

Semi- Presidentialism à la française: the Recent Constitutional Evolution of the “Two-Headed” Executive

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Introduction: a Semipresidential Constitution?

Since 1789, the large number of constitutional texts in France has reflected ambivalence about the organization of the polity. On the one hand, by transferring the onus of sovereignty from a monarch to the people (sometimes theorized as the nation) the governing body could become a representative regime with an assembly as its main governing institution. This “pure,” sometimes “excessive” parliamentary form of government was to be the basis of numerous constitutional texts. On the other hand, French constitutional texts did not necessarily excise remnants of the ancient tribal Indo-European society established through a Franco-Germanic hierarchical monarchic society. Indeed, ambivalence and discontent in French society regarding the dialectical relationship between these two poles of government today finds expression in contrasting parliamentary versus presidential regimes. The fifty-one-year-old Constitution of the Fifth Republic is an attempt to reconcile these two regime forms.

The structural debate of “who shall govern” formed part of the preparatory debate for the drafting of the 1958 Constitution of the Fifth Republic, and it is present in the text itself. It is also present in two major constitutional modi-

fications that took place in 1962 (direct election of the head of state) and 2000 (reduction of the head of state’s term of office from seven to five years), although it is less evident in the 2008 amendment (limit to two consecutive terms of office).¹ This article looks at the dynamics within the text of the Constitution, particularly the revisions that concern the role of head of state (the president), that give the executive a major influence on governance in France. It considers the current semipresidential system of government and the workings of the “two-headed” executive (head of state and head of government). The significant modifications to the Constitution examined here have created space for major changes in the functioning of the institutions of the Fifth Republic. In particular, the partisan synchronization of the offices of president and prime minister has become an important psycho-political matter rather than a legal-political one, and in this article I present a taxonomy, organized around the most relevant changes to the Constitution of the Fifth Republic with regard to its semipresidential aspects (the 1962 and 2000 revisions), using the categories of pure synchronization, nonsynchronization, and forced synchronization. I will also briefly address the current situation under President Nicolas Sarkozy and the 2008 constitutional revision.

Varieties of Partisan Synchronization

On 21 December 1958, in the first presidential election under the new Constitution, Charles De Gaulle was elected by an enlarged electoral college, composed mainly of members of parliament. It was quite certain that he would be elected president if his party led parliament (as it did). But when the president was elected by direct universal suffrage after the 1962 change, the electoral college had reached a critical mass. Because of the bicephalous character of the executive under the Constitution of the Fifth Republic, and due to the new balance within the constitutional arrangement, there was, after 1962, a new possibility for president and parliament, directly elected by the people, to be synchronized. This possibility affected the very functioning of the bicephalous executive. The prime minister, who has usually been a close ally of the president, needed a majority in the directly elected lower chamber (*Assemblée nationale*), otherwise he would be unable to pass policy into law. Maurice Duverger writes that the majority is first formed around the head of state and the president is normally the party leader. If the president is not, then the party leader should be the prime minister, although in recent times the situation has been more complex, even confused.² Duverger also predicted that a majority in the directly elected chamber from a different party than the president would oppose him.

In fact, two such situations after 1962 have occurred: the period of constitutional functioning under a *fait majoritaire* (a majority in the two directly elected institutions) and the period of functioning under *cohabitation* (literally living together; it is usual here to characterize a two-headed executive with two opponents). The *fait majoritaire* is often called the *période normale*. This implies that there is a “normal” reading of the French Constitution and an “abnormal” one, but this dichotomy is problematic. It is preferable, instead, to adopt the concepts of synchronization and nonsynchronization within the executive, and therefore between the two institutions elected by the people: president and lower legislative chamber (whether or not we

consider their status as representative or not). In any case, it is evident from the positions taken after the two efforts at constitutional revision that “normalcy” and “abnormality” constitute important aspects of the justification used by the political elites and commentators (the 2008 amendment is an exception): pure synchronization is normal and therefore good; *cohabitation* is not normal, so it must be bad. As a result, the situation had to be brought back to normalcy, even if by force.³ The Fifth Republic was supposedly ill and the remedy was to enforce partisan synchronization between president and elected chamber.

