

The Semi-Presidential Republic: French Origin and Different Perspectives in Europe

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ABSTRACT

The present article examines the concept of semi-presidentialism since its conception by the scholar Maurice Duverger and presents the evolution and the features of the French semi-presidential system, which served as a model for many of the post-communist presidencies in Europe. The last section of the paper is focused on intra-executive conflicts that arise in the semi-presidential systems, conflicts which are usually regarded in the field literature as negative, but also have the potential for leading to solutions when there is not the same majority supporting both the president and prime minister.

KEYWORDS: *semi-presidentialism, post-communist presidencies, intra-executive conflict.*

1. Introduction

The present paper is centred around the concept of semi-presidentialism, which was conceived in the '70s by the French scholar Maurice Duverger and “disrupted the classical binary classification of parliamentarism and presidentialism”.¹ During the years that followed, there were coined numerous approaches to semi-presidentialism, sometimes there were offered divergent definitions, but there were also attempts to offer a comprehensive view on this phenomenon, going beyond confusion or disagreement. For example, Robert Elgie argues that “semi-presidentialism should be defined on the basis of the dispositional properties of regime types alone”² because, in his view, this would be the only type of definition that allows clarity on the matter and eliminates subjectivism.

For the purposes of the present work, the starting point is the definition proposed by Maurice Duverger, according to whom, to be in the presence of a semi-presidential form of government, three criteria must be met: first, the president of the republic must be elected by universal vote; second, the president holds considerable powers, and third, the president has opposite him a prime minister who possesses executive and governmental prerogatives and can stay in office as long as the parliament does not express its opposition against him.³

This definition proposed by Duverger is criticized by Giovanni Sartori, who brings a more nuanced perspective on the semi-presidential system which he agrees that performs on a power-

¹Laurent, A, 2016, *Duverger's concept of semi-presidentialism in France: Lots of shadow and very little light*, in *French Politics* 14, no.1 (2016): 139.

²Elgie, R, 2004, *Semi-Presidentialism: Concepts, Consequences and Contesting Explanations*, in *Political Studies Review* 2, no. 3 (2004): 316.

³Laurent, A, 2016, *Duverger's concept of semi-presidentialism in France: Lots of shadow and very little light*, in *French Politics* 14, no.1 (2016): 140.



sharing basis: “the president must share power with a prime minister; and, in turn, the prime minister must obtain continuous parliamentary support”.⁴ The definition of semi-presidentialism, refined by Sartori, contains the following elements:

i) The head of state (president) is elected by popular vote - either directly or indirectly - for a fixed term of office;

ii) The head of state shares the executive power with a prime minister, thus entering a dual authority structure;

The three defining criteria of this dual authority structure and represent the distinctive feature of this type of republic are the following:

iii) The president is independent from the parliament, but not entitled to govern alone or directly and therefore his will must be conveyed and processed via his government;

iv) the prime minister and his cabinet are president-independent in that they are parliament-dependent: they are subject to either parliamentary confidence or no-confidence (or both), and in either case need the support of a parliamentary majority;

v) The dual authority structure of semi-presidentialism allows for different balances and for shifting prevalence of power within the executive, under the strict condition that the 'autonomy potential' of each component unit of the executive does subsist.⁵

I will present in the second part of this paper the characteristics of the French Fifth Republic as the prototypical model for semi-presidential system where I will also explain how the *oscillation* president/prime minister as ‘first heads’ happens in relation to the parliamentary majority at a given moment, making of this system not a simple alternation of presidential and parliamentary phases.

Since it is important to understand the background that led to the current form of government in France, the third section of the paper briefly presents the changes in the role of the French president until the Fourth Republic, which was a parliamentary-type republic, thus finding an answer to the question about how the role of the French President of the Republic did evolve over time.

The penultimate part of the present work focuses on an important difference that can be found in some of the Central and European countries that adopted a semi-presidential system in the post-communist period, differences that concern the periods of *cohabitation*, which are far from the periods of *cohabitation* of the prototypical French model, while the last section will be presenting the conclusions.

2. The French Fifth Republic – the prototypical model for the semi-presidential system

The French Fifth Republic, which is the current French government,⁶ represents the direct output of the political instability of the French Fourth Republic and of the Algerian crisis that took

⁴Sartori, G, 1994, *Comparative Constitutional Engineering*, Macmillan publishing house, London, p.121.

