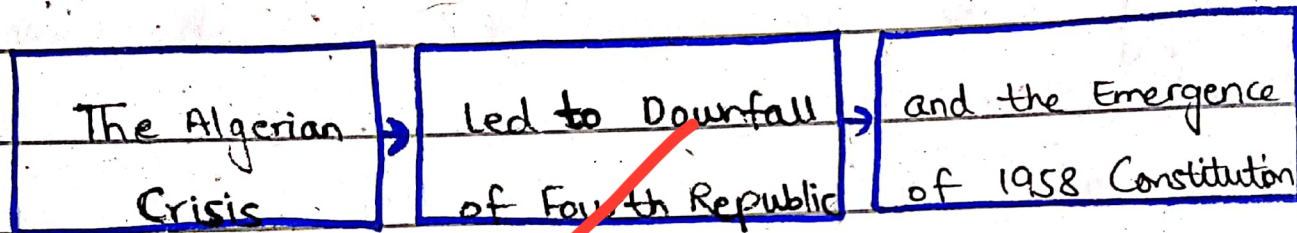


Q14. Enumerate the reason for downfall of Fourth French Republic and discuss salient features of 1958 Constitution. (CSS-2011)

Ans. I-INTRODUCTION: THE REASON FOR THE DOWNFALL OF FOURTH REPUBLIC AND THE SALIENT FEATURES OF 1958 CONSTITUTION



On June 1, 1958, the Fourth Republic came to an end because the government was unable to meet the challenges of the time especially the Algerian crisis. Fourth Republic

was marked by political instability as there were 21 administrations in its 12-year history. These circumstances led to the nomination of Charles de Gaulle as head of Government in June 1958. After coming to power, de Gaulle launched a constitutional process which led to the adoption of the constitution of the fifth Republic in October, 1958. This constitution is a written, rigid, a mixture of Parliamentary and Presidential systems having basic democratic principles, strong presidency, limited parliamentary power, a court and councils for judiciary, economy and society. These features of the 1958 constitution make it a stabilized constitution due to which it has existed till date.

## II - THE FOURTH REPUBLIC AND ITS DOWNFALL

### a) The Background

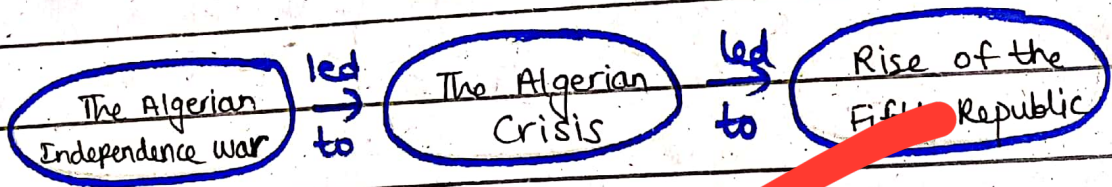
The instability caused by rivalry between monarchists and republicans during the third republic led to the emergence of

the fourth republic in France.

### b) The Fourth Republic

The French Fourth Republic was the republican government of France from 27 October 1946 to 4 October 1958, governed by the fourth republican constitution. It was characterized by a weak and decentralized government as there were 21 administrations in its 12-year history.

### c) Major Reason for the Downfall of the Fourth Republic



The major reason for the downfall of the French Fourth Republic was the Algerian Crisis.

### i) The Algerian Crisis

The Algerian Crisis emerged out of the Algerian war of independence,

which was fought from 1954 to 1962. The main combatants were France and the Algerian National Liberation Front.

## ii) The Cause of Algerian War

The Algerian War of Independence was catalyzed by two events. The first was the conquest of Algeria by French forces and the second was the rise of nationalist ideologies that promoted the right to self-determination.

## iii) The Effects

War crimes committed during the war included massacres of civilians, rape and torture. It also led to the deaths of thousands of Algerians, French soldiers and Europeans.