Pure synchronization

In the “normal” functioning of the institutions the *fait majoritaire* is created by a directly elected head of state who is the leader of the party or coalition leading the elected lower chamber. As we have seen, the presidential term of office lasted for seven years until amended in 2000, and the *Assemblée nationale* members’ term of office lasted for five years. This discrepancy in term of office left the “two-headed” executive in a peculiar position.

In a situation of *fait majoritaire*, there is pure synchronization reflecting a strong semi-presidential system. There have been three periods of pure synchronization: 1958-86 (De Gaulle’s first and second terms, Georges Pompidou, Valéry Giscard d’Estaing, and François Mitterrand’s first term and the period before the 1986 general elections), 1988-93 (Mitterrand’s second term, the period before the 1993 general elections), and 1995-97 (Jacques Chirac’s first term and the period before the 1997 general elections). Despite appearances, the phenomenon of pure synchronization is varied as regards the power balance between president and prime minister.

The head of state in a situation of pure synchronization is no longer considered a referee or politically neutral (*un arbitre*). The president is involved in policy making, although he may use his prime minister as an intermediary between himself and the people or members of parliament. This may contribute to an inverted

reading of what is happening. The president is supposed to preside while the prime minister executes: it is a system that should be simultaneously presidential and parliamentary. In fact, the president becomes the real and unique motor of the executive; he defines the program of his government. But articles 20 and 21 of the French Constitution state that the “the government shall determine and conduct the policy of the nation” and “shall direct the conduct of government affairs,” not the head of state. The president, in receiving democratic legitimacy from an election that was supposed to put him above all partisan games, enters the political arena. This has an impact not only on the function of the head of state, but also on the president’s ability to stay in power. Indeed, if the president is the real actor of the executive, he will suffer from taking and making decisions. (Giscard d’Estaing was not re-elected in 1981, for example, while Mitterrand in 1988, and Chirac in 2002 were re-elected after a period of nonsynchronization).

The strong leadership of the head of state is only possible because the president increases his legitimacy with his democratic mandate; as a result, constitution practice that differs from its letter goes uncontested. Strong leadership contributes to a modification of the classic functions of government as laid out in the Constitution, and the classic parliamentary practice of government as the initiator and maker of laws is no exception.

Indeed, in every case of presidential powers exercised on the advice of the prime minister or the government, the practice of *fait majoritaire* modifies the reality of the Constitution, inverting the meaning of the articles’ wording. In relation to the wording of article 8, paragraph 1, which obliges the prime minister to resign only if he decides to, we note that, in practice, it is always the head of state who forces the head of government to resign, legality being respected by a purely artificial agreement on the legal mechanism involved. Article 8, paragraph 1 is worded in such a way as to suggest that the prime minister will issue a letter of resignation and the president will accept it. In reality, the president asks the prime minister to pre-

pare this letter when the prime minister is first appointed.

Similar comments can be made on the use of article 11. According to the text, the government is supposed to advise the president on the holding of a referendum (although not on a constitutional amendment, which is dealt with, normally, in article 89). Nevertheless, referenda are initiated by the head of state. This phenomenon is certainly evident in the case of the “Father” of the French Constitution. Indeed, some have claimed that De Gaulle’s use of article 11 (in 1962 and 1969) was illegal.⁴

Outside the scope of presidential discretionary powers, the president needs the government and/or the prime minister to act legally. Countersigning of presidential documents in a period of *fait majoritaire* is automatic. It is the core of the bicephalous organized executive. Both heads sign acts of the executive. In a condition of synchronization, the two heads have similar wills and present a unified opinion. Unlike the former republics, however, in the Fifth Republic there is no ambiguity: the head of state is the decision maker and the prime minister follows suit.