⁵Sartori, G, 1994, *Comparative Constitutional Engineering*, Macmillan publishing house, London, p.132.

⁶de Villiers, M, 2005, *Dictionnaire du droit constitutionnel*, Armand Colin publishing house, Paris, p.31.

place during the '50s.⁷ After the resignation of Prime Minister Pierre Pflimlin, General Charles de Gaulle was invited by the President René Coty to form a new French government. The new constitution⁸ gave birth to a regime, called by the doctrine as being 'hybrid', 'mixed' or 'innovative'.

As U.S. and U.K. represent the prototypical models for presidentialism and for parliamentarism, respectively, the case of France is in Giovanni Sartori's view the model to start from when discussing semi-presidentialism. The dual executive authority structure (bicephalous), so to say the two-head configuration of a president and a prime-minister (which are not only *unequal*, but also in *oscillation* among themselves) remains at the core of this form of government.

To address the characteristics of the French president and of the French prime minister, we need to look at some constitutional provisions that grant their prerogatives, without forgetting about the parliamentary checks, that brings us closer to the explanation of the oscillation that exist within semi-presidential systems.

According to French Constitution⁹, "the President of the Republic shall ensure due respect for the Constitution. He shall ensure, by his arbitration, the proper functioning of the public authorities and the continuity of the State. He shall be the guarantor of national independence, territorial integrity and due respect for Treaties." (Article 5) This article has been criticized by the French doctrine on grounds that it doesn't confer to the President neither precise competencies, nor precise obligations.¹⁰

According to Article 8 of the French fundamental law, the President of the Republic "shall appoint the Prime Minister. He shall terminate the appointment of the Prime Minister when the latter tenders the resignation of the Government. On the recommendation of the Prime Minister, he shall appoint the other members of the Government and terminate their appointments". The next article provides that the President of the Republic shall preside over the Council of Ministers.

In the view of the French fundamental law, the appointment power is not subject to parliamentary confirmation, however, the president must always take into consideration the possibility of forced resignation of the prime minister if the parliament passes a motion of censure or rejects the prime minister's program, so that in practice the president will tend to appoint prime ministers of the same party as the parliamentary majority (indifferently whether the majority coincides or not with the president's party). As we can see, without needing the approval of the parliament, but only following the proposal of the prime minister, the French president has the power to appoint and dismiss the members of the government.

Article 11 gives the French president the possibility to intervene in the field of government bills, by submitting "to a referendum any Government Bill which deals with the organization of the public authorities, or with reforms relating to the economic or social policy of the Nation, and

⁷Rose, R., 1987, *Présidents et Premiers ministres: éléments de comparaison*, in *Pouvoirs*, Paris, p.41.

⁸The National Assembly enacted the law authorizing the drafting of a new constitution on June 3, 1951; the new constitution was approved by the French people through a referendum vote on September 28, 1958; and the constitution was promulgated on October 4, 1958.

⁹Available at https://www.constituteproject.org/constitution/France_2008.pdf?lang=en.

¹⁰Ardant, Ph, 1987, *L'article 5 et la fonction présidentielle*, in *Pouvoirs* 41, p.37.



to the public services contributing thereto, or which provides for authorization to ratify a treaty which, although not contrary to the Constitution, would affect the functioning of the institutions.”

The government (of which the prime minister is the head), shall “determine and conduct the policy of the Nation.” The government shall have at its disposal the civil service and the armed forces and it shall be accountable to Parliament (Article 20). The prime minister has the responsibility to direct the activities of the Government. The French Constitution states in article 21 that “the Prime Minister shall direct the actions of the Government. He shall be responsible for national defence. He shall ensure the implementation of legislation. Subject to article 13, he shall have power to make regulations and shall make appointments to civil and military posts. He may delegate certain of his powers to Ministers. He shall deputize, if the case arises, for the President of the Republic as chairman of the councils and committees (...) He may, in exceptional cases, deputize for him as chairman of a meeting of the Council of Ministers by virtue of an express delegation of powers for a specific agenda.”

