

France: Central Institutions

Executive Branch

France has a *semi-presidential* political system with both a president and a prime minister.

The president is the official “Head of State,” meaning that this figure is the representative of France to other countries, and is the main voice over foreign policy and security matters. The President is Commander in Chief of the Armed Forces as well. But the president’s powers also go beyond Head of State in many respects, including:

- ◆ The president nominates the prime minister (Head of Government) for the National Assembly to confirm. The president can remove the PM if he/she feels it is appropriate, usually during periods of political crisis. The PM is then the “presidential representative” to the National Assembly, representing the president’s policy direction. In this way, the president may have tremendous influence over both foreign and domestic political affairs.
- ◆ The President signs laws and decrees;
- ◆ Selection of the Ministers of the Cabinet, at the suggestion of the PM;
- ◆ The ability to submit referenda for direct election by the public;
- ◆ Dissolution of Parliament after consultation with the PM and other parliamentary leaders;
- ◆ The ability to declare states of emergency and supersede other branches to maintain order;
- ◆ The president may grant pardons.

The president serves five years, and now is limited to two terms. He has immunity from prosecution during his term, but could be prosecuted for crimes after leaving office; if a president does not fulfill his duties as president, he could be impeached by a court formed from both houses of the Legislature.

The *Prime Minister* of France is the “Head of Government” for the Republic, overseeing the conduct of the various ministries and policymaking for domestic affairs. Among the powers of the PM are:

- ◆ Formulation of domestic policy;
- ◆ Introduction of legislation to the National Assembly, which during cohabitation could be in a different policy direction from the President, but not is largely in coherence with the president’s views;
- ◆ Countersigning of laws and decrees, except for dissolution of the National Assembly

France’s executive also encompasses the *bureaucracy*, a vital part of the functioning of the state.

Legislative Branch

France has a *bicameral* legislature, although the majority of policy decisions are made in the *National Assembly (NA)*, which has 577 members. Members serve five-year terms.

Powers of the NA include:

- ◆ Discussion and passage of legislation, but most legislation is proposed by the government (executive branch). The government can limit amendments of bills by the NA by declaring a *blocked vote* for these particular bills. The NA is also not allowed to propose any legislation regarding state spending, and any attempts to block budget legislation are futile; these become law after 70 days if there is no vote.
- ◆ The NA can question ministers of the Cabinet during weekly question periods.
- ◆ The government can also make bills “matters of confidence,” meaning that if the NA refuses to pass the bill, the NA will be dissolved and new elections called.
- ◆ No confidence votes, in the executive and pushing for the resignation of the PM and Cabinet of Ministers. One-half of the NA must approve a censure measure. If this occurs, the president can either call for new elections or nominate a new PM and Cabinet; if the president feels that an election would hurt his/her position, he/she will usually dissolve the government. This tactic has never actually been used, but the threat of censure is a powerful tool for negotiations with the executive on important matters.

The *Senate’s* representatives (321 members) are indirectly elected by lower levels of government. Currently, senators serve six-year terms.

Much like the U.S. Senate, the French Senate must consider all bills passed by the NA and can propose its own legislation. If there are competing bills between the two houses, a reconciliation committee is created between the representatives of both houses to resolve differences. But unlike the U.S. Senate, if the French Senate votes down a bill, all the government has to do is resubmit the bill to the NA for approval to get it passed; the Senate does not get a second vote.

The Judiciary

France follows a *civil law* system. This system is based upon *codes* of law covering various areas of life (business, criminal matters, civil matters, etc.) that can be altered by the state, but are not alterable by courts. Courts merely apply the laws in this system.

As noted in the text, judges also assume many prosecutorial duties in criminal trials, and the burden of proof in criminal trials is usually on the accused (innocence is not presumed). Civil, criminal, and business courts exist as separate entities in this system, but appeals move up into more consolidated appeals courts, with the *Court of Cassation* hearing multiple types of matters. This court only hears appeals when the conduct of courts in cases is an issue. (This is the real “court of last resort” in France; the text is wrong about the Court of Appeals.)

Constitutional matters are considered by a *Constitutional Council (CC)* in France, but this is not an actual court; this body does not hear cases, nor are its members usually professional judges. Instead, this body is composed of state figures and legal professionals/scholars that are appointed to varying terms. The CC has nine appointed members, three of which are appointed by the president, three by the president of the NA (not the PM) and three by the Senate president. Former French presidents may also sit on the council without appointment.

The Council only considers legislation before it is passed and signed, to review whether or not these proposed laws will reflect constitutional principles. It is rare for the CC to declare proposed legislation completely unconstitutional and send it back to the government, but the CC

may use its prerogative to strike out provisions of a law that it considers constitutional, a form of “line-item veto.”

The CC is required to consider all proposed changes to state structures (these are known as “organic bills”) or parliamentary procedure for constitutionality. Other legislation can be considered if it is brought to the Council for review.

The CC also has the ability to oversee and certify elections.