## iv) The Aftermath

In May 1958, President Rene Coty unequivocally and firmly told the National Assembly that he would resign

if a government led by General de Gaulle was not formed. The National Assembly submitted reluctantly and handed over its law making power to General de Gaulle's government for six months. In this way, with no party and no programme, General de Gaulle had obtained dictatorial powers.

#### v) De Gaulle's Promise

De Gaulle promised that at the end of six months "order will have been reestablished in the state, hope refound in Algeria and union re-made in the nation, thus permitting the public powers to resume their normal functioning."

### III - THE 1958 CONSTITUTION AND ITS SALIENT FEATURES

#### a) The 1958 Constitution

The current Constitution of France was adopted on 4 October 1958. It is typically called the Constitution of the Fifth Republic.

## b) Salient Features

### i) A Written Constitution

The Constitution of the Fifth Republic is a written document, consisting of 92 Articles divided into 15 titles and extended to some 15 printed pages.

Example: The Constitutions of Pakistan, USA, etc, also possess this feature.

### ii) A Rigid document

The French Constitution is rigid in nature. Under Article - 89, two methods of amendment are adopted:

1. An amendment moved by parliament or government must be passed by both house and a 50% + 1 referendum.
2. 3/5<sup>th</sup> votes of the Congress required for an amendment moved by the President.

The Constitution prohibits amendments affecting Republicanism or the Integrity of State.

### iii) Semi-presidential System of Government

The French Constitution combines the elements of both the Parliamentary and Presidential systems. Popularly elected head of the state makes it different from Parliamentary system and President's role is not just ceremonial. Similarly, it is different from Presidential system because the cabinet is named by president but responsible to legislature. President can dissolve assembly and declare emergency, gaining dictatorial powers.

Example: Russia, Taiwan, and other countries also have semi-presidential feature.

### iv) Basic Democratic Principles

"France is a Republic, indivisible, secular, democratic and social"

(Article 1)

Thus, the French Constitution shall respect secure the equality of all citizens before law without any distinction of origin, race and

religion.

## v) Secularism

France has no religion of state. It will be areligious and equidistant from all religions.

Example: The principle of secularism is found in almost all western liberal democracies.

## vi) Civil and Political Rights

"Liberty, Equality and Fraternity."

(Article 2)

The Preamble attaches French people and French political system to the Declaration of Rights of Man and the Citizen of 1789.

"Suffrage must be universal, equal and secret."

(Article 4)



## vii) Bicameralism

The constitution has established a bicameral legislature. The National Assembly is the lower House, consisting of 577 deputies who are directly elected for 5 years term and the Senate which is the upper house having a strength of 348 ~~seats~~ <sup>members</sup> elected indirectly by "grand electors" for a period of 9 years retiring 1/3rd <sup>after</sup> every 3 years.

Example: US, UK, India, Pakistan, all have bicameral legislature.

## viii) Unitary Constitution

France is a unitary state having a strong central government. Local governments, in France, derive their power from central government, not from the constitution. Having a bicameral system, a unitary state is an anomaly.

## ix) Rationalized Parliament

The Parliament in France is designed to ensure stable government by

putting restrictions on the powers of parliament. Also, ministers are not part of legislature (but they are responsible to legislature).

### x) Constitutional Council

The Constitution provides for a constitutional council. It consists of 9 members, who are appointed for the non-renewable term of 9 years. Its  $\frac{1}{3}$ rd members are replaced every year. The President of the Republic and the Presidents of both houses nominate three members each. Its main functions are to ensure the regularity of election of President of the Republic and to examine the validity of organic laws before their promulgation. It also settles the disputes between the legislature and the executive.

### xi) Administrative law and Administrative Courts

In France, civil servants come under administrative law, they can only

be sued in Administrative Courts. Ordinary laws and ordinary courts are for ordinary citizens.

#### IV- CRITICAL ANALYSIS

France possesses five republics and five Constitutions. All the initial four republics and Constitutions ~~were~~ had flaws which led to political instability. This instability in France can be compared with the musical chair of democracy in Pakistan in 1990s. The repeated failure of governments broke the entire fabric of France. However, Charles de Gaulle's takeover and constitution stabilized the situation in France, although it is being criticized for its hurried formation and for its little checks and balances on the strong president. Thus, the fifth French Constitution plays the same role in strengthening France's democracy as the 1973 Constitution of Pakistan (strengthened by 18<sup>th</sup> amendment).