The appointment and firing of government members, under article 8, paragraph 2, is presented as something the president does with the help of the prime minister. In fact, in the *fait majoritaire*, the head of state not the prime minister chooses ministers and gets rid of them. The same may be said of article 13, paragraph 1 of the Constitution, or the understanding of articles 15 and 21. Article 13 states that government regulations are deliberated upon by a council of ministers. The initiative is left to ministers and the discussion is collegial, with the president signing only government regulations. In a situation of *fait majoritaire*, the president interferes with this process and may refuse to sign. In article 15 and 21 the president is the head of the army, but the prime minister (and in some respects the minister of defence) also has some powers in this area. In a situation of *fait majoritaire* the latter are mere executants of the presidential will and lose all freedom to act on their own initiative.

Nonsynchronization based on political factors

Nonsynchronization occurs when the directly elected head of state and the majority of the directly elected lower chamber are from different sides of the political spectrum. In corollary fashion, *cohabitation* is a counter to *fait majoritaire* and in that situation the system of government is closer to a prototype of the parliamentary system of government than it is to a presidential system.⁵

These issues may initially seem somewhat mechanical, or simply questions of timing. The president's term of office was seven years and that of the *Assemblée nationale*, five years. In a purely parliamentary regime, there would be no problem when at year $n + five$ of the presidential mandate, the lower chamber shifted to the opposition, leaving a head of government from the other political side. In the case of the Fifth Republic, the bicephalous executive makes the partisan views of the two executive heads extremely important. In situations of nonsynchronization, the prime minister is either the leader or a strong figurehead for the party or coalition leading the directly elected chamber. The two-headed executive is not synchronized anymore and although that is no cause for alarm in a parliamentary system of government, it appears to disrupt the system of strong leadership established by De Gaulle (hence the comment made earlier on the normal and abnormal functioning of the Constitution). Then again, even with a president confined to his constitutional powers, there is still a strong leader as the figurehead of the country. This situation was manifest in 1967 and 1978.

In March 1967 it was expected that general elections would be won by the opposition and that a majority hostile to De Gaulle would be returned, although in the end a very small majority supporting the president was elected to the *Assemblée nationale*. In 1978, the Left was expected to win the general elections. If it was clear in 1967 that De Gaulle would not remain president if facing a hostile *Assemblée nationale*, in 1978 Giscard d'Estaing was prepared to remain in place and therefore create an oppor-

tunity for the Fifth Republic's first instance of nonsynchronization. The loss of a general election is a clear demonstration that a party has lost the support of the people who have become disenchanted with how the country is ruled. De Gaulle would certainly have resigned had he faced an instance of nonsynchronization, respecting "his" populist interpretation of the Constitution. In light of the proximity of the March 1967 elections to the well-known political phenomenon of May 1968,⁶ it is worth considering the potential impact of rigidity in France's political institutions. The people had not seen anything changing and took to the streets. De Gaulle's resignation might have brought about a left-wing presidency, which would have accepted the need to govern alongside an opposition party-led *Assemblée nationale*. But this is only supposition. What is important to note in this "missed" cohabitation is the necessity of equilibrium within the basic institutions of government. If there is none, political opposition is left to people taking to the streets rather than working within the mechanisms for institutional mediation.

The second possibility offered by nonsynchronization is an executive with two opposing leaders. It occurred in neither 1967 nor 1978, although the president was ready for the possibility of nonsynchronization. The first instance of this phenomenon was in 1986, and two variations have taken place in more recent history.

A left-wing president briefly faces a right-wing prime minister

President François Mitterrand lost general elections twice, each time within two years of the end of his term of office. On 16 March 1986,⁷ Mitterrand lost the support of the lower chamber; the general election was won by a right-wing coalition made up of the *Rassemblement pour la République* and *Union pour la démocratie française* (RPR-UDF) led by Chirac. Mitterrand did not resign but appointed Chirac as head of government, who remained in place until the presidential election of 1988. The general elections of 21 and 28 March 1993 again returned a right-wing majority. The *Parti socialiste* (PS) won only fifty-six seats (17.5 percent of the vote). During this period, 1993-95,

Mitterrand appointed Edouard Balladur, Chirac preferring a “semi retreat” to prepare for the presidential election of 1995.

