

Political System of France

The Fifth Republic

- The fifth republic was established in 1958, and was largely the work of General de Gaulle - its first president, and Michel Debré his prime minister. It has been amended 17 times. Though the French constitution is parliamentary, it gives relatively extensive powers to the executive (President and Ministers) compared to other western democracies.
- A popular referendum approved the constitution of the French Fifth Republic in 1958, greatly strengthening the authority of the presidency and the executive with respect to Parliament.
- The constitution does not contain a bill of rights in itself, but its preamble mentions that France should follow the principles of the *Declaration of the Rights of Man and of the Citizen*, as well as those of the preamble to the constitution of the Fourth Republic.
- This has been judged to imply that the principles laid forth in those texts have constitutional value, and that legislation infringing on those principles should be found unconstitutional if a recourse is filed before the Constitutional Council.

The executive branch

- The head of state and head of the executive is the **President**, elected by universal suffrage.
- France has a semi-presidential system of government, with both a President and a Prime Minister.
- The Prime Minister is responsible to the French Parliament.
- A presidential candidate is required to obtain a nationwide majority of non-blank votes at either the first or second round of balloting, which implies that the President is somewhat supported by at least half of the voting population.
- The President of France, as head of state and head of the executive, thus carries more power than leaders of most other European countries, where the two

functions are separate (for example in the UK, the Monarch and the Prime minister, in Germany the President and the Chancellor.)

- Since May 2017, France's president is Emmanuel Macron, who was elected to the post at age 39, the youngest French leader since Napoleon.
- Originally, a president of the Fifth Republic was elected for a 7-year term (*le septennat*), renewable any number of times. Since 2002 the President has been elected for a 5-year term (*le quinquennat*). Since the passing of the 2008 Constitutional reform, the maximum number of terms a president can serve has been limited to two
- The President, who is also supreme commander of the military, determines policy with the aid of his **Council of Ministers** (*Conseil des ministres*). The residence of the President of the French Republic is the Elysée Palace (*le palais de l'Elysée*) in Paris.
- The President appoints a **prime minister** (currently - 2019 - Edouard Philippe), who forms a **government**. The residence of the French Prime Minister is at Matignon House (*l'Hôtel Matignon*) in Paris.
- In theory ministers are chosen by the PM; in practice unless the President and the PM are from different sides of the political spectrum (a system known as *la cohabitation*), PM and president work together to form a government. The President must approve the appointment of government ministers.
- The cabinet, *le Conseil des ministres*, meets on a weekly basis, and is presided over by the president. Ministers determine policy and put new legislation before Parliament in the form of bills (*projets de loi*); within the framework of existing law, they apply policy through decrees (*décrets*).
- Traditionally, the government comprises members of three ranks. Ministers are the most senior members of the government; deputy ministers (*ministres délégués*) assist ministers in particular areas of their portfolio; ministers of state (*secrétaires d'État*) assist ministers in less important areas, and attend government meetings only occasionally. Before the founding of the Fifth Republic in 1958, some ministers of particular political importance were called

"secretaries of state" (*ministres d'État*); the practice has continued under the Fifth Republic in a purely honorific fashion: ministers styled "Secretary of State" are supposed[*by whom?*] to be of higher importance in the *gouvernement*.

The legislative branch:

- The French parliament is made up of two houses or chambers. The lower and principal house of parliament is the *Assemblée nationale*, or national assembly; the second chamber is the *Sénat* or Senate. Members of Parliament, called *Députés*, are elected by universal suffrage, in general elections (*Élections législatives*) that take place every five years.
- Senators are elected by "grand electors", who are mostly other local elected representatives.
- The electoral system for parliamentary elections to the National Assembly involves two rounds; a candidate can be elected on the first round by obtaining an absolute majority of votes cast. The second round is a runoff between two or more candidates, usually two.
- In 2018, Emmanuel Macron's movement *La République en marche* (LREM) has a commanding overall majority in the National Assembly; however no individual party has a majority in the Senate, though parties of the right and centre-right have a majority between them .

The judicial branch

- French law provides for a separate judicial branch with an independent judiciary which does not answer to or is directly controlled by the other two branches of government.
- France has a civil law legal system, the basis of which is codified law; however, case law plays a significant role in the determination of the courts.

The most distinctive feature of the French judicial system is that it is divided into judicial and administrative streams.

- While the Minister of Justice, *le Garde des Sceaux*, has powers over the running of the justice system and public prosecutors, the judiciary is strongly independent of the executive and legislative branches. The official handbook of French civil law is the *Code Civil*.

Promulgation of laws:

- New bills (*projets de loi*), proposed by government, and new private members bills (*propositions de loi*) must be approved by both chambers, before becoming law. However, by virtue of Article 49.3 of the French constitution, a government can override parliamentary opposition and pass a law without a parliamentary vote. This does not happen frequently, and in the framework of constitutional amendments, president Sarkozy curtailed the possibility of using 49.3.
- However, in 2015, Prime Minister Valls had to resort to using 49.3 in order to push the controversial economic reforms of the "Loi Macron" through parliament, in the face of a revolt by hard left members of his own Socialist party.
- Laws and decrees are promulgated when the official text is published in the Official Journal of the French Republic, *le Journal Officiel*.

The Constitutional Council

- The Constitutional Council, *le Conseil constitutionnel*, exists to determine the constitutionality of new legislation or decrees. It has powers to strike down a bill before it passes into law, if it is deemed unconstitutional, or to demand the withdrawal of decrees even after promulgation.

- The Council is made up of nine members, appointed (three each) by the President of the Republic, the leader of the National Assembly, and the leader of the Senate, plus all surviving former heads of state.

Political Parties

- Since the elections in the spring of 2017, France has been governed from the centre by a brand new party called "Les Républicains en Marche" (LREM) only founded in 2016.
- **LREM** is composed of politicians from the centre left and the centre right, former Socialists and former members of Les Républicains, plus a large number of men and women who only entered politics in 2016 or 2017 and had no affiliation to any other party before that.
- The main political parties are:
On the far right: Le rassemblement national formerly the Front National, a far-right political party originally formed by Jean-Marie Le Pen, and now in the hands of his daughter Marine.
- On the right: Les Républicains formerly the Popular Union Movement (UMP - *Union pour un Mouvement Populaire*),
Centre right: the New Centre (Nouveau Centre), and the Union of Democrats and Independents (launched in 2012) l'Union des démocrates et indépendants,
Centre : The Democratic Movement (*Mouvement Démocratique*, MoDem) .
the Modem is allied to LREM, founded by Emmanuel Macron.
- On the left: the Socialist party (Parti Socialiste, PS) .
The Radical left (les Radicaux de gauche - a centre left group)
Unsubmissive France (La France Insoumise - founded by former Socialist Jean-Luc Mélenchon)
- The French Communist Party (parti Communiste Français - PCF).