## V- CONCLUSION

To summarize, the Algerian Crisis led to the fall of the Fourth Republic in France and the emergence of the 1958 Constitution / Constitution of the Fifth Republic. The salient features of this

constitution are: a written constitution, a rigid document, semi-presidential system, basic democratic principles, secularism, granting of civil and political rights, bicameralism, etc.

Good!!

12/20

Q5. Analyze the powers of the French President. (CSS-2001)

Q. Discuss the Powers of the President of France under the Fifth Republic. (CSS-2005)

Q. How is the French President elected? Give an objective analysis of the power enjoyed by the President. (CSS-2010)

Q. Discuss the executive powers of the French president in detail. (CSS-2012)

Ans. I - INTRODUCTION: ELECTION AND POWERS OF  
THE FRENCH PRESIDENT UNDER THE  
FIFTH REPUBLIC

The French President, elected  
by Universal Direct Suffrage  
and by Two Ballots

Have more Power than  
Leaders of Most Advanced  
Democracies in World

France has a semi-presidential system where the President is elected by universal direct suffrage and by two ballots unless a candidate obtains an absolute majority of the votes cast at the first. He/she is elected for a tenure of 5 years and has more power than the leaders of most advanced democracies, including Germany, the United Kingdom, and arguably, the United States. The French President enjoys extensive executive, legislative, judicial, emergency and financial powers.

## II - POLITICAL SYSTEM OF FRANCE AND THE ELECTION OF PRESIDENT

### a) The Political System

The politics of France take place with the framework of a semi-presidential system determined by the French Constitution of the French Fifth Republic.

### b) The Presidency

#### i) Mode of Election

The President is now elected by a Universal direct suffrage. The French people go to the polls: if no candidate wins over 50% of the vote, a second round is organized. Only the two candidates with the most votes qualify for the second round. The candidate with the absolute majority of votes cast is elected as the President.

#### ii) Term

The President is elected for

a term of five years. The Constitution provides for only two terms of the president.

### iii) Supervisor

The supervision of the Presidential election, including the investigation of alleged irregularities at the election and the promulgation of results, the Constitution entrusts to the Constitutional Council.

### iv) Succession

The election of the new president takes place not less than 20 days and not more than 35 days before the expiry of the term of office of the retiring president.

In case the presidency falls vacant, for any reason, the president of the Senate takes and replaces the president until the president resumes his functions.

### v) Removal

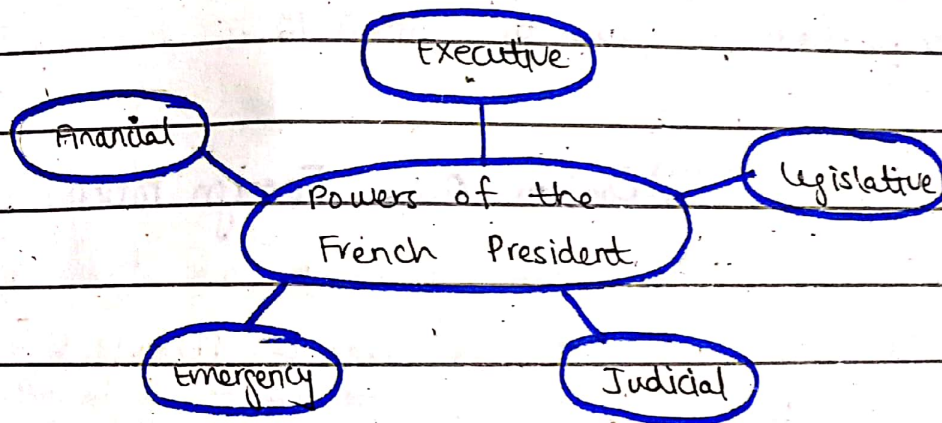
The French President can only be impeached for treason charges and this is

### c) Incumbent President

Incumbent President is Emmanuel Macron from the party La République En Marche. He is the youngest president in French history and the youngest head of state since Napoleon.

the only way he can be removed from the office. The impeachment resolution can be passed by both house by absolute majority. After this indictment by the parliament, the president is tried by the High Court of Justice.

