

## French Law and Law Courts

### Sources and Nature of French Law

In the main French law is built solidly upon Roman Law. The Romans held Gaul for a longer time than they occupied Britain and left upon it permanent impress of their culture and their laws. The law of Rome, once planted, was never uprooted and has persisted as a basic influence throughout all later times. And when the country "arrived at a single, uniform legal system, the Roman heritage supplied much of the foundation, framework and ornamentation of the structure."<sup>1</sup>

During the Middle Ages the field was largely taken by the customary law. France became the classic land of feudalism. But there the feudal kings had never been able to extend their actual jurisdiction beyond their own dominions. The dukes and counts were too powerful in their own dominions to be controlled by their king. Hence there grew up in every local area its own system of customary law, its own *Coutume*, as it was called. These in due course of time were put into written form and administered by the local courts. No attempt was ever made to weld these customary laws into a single nation-wide system comparable to the English common law. As late as the middle of the eighteenth century Voltaire remarked that a traveller in his country had to change laws almost as often as he changed horses. Added to this complexity and confusion were an increasing number of royal decrees, ordinances or edicts applying sometimes to the entire country, sometimes to specified sections only. Before such edicts could take effect, they were required to be registered by the various regional courts, known as *parliaments*. Some parliaments, one like that of Paris, even refused to register certain edicts. But this did not create any serious impediment, because the king could force such *parliament* to register the edict.

The leaders of the French Revolution were fully seized of the weakness of such a confused and overlapping legal system. They knew that the legal decentralisation as it pre-

vailed in France constituted a barrier to the creation of national unity and impeded the growth of fraternity (*fraternite*) which the Revolution was seeking to establish. They also felt that the *coutumes* were mediaeval in spirit and, accordingly, incompatible with the new political and social order. The revolutionists, therefore, set to the task of abolishing customary law and overhauling or rescinding the ordinances. New and uniform laws, in the form of statutes, were enacted, and old and new laws were consolidated and codified. In 1791 and 1795, the first Penal Code and Code of Criminal Procedure were enacted.

But it was not until Napoleon Bonaparte came into power, as first Consul, that the work of codifying the whole jurisprudence of France was speeded up and finished. The Corsican went at the project with characteristic energy, and completed it within a few years. The Civil Code which was published in 1804 was the first of a series followed in 1807 by a Code of Civil Procedure. Other Codes were enacted subsequently. In all of them, the predominant influence of Roman Law was paramount. These Codes have been revised and amended, but the fundamentals remain unchanged and are the living law of France as also that of numerous other countries which have since adopted them.

### Characteristics of French Law

The law of France today consists primarily of the Napoleonic Code as amended, revised and extended at intervals to meet the new conditions and needs of the country, especially those flowing from increasing industrialization and other economic changes. This brings in four outstanding characteristics of French law. France has, in the first place, a uniform system of law throughout the country. There is unity and symmetry in it and the law, as embodied in the codes, is clear and easily available. In the second place, it is a written law and, as such, essentially differs from the law of English-speaking countries. There is no doubt, much of the written law in England and America, but in

1. Ogg, F., and Zink, H., *Major Foreign Governments*, p. 563.



both countries, that great mass of jurisprudence as the common law is largely unwritten and uncodified. In France, there is virtually no law that is not codified and cannot be read in the books.

In the third place, French law is enacted or statutory, although at many points it may be rooted in customs. In England and in the United States the law is being constantly developed, expanded and even altered by judicial decisions and both these countries have built up great bodies of judge-made law. It is true that according to the theory of Anglo-American Jurisprudence the judges cannot make law. They only interpret and apply it, but they do in fact make changes and often far-reaching changes. A judicial decision rendered sets a precedent and there is a traditional respect with the courts to a doctrine of *stare decisis*, that is, a court will always be guided by a previous decision unless there is a compelling reason for reversal. The result is that "one judicial decision advances little upon another, and so on year after year, until there exists a wide gulf between the law as it is and the law as it was. Simple words and phrases receive new shades of meaning, and ultimately acquire new meaning altogether." In this way, the doctrine of *stare decisis* gives a definite drift and direction. In France there is no such doctrine. The judges decide every case independently on its merits in conformity with the statutory law aiming at justice in the particular case and not in conformity with the precedent. No court is under any obligation to be guided by its own previous decisions or even by the decisions of a higher court. Precedents are cited in French courts, but no great reliance is placed upon them and the judges "are free to disregard even the weightiest precedents if they feel so inclined."

Finally, distinction is made in France between the ordinary law and administrative law and, consequently, there are two separate systems of courts, ordinary tribunals and administrative tribunals. In case of conflict on the jurisdiction of courts, there is a Tribunal of conflicts which decides whether a case falls within the competence of one set of courts or the other.

#### JUDGES AND JUDICIAL PROCEDURE

With regard to organisation of Ordinary courts there are certain important general features:

1. The first is the unity of civil and crimi-

nal justice. That is, unlike England and the United States where there are separate civil and criminal courts, civil and criminal actions in France are for the most part handled by the same court. The same judges sit in both courts. The practice is some judges sit in the civil courts and they are drawn for the trial, when necessary, of criminal cases. Similarly, the public prosecutors, known as the *parquet*, are occupied with civil as well as criminal cases, though attached to the civil courts. There is, however, a separation between the two in the higher courts and they are divided into civil and criminal sections.

2. There is in France no system of circuit courts except in the case of Assize Courts. The courts are stationary and litigants go to the judges rather than judges going to the litigants. The English and American system of circuit judges has never been adopted in France.

3. French courts are collegial. No French court is allowed to give judgment, as in England, with only one judge making the court, and no judgment is valid unless concurred in by at least three of the judges constituting the bench. The principle of collegiality is insisted by the French to rule out prejudice and, thus, as a condition of justice.

