

BOOK REVIEW

**SERGIU MIȘCOIU, PIERRE EMMANUEL GUIGO (EDS.),
*PRESIDENTS, PRIME MINISTERS AND MAJORITIES IN THE
FRENCH FIFTH REPUBLIC*, CHAM: PALGRAVE MACMILLAN,
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One of the first Western officials and scholars to offer advice to the new leaders in Bucharest in 1990 was Robert Badinter, President of the French Constitutional Council and former Minister of Justice. According to Ion Iliescu and others, his advice was decisive in shaping the institutional arrangements of the “Little Constitution” and, later, of the 1991 Constitution. We can assume that things would have been similar even without the direct intervention of the well-known jurist, given that France was traditionally perceived as a model for Romania. Shortly after Badinter, the more famous Maurice Duverger also visited Romania. We do not know what influence he had – we can assume it was limited – but we pay him a tribute for spreading the attractive but ambiguous concept of “semi-presidentialism”, associating it mainly with the French political system after 1958/1962 (The Fifth Republic). As in other cases (e.g., his “law” on the relation between electoral systems and party systems), Duverger threw out a brilliant but imprecise idea, irritating many academics around the world and generating a large amount of political science literature.

In Romania, the label “semi-presidential” has entered strongly into political rhetoric and even constitutional jurisprudence, being used not so much in an explanatory-analytical sense, but rather axiologically and even normatively, depending on political orientations. According to some, we have a semi-presidential system, so things must happen in a certain way (e.g., Decision No. 784/2012 of the Constitutional Court); according to others, we do not have a true semi-presidential system, but we should have one, so that things happen in a certain way (e.g., the Report of the Presidential

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Commission, 2009). In both cases, semi-presidentialism is associated with the Fifth Republic. The first one is a dangerous attempt to give legal/constitutional force to a strictly doctrinal concept. The second – which is based on the correct observation that Romanians only partially followed the French model – seems to be flawed by an overly idealized view of the French regime and, more broadly, of the role of institutions in the functioning of political systems.

Therefore, a review of the French regime's avatars over the past seven decades would have been useful even if we only think about its influence on the Romanian one. Obviously, there is much more to it, as Sergiu Mișcoiu noted: "The Hexagon tends to be perceived as a model shaper by a plethora of ruling elites around the world" (p. 2). The literature on the subject is very rich, but there was a need for an approach that would go beyond constitutional texts and theories, so as not to get lost in "the complexification of theoretical efforts to understand the nature and functioning of semi-presidential systems" (p. 4). This was the aim of the collective volume edited by Sergiu Mișcoiu and Pierre-Emmanuel Guigo. After a necessary "largely analytical-historical overview" signed by Sergiu Mișcoiu, which includes a review of the contributions since Duverger and points out some aspects that deserve (more) attention, the book follows "the dynamics of the 'power triangle' (i.e., the president, the prime minister and the parliamentary majority) during the term(s) of each president: de Gaulle (Bryan Muller), Pompidou (Olivier Sibre), Giscard d'Estaing (Alexandra Alina Iancu, Sorina Cristina Soare), Mitterrand (P.-E. Guigo), Sarkozy (Marius-Mircea Mitrache), Hollande (P.-E. Guigo) and Macron (Fabrice Hamelin). It is about "inter-institutional dynamics", beyond the two main patterns: the one in which there is a presidential majority / *majorité présidentielle*, so the two heads of the executive have the same political colour, and the one in which the parliamentary majority and the government have a different orientation than the President (the so-called *cohabitation*). In fact, it goes far beyond the strictly institutional aspects, since it analyses "the overwhelming impact of the presidents' backgrounds and profiles over the way they conceive the presidential function" (p. 8) and various events and contexts, not very political in themselves, but which affect in one way or another exercise of power. Just as authors noticed a recent desacralization of the presidential figure (which contradicts the original logic of the regime), we may appreciate that, through this approach, a salutary desacralization of political science is

achieved, by detaching it from theoretical and methodological affectedness and connecting it to real politics. Put together, the contributions form a solid synthesis of political history of the Fifth Republic, going beyond the classic narrative and seeking how the facts have determined the transformation of the regime, even when the constitutional provisions have remained unchanged. Public law and political science are always there, but in a subtle way, with the role of explaining the meanings of realities, not of screening them for the sake of academic appearance, as has often happened in recent times.