### III - POWERS OF THE FRENCH PRESIDENT



#### a) Executive Powers

##### i) Appointment to and Dismissal from key Positions

The President appoints Prime Minister and the other members of the government are appointed and dismissed by him on the advice of the Prime Minister. Almost all high officials and both civil and military are



appointed by him.

## ii) Supreme Commander of Armed Forces

The French President is the Supreme Commander of the Armed Forces and is responsible for the defence of his country.

Example: Francois Hollande's withdrawal of combat troops from Afghanistan in 2012.

## iii) Control Over Foreign Policy

As a head of state and head of Government, the French President directs the foreign policy.

He appoints all the ambassadors to other countries and receives diplomats of other countries.  
Example: Emmanuel Macron's pivot to Russia and divorcing America policy.

## b) Legislative Powers (Articles 10, 11, 12 and 13)

### i) Dissolution of the Lower House

The President has the power to dissolve the National Assembly after consulting the Prime Minister and the Presidents of both the Houses. But National Assembly

cannot be dissolved during the year following the elections and during the national emergency.

## ii) Control Over Parliament

The President of the Republic has been vested the legislative powers to convene or prorogue sessions of the Parliament. He also has the right to address the Parliament on his discretion and to express his opinion rather than that of the government. He can send messages to the Parliament.

## iii) Promulgation and Reconsideration of Law

The President promulgates the law within 15 days following its submission to the government. He can send the law back to the parliament for reconsideration if he feels unsatisfied on a certain law and parliament cannot refuse for it.

#### iv) Submission of a Bill to a Referendum

The President has the power to submit any bill dealing with the organization of public authorities, approving a community agreement or the authorization to ratify a treaty that might affect the functioning of the institutions, for referendum. If the public approve the law then president has to promulgate it within 15 days.

#### c) Judicial Powers

##### i) Granting Pardon

The President has the power to grant pardons, reprieves, and amnesty to offenders.

Example: The President Francois Hollande pardoned a woman who was jailed for 10 years for killing her husband after he abused her for decades.

##### ii) Custodian of Judicial Independence

The French President is the protector of the independence of judicial authority.

### iii) President and Appointer in High Council

The president is assisted by the Higher Council - of Judiciary. This council is presided over by the President. Its 9 members are appointed by him. The President also appoints 3 members to the Constitutional Council.

### d) Emergency Powers

Under Article 16 of the constitution the president of France can declare national emergency on the country. After consulting Prime Minister, the presidents of the both assemblies and the Constitutional Council, he can take suitable measures when there exists a serious and immediate threat to:

1. The institutions of the republic
2. The independence of the nation
3. The integrity of its international obligations and the regular functioning of the constitutional public authorities has been interrupted.

During emergency, the President acquires dictatorial powers.

Example: i. The declaration of health emergency state during COVID-19.

2. The declaration of emergency during civil unrest in France in 2005.

### e) Financial Powers

The Finance Minister prepares the budget under the President and presents it before the Parliament for approval. If Parliament fails to approve it within 70 days, the Government may implement it through ordinance. Such ordinance will be signed by the French President.

## IV- CRITICAL ANALYSIS

The Constitution of the Fifth Republic in France has evolved with more power consolidated in the President, who is elected for a term of 5 years by universal direct suffrage. The French President has more power even than the President of the United States.

The French President not only commands the executive apparatus, including the armed forces, but tend to drive the national policy-making agenda with little parliamentary oversight. However, the American President's unlimited executive, legislative, financial, judicial and emergency powers are subject to a system of checks and balances. Thus, it is due to these reasons that critics say that France's parliament is becoming a rubber stamp that approves the president's binding, with some politicians calling for a new constitution that brings more balance to the institutions.