4. Trial by jury is not ubiquitous in France and one of the reasons for it is that courts are manned by a collegial arrangement. The tendency of the juries to be swayed by passionate pleadings does not commend their spread beyond the courts in which they are employed. One well-known French jurist declared that in many cases the courts might as well "allow justice to depend upon a throw of the dice as upon the verdict of the jury." Others have stigmatised the French jury, "as a sacrifice of common sense to an Anglo-Saxon superstition, and one that merely works havoc with the orderly administration of justice."

In the courts where jury continues to be employed, it consists of twelve persons chosen by lot from a panel of citizens. The decisions are reached by majority vote. When votes stand six to six, or seven to five, for conviction, the three judges, if they are unanimous, may render a verdict of acquittal.

#### Appointment of Judges

During the Third Republic judges were appointed by the Minister of Justice. This method of appointment was severely criticised



as it interfered with the independence of judges and very often politically unpopular judges could be denied promotion. The Constitution of the Fourth Republic attempted to remedy this by creating the Higher Council of the Magistracy. This Council consisting of 14 members including the President of the Republic as chairman and the Minister of Justice, evaluated the qualifications and merits of the judge-candidates and recommended a panel of names to the President of the Republic and selection was made therefrom. The Constitution of the Fifth Republic retains the Higher Council of Judiciary but with restricted functions and somewhat different methods of appointment. It consists of the President of the Republic (chairman), the Minister of Justice (*ex-officio* chairman), and nine members appointed by the President of the Republic. The Council nominates judges to the higher judicial posts and rules on matters involving the judiciary.<sup>2</sup> The *magistrature*, the magistracy, in which there are clearly defined ranks and schedules of promotions, and which is entered through a specialised school, the *Centre National d'Etudes Judiciaires*, is open to law graduates successful in a competitive examination. The judiciary at the lower level is a career service.

#### Independence of the Judiciary

"By and large," say Ogg and Zink, "French courts and Judges compare favourably in capacity, integrity, independence and impartiality, with those of any other country." Article 64 of the 1958 Constitution specifies that judges shall be irremovable. The Constitution of the Fourth Republic had made a similar provision. The Constitution of 1948 declared irremovability incompatible with the responsibility of officials in the Republican system of government and the judiciary in France had always been considered as a public service. The Third Republic's constitutional law did not even mention judiciary. According to the Constitution of 1958 judges can be removed from office on charges of gross misconduct only and that too on the recommendation of the Higher Council of Judiciary, which has been entrusted with the constitutional duty of acting as disciplinary council of the judges. The President consults the Higher Council of Judiciary on questions of pardon under conditions determined by an organic law.

#### Procedure is Judge-animated

In the law courts in the United States and Britain criminal cases are initiated by an attorney who prosecutes on behalf of the public. It is his business to make a case. The prisoner is defended by an attorney paid by himself, or, provided he is too poor, by the public funds. The judge is an impartial arbiter between the two rival parties, prosecution and defence. He may ask questions to counsels and witnesses and the accused is tried in an open court. But he is not an interrogator. Nor is there any previous inquisition, except in cases where a grand jury is required for an indictment. The position is different in France. Before the case comes before the judges in court, there is preliminary investigation and this is done by the *juges d'instruction*. *Juges d'instruction* has the power to order arrest of the suspects and hold them until his investigation is complete. He interrogates them and seizes all documents material to the case. *Juges d'instruction* are attached only to courts of first instance and do not form part of the higher judiciary. They are under the supervision of the *parquet*. "Such a man's ambitions," remarks Finer, "are extremely pointed toward promotion. It is a sensitive point in the course of justice, especially since it is connected with the problem of arrest and detention."<sup>3</sup> Finer further adds, "the judge is more than the English judge, a kind of party, to the issue: he seeks the facts, whether there is jury or not."

A famous feature of the French courts is the institution of the *parquet*, otherwise known as the *ministere public* or men who act for the public weal. To each court is attached a *parquet* headed by a *procureur*, or state attorney, and composed of a number of assistants to him. In the courts of first instance they are called *substituts*; in the courts of appeal they are called *avocats-generaux* or *substituts generaux*. The *parquet* represents the State in courts and conducts prosecutions. For the due performance of his duties the services of the detective are loaned to him. "It embodies the dual interest of securing a conviction, yet also ensuring justice or fairplay for the prisoner." The members of the *parquet* are irremovable and move upward in their own hierarchy. Their main business is in criminal cases, but they may also act in civil cases which are of interest to the State. They

2. Article 65.

3. Finer, H., *Governments of Greater European Powers*, p. 516.



see that the judgments and petty decrees are executed.

#### Absence of Habeas Corpus

Nothing resembling *habeas corpus* exists in France. It was tried to be remedied in the Constitution of 1946 which was rejected at the polls. It provided that "No one may be detained unless within forty-eight hours he has appeared before a judge called to rule upon the legality of his arrest and unless this judge confirms the detention each month by motivated decision." The Constitution of the Fourth Republic did not contain any such provision. Article 65 of the 1958 Constitution briefly provided that no person may be detained arbitrarily. It is further provided that judicial authority, "guardian of the liberty, shall assure respect for this principle in conditions to be determined by law." This may be described as a provision for a writ of *habeas corpus*, but there is no express mention thereof.

### THE ORDINARY COURT SYSTEM

#### Justice of Peace

France was covered with a network of numerous courts in order that justice might be easily accessible to all. The organisation of the courts was simple enough. At the bottom was the justice of the peace (*juge de paix*), who was a salaried official with some judicial experience though not ordinarily a law degree. There was one such court at each canton. In some cases, however, the jurisdiction of a justice would extend to two or more cantons. There were in all more than 3,000 such courts. They had a limited and summary jurisdiction over minor offence and civil disputes. A major reform in the number of courts, both civil and criminal, took place in 1958, and as a result of that the 3,000 or so Justice of the Peace courts were abolished. The lowest court is now the *tribunal d'instance* and there are some 454 such courts in France. For most important cases litigants go to the *tribunal de grande instance*. There are 172 such tribunals, less than two on an average per *departement*. These tribunals hear appeals especially from the judgments of some of the specialized courts, such as *tribunaux de commerce* which deals with commercial cases. Another important set of courts of this kind are the *conseils de prud'hommes*, which deal with disputes between employers and employees over the implementation of labour contracts. *Tribunal de' instance* consists of only one judge,

who in addition of his more formal powers also acts much as the Justice of the Peace did in the past. The *tribunal de' grande instance* have three or more judges.