In the field literature it was shown that the prime minister is the one who has the power to determine the political agenda, taking into consideration the political program promoted during electoral campaign, different alliances, programmatic platforms etc., while the presidential program is not very important.¹¹ But, the truth is that, show the previously cited authors, that the government does not work in secrecy, the president is normally kept informed about projects and contacts between collaborators are very frequent.

The discussion about the difference between presidentialism and semi-presidentialism when the majority that elects the president is not the same majority that controls the parliament allows Giovanni Sartori to contradict some of the authors that sustain that semi-presidentialism is a simple alternation of presidential and parliamentary phases. In strong relation to the *oscillation* explained by Sartori, a special attention needs to be given to the periods of the so-called ‘cohabitation’. This is a term which appeared in France in 1986 and refers to the situations when after elections, the presidential majority is different from the parliamentary majority, creating an antagonism between them.¹²

Here it is worth citing Sartori once again, who states that with a unified majority the president prevails over the prime minister and the material constitution is applied, while with a split majority, the prime minister supported by the parliamentary majority prevails on the fact that the formal constitution does support the claim concerning governing.¹³

Even if the majority coincides, the president of a semi-presidential republic cannot be assimilated to a president in a presidential republic, while in the hypothesis of a split-majority, the president of a semi-presidential republic cannot be assimilated to the president of a parliamentary republic.

The simple alternation doesn’t put us in front of a new system which is semi-presidentialism, but the *oscillation* that takes place within the system and which is determined by the changes in the majority combinations allow the president and the prime minister to prevail one over another, depending on the electoral results.

¹¹Ardant, Ph, Duhamel, O., 1999, *La Dyarchie*, in *Pouvoirs* 91, p. 12.

¹²Duhamel, o, Mény, Y, 1992, *Dictionnaire constitutionnel*, Presses Universitaires de France, Paris, pp. 157-158.

¹³Sartori, G, 1994, *Comparative Constitutional Engineering*, Macmillan Publishing house, London, p.125.

3. The evolution of the role of the French President of the Republic until the Fifth Republic

The French Republic remained for a long time reticent to the idea of a veritable *chief of state*. Starting with 1879, once the supporters of the republican form of government took control of the institutions of the state, it was strengthened the force against personal power, the power of one individual, and, at the same time, it was favoured the supremacy of the assemblies.

The situation of the chief of state during the Second Republic is very interesting, on the one hand because the president started to be elected by universal vote, which gave him legitimacy, and on the other hand because in spite of the diversification of his attributions, like in the field international relations, by accrediting the ambassadors, or in the field of national solemnities which he presides, he will still commit high treason by issuing any measure in order to dissolve the National Assembly and the entire executive power will pass to the National Assembly. In what concerns the duration of his mandate, we notice that it is established to five years, so that to be avoided the simultaneity with parliamentary elections, and we also notice the impossibility of the president to hold two consecutive mandates, in order not to endanger democracy.

The presidential authority was not reinforced during the Third Republic, although some attempts were made in this sense before the first World War, to arrive, during the Fourth Republic, to the “constitutional consecration of the presidential erasure”.¹⁴ The French Constitution of 1946 established the parliamentary republic, with the election of the President by the National Assembly (absolute majority and not a qualified one). The mandate of the president lasted for seven years, with the possibility of being re-elected only once, and he was not held responsible except for high treason. During the Fourth Republic, the president is deprived of many important prerogatives: in the field of international relations, the president has no role in negotiating treaties (he is only informed about international negotiations), and although he is the chief of the armed forces, the effective coordination of the national defence is the prerogative of the President of the Council of State.

4. *Cohabitation in France and intra-executive coexistence and conflicts in post-communist semi-presidential systems*

The semi-presidential system emerged in the political landscape of Western Europe, a landscape which has been characterized, between 1945 and 1960, according to some scholars, by a remarkable uniformity despite national differences.¹⁵ Later, after the dismemberment of the Soviet Union, within the new wave of democratization, it started the interest in shaping the institutional framework of the states which went out of the Soviet influence. In this new context,

¹⁴Morabito, M, 1996, *Le chef de l'Etat en France*, Montchrestien publishing House, Paris, p.101.