**Add more arguments.**

## V- CONCLUSION

To summarize, France has a semi-presidential system where the President is elected for a tenure of 5 years by universal direct suffrage and a two round system of voting. The French President holds the nation's most senior office and outranks

all other politicians. He <sup>wields</sup> has significant executive, legislative, judicial, financial and emergency powers.

Q16 Write the composition, powers and position of the French National Assembly. (CSS-2018)

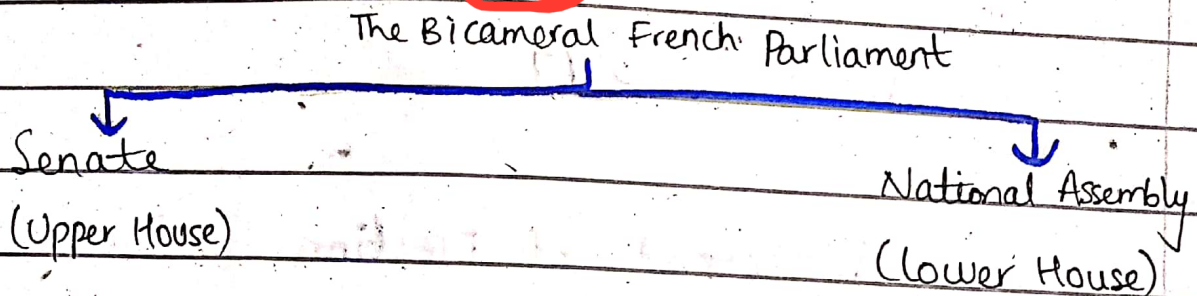
Ans. I-INTRODUCTION: THE COMPOSITION, POWERS AND POSITION OF THE FRENCH NATIONAL ASSEMBLY

The Lower House of French Parliament: the National Assembly	→	Having 577 Members, Practically Holds Greater Power than Senate
-------------------------------------------------------------	---	-----------------------------------------------------------------

The Constitution of the French Fifth Republic provides for a bicameral Parliament. The National Assembly consists of 577 members elected for a tenure of five years via a two-round system with single-member constituencies. It is presided by a President. The lower house theoretically enjoys equal power with the Senate. However, in

practice more powers. Its powers and positions are over legislative, financial, executive, constitutional, electoral, judicial and other general domains.

## II - THE FRENCH PARLIAMENT AND COMPOSITION OF THE NATIONAL ASSEMBLY



### a) The Parliament

The Parliament of fifth Republic is, as in the past, bicameral, consisting of the National Assembly and the Senate.

### b) The National Assembly

The National Assembly is the lower, popular and directly elected House of French Parliament. Theoretically, it enjoys equal powers with the Senate, but in practice, it has proved to be stronger than the upper



house.

### c) Composition

#### i) Membership

In 1958, at the time of the inauguration of the Constitution, the National Assembly consisted of 552 members. After the independence of Algeria, it became 468 and now it stands at 577.

#### ii) Method of Election

The principle of universal adult franchise operates in France. All the deputies are directly elected by the people of age 18 years or above.

#### iii) Qualifications

All those French voters who are above the age of 21 are eligible for the membership of the National Assembly, except government servants, army personnel and employees of the nationalised industries. The membership of the Parliament is incompatible

with the membership of the government.

#### iv) Election System

The 577 members are elected using a two-round system with single-member constituencies. To be elected in the first round, a candidate is required to secure an absolute majority of votes cast, and also to secure votes equal to at least 25% of eligible voters in their constituency.

#### v) Tenure

The tenure of the National Assembly has been fixed by an organic law. It has been given a tenure of five years. It can, however, be dissolved earlier.

Moreover, the Constitution clearly states that no new dissolution can take place during the year following the new elections.

There also cannot be two dissolutions in one year.

## vi) The President

The meetings of the National Assembly are presided over by the President of the Assembly. He is elected for a term of five years by the members of the Assembly.