Simple criminal cases are dealt in the Police courts, which function in almost all localities of any importance. More serious cases are brought before the *tribunaux correctionnels* where judges (the same as those of the *tribunaux de' grande instance*) decide cases without juries. Finally, the more serious cases are decided by *cours de assises* (one per *departement*) which consists of three judges and nine jurors.

Appeals on matters of facts are generally allowed in civil cases, unless they are not trivial, but not in criminal cases. Appeals on interpretation of laws are always allowed. Both on these counts appeals go to courts of Appeal; twentythree in number.

#### Court of Cassation

The highest court in France is the Court of Cassation. It is called *Cassation* because it may "break" the law of the lower court, not the judgment. Cases are brought from any court of last resort for the proper interpretation of law. It accepts the facts determined by previous courts and interprets law remanding the case to another court having the same jurisdiction as that from which the case was brought.

### ADMINISTRATIVE COURTS

#### Administrative Courts

The French courts, fall into a dual hierarchy : the Ordinary Courts dealing with the statutory law, and the Administrative Courts, from the *Conseil de prefecture* (renamed *tribunaux administratif* in 1952) up to the *Conseil d'Etat*. The Ordinary Courts are concerned with the litigation among citizens themselves, and the application of law to citizens. The Administrative Courts are concerned with the acts of the administrative authorities in conflict among themselves, local or central, and the grievances that citizens may have against these authorities.

The reason for this distinction is to be found in the determination of the Revolutionary leaders that the judiciary should have no interference in administration. In their law reforms of August 1790, they declared, "Judicial functions are distinct and shall always remain separated from administrative functions." With the lapse of time it was found that administration could abuse its powers and needed a corrective. Yet the rigid adherence to the theory of separa-



tion of powers did not permit the corrective to be administered by the ordinary courts. The Constitution of 1799 established administrative courts and since then administrative courts have become the most lasting institution of France.

### Jurisdiction of Administrative Courts

State officials and the municipalities as corporate bodies are responsible for their actions and consequently can be sued in the administrative courts and pay damages for any prejudice to life and property caused by defective action. Defective action means the action of the official which is the result of bad judgment or is arbitrary, that is, the result of the violation of the prescribed forms, violation of a law, misuse of power. Maurice Houriou, the eminent authority on administrative jurisprudence, defines defective action as "the negligences, the omissions, the errors among the habits of administration when those habits are bad." The rules which are applied in deciding such cases are called the administrative law. Dicey defines administrative law as that "body of rules which regulate the relations of administration of the administrative authority towards private citizens." The administrative law is not embodied in a code, like the civil law. Some of the rules have been established by the issue of executive decrees, but in large part they have been accumulated by the decisions of the administrative courts, especially by the decisions of the Council of State, *Counsel d'Etat*. Administrative law, thus, somewhat resembles the common law in England which has been slowly built up in the regular courts by one decision after another.

Such a nature of the French system of administrative law covers a wide range. It deals not only with the liability of the State and the municipal bodies for the wrong done to private individuals or their property, but with the rule relating to the validity of the administrative decrees, the methods of granting redress when public officials exceed the authority vested in them by law, the awarding of damages to private individuals for injuries which result from faults of the public service, the distinction between official and personal acts on the part of public officers, and many other allied matters. In sum, it "gives redress in many cases, where none would be available in the United States" and in England where there are no duly constituted administrative courts.

The French system of administrative courts essentially differs from the system of justice obtainable in Britain. In Britain all men and women, officials or not, are amenable to one set of courts—the ordinary courts and the same judges—and are under one system of law. This is the essence of the classic doctrine of the Rule of Law as enunciated by Dicey. Suits against the State and its officials do not form an extensive and separate branch of jurisprudence, though there may exist special courts and commissions for the purpose of adjudicating claims brought by private individuals against the government. The ordinary courts can quash the orders of administration and issue writs commanding action or cessation of action, its correction, or the payment of damages. But in France the ordinary courts can do nothing of the kind. Recourse in such cases must be had to the administrative law courts.

The immunity of public officials from the jurisdiction of the ordinary courts does not extend to anything done by them in a personal or non-official capacity. It does not even extend to acts performed in an official capacity, if the injury results from the personal fault or personal negligence of the officer concerned. The State is suable and will pay where the official acts in good faith for the public. If he does something in office which is not truly in pursuance of its purpose, the official himself is responsible and not the State. He will be sued personally before the ordinary courts for damages and it is the *Tribunal des conflits* (The Court of Conflicts) which decides whether it is a personal fault or not. For example, an official posts an electoral list, but may make some error in this. This may lead to an administrative case suable in the administrative court. But if the official concerned makes public the view that one of the electors has been excluded because of bankruptcy, this becomes a personal fault, not done in good faith for the public, and the officer is suable by the bankrupt for damages in ordinary courts, not Administrative Courts.

### ORGANISATION OF THE ADMINISTRATIVE COURTS

#### Tribunaux Administratifs

The principal administrative courts in France are the Tribunaux Administratifs and the *Counsel d'Etat*, the Council of State. At the lower level, the ninety-odd *Counsels de Prefecture* of Napoleon were reduced to



twenty-three in 1926 and were renamed *tribunaux administratifs* in 1952. All these twenty-three tribunals are full-fledged courts of first instance in administrative cases. In general, these tribunals hear complaints made by the individuals against the actions of administrative officials. The most prolific source of such complaints is the tax assessments. Other matters over which they have jurisdiction are those relating to public works, especially highways and the conduct of local elections. Each Administrative Tribunal consists of a President and four members appointed by the Minister of the Interior from among persons who hold, or had held, public administrative positions.

