Cohabitation in France

Introduction

It was almost three decades before France was confronted with its first mixed executive of the French Republic – the circumstance of *cohabitation*, where the President and Prime Minister belong to parties that stand in opposition to each other. Perhaps it was fortunate that it took that long for cohabitation to emerge; the republic had had time to adjust to its new Constitution (1958), a strong presidency, and a sometimes-combative position on the world stage. The country was able to adapt to the strange new situation with little difficulty; only the politicians seemed perturbed. There have been three situations of cohabitation in the Fifth Republic; two where a Gaullist Prime Minister cohabitated with a Socialist President, and one, which lasted the longest, between a conservative President and leftist Prime Minister. How the figures most intimately involved in cohabitation dealt with their predicaments and what implications their power-sharing have for the French government and executive will be the dual focus of this paper.

The Constitution

The French called the first cohabitation "the experiment."[1] During the March 16, 1986 elections: RPR and UDF coalition won a narrow majority, and thus President François Mitterrand was faced with a decision: to share his rule with a Gaullist Prime Minister, RPR leader Jacques Chirac, to dissolve the National Assembly and call for a second election, or to resign from office. Article 20 of the Fifth Republic's constitution states that the President must

[1] Le Prestre, Phillippe G., "The Lessons of Cohabitation," in Le Prestre, Phillippe G., ed. 1989. *French Security Policy in a Disarming World: Domestic Challenges and International Constraints*. Boulder: Lynne Rienner Publishers.

appoint a Prime Minister who is acceptable to the National Assembly. As a result, Mitterrand chose to have the first mixed executive under the Fifth Republic, and, stating that he fully intended to retain the Presidency, instructed Chirac to form a government. What was remarkable was the evident legitimacy and flexibility of the constitution; a major shift in the French executive was executed peacefully and without the constitution being challenged. And in fact, since that first experiment, polls show that the French "appreciate the cohabitation."[2] Perhaps the public has enjoyed the game more than have the players.

The Power of the Prime Minister

Cabinet selection under cohabitation does proceed differently than under "normal" circumstances. Although ministers are always chosen from the majority in the National Assembly, it is the President who indicates to the Prime Minister whom should be selected for each portfolio, regardless of whether the Prime Minister agrees with the choice. However, under cohabitation, the Prime Minister chooses the cabinet, and while the President does technically possess a veto that he can wield in case of an inappropriate nomination, the President has, in practice, accepted the Prime Minister's selections.[3]

Furthermore, before the weekly session of the French Council of Ministers, the President and his Prime Minister typically meet and discuss policy. They can decide to present a united front at the following meeting, or merely discuss strategy and the details of politics and policy. In times of cohabitation, however, the Council of Ministers have declined in importance. It has still met, but the President has had less of an agenda to present to the Ministers, and the session has been more of a formality than a productive working session.

[2] Colomer Josep, ed. 2002. *Political Institutions in Europe*. London: Routledge, p. 131.
[3] Colomer 2002, p. 123.

Indeed, some scholars argue that the Prime Minister actually gains more power than the President in a time of cohabitation. The President may be relegated to the more passive role of controller arbitrator and not have the active role of directing or initiating policy. In the first period of cohabitation, Prime Minister Chirac controlled the domestic agenda despite the displeasure of President Mitterrand. Chirac pushed through his own initiatives on the budget, privatization, police powers, tax reforms, and immigration rights, and established a "diplomatic unit" at Matignon (this refers to the parliament; the Prime Minister resides at the Hôtel Matignon) so that the government would have a minor, but still extant, foreign and defense policy apparatus of advisors.[4] Although the next Prime Minister under cohabitation with Mitterrand, Edouard Balladur, did not undertake as ambitious a domestic program, Balladur still managed to frame the French position on the GATT negotiations and determine the way in which a Constitutional amendment on the rights accorded to political asylees would be discussed and ratified. And in the third period of cohabitation, Prime Minister Lionel Jospin tread carefully around President Chiraq, but still managed to pass some major initiatives, such as limiting the French work week to only thirty-five hours (to the heartfelt delight of French citizens).[5]