A right-wing president facing a left-wing prime minister

In 1997, Chirac decided to dissolve a strongly supportive lower chamber and provoke general elections. He subsequently lost his majority. This triggered the beginning of a long period of nonsynchronization, 1997–2002. Lionel Jospin became prime minister and he remained in this position until the 2002 presidential election.⁸

Political disagreement within the executive may have an impact on constitutional practice in many ways. The functioning of the Constitution described in situations of synchronization is mirrored in nonsynchronization with the president losing many of his powers (strong presidential leadership remains on matters of external sovereignty, with diplomatic matters and defence being part of the “presidential domain”). The president may decide to block the work of the government by using constitutionally sanctioned discretionary powers to sign delegated legislation (*ordonnances*). Under article 13, paragraph 1 of the Constitution, Mitterrand refused to sign three *ordonnances*.⁹ This nonsynchronization creates an interesting situation, which does not comply strictly with the constitutional *gaullienne* vision of the Fifth Republic. While many were considering the risk of a major institutional crisis under nonsynchronized institutions of government, the fact is that such occurrences prove the Constitution to be simultaneously rigid and yet flexible in its application. The Constitution remained rigid, allowing *alternance* in 1981, and allowing dissonant executives in 1986, 1993, and 1997. However, the Constitution also proved flexible in its resistance to a reading not intended in 1958.

Cohabitation produced a condition of equilibrium around the most important keystone of the institutional arrangement of the Fifth Republic, which was a move from a noninstitutionally based equilibrium during periods of synchronization (where the people/nation provides the counterweight to political institutions belonging to the same party or political coal-

tion), to an institutional equilibrium (nonsynchronization), where the counterweight forms around the executive itself. This “return” to a parliamentary system of government provides more opportunities for input by the people. As such, the electorate may tangibly see the result of its efforts at the end of election day. Nonsynchronization may therefore characterize an instance of power used against power.¹⁰

Nonsynchronization may, at times, be conceptualized in more personal terms as a problem of personality conflicts between head of state and head of government, although the term *cohabitation* is best constrained to refer to problems arising from the lack of partisan uniformity in presidency and lower chamber. In any case, what French commentators have shared in analyzing situations of nonsynchronization is its presentation as an abnormal situation, which needs to be considered and dealt with. Constitutional changes proposed in 2000 presented a solution.

Commentators have been able to defend a “normal” reading of the Constitution with reference to the “normal” political conditions of synchronized political institutions. However, the normal reading of the Constitution is De Gaulle’s interpretation, while the conventionally abnormal reading, associated with situations of nonsynchronized political institutions is actually a reading of the Constitution as organizing a parliamentary system of government, and it is an interpretation consistent with a plain reading of the Constitutional text. The effort to force synchronization through constitutional amendment is the way in which the Constitution was been rendered once again “normal.”

Forced Synchronization Based on Constitutional Amendment

The modification of the Constitution in 2000 was marked by the wish to tackle the possibility of nonsynchronization. This change focused on the mandate of the president, reducing it to five years, aligning it with the tenure of the deputies. In that respect, it was necessary, after the 2000 amendment, to differ the end of the term of office of the deputies. Parliament may