### Conseil d'Etat

At the upper level an appeal court in many cases, but directly competent for the more important problems, is the *Conseil d'Etat*. It is composed of 150 members who are almost entirely recruited through the School of Administration. The Council is divided into several sections, the main distinction being between four advisory sections and a judicial section. The judicial section, in its turn, is divided into a number of chambers in which normally five councillors (*conseillers*) decide cases on the report of more junior members. More important cases may be decided by as many as ten or fifteen councillors. The Council of State has, thus not only a wide original jurisdiction, but it has also the power of cassation in some cases and appellate authority in others. It has attempted to curb the actions that are inherent in a centralized administrative system and to protect the individual in all the cases where he has no redress before

e the civil courts.

The Council of the State is an impressive body enjoying the public esteem and confidence. Its litigation section devotes the whole of its time hearing appeals that come before it from the regional courts, hearing also the large number of cases that come to it as a court of first instance, annulling decrees, even of the Council of Ministers as being *ultra vires*, irregular in form, or flowing from the misuse of power, and generally safeguarding the rights and interests of the people. Access to the court is easy, convenient and cheap. Appeals may be lodged in the Council through mail and need include only an official form, on which the complaint is described, and the necessary

supporting documents. Even the small fee that the appellant pays is refunded to him if a decision is given in his favour.

French system of administrative law and administrative courts have been the subject of severe criticism in countries which base their legal system on Anglo Saxon law. The critics maintain that justice cannot be expected from and obtained in the administrative courts when administrative branch of the government is made the sole judge of its own actions. When administration is both the offender and the judge of the offence, there can be neither impartiality in the decisions nor the authorities rendering the decisions can act independently. This is a pure and simple encroachment on the essential liberties and fundamental rights of the people. It is further contended that the distinction between *contentions administratives* and *contentions civiles*, the former within the sphere of the administrative courts and the latter within the sphere of the civil courts, is only a subtlety and no harm would come from sending administrative cases to ordinary courts on the Anglo-American plan as this system provides a strict adherence to law. The fact that the ordinary courts deal with cases effecting the administration side by side with other cases makes the officers of the government more responsible and they are kept aware of the necessity of adhering to the regular laws of the land. Finally, advocates of the Anglo-Saxon system point out that the Anglo-Saxon notion of personal liability for abuse of power, regardless of the fact whether the act is committed under orders or not, "places the weight of personal responsibility, directly on every official and prevents him from 'passing the buck' to his superior."

But in the light of French experience, it is not true to say that administrative law and the administrative courts jeopardise the rights and liberties of the people. On the contrary, Frenchmen consider it the corner-stone of their liberties. Duguit, the eminent French jurist, affirmed that the great body of case law worked out by the Council of the State affords the individual, "almost perfect protection against administrative action" Professor Garner, in his famous article on "French Administrative Law" asserted that "without fear of contradiction in no other country of the world are the rights of individuals so well protected against administrative abuses and the people so sure of receiving reparation for injuries sustained from such abuses."



There is no justification for suspecting the administrative courts for partiality in favour of the officials. The Council of the State, as the highest administrative tribunal, has established admirable traditions of impartiality. "Personal acquaintance with a number of *counseillers*, younger and older," observes Finer, "and an insight into the preparation at the *Ecole Nationale d'Administration* (the National School of Administration), warrants the judgment that they have a superb grasp of the law, the doctrine, the nature of the society served by their administration, and an assurance of their probity. They are not bureaucratic tyrants, but men of just and comprehending mind."

In the context of the Welfare State and consequently the ever-expanding State activity embracing the entire life of the nation involves complicated and technical issues which the lawyer-judges cannot properly appreciate and render judicious decisions. Administrative courts consist of experts on the administrative side who understand the technicalities involved and are in a position to thrash all issues theadbare in order to arrive at the truth and dispense justice. There is always greater possibility of a right judgment when decision is rendered by experts. Moreover, citizens get better and real redress for the injuries sustained, for litigation in the administrative courts is cheap and it is executed rapidly. The procedure is simple and there exists decentralized administrative jurisdiction in the twenty-six regional courts, which are courts of first instance, and it cannot be said the justice delayed is justice denied.

Finally, the French system of administrative courts protects public officials against "vexatious and absurd obstacle such as are often interposed by English and American courts on grounds of mere technicality; in par-

ticular by substituting State for personal liability it gives them greater assurance for independence in making decisions and enforcing laws." Berthelemy's opinion about the nature of administrative justice is important to cite here. He says, "Let one be guarded against considering administrative justice as 'exceptional' justice....Administrative justice is not a dismemberment of the justice of the law courts. It is the judicial organ by which the executive power imposes on the active administration the respect for law. The administrative courts have not taken their role from the judicial authority; they are one of the forms by which the administrative authority is exercised. To put the matter even more precisely, it may be said that the administrative tribunals are, towards the acts and decisions of administration, what the courts of appeal are to decisions of inferior courts."

To sum up, the administrative law and the administrative courts do not invade liberties of private citizens. On the other hand, they provide positive and effective restraint, more particularly the Council of the State "to which all Frenchmen look with high approval as the Argus-eyed defender against official arbitrariness and oppression." The critics of administrative jurisprudence, notably in England and America, have in the recent years grown more sympathetic towards the French system. They have felt that the operations of the State in the sphere of business necessitate the building of an administrative edifice in which law and administrative courts must have their due place. Wherever there is administration there is administrative law and both England and America have themselves developed agencies having all the essential characteristics of administrative courts.