But the Prime Minister is typically responsible for more than just setting (in normal times, according to the President's wishes) the domestic agenda in parliament. The Prime Minister should act to ensure the cohesiveness of government, settling disputes between parliamentarians and ministers and making sure the President's (in normal times) or his or her own (in cohabitation) decisions are implemented. He must also do his best to maintain some level of party discipline and loyalty, to the President during normal times, and to the Prime

[4] Hall, Peter A., Jack Hayward, and Howard Machin, eds. 1990. *Developments in French Politics*. Houndsmills: MacMillan Press Ltd, p. 107.
[5] Elgie, Robert and Steven Griggs. 2000. *French Politics: Debates and Controversies*. London: Routledge, p. 36.

Minister himself or herself under cohabitation. The Prime Minister is also able to nominate three members to the powerful Constitutional Council, and shares some patronage power with the President.[6] The talents and skills of each individual Prime Minister do matter in determining a Prime Minister's power, whether in or out of cohabitation. For example, in 1986, Chirac agreed to become Mitterrand's Prime Minister only on the condition that Mitterrand recognize Chirac's constitutional and democratic mandate to govern.[7] But the fact that the public recognizes the Prime Minister's leadership in domestic affairs is perhaps one of the most important predictors of a cohabitating Prime Minister's power.

Whereas it is normally the Prime Minister's role to look out for his or her President, a role reversal of sorts, occurred during President Jacques Chirac's first term in office. His relationship with his first Prime Minister, Alain Juppé, was critical to Chirac's psychological well-being. Notorious for relying upon his advisors, Chirac clung in particular to Juppé, and valued his presence immensely. When Juppé's popularity plummeted in Chirac's second year in office, calls went out for Juppé's resignation. Although Juppé did indeed offer his resignation on several occasions, Chirac each time refused, choosing to protect his Prime Minister at almost any cost. And indeed the cost was high. Chirac eventually chose to dissolve the right-wing dominated National Assembly, seeking a show of support from the public that would end the calls for the resignation of Juppé. This ill-advised political gambit failed miserably, however, and the newly elected National Assembly held a left-wing majority. Not only was Juppé out, but an adversarial Prime Minister (Jospin) had to come in.[8] Worse yet, Chirac had to endure five years of cohabitation before the next Presidential election.

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[6] Morris, Peter. 1994. *French Politics Today*. Manchester: Manchester University Press, p. 52.
[7] Hall et at. 1990, p. 105.
[8] Haywood, Jack and Vincent Wright, eds. 2002. *Governing From the Centre: Core Executive Coordination in France*. Oxford: Oxford University Press, p. 72.

Because of the repugnance of Presidents and Prime Ministers alike to cohabitation, France has altered its election laws. Instead of seven-year terms, the President will, as of the next election, be elected to five-year terms. This move is largely an attempt to synchronize Presidential and parliamentary elections so that cohabitation will be much less likely. However, give the French public's penchant for cohabitation, and the possibility of a dissolution of parliament, there is no compelling reason to believe that this tactic will prove to be universally successful.

The Power of the President

The Presidency, however, has not been as weakened by cohabitation as some would presume it to be. Part of the enduring power of the Presidency comes from the historical example of de Gaulle's "heroic presidency," and part stems from the precedent set by French presidents as being the voice and true leader of the French Republic. In October 1962, an amendment to the Constitution instituted the direct election of the French President; prior to that October, the President had been elected by a college of thousands of electors. This shift to direct election has enabled successive presidents to claim to represent the "will of the people," and this symbolism has proved powerful in maintaining authority during cohabitation.[9]

Cooperation can exist between the cohabitating Prime Minister and President. During the third period of cohabitation, between President Jacques Chirac and Prime Minister Alain Juppé, the two met for a weekend meeting to hash out budget details, which are usually considered to be the chief responsibility of the Prime Minister. Chirac and Juppé also worked together to attempt to install a French national as the first European Central Bank president (the initiative failed).[10]

[9] Elgie and Griggs 2000, p. 29.
[10] Elgie and Griggs 2000, p. 40.

