued that there is no difference between *cumulards* and non-*cumulards* in regard to the pursuit of constituency and national interests. See Sylvain Brouard et al., “Rien ne sert d’accabler les ‘cumulards,’” *Le Monde*, August 5, 2012.
 21. See Albert Mabileau, “Le cumul des mandats,” *Regards sur l'Actualité* 169 (March 1991): 17–29.
 22. One of the rare exceptions to this development was the decision of Alain Carignon in 1988 to resign his position as deputy and retain those of mayor of Grenoble and member of the general council of his department. In 1995, however, he was forced to resign from these offices in the wake of his conviction for the misuse of public funds.
 23. For example, Thierry Breton, who was appointed minister of economics and finance early in 2005, had been the chief executive officer of France Télécom.
 24. Another specialized school, the Ecole Nationale de la Magistrature, which was established in 1958 and is located in Bordeaux, trains state attorneys, investigating magistrates, and judges.
 25. “Hollande coupe autant les têtes que Sarkozy,” *Le Point*, March 28, 2013.
 26. In 1983 the Socialist government attempted to reduce the ENA’s bias in favor of Parisians, graduates of the better universities, and children of higher civil servants by allowing local politicians and middle-echelon officials of public agencies to enter the ENA by means of special examinations. The Chirac government, however, later suspended that method. In a related move, the Cresson government in 1991 initiated a policy of “delocalizing” the ENA by moving it from Paris to the provincial city of Strasbourg. Although subsequent governments committed themselves to this move, some classes were retained in Paris or returned to it. The definitive move was completed only in 2005.
 27. Martin Collet, “La création des autorités administratives indépendantes: symptôme ou remède d’un Etat en crise?” *Regards sur l'Actualité* 330 (April 2007): 5–14.
 28. In April 2013 this authority recommended a restructuring of income supplements to families with children (allocations familiales).
 29. Patronage of this sort may cause conflicts of interest, as in the case of Henri Proglio, who remained president of a private corporation after his appointment as chief executive officer of a public electricity company in 2009 and for a time received a double salary.

30. In January 2010 Martinique, one of the overseas departments in the Caribbean, was given the option of greater autonomy from Paris, but (largely for economic reason) voted against it.
31. Since the mid-1980s, a series of laws has been passed to permit localities to appoint their own municipal police to supplement the national gendarmerie. The size of such police forces, appointed by mayors and approved by prefects, and their relationships to the national police, vary widely. See Marie Vogel, "La loi sur les polices municipales," *Regards sur l'Actualité* 253 (July–August 1999): 43–52.
32. The Comité pour la réforme des collectivités locales. See Eduard Balladur, "Pourquoi réformer les collectivités locales?" *Regards sur l'Actualité* 351 (May 2009): 5–8.
33. If these recommendations, which have been submitted to parliament, are enacted, the regional councillors, to be elected in 2010, and the general (departmental) councillors, to be elected in 2011, would end their mandates in 2014.
34. "Le réforme de l'Etat territorial," *Regards sur l'Actualité* (August–September 2005): 5–51.
35. This support, labeled *revenue minimum d'insertion* (RMI), was first instituted by the Rocard government in 1988.
36. See Thomas Lebegue, "Villepin unit élus locaux de gauche et de droite contre lui," *Libération*, September 30, 2005.
37. *Les finances publiques et la réforme budgétaire* (5th ed.), Collection Découverte de la vie politique (Paris: Documentation Française, 2009), 104–105.
38. Olivier Pognon, "Les régions présidées par le PS et le gouvernement amorcent un dégel," *Figaro*, June 27, 2005.
39. The relative poverty of small towns and the low salaries of elected municipal officials have impelled many mayors, especially those who hold well-paid parliamentary seats, not to seek reelection to that office. Cécile Chambraud, "Les nouveaux paramètres des élections municipales de 2001," *Le Monde*, February 29, 2000. On the confusing (and constantly changing) fiscal situation of local communities, see "Fiscalité locale: Pourquoi rien ne va plus?" *Pouvoirs locaux: Les cahiers de la décentralisation*, trimestriel no. 64 (March 2005).