## CHAPTER VII

# French Political Parties

### Main Tendencies of Party Divisions

Political parties as definite organisations based on a precise political programme, there were none in France until the end of the nineteenth century. It took a hundred years of political activity, and fifty of universal suffrage for the conflict of ideas inseparable from politics to find channels of expression. And yet the French political parties have not even now attained what may be regarded as the essentials of a true party system: internal discipline and cohesion and an exact correspondence between divisions outside Parliament and the grouping of the members within. At the root of all this is the traditional multiplicity of parties. In the Fourth, as in the Third, Republic, "French government," remarks Finer, "is bedevilled by the existence and passionateness of many parties."<sup>1</sup> Their number usually exceeds a dozen.

Various reasons can be ascribed to the multiplicity of parties and, consequently, a source of political confusion in France.

The first is the lack of political continuity. "In French political life," says M. Goguel, "the past has as great an influence, if not more influence, than the present."<sup>2</sup> France has seen many political upheavals and experimented with different forms of government each time beginning anew. Beginning from 1775, she had been republic on three different occasions, an absolute monarchy, a constitutional monarchy and twice an empire. "And every form of government," rightly says Lowell, "that has existed in France has its partisans, who are irreconcilable under every other; while the great mass of the middle classes and the peasants have no strong political convictions, and are ready to support any government that maintains order." Political parties cannot exist and develop unless there is something approaching a consensus on the general nature of the political structure of the State. It is only with the beginning of the present century that

the French, as a nation, have reconciled themselves to the republican form of government as a permanent institution. Even in the years immediately preceding the Second World War there were groups of Royalist and Fascist extremists who would have liked the republic to do away. The same attitude continued to prevail under the Fourth Republic and there were many who merely paid lip service to republicanism. The Communists now constitute a powerful and well organised party in France and they, too, avow their adherence to a republican form of government. But their methods are not what a republican system demands and their programme envisages a dictatorship. The differences between the Communists and the Socialists are vital and they do not make the forces of the Left, though the former helped the victory of the Socialist Mitterand in the 1981 Presidential election and were, till 1983 participants in the Government. The result is, as Ogg and Zink observe, on many broad and fundamental issues, "individuals and groups assume the most varied and irreconcilable positions. Political disagreement is no more a matter of Right and Left, otherwise we might look for a gradual shaking down of two opposing sets of political elements into two great parties. Clash of attitudes on all of the issues....releases cross-currents of opinion that keep the scene perpetually agitated and frustrate nearly every tendency toward compromise and coagulation."<sup>3</sup>

In the second place, multiplicity of political parties and parliamentary groups is due in part to certain traits in the general temperament of the French people. "French politics," remarks Siegfried, "are often both unrealistic and passionately ideological."<sup>4</sup> A Frenchman is by temperament more a philosopher with idealistic conceptions of life. He thinks of politics in intellectual rather than in practical terms and holds steadfast to his views no matter what

1. *Governments of Greater European Powers*, p. 336.

2. *France under the Fourth Republic*, p. 140.

3. *Modern Foreign Governments*, p. 548.

4. *Modern France: Problems of the Third and Fourth Republics*, p. 13.



those views are and their practical repercussion. Such an attitude of mind creates political fanatics and it is difficult for such fanatics to reconcile in practical politics where compromise is needed for realizing the common end. Lowell remarked that a Frenchman "is inclined to pursue an ideal, striving to realize his conception of a perfect form of society and is reluctant to give up any part of it for the sake of attaining so much as lies within his reach. Such a tendency naturally gives rise to a number of groups, each with a separate ideal, and each unwilling to make the sacrifice that is necessary for a fusion into a great party."

There is in France what Lord Bryce calls a legacy of revolutionary habits and this anarchical tendency leads to resentment of authority; to reluctance to work as one of a team and to sink one's personality into an anonymous unit, the party. An average voter does not allow others to think for himself. He does not relish the idea of being yoked to the programme and policy of any party. He disdains party discipline in order to maintain his personality. Any attempt to control and to regulate his political conduct is deemed as an invasion on his liberties. He accordingly, makes at elections his own choice of personalities who appeal to his own way of thinking. Politicians, too, are emotionally enthusiastic. They are subject to strong personal likes and dislikes and are easily swayed to extremes in one direction or the other. For the Frenchman "politics," as Ogg puts it, "is a battle rather than a game." The minority does not trust the majority for fair treatment and each party sees in its tenure of power an opportunity for revenge for previous persecution.

A Frenchman, at the same time, is deeply religious. Religion is a part of the individual's life in France and it has influenced her social political and economic structure. The French political life is, accordingly, divided both vertically and horizontally. Prolonged and bitter relations between the Church and the State produced different parties espousing one cause or the other and adherents to the State cause pursuing different means for realizing it and they still continue with the same old track.

No less important a factor to help to perpetuate their political attitudes is French economic stability, or as some would say, economic stagnation. The traditional economy

of France is one of small enterprise in both agriculture and industry. It is a country of small towns and villages, of scattered farms and small one-man or family business. Small town economics have encouraged small-town politics and the ordinary Frenchman's way of life is less visibly affected by the activities of governments and parliaments. They think of politics in terms of symbols and doctrine rather than of concrete policies. The result is as Phillip Williams sums up: "strictly, France is not, as is sometimes claimed, a peasant country—the peasants are not a majority of the population though they are a large and very influential segment of it. But her atomised, small-scale structure promotes political individualism, strong local loyalties, and a political psychology more adapted to resistance than to positive construction. It reinforces the old tendency to *incivisme*, the lack of civic consciousness which makes so many Frenchmen regard the state as an enemy personified in the tax collector and the recruiting sergeant."<sup>5</sup>

The nature of the French parliamentary system itself had helped the growth of political groups. The success of parliamentary system of government in France inevitably depended upon the consolidation of existing party organizations and groups in such a way as to afford the ministry a reasonable assurance of stable support. But the system of second election, the method of organizing committees in parliament, the device of interpellation, the practice of putting government measures in charge of reporters, and the lack of dissolution had considerably contributed in the Third Republic and before to the political confusion. The Constitution of the Fourth Republic in a way sought to remedy these defects, but without any change in the situation. The second election encouraged small party groups to enter their candidates in the first election with the hope that they could lend their support to some one else in the second for a suitable consideration. The interpellation procedure had also helped to keep the groups in flux. Dissolution did not hang on the head of a deputy in France like a big stick as it does in England. He had nothing to lose by deserting his party. He might, indeed, profit, by changeover necessitating reshuffling of offices.