Even when applied strictly to the Fifth French Republic, semi-presidentialism proves to be a too broad, weak concept, unable of saying much about the functioning of a particular regime. Even the Fifth Republic is a generic term, applied, by virtue of the maintenance of the 1958 Constitution – with many important (although “ambiguous, to say the least”, Mişcoiu, p. 5) provisions still in their initial form – and certain customs, to a series of sub-regimes which, of course, have much in common, but are far from being identical. The Fifth Republic is “a genuine bric-à-brac”, as M.-M. Mitrache rightly wrote (p. 159).

Even before the major constitutional reform of 2000 (reduction of the presidential term to five years; with its counterpart of 2001: the organization of legislative elections immediately after the presidential ones) and 2008 (increasing the power of Parliament), which may justify J.-F. Copé’s label of “the Republic bis” (Mitrache, pp. 172, 176), we may informally speak of Republic 5.1, 5.2, even 5.1.2 and so on. Although the constitutional framework remains (largely) the same, in practice the regime would look different, as the relations between the President, Prime Minister (Cabinet) and Parliament vary according to the will of the voters and/or the representatives, plus a multitude of often unpredictable and imponderable factors.

As we say the Nixon, Reagan or Obama “administration”, we may say the Pompidou, Mitterrand or Sarkozy “regime”. And it is not enough to associate the regime with a name – we must, again, number it – as there can be significant differences between terms (when a President has been re-elected) and even within the same term. We are thinking, first of all, about the differences between the periods with *majorité présidentielle* and those of *cohabitation*. In the first case, the regime tends to become more presidential, with the head of state treating his Prime Minister as a collaborateur – regardless of whether he says it openly (like Sarkozy about Fillon, Lachaise, p. 151; Mitrache, p. 161; Guigo, p. 185) or not. Even if he accepts a kind of *diarchy* –

the term belongs to Sarkozy, who did not accept it (Lachaise, p. 151) – the head of government is responsible (only) for internal “current affairs/”current policy” – possibly also playing the role of the leader of the majority – but the President is still “meant to politically guide the country and to determine its main directions” (Mișcoiu, p. 10). During *cohabitation*, the regime slides towards parliamentarism; the Prime Minister, as leader of the parliamentary majority, tries to act like a chancellor and the President is somewhat placed in the position of leader of the opposition. In such situations, even the role of the head of state in international relations, the so-called *domaine reserve / reserved area* (Guigo, pp. 130, 185), can be challenged, as it happened in 1986-1988, when the recently named Prime Minister Chirac “tried to stay in control of the foreign affairs and the defence policy”. And, because he could not completely remove President Mitterrand, he decided to accompany him to international meetings “surprising other delegations by showing up as a duo” (Guigo, p. 116). This reminds us of some episodes in the political and constitutional history of Romania, but it is not the time and place to go back on them. What must be observed is that, even in his periods of political weakness, the French President remains on top. It preserves a certain (at least symbolic) ascendancy. We can intuit this from a comic episode related by Guino. In 1988, both incumbent President Mitterrand and Prime Minister Chirac ran for the presidency and participated in a televised debate: “François Mitterrand gave him the final coup de grace when, after Chirac had asked him not to call him ‘Mr. Prime Minister’ to respect the equality between the candidates, the President replied royally: ‘But you are absolutely right, Mr. Prime Minister!’”.