¹⁵Conway, M, 2002, *Democracy in Post-War Western Europe: The Triumph of a Political Model*, in *European History Quarterly* 32, no.1, p.59.

it emerged the interest in post-communist presidencies, viewed not only as one-dimensional phenomenon, but taking into consideration in detail the prerogatives of the presidents.¹⁶

The Post-communist presidencies became subject of research from different perspectives, including economic reform, institutional legacies, party systems and social cleavage,¹⁷ and generally there were developed different and very refined scales to measure presidential prerogatives¹⁸ and the prime-ministerial ones¹⁹. It is now widely accepted that semi-presidential systems aren't all the same, they differ according to their implementation in the countries. The degree of power of the institutions or the president varies according to each country's own semi-presidential system, elements like the powers of the president, the elaboration of the system and relations between the president and the majority that can be implemented in different ways.

In France, for example, the periods of *cohabitation* went relatively smoothly, while in countries like Poland, Romania or Ukraine, intra-executive conflict have resulted in negative effects such as political instability and stalemating policy situations.²⁰ Intra-executive competition and conflicts (usually over appointments, dismissals or policy in general) are linked to a struggle for domination within the executive branch, both presidents and prime ministers challenging constitutional procedures to promote their own interests.

These conflicts usually show that competences of the president and of the prime minister overlap or are vaguely defined in the fundamental laws of the countries. Data show that those conflicts were frequent not only during the political turmoil of the early post-communist era, but also that from the second half of the 1990, and that they have occurred in nearly all of the semi-presidential countries.

It has been argued in the field literature that the role of the President in France varies according to the traits of personality of the holder of this position. For example, the orientation of Mitterand was the fruit of his multi-decade experience as a member of the parliament and as a minister, while Pompidou was distinguished by the fact that he had played two roles: the one of the prime minister under De Gaulle, and then the role of President of the Republic.²¹

Differently from the French model, under which not very numerous periods of cohabitation were known until present, the longest one being the one of Jacques Chirac (1997-2002), in the more recent semi-presidential systems that emerged in post-communist era, such cohabitation periods are much more frequent.²²

¹⁶Beliaev, M., 2006, *Presidential Powers and Consolidation of New Post-communist Democracies*, in *Comparative Political Studies* 39, no.3, p.397.

¹⁷Frye, T., 1997, *A Politics of Institutional Choice: Post-Communist Presidencies*, in *Comparative Political Studies* 30, no.5, p. 523.

¹⁸Kendal Metcalf, L., 2002, *Measuring Presidential Power*, in *Comparative Political Studies* 33, no.5, pp.660-685.

¹⁹O'Malley, E., 2007, *The Power of Prime Ministers: The Results of an Expert Survey*, in *International Political Science Review* 28, no.1, pp.7-27.

²⁰Sedelius, T, Mashtaler, O., 2013, *Two decades of semi-presidentialism: issues of intra-executive conflict in Central and Eastern Europe 1991-2011*, in *East European Politics* 29, no.2, p.110.

²¹Rose, R., 1987, *Présidents et Premiers ministres : éléments de comparaison*, in *Pouvoirs* 41, p.22.

²²Protsyk, O., 2006, *Intra-executive Competition between President and Prime-Minister: Patterns of Institutional Conflict and Cooperation under Semi-Presidentialism*, in *Political Studies* 54, no.2, pp.219-244.



5. Conclusions

Semi-presidentialism has proved to be during the last decades a very fertile land for investigation of the scholars, who sometimes drew attention on the fact that there are extensive variations in terms of definitions, case samples and research themes and critically assessed that “the inconsistent use of regime type definitions has limited the possibilities for generalization.”²³

Conflicts can also be considered as a sign of normality of any mature, or at least maturing political system, and that the absence of such conflict could indicate a sign of authoritarianism. Also, these situations of conflict can represent the opportunity to find creative solutions to the policy problems than can arise when there is not the same majority supporting both the president and prime minister. On the other hand, this executive power-sharing that can be found in semi-presidential systems could also lead to a risk of authoritarian reversal in post-communist countries that adopted this form of government, or, in the more mature democracies, to a situation of “paralysis” at the highest institutional level. In line with the findings of Sartori, the semi-presidential type of republic is better than presidential one because it can cope with split-majorities better.

So, to conclude, both pros and cons of the French style semi-presidential system lie in the power-sharing basis that make it different from the parliamentary and presidential systems, a power-sharing basis that can lead mostly to positive outcomes for the political environment but can create also to situations of constitutional conflicts.

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