#### Parties under the Fifth Republic

Since the beginning of the Fifth Republic

5. *Politics in Post-War France*, p. 3.



party system in France has undergone a transformation. Some parties almost disappeared, others became just skeletons of their former selves, others were in the process of combining under a single name and on the verge of amalgamating their organizations into one. The result is that in the General Election of 1967, there were only four major parties which confronted each other. A number of factors account for this trend.

In the first place the Gaullists Party "has managed to swallow (but not digest) many of the Conservative and Centre groups. The overwhelming majority which General De Gaulle's party commanded forced the Left both to unite and cooperate. Two of the oldest parties—the Socialists and the Radicals—formed a federation, the Federation of the Socialist and Democratic Left. The Democratic Centre was a combination of some four of five different political parties or groups.

Apart from electoral considerations, there were institutional reasons, too, to support this trend. The direct election of the President of the Republic by universal suffrage, and the requirement that only two candidates confront each other on the second ballot was another important factor to encourage combining and co-operating process. Presidential elections also brought into the field of contest new leadership and disciplined parties to challenge De Gaulle's unprecedented majority.

The Constitution of 1958 empowers the President to dissolve Parliament. De Gaulle during his tenure of office threatened many a time the National Assembly to use the big stick the Constitution had given him and thereby attempted to curb opposition. It gave an impetus to the opposition parties and groups to combine and co-operate. New Rules in the National Assembly also helped to develop unity. A party now needs 30 Deputies to form a Parliamentary group and it helped the splinter groups to affiliate and cooperate. Only a Parliamentary group can secure representation on the legislative committees. The new electoral law stipulates that a candidate who fails to receive ten per cent of the registered votes in his constituency has to withdraw from the second balloting or lose his deposit unless he receives five per cent of the votes.

Another important factor is the modern-

ization of France and diminution of peasantry in size, thus, the base of undisciplined parties or of the undisciplined factions tends to shrink. Localism has disappeared to a great extent and a new national consciousness has appeared in the French politics. The invasion of the Gaullist Party, first in 1958, but more so in 1962, in places where the traditional Right used to be strong demolished the traditional beliefs and behaviours. "For the first time, national feelings replaced sectional behaviour; men voted for candidates whom they did not know, simply because they were Gaullists; and the 'notables' of the countryside suffered astounding defeats where they had been assumed to be, up to then, almost unchallengeable."<sup>6</sup>

The process of simplification of the party system in France, thus, started. Whether the trend of combination and co-operation, is a permanent trend it is yet to be seen. It was apprehended that with the exit of De Gaulle from the political scene the Gaullist party itself might disintegrate into a number of formations, making the unity for the Centre and for the Left less compelling. But nothing tangible has happened so far and one may hope that multipartism may finally lead to a three or four-party system with party leadership and discipline.

### The Communist Party

The French Communist Party dates from 1920 and it came into being when a split in the Socialist Party occurred. At the Tours Congress the majority of the delegates voted for affiliation to the Third International whereupon the minority seceded. The majority established its separate entity and adopted the name of the Communist Party. It accepted Marx-Lenin programme and the Communists aimed at overthrowing capitalism, and socialisation of the means of production, distribution and exchange.

But the initial success of the movement was not followed up. The internal feuds within the Party and the resentment of revolutionary Frenchmen at receiving instructions from Moscow contributed to a sharp decline in its membership. Between 1924 and 1928 Communist membership fell from 88,000 to 52,000 and its electoral support came mainly from the traditional voters from the Left. Bitter personal and political rivalries plagued the Party for some years, but expulsions, reorganisations and

6. Blondell, J., and Godfrey, E. D., *The Government of France*, pp. 84-85.



changes in line gradually built the Party into a compact and thoroughly disciplined movement. When the Party joined with Leon and the Radicals in the Popular Front, it assumed the role of a national party and its membership rose to 350,000. There was again a decline in its membership with the Hitler and Stalin pact and at the outbreak of the Second World War the Party was legally banned and went underground. All the 72 Deputies of the Communist Party in the Chamber and two Senators were excluded from Parliament. Similar exclusion of the Communists was made from local governments. On the invasion of France by Hitler, the Communists remerged and they became stout members of the Resistance. When the War was over the party grew in numbers and capitalizing on its services to the country during Vichy regime and the German occupation, it was able to capture 159 and 150 seats in the First and Second Constituent Assemblies respectively. Its record was still more impressive in local elections. In combination with minor affiliated groups, the Party held in 1946 a total of 182 seats in the National Assembly and constituted the largest bloc. In 1951, its strength was reduced to 103 seats though its popular vote fell only about 10 per cent. Under the Fifth Republic, despite electoral setbacks, the Communists found themselves in a good tactical position. They had led the opposition to General De Gaulle's return and together with some splinter groups and individual leaders had taken a firm stand against the 1958 Constitution. Speaking against the Gaullist system of Government, Waldeck Rochet, the Party leader, said that it was a personal Bonapartist system that should be reformed and it represented the interests of the monopolists and the capitalists that should be done away with.

The Communist Party is the best organised political party in France. The basic unit of the Party is the cell, composed of from three to thirty members who work in the same establishment. The cell meets at least weekly, but when the unit is based on the place of work there is in fact continuous contact between them. Other members, not working in large establishments, are organised in local cells based on the street, ward or commune. Each cell elects a secretary or *Bureau* or the executive committee. The higher level above the cell is a territorial unit called the *section*, manned by delegates from the cell secretaries and bureau. Above the

*sections* are *departmentale federations* (departmental federations), again consisting of delegates from the sections, meeting every six months. The federation secretaries are chosen by the regular bureau selected by the sectional delegates in consultation with national leadership.