Neither of these actions were over particularly controversial or critical issues, however, and in general, the Chirac-Juppé period was marked by turf wars and struggle, and has been referred to as "cohabitension."[11]

One reason cohabitation is composed of this dynamic of struggle and cooperation is that the Constitution does not offer a strict delineation between the responsibilities of the President and those of the Prime Minister. Their specific responsibilities in the eyes of the public and of politicians has evolved by precedent and tradition, but the Constitution is nothing if not vague about how exactly the political pie should be divided. Thus, while the Prime Minister is generally considered to run domestic policy during cohabitation, and he generally has, the President is not entirely without power. During Mitterrand's second cohabitation, with Balladur, their disagreements over asylum and other domestic policies were marked by each of their high levels of intervention in domestic politics. As a result, both largely shared credit and blame for domestic failures and successes.[12]

In order to compare President Mitterrand's experiences during cohabitation, however, it is also necessary to review his relationships with other Prime Ministers during normal periods of executive power. The French President has the Constitutional power to hire the Prime Minister and the traditional power to fire the Prime Minister, and Mitterrand did exercise his power to fire in 1991. But his relationships with Prime Ministers were not always so stormy. In some cases, especially in those times when Mitterrand was able to more fully trust that his Prime Minister shared a similar policy agenda and did not have political motives that would work against Mitterrand, the President actually emphasized the Prime Minister's *autonomie* as a leader.

[11] Hayward and Wright 2002, p. 73
[12] *Ibid*., p. 70.

During times of friendly National Assemblies, Mitterrand was also able to seed the bureaucracy with his supporters. A certain degree of cronyism was in fact expected by the French public. At one point, one of Mitterrand's close friends was nominated to the Constitutional Council, and was later made a French ombudsman. During both of these periods of service, however, the friend of Mitterrand retained his office at the Elysée Palace![13] Losing a friendly National Assembly, therefore, constitutes a significant power loss for a French President.

President Mitterrand was able to use his power strategically during both periods of cohabitation, even in the domestic sphere. In the first period of cohabitation, Prime Minister Chirac purposely refrained from attempting to "empty" the power of the presidency, as he himself was seeking a bid for that office and was aware of the future consequences such a precedent might bring to his own career. In the second period of cohabitation, in 1993, Mitterrand refused to allow a special session of parliament to discuss changes to the school system. And his power in the foreign and defense policy arenas is discussed below. Mitterrand was also skilled at portraying an image of power and control to the public. He saw his role as a defender of the Constitution and a father figure for the nation; the true voice of a united France – and he was able to sell that image effectively. He never allowed his position to be reduced to a representational Presidency. In fact, the way Mitterrand handled cohabitation from 1986-88 most likely contributed to his electoral success in the 1988 presidential elections. He had built up an image as the neutral, sensible referee, trying to do what was best for France and for the French. Apparently, voters responded to this portrayal of the positive, productive face of national government.[14]

[13] Morris 1994, p. 43.
[14] Hall et al. 1990, p. 61.

Cohabitation: Foreign Affairs and Defense Policy

Cohabitation has even affected the field that is seen by most as the purview of the French executive alone: defense policy. In most countries, matters of defense are considered to be external, in that the executive typically makes defense decisions for the nation even if the parliament is in disagreement. This trend is especially true of France, which constitutionally has an atypically strong presidency and weak parliament in all affairs, and refers to foreign and defense policy under the Fifth Republic as the President's *domaine réservé*. The President is responsible for high politics – foreign policy and defense – while the Prime Minister is relegated to the low politics of domestic policy and the budget. Former President Valerie Giscard d'Estaing once emphasized the subordinate nature of the Prime Ministry by stating that "in our Republic, in addition to the president who is in charge of permanent and essential matters, the executive includes a prime minister who handles contingent problems."[15] During the first period of cohabitation, no major challenges arose to threaten then-President Mitterrand's dominance of defense policy. Mitterrand's foreign policy and defense decisions had the support of the government, and Mitterrand's many official visits abroad reaffirmed his supremacy in foreign affairs. Chirac gained little public attention for any of his foreign policy efforts. However, although Mitterrand never lost his primacy in foreign affairs, the next period of cohabitation would be markedly different.