## III - THE POWERS AND POSITION OF THE FRENCH NATIONAL ASSEMBLY

### a) Legislative Powers

1. The National Assembly can legislate on certain subjects which are granted by the constitution and cannot legislate in matters which are in the purview of council of ministers.
2. Along with Senate, it makes law for the state. Money bills must be introduced in National Assembly.
3. In case of deadlock between two houses, if the joint conciliation committee fails, then National Assembly will have the final say.  
Example: The National Assembly can legislate on matters like divorce, inheritance rights for children, etc.

## b) Financial Powers

The Finance Minister (under the policy directive of President) submit the budget in National Assembly and then to Senate. If the Parliament fails to reach a decision within a time limit of 70 days, the provisions of the bill may be enforced by ordinance. Thus, the French National Assembly is helpless in financial matters.

## c) Control over Executive

The National Assembly controls the President and the Prime Minister in the following ways:

1. If assembly rejects government policies/ programme, then Prime Minister has to resign.
2. Assembly can pass motion of censure against PM and can initiate charges of impeachment against President.
3. The assembly is authorized to delay the sessions of Parliament for 12 days.

Example: The passage of vote of no confidence

in 1962 against Pompidou's government.

### d) <sup>Amendment</sup> Constitutional Powers

The national assembly together with Senate can propose amendments with a  $3/5^{\text{th}}$  majority of both houses. The President shall put the same before nation (referendum).

The President in order to propose amendment has to convene a joint sitting of Parliament and the proposed amendment must be accepted by a  $3/5^{\text{th}}$  majority of both houses. Thus, in both cases, assembly has a say in amending the Constitution.

Example: Since 1958, there have been 24 amendments to the Constitution of France.

### e) Electoral Powers

The French National Assembly elects: its president, 3 members of the constitutional council and some judges of higher council of justice (national assembly elects with Senate).

## f) Judicial Powers

The National Assembly elects 3 members of constitutional council, some members of higher council of justice (along with Senate) and also addresses the trial of the president in case of impeachment.

Example: In 2016, the Chamber of Deputies initiated an impeachment case against President Dilma Rousseff on allegations of budgetary mismanagement.

## g) General Powers and Privileges

The French National Assembly can discuss any issue of national importance, its members can may put questions before cabinet and they have to answer. Also, during sessions of Assembly its members cannot be put behind the bars. The French assembly members have freedom of speech and they are not liable to anyone for this freedom.

#### IV - CRITICAL ANALYSIS

The French National Assembly is the lower house of the French Parliament. Being a house of representatives, it has more power than the Senate (practically). The French National Assembly is more powerful than the American lower house and has same powers as of the Indian and Pakistani lower houses. This assembly played a major role in the French Revolution. It represented the common people of France and demanded that the king make economic reforms to ensure that the people had food to eat. This house also tends to specialise in the ~~stew~~ scrutiny of day-to-day government businesses: public liberties, crime, taxation, education, defence, etc. Thus, National Assembly holds great significance and powers in France.

#### V - CONCLUSION

To conclude, the lower house of the French Parliament i.e. National Assembly is

composed of 577 members who are elected for a term of 5 years. The national assembly being a house of representatives possesses legislative, financial, constitutional amendment, electoral, judicial and general powers and privileges. Thus, the French National Assembly is practically stronger than its upper house i.e., senate.

Add more arguments in powers.

Q17. How the party system in France is different to that in Germany? Discuss in detail. (CSS-2019)

Ans. I-INTRODUCTION: THE DIFFERENCE OF THE PARTY SYSTEM OF FRANCE FROM THAT OF GERMANY

France's weak Political Party System Bears	Significant Differences from that of Germany's strong Political Party System
--------------------------------------------	------------------------------------------------------------------------------

Both France and Germany have multi-party systems. France has a weak



party system because of the poor experiences of the past. While Germany has a strong party system. Based on the mentioned difference, the parties in France bear significant differences from that of Germany in terms of their role in political system, existence of left and right parties, party colors, seating positions, organizational arrangements, relation with European Union, existence of regional parties and their contribution towards the global environmental health.