The highest authority in the Communist Party is the National Congress, composed of delegates by the conference in each department. Once in two years, or more often if necessary, a national Congress is convoked. But this is in theory only and "the Congress misses beats" as Finer remarks. The National Congress elects a Central Committee of sixty to eighty members, meeting at least every two months and acting as a consultative assembly of the Party. This Committee chooses at the Congress, several other bodies, like the political bureau, the Secretariat, a Central Committee. The Political Bureau, like the Presidium of the Central Committee (Politbureau before the organisation of the party) in the erstwhile Soviet Russia there is the iron hand of the party organisation and the principle of democratic centralism is rigidly applied. In the Assembly the Deputies elected on the Communist Party ticket vote unitedly as a solid *bloc* and according to the Party executive whip. "The *discipline de vote* operates absolutely only in this party of all the parties in this French system."

The clientele of the party is nationwide. Its main strength is in the Northern Industrial area, the rural departments on the northern and western edge of the *massif central*, and the predominantly agricultural Mediterranean Coast, together with part of hinterland. In the south and centre almost all the Departments where communism is strongest have been on the Left since the beginning of the Third Republic and in the northern industrial areas the Party owes its position primarily to a working class appeal. The influence of Communism on the peasantry is a "remarkable phenomenon, not confined to the poor metayers of the centre but extending to prosperous southern farmers and vine growers, owning their own land and voting to express a political rather than a social choice."

It is, thus, essentially a working-class party, though many middle class intellectuals have gained positions of power as cadres. Of all the Communist voters, only half are industrial workers, some 8 per cent are agricultural workers, another 18 per cent are salaried employees,



5 per cent are civil servants, 5 per cent farmers, and the rest are members of the middle class, and of the professions, and intellectuals, teachers, artisans, merchants, etc.

As a Marxist workers' party, the Communists stand for the State control of the means of production and handing over of the land to the peasants. In day-to-day politics, the Communists have consistently supported claims for increase in wages. In matters of foreign policy the Party used to take its cue from the former Soviet Union.

The Birth of Euro-Communism in the mid Seventies as a revolt against Soviet hegemony inflicted a real danger to Marxism. The French, the Italians and the Spanish emerged as the three key partners in Euro-Communism. In 1975 Enrico Berlinguer and Georges Marchais, leaders of the Italian and French Communist parties signed a joint statement in Rome committing the two parties "for the plurality of political parties, for the right of existence and activity of the opposition parties, and for democratic alternative between the majority and the minority." The eventual building of a Socialist Society in Italy and France, the statement added, would be characterised by a "continued democratization of economic, social and political life" and the existing "bourgeois" liberties would "be guaranteed and developed." Realising that there was a remote possibility of revolution, as envisaged by Marx, in Western Europe, the Euro-Communists placed added emphasis on electoralism, on seeking popular support through calls for gradual reforms, on winning the co-operation of other left-wing parties even at the cost of doctrinal and political concessions and on the building of party's image as a progressive and responsible organisation within the existing political system whose creed was not to overthrow the prevailing social and political structure but to preserve and transform it.

The French Communist Party formed an alliance with the French Socialists in a bid for left unity, but it ended in a fiasco amidst mutual bickerings. As a consequence in the 1978 General Election the Communists lost heavily as compared with the Socialists; 86 seats as compared with 104 seats won by the Socialists, in the National Assembly with a total membership of 491. The French Communists afterwards drifted back to Moscow for guidance and initiative.

But the Party suffered a further setback in the 1981 Presidential election and elections to the National Assembly. M. George Marchais, the Communist Party leader got only 15.3 per cent of the total vote in the Presidential election and the Communist candidates could secure 44 seats, just half of 1978, in June 1981 General Election. Several leading spokesmen of the Party disappeared from the New Assembly. In the Presidential election after his elimination in the first round Marchais pledged unconditionally his support to Mitterand the Socialist candidate, and this support helped Mitterand to enter Elysee. After the General Election the Socialist President gave four cabinet posts to the Communists after a series of negotiations at which Communists modified their declared stand on Afghanistan and Poland as the price for a share in the Socialist Government. But this cooperation ended in 1983, and the four ministers withdrew from the Government.

In the March 1986 General Election the Communist Party won 34 seats securing 9.8 per cent of the votes, as compared with 22 per cent in 1981. Since then there had been a growing pressure on Georges Marchais to step down and the Party should shed its doctrinaire approach which had become an electoral liability. With the announcement of Marchais that he would not be the Party's candidate in the next Presidential election, due in 1988, and even with relative liberalisation and greater acceptance of social democracy, the Communist Party was unlikely to be able to retain its lost ground. With the resignation of the top functionaries Charles Popreu and Marcel Rigout, January 1987, who were dubbed by Marchais as "renovators" and "liquidators" of the Party, the French Communist Party faced a grave crisis worsened by the reforms, perestroika and galsnost, initiated by Mikhail Gorbachev in the USSR. With the liquidation of Communism in East European countries and the collapse of Soviet Russia and the disbandment of the Communist Party the future of Communism is bleak in France as also in other countries of the world. Even Marx and Lenin have been degraded and denounced.

#### The Socialist Party

The Socialist Party was originally formed in 1879, but it took real inspiration from Jean Jaures and was firmly established in 1905. It is referred to officially by the initials of S. F. I. O., meaning *section francaise de l' international-*



*ale ouvriere*, the French section of the Second International. The Socialist Party pursued the programme of evolutionary socialism till 1915, when extremist elements reasserted the traditional pacific and international tenets of the party. The extremist movement gradually gained strength being especially influenced by the Russian Revolution which found eventual expression in the split at Tours when the Communist Party came into being.