In 1993, Mitterrand experienced his second cohabitation, this time with Gaullist Edourard Balladur. Observers were aware of the possibility that Balladur would challenge Mitterrand on defense; the former had publicly declared his desire to review France's defense policy. Once he

[15] Quoted in Le Prestre, "The Lessons of Cohabitation," in Le Prestre 1989, p. 17, originally from Didier Maus, ed., 1985. *Les grands texts de la pratique institutionnelle de la V^e^ République*. Paris: La Documentation Française, p. 85.

took office as Prime Minister, Balladur selected a conservative Minister of Defense along with the rest of his government. Within the year, the new government wrote a new defense White Paper – the first since 1972.[16] In this White Paper, the conservative government not only challenged Mitterrand's defense policy in particular, it also attacked many of the central principles of traditional French defense policy, calling for an increase of French cooperation in Europe and NATO. This was an incredible departure from the position of France as an "independent" nation within Europe that operated under the realist theories of international relations and eschewed cooperation with its neighbors.[17]

Mitterrand did have some recourse, however, and acted to successfully limit the extent to which French *rapprochement* with NATO could reach. And he was able to maintain most of his foreign and defense policies, including continuing the French halt on nuclear testing despite the opposing stance of Balladur. The power of the President may have been a bit bruised, but it was still fully intact: although he had to make a few concessions, Mitterrand was able to effectively undermine the Gaullist government's ability to act as it pleased on defense.[18] The same held true for the first cohabitation experiment: Chirac had not tried to play nearly as big a part in defense, but when he had tried to sit at the main table with Mitterrand at international summits, Mitterrand successfully kept Chirac on the sidelines. Mitterrand even said to then-U.S. Secretary of State Henry Kissinger, "They control everything except what is essential."[19] For matters of high politics in all periods of cohabitation, the role of the French Parliament remained solidly in

[16] Menon, Anand. "From Independence to Cooperation: France, NATO and European Security." International Affairs, Jan 1995, p. 28.
[17] There is a French proverb I know that I think exemplifies the outlook France had toward the multinational institutions it was being exhorted to join: *Anneau trop étroit, ne le met à ton doigt.* For years, the ring had been too tight; Balladur was attempting to force it on the finger of the Elysée.
[18] Menon, p. 34.
[19] Hayward and Wright 2002, p. 69.

the background, standing in the shadows of the supreme power of the Elysée. And in the eyes of Presiden Mitterrand, that was what truly mattered.

Bibliography

Colomer, Josep, ed. 2002. *Political Institutions in Europe*. London: Routledge.

Duverger, Maurice. 1987. *La Cohabitation des Français*. Paris: Presses Universitaires de France.

Elgie, Robert. 1993. *The Role of the Prime Minister in France, 1981-91*. New York: St. Martin's Press.

Elgie, Robert and Steven Griggs. 2000. *French Politics: Debates and Controversies*. London: Routledge.

Hall, Peter A., Jack Hayward, and Howard Machin, eds. 1990. *Developments in French Politics*. Houndsmills: MacMillan Press Ltd.

Hayward, Jack, ed.1993. *De Gaulle to Mitterrand: Presidential Power in France*. London: Hurst & Company.

Hayward, Jack and Vincent Wright, eds. 2002. *Governing From the Centre: Core Executive Coordination in France*. Oxford: Oxford University Press.

Le Prestre, Phillippe G., ed. 1989. *French Security Policy in a Disarming World: Domestic Challenges and International Constraints*. Boulder: Lynne Rienner Publishers.

Menon, Anand. "From Independence to Cooperation: France, NATO and European Security." International Affairs, Jan 1995.

Morris, Peter. 1994. *French Politics Today*. Manchester: Manchester University Press.

Stevens, Anne. 1996. *The Government and Politics of France*. Houndsmills: MacMillan Press Ltd.