Beyond the fact that this first cohabitation was surprising – “the possibility of cohabitation was not anticipated by the founding fathers of the Fifth Republic” (Guigo, p. 115) – it should also be noted that the rivalry between the Prime Minister and the President was, at least in terms of defence and international relations, “merely symbolic” (or, let’s say, electoral): “In fact, they did not have very different views on foreign affairs... In the defence field, both the President and the Prime Minister had common points of view” (Guigo, p. 116). However, such a situation could be foreseen, based on previous experiences, different while similar. Different, because they did not represent formal *cohabitations*; similar, because they knew some “hidden forms of cohabitation-like practices” (Iancu, Soare, p. 92). In 1976-1978, President Giscard d’Estaing and Prime Minister, the same Chirac, were part

of the same political camp (though not of the same party), but relations between them were first tense, then downright bad, reaching a fight for “primacy, not so much in terms of executive power, but as informal leaders of the coalition” (Iancu, Soare, p. 97). In the end, the head of state won, “replacing the Prime Minister with a technocrat” and, thus, increasing “the presidential leeway” (Iancu, Soare, p. 105). That is why, for Giscard’s single term, one can talk about “two patterns” or even about “two different presidencies” (Iancu, Soare, p. 92). Looking even further back (1969-1972), we see President Georges Pompidou and Prime Minister Jacques Chaban-Delmas, both *Gaullists*, but who, “in addition to the personal and political disagreement”, also had an “opposing vision of the institutions” (Sibre, p. 68). The Prime Minister’s program “attacked the very foundations of the Pompidolian thought” (Sibre, p. 66). Trying to impose himself “by asking Parliament for confidence”, the latter “weakened the presidential nature of the regime”. In this case too, the President won, dismissing him and showing “that the Prime Minister was first and foremost accountable to the President” (Sibre, pp. 67-68).

In retrospect, we see that, with all the tensions – let us say inevitable in the institutional architecture of the 1958 Constitution – the Fifth Republic remained, for three decades, within the framework set by Charles de Gaulle, with a President resembling a “republican monarch”. An extensive discussion of how the monarchy was imagined would be necessary here – somehow in the manner of the continental monarchies of the 19th century (with another discussion on the role of the Second Empire), by no means like the constitutional monarchies of 20th century. We only note that “General de Gaulle built his power relations around compromises. The first compromise, implicit in the Fifth republic, was the reconciliation of several, sometimes antagonistic, historical traditions specific to the country” (Muller, pp. 47-48). Anyway, even after de Gaulle, there was a general impression that “The Fifth Republic was designed in such a way to allow any individual anointed by presidential election through universal suffrage to lead the country” (p. 49). This was confirmed by Pompidou, Giscard, Mitterrand (“the last republican monarch?”), beyond his two experiences of cohabitation (1986-1988, 1993-1995). But, at some point, someone thought (correctly, we can say) the “constitutional framework” does not guarantee that the President always leads the country.

In 1997, the former “Mr. Prime Minister”, at that time President for already two years, had to face, from the other side, a *cohabitation* (the third, the longest and, so far, the last of the Fifth Republic). That happened following early parliamentary elections called to consolidate his power. However, a left-wing majority was elected and Chirac had to accept the socialist Lionel Jospin as Prime Minister. It was “a break in the history of the Fifth Republic” (Lachaise, p. 138), whose memory is still “alive” and “painful” in the French political world (Lachaise, p. 139). The old model of “republican monarchy” seemed to have come to an end. Some called for a Sixth Republic. To solve the situation, it was decided to reduce the presidential term from seven to five years (an idea dating back to Pompidou’s time) and to reverse the election calendar (parliamentary right after presidential). These reforms of 2000 and 2001 increased the head of state’s chances of having a parliamentary majority and a loyal government. The new situation can be considered a reinforcement (because it makes the President a real head of the executive) or a violation of the original principles (because it raises questions about his role of “arbitrage”, since he is, more obviously than before, the leader of the majority). As Lachaise noted, “the difference in judgment varies depending on the scholar’s views on the «republican monarchy»” (p. 143).