legislate to complete the Constitution through *loi organique*, special statute law that details some articles of the Constitution. In 2001, it was decided to extend the term of office of the deputies by eleven weeks to allow legislative elections to take place after the presidential election.¹¹ Article L.O. 121 of the *Code électoral* was modified as a consequence. The general elections were planned for a few weeks before the presidential election on 24 March 2002, and the presidential election was to be held either on 14 or 21 April 2002. The spirit or logic of the institutional arrangement was to be examined.¹² In the light of the 2000 constitutional evolution, it was considered illogical to set the elections for directly elected members of parliament to take place before the presidential election. The *Conseil constitutionnel*, which automatically controls all *loi organique*,¹³ referred in its decision to the special position of the presidential election: “because of the place of the election of the president of the Republic by direct universal suffrage in the functioning of the Fifth Republic”;¹⁴ the counsellors went on to explain that it was logical for the general election to follow the presidential one. They made clear that “it was desirable that the presidential election precedes, as a general rule, the legislative elections and that this rule should be applied to the presidential election foreseen in 2002.”¹⁵ Everything was organized to synchronize this chronology: first electing the president, then electing the *Assemblée nationale*. That said, some possibilities remained for nonsynchronization, like the dissolution of the *Assemblée nationale*, or the resignation or even death of the president, for example.¹⁶ Only the president can activate the end of the synchronization, and even if this happens, it will be limited to a short *cohabitation*. Since 2002, this has led to a forced synchronization.

This is a new situation and there are only two examples to explore. In 2002, Chirac was elected with a large majority because he was facing the extreme right candidate Jean-Marie Le Pen. A “republican front” was built around Chirac that would also lead to success in the general elections. An ally of the new president, Jean-Pierre Raffarin, became prime minister. He was definitely the secretary of the president. The bicéphalous executive was back to “normal.” Even

when Dominique de Villepin was appointed after the defeat of the referendum on the European Constitutional Treaty, the functioning of the institutions was a strongly semipresidential one. The only opposition the president had to face came from among his supporters. Nicolas Sarkozy abducted the presidential party, and became its leader while a member of the government (although not its chief). A second reading of pure synchronization is the 2007 election. Although he has been president for only two years, it is, of course, too early to judge the actions of Sarkozy, although journalists have dubbed him a “hyperpresident” or “omnipresident.”¹⁷ Sarkozy, who is a young president, provides a stark contrast to Chirac in many ways, partly because he follows Chirac’s presidency. Indeed, Sarkozy has probably earned the tag given him. Alain Badiou, a French philosopher, has sarcastically compared Chirac to the Brejnev years in a recent article published in *Le Monde*, comparing Chirac to Leonid Brejnev. Chirac was portrayed as the caretaker of the system rather than as someone who took action. This particular method of ruling made him look like a president of the Third or the Fourth Republic, closer to the pure French model of a parliamentary regime, but at the same time it made him appear very distant, more like a monarch.

In fact, this may have been a way of dealing with the forced synchronization that resulted from the 2000 constitutional amendment. Sarkozy declared recently that “*Je l’avais rêvé, je le mets en oeuvre*”¹⁸ (I dreamt it, I will do it), and the message is, indeed, that he *will* do it. Sarkozy indicated that he would take decisions, hence the journalists’ accusation of hyperpresident, omnipresident or even “telepresident.” Nevertheless, this very *gaullienne* reading of the presidency is reflected in Sarkozy’s proactive bent; he has not taken the dull path of counterbalancing the pure synchronization that once again marks the French regime. The presidential election was followed by legislative elections, and no one would have predicted the sudden reversal of the majority over this time. President Sarkozy led his *Union pour un Mouvement Populaire* (UMP) party to a massive victory in the lower chamber of the French parliament. The majority returned in both directly elected institutions

is naturally similar. But this is, in a way, done artificially. The constitutional text does not organize any balance between the institutions; it only organizes them. The *new* reading of the Constitution by the French president so far includes the following changes:

- a) All appointed ministers must face public vote. As the timing of presidential and general elections is locked-in, the president appointed his government after his election. New ministers are forced by the president to campaign to get a seat in the lower chamber of parliament. One minister, a former prime minister under Chirac and Mayor of Bordeaux, Alain Juppe, lost in his attempt to be elected deputy. He subsequently left his position as minister,¹⁹ clarifying the new rule by immediately tendering his resignation to the president and the prime minister.
- b) Government is being opened-up. The president asked eminent figures from the opposition to join his team at different levels. First, he appointed some as members of government with the best examples being the appointment of Bernard Kouchner as Minister of French Foreign and European Affairs, assisted by Jospin's ex-cabinet director, Jean-Pierre Jouyet; and the former national secretary of the Parti socialiste, Eric Besson, as *Secrétaire d'Etat à la Prospective et l'Evaluation des politiques publiques*, and the president of Emmaüs France, Martin Hirsch, as *Haut commissaire aux solidarités actives contre la pauvreté*.
- c) Institutions are being reformed. A new committee tasked with proposing reforms, the *Comité de réflexion et de proposition sur la modernisation et le rééquilibrage des institutions de la Vème République*, was officially set up by the president on 18 July 2007. The committee delivered its report on 30 October 2007, making seventy-seven proposals. President Sarkozy conducted a constitutional reform process that was ap-

proved by the parliament meeting in *Congrès* on 21 July 2008.²⁰

The exercise in forced synchronization, so far, has been a process directed by the president. Since 2002, forced synchronization has proceeded either by 1) positioning the president closer to the neutral personage of the Third and Fourth Republics (as in the case of Chirac); or 2) positioning the president as an proactive force in the creation of institutionalized opposition.

In conclusion, this situation cannot be left to the letter of the text of the Constitution. In its current version, after an amendment drafted during the period of nonsynchronization to produce a *plus jamais ça*, a balanced way of operating, changes to the Constitution have forced a democratization that might destroy democracy itself.

Conclusion: a Postmodern (or Second Modern) System?

This article has analyzed the true nature of the Fifth French Republic through an examination of the revision, evolution, and dynamics of the Constitution. To conclude, the functioning of the Constitution of the French Fifth Republic does not match the intention of its creators. On the one hand, 1958 was to be the start of a system with a president-monarch acting as a neutral referee (*un arbitre*), legitimized by strong constitutional personal powers, together with a parliamentary regime aided by a rationalized parliament and a strong prime minister. Oscillating between synchronized and nonsynchronized partisan situations, the original logic gave way to a head of state becoming a leader, then moving again to a more "normal" parliamentary regime (although the president would conserve certain strong powers relating to external affairs, and strongly resist the will of the prime minister on every occasion).

There is no doubt that the French head of state is one of the most powerful positions assigned by any constitution. However, it remains the strong leadership of a state in transition. Three factors may help to illustrate this.

First, the emergence of a transnational so-

ciety in Europe is radically changing the structure of the relationship between the people/nation and its governing body. Second, the French Republic has been facing globalization with a lot of economic problems undermining the way the system has recently developed. Third, the decline of the nation-state concept, and of representative institutions, particularly the elected chamber as an institution that clearly represents the people.

There is also in France, finally, the deeply rooted reference to the leader of “the group,” the “father of the horde.” Since the decapitation of Louis XVI, there has been a succession of political systems of government oscillating between strong and weak leaders. Particularly since 1870, the strength of the leader has been dramatically decreased by successive constitutions. De Gaulle believed that the strong leader should be restored to the French Constitution. As France democratizes, however, the head of state has been symbolically “killed” with regular election. In that respect the 1962, 2000, and, in a way, the 2008 amendments of the Constitution have given the people even more opportunities to weaken the head of state. The 2008 change goes even further in that respect, obliging the “father” to step down after ten years. If this does not happen, the group may not be happy and may show its discontent by taking to the streets. De Gaulle when re-elected in 1965 replaced himself; “the group” protested in 1968. Chirac, re-elected in 2002, again replaced himself; “the group” again protested in 2005.

The difficulty in relation to the Constitution of the Fifth Republic is that it is a text of consensus, a settlement in which the position of the leader is similar to that of a clan that recalls the memory of a strong figurehead, power, and God, while the parliament remains the rational institutionalized democratic side of the Republic. It is a difficult game.