## II - THE POLITICAL PARTY SYSTEM OF FRANCE AND THAT OF GERMANY.

### a) of France

"The French party system is unique in the western world and probably in the world as a whole."

(Blondel and Godfrey)

France has a multi-party system, which means that several political parties

must form coalitions in order to form a government. This is because it would be very difficult for any <sup>one</sup> party to win a majority of seats in the French National Assembly.

Example: The Socialist Party, the Popular Republican Movement, the Radical Socialist Party, etc., are the ~~major~~ political parties in France.

## b) of Germany

The Federal Republic of Germany has a plural multi-party system. The largest by members and parliament seats are the Christian Democratic Union (CDU), with its sister party, the Christian Social Union (CSU) and Social Democratic Party of Germany (SPD).

## III - DIFFERENCES OF THE POLITICAL PARTY SYSTEM OF FRANCE FROM THAT OF GERMANY

### a) Role in Political System

The bitter experiences of the

past forced the framers of the Constitution of the Fifth Republic to reduce the role of the political parties in the French political system.

In Germany, the political parties occupy a prominent position. They help shape the political decision-making process and are indispensable for democratic elections.

### b) Existence of Left and Right Parties

Parties can roughly be categorised as left and right in France. In Germany, the tendency of right and left wing politics in German political parties is comparatively low.

Example: In France, the parties like National Front and MPF are considered as right wing parties and parties like Socialist party (PS) and Communist Party (PCF) are considered as left wing parties.

### c) Party Colors

The concept of party color is non-existent in French political parties,

whereas colors have an important role for German political parties while making coalitions in parliament.

Example: In Germany, the Social Democratic Party observes red color, the Alliance 90 observes green, etc.

#### d) organizational Arrangement

In France, the organization and policies of different political parties exhibit great diversities. Some of the parties are very well-organized while others have loose organizations. In Germany, all parties are well-organized.

Example: In France, the leftist parties are highly organized while the right-wing parties have no permanent organizations outside the Assembly.

#### e) Political Certainty

In France, the practice of political defections prevail, frequently the members of one political party defect to

another or other political parties. Thus, there is high political uncertainty in France. In Germany, people have great allegiance to their political parties, and hence there is high political certainty.

### f) Seating Positions in Parliament

In France, the seating positions of the members of political parties matter in the French Parliament, while German political parties do not have specific seating positions in Parliament.

Example: In French political parties that do left wing politics take their seatings on the left side of President in the Parliament and the parties that do right wing politics sit on the right side.

### g) Relations with European Union

In France, the political parties like MPF call for withdrawal from European Union. While in Germany, political party such as CDU is a member of the European People's Party.

and sits in EPP group in European Parliament.

### h) Existence of Regional Parties

In France, there are present a number of regional political parties. They have no national organization and only work in their respective regions, whereas political regionalism effectively does not exist in Germany.

### i) Experience with Political Parties

France had a poor experience with political parties due to which political instability and fall of governments occurred whereas Germany had no such bad experience with political parties.

Example: There have been five republics and five constitutions in France.

## IV - CRITICAL ANALYSIS

"There is no comparison between any two states"

(Professor Laski)

Both Germany and France are European countries. The nature of party politics, coalition practices inside and outside their role in the house are uniquely different in both countries. Compared to France and the US, the German parties are usually very strong and they control parliament and the cabinet with a high level of party discipline. The French and German party systems are multiparty in nature which is ~~the~~ in contrast to the US and Britain party systems (two-parties). However, like Pakistan and India, Germany and France also have diverse ethnicity ~~with~~ which force their political parties to be multiple in number. Thus, each country i.e., Germany and France exhibits <sup>political</sup> growth according to its own experiences with the political parties.

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## V- CONCLUSION

To summarize, France and Germany have multi-party systems which work in their own sphere of influence. The political parties

in France are weaker and in Germany they are strong. There exists multiple differences between the party system of France and Germany like in France there roughly exists left and right parties, the concept of party colors is non-existent; political parties are loosely organized, they have particular positions in Parliament and so on while political parties in Germany are entirely opposite to that of France in the mentioned criterion.