The last two decades have shown how much personalities, events and contexts can matter in the functioning of a political regime. Chirac managed, in 2002, to have a majority and a submissive Prime Minister. His second term was radically different from the first, but even this time he failed to really be a strong president. The weakness came from tensions and contestations within his own group, particularly from the rising star Minister Nicolas Sarkozy. He attacked Chirac, labelling him a “lazy king” / “roi fainéant”, and launched into the fight for the succession, promising that he would be a completely different type of President, far more active in government. It was around the time when in Romania we talked of the “player president”, but it is not the case here to make comparisons. Elected in 2007, Sarkozy kept his word. He was different indeed, a “more visibly engaged in the day-to-day politics of the State” (Mitrache, p. 158), even an “over-present hyper-president” (Mitrache, p. 163), with an important clarification, for the French regime in general: these labels are not so much due to the things he did, but to the way he did them. “Sarkozy’s hyperactive behaviour was not that original or unheard of... What was different about Sarkozy was that his language and personal style were different from

anything the French public was accustomed to" (Mitrache, p. 164). "The hyper-presidency was not entirely of his own making, for its structural framework had been shaped long before Sarkozy's accession to power" (Mitrache, p. 179).

Anyway, "the first postmodern President of France" had the decisive role in the desacralization of the presidential status and in the accession to power of someone who promised to be a "normal President" and who, in the absence of such a predecessor / counter-candidate, would probably had no chance. Ironically speaking, François Hollande, elected in 2012, is, from a historical point of view, not so much a "normal President" as a "no President". It seems that everything went against him and he was unable to manage anything. Analysing all the factors that made him the only President (leaving Pompidou aside) who did not stand for re-election could be the subject of another book. It can be said that "his five-year term... revealed that the presidentialisation of the Fifth Republic was an irreversible process", because it showed that, perhaps despite Sarkozy's style, French voters wanted a "more assertive and more involved in the decision-making process of daily politics" (Guigo, p. 198). I wouldn't necessarily link this to "the new institutional system born in 2000", but to the way in which politics is mediatized today. Anyway, his most important (not necessarily positive) result (without granting him exclusivity) is that he made possible the election of Emmanuel Macron, the President who tried an original re-sacralization, who wanted to be a (post)modern "republican monarch". Naturally, since his second term is in progress, the chapter dedicated to him is the least evaluative. What can be said for sure at this point is that he destroyed "the political landscape" (Hamelin, p. 205), "the partisan divide and French political life" (Hamelin, p. 202) or, to put it more concretely, the "bipolar configuration" which represented "the basis of French political life for a long time" (Sibre, p. 62). After a first term with a parliamentary majority, but also with perhaps the biggest challenges since 1968, this second one, with a fragile government, seems to me a transition towards a re-bipolarization, in a way that was unthinkable 20 years ago and even 2 years ago. At this point, I should delete a few lines, as the President has just announced the dissolution of the National Assembly – the sixth since 1958 and the first since the constitutional reform of 2000 – following the winning of the European elections by what is traditionally called "far-right". "The President of the Republic activated the constitutional nuclear weapon", wrote *Le Figaro*. And

he “suddenly plunged the political landscape and the nation into the unknown”. I am not sure about *suddenly* (*brusquement*), but although we can make some scenarios, *the unknown* (*l'inconnu*) is the key word. So I am going ahead with what I wrote before the dissolution.

This rich and insightful exploration of French contemporary politics lacks a distinct conclusive part. Moreover, the “meanders of the concrete” – to use the phrase of a Romanian President – make it impossible. Trying to draw clear lessons can be fallacious. It is enough to see how things happened, to admit that the combination of institutional and extra-institutional factors can lead to diverse and surprising situations. “Semi-presidentialism” can mean many things, often depending on what each of us wants it to mean.