Notes

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- 1 *Loi n° 62-1292 du 6 November 1962, relative à l'élection du Président de la République au suffrage universel*, J.O., 7 November 1962; *Loi constitutionnelle 2000-964 du 2 October 2000, relative à la durée du mandat du Président de la République*, J.O. 229, 3 October 2000, 15582; *Loi constitutionnelle 2008-724 du 23 July 2008, de modernisation des institutions de la Ve République*, J.O., 24 July 2008, 11890.
- 2 During President Jacques Chirac's last term of office, Nicolas Sarkozy served as minister for the home office, and was the leader of the party supporting Chirac.
- 3 Indeed, when one is not well, one has to force oneself to take a pill!
- 4 **Instead of using article 89, which is the one concerning constitutional revision**, De Gaulle used article 11 in dealing with constitutional matters in 1962 and 1969. This practice was widely criticised.
- 5 Jacques Chapsal, *La vie politique sous la Ve République 2 1974-1987*, 3d ed. (Paris: PUF Thémis, 1987) at 534: « *Tout semble indiquer que le président de la République s'est comporté comme la reine de Grande-Bretagne, qu'il lui était impossible de faire autrement et que les mécanismes de la Ve République ont basculé du présidentielisme au parlementarisme.* »
- 6 The same comments may be made about the situation in 2002 and 2005.
- 7 The traditional model of deputy elections since 1958 had been the majoritarian system of two rounds of runoffs. In 1986, proportional representation was used and elections organized for a single day.
- 8 Jospin was so damaged by the nonsynchronization that, as candidate of the Parti socialiste to the presidential election in 2002, he did not even reach the second round.
- 9 Concerning the privatization of public enterprises on 13 July 1986; the remodelling of constituencies on 2 October 1986; and the management of working time on 17 December 1986.
- 10 See R. F. Howell, “The Philosopher Alain and French Classical Radicalism” (1965) 18:3 *The Western Political Quarterly* 594.
- 11 *Loi organique 2001-419 du 15 May 2001, modifiant la date d'expiration des pouvoirs de l'Assemblée nationale*, J.O., 113, 16 May 2001, 7776.

- 12 *Rapport de M. Christian Bonnet au nom de la commission des lois*, 186 (2000-01).
- 13 *Lois organiques* are acts of the French parliament that complete the Constitution without the need to amend it. The possibility of *lois organiques* being adopted is specified in the constitutional text itself. As such, these differ from laws amending the Constitution (that are not considered by the *Conseil constitutionnel*), as well as from “normal” statutes that may be controlled.
- 14 *Cons. constitutionnel*, 9 May 2001, *Loi organique modifiant la date d’expiration des pouvoirs de l’Assemblée nationale*, 2001, 2001-444 DC 9: « *en raison de la place de l’élection du Président de la République au suffrage universel direct dans le fonctionnement des institutions de la cinquième République.* »
- 15 *Ibid.* « *qu’il était souhaitable que l’élection présidentielle précède, en règle générale, les élections législatives et que cette règle devait s’appliquer dès l’élection présidentielle prévue en 2002.* »
- 16 The *Conseil constitutionnel* mentioned a general rule because it is possible to have a case where the synchronization may be lost (although the probability of this happening has been dramatically diminished).
- 17 François Jost and Denis Muzet, *Le Téléprésident, Essai sur un Pouvoir Médiatique* (Paris: L’Aube seuil, 2008).
- 18 V. Le Guay and J. Esperandieu, *Le Journal du Dimanche*, Paris (8 July 2007), online : <http://www.lejdd.fr/cmcc/politique/200727/sarkozy-je-l-avais-reve-je-le-mets-en-oeuvre_36389.html>.
- 19 *Ministre d’Etat, ministre de l’Environnement, du Développement durable, de l’Energie et des Transports.*
- 20 Mainly, the amendment concerned the equilibrium of powers within basic political institutions, rebalancing them by (slightly) diminishing the rights of the head of state and increasing the rights of the French parliament and the rights of the citizens.