The old socialist Party had not by 1924 retrieved its electoral position, but had the advantage of an alliance with the Radicals and formed the left wing of M. Herriot's parliamentary majority. But Socialists and Radicals differed too deeply over economic policy and the alliance could not prove enduring. The Radicals joined hands with the Conservatives. In 1928, the electoral alliance with the Radicals was restored. In 1936, the Socialist Party was the largest group in the new Assembly and for the first time it took over the leadership of the government. This short-lived victory, however, did not put an end to the dissensions within the party. The deterioration international situation caused a serious division, which grew more acute as Nazi power increased. With the outbreak of hostilities, followed by the debacle of June 1940, and the establishment of the Vichy regime; the socialists were badly split up. Some of its leaders, like Leon Blum and Vincent Auriol, never swerved in their loyalty to France and the Republic and they took an active and creditable part in the Resistance. Others opposed the war against the Nazis and in many cases, accepted or collaborated with the Vichy regime. Its policy of social services, welfare, nationalisation, a reformed constitution, democratic freedom and civil rights, and true internationalism brought the Socialists the promise of a bright political future at the Liberation, "but the evolution of political parties," remarks Finer, "worked grindingly against Socialist strength." The elections of 1945 showed that the Socialists were only the third largest party.

In post-war as in pre-war France, the Socialist Party has been handicapped by the incongruity of its position and following. Though it stands for Socialism, yet it has never been representative of the working class. Few of the active members of the Party are industrial workers and except in northern regions, the industrial and mining departments of Nord and Pasde-Calais, the S. F. I. O. has never satisfied

the deeply felt class consciousness of the French workers on which the Communists have capitalized so successfully. French workers mistrust the bourgeoisie and those who are actively associated with the Party are teachers, professional and other white-collar workers and lower grade civil servants. At the same time, the rank and file of the Party is slowly becoming less proletarian. Then, the Socialist appeal to youth, and in general to new elements outside its traditional ranks, has proved decidedly ineffective. The Socialist Party constitution requires five years membership as a qualification for becoming a delegate to the Party Congress or National Council, for election to the executive committee, for editorship of the party newspaper, or for adoption as a parliamentary candidate. This does not make it easier to recruit new leaders or to maintain rapid promotion.

S. F. I. O. is the defender of the democratic Republic and is, accordingly, anti-revolutionary. It is the party of the Welfare State, planned economic investment, public housing, industrialization, educational opportunity, a more equal tax structure service. The Socialists follow the western foreign policy leading to the Brussel Treaty, NATO, the Schuman Plan, the Western Union Pact, the Council of Europe. The Party, as a whole, is the foe of old type of authoritarian French colonialism and an advocate of extended self-government of the colonies.

The Socialists opposed De Gaulle and objected to his economic and political policies at home. They opposed his personal government and disputed on a number of points the interpretation he gave to the Constitution of the Fifth Republic. They vehemently criticised and opposed the device of referendum which undermined Parliament and reinforced personal government. Together with all other parties, the Socialists voted against the reform of the Constitution allowing for the direct election of the President of the Republic.

The Presidential election by direct vote again caught the party in internal rivalries and contradiction. Mitterrand, who assumed the leadership of the non-Communist Left, gradually brought the Socialists into a co-operative frame-work of the Federation of the Democratic and Socialist Left. The Socialists contested the 1967 election as candidates of the Federation and for the first time in the present



century they did not form a Parliamentary group. But the Socialists still jealously guarded their independence within the Federation, and resisted all effort to allow it to become a genuine party with its own independent organization and leadership.'

Mitterrand made his third try for the Presidency and defeated President Giscard d'Estaing in May 1981 election by 35 per cent of the vote, thus, avenging the socialist's loss in the 1974 election. Eleven days after assuming office Mitterrand dissolved the 491 member National Assembly and called for new elections. The Socialists and the Communists agreed to a mutual support for the Assembly elections. In the 1978 elections the Socialists had won 104 Assembly seats but in June 1981 it was a landslide victory for them capturing 284 seats, with a comfortable majority in the National Assembly and the first socialist occupant of the Elysee, the Socialist Party moved ahead with their wide-ranging plans to establish what Mitterrand said in his election campaign a more just social order.

Early measures—raising the minimum wage, family allowances, pensions and rate rebates—taken by the Socialist Government were only palliatives to reduce increasing inequalities. The linchpins of the new policy were deflation combined with social and institutional reform. Twelve financial holding companies were nationalised. Small business, on the other hand, were helped by cheap credit and rebates of social security payments for new employees. The death penalty, the special Security Court and the army's special courts were abolished and the Napoleonic highly centralised administration was decentralised. Prefects were abolished, while electoral bodies were taken over by executive power in the regions, departments and town and villages. The country returned to the system of proportional representation.

These were the salient achievements of the Socialist Government. It was an impressive start to entrench the Socialist in the mass support. But the course of politics has never run smooth, more so in France. After the Parliamentary elections the Socialists were eclipsed by the Chirac Gaullists to make a strong base in the country side. As a consequence in the General Election in March 1986, the Socialist Party secured 32 per cent of vote. The alliance of Centre-Right parties, the Rally for Republic (RPR) led by a former Prime Minister, Jacques

Chirac, and the Union for French Democracy (UDF) led by the former President of the Republic, Valéry Giscard d'Estaing, and their supporters won 291 seats in the 577-member Assembly—a majority of just seven. The Socialists remained the largest single Party with 216 seats which was more than President Mitterrand had expected. The latent divisions and dissensions within the Party gave a set back to the Socialists. Mitterrand was re-elected in 1988 for the second term by a reduced margin. Disputes that were largely silenced for the sake of national unity during the Gulf War reappeared as the Party prepared to discuss its concept of a new World Order. The cease-fire in the Gulf triggered a resumption of feuding between the leaders, Mitterrand and his Prime Minister Michel Rocard, who ultimately had to quit.

### The Radicals

The Radical Party, whose full title is the *Parti républicain radical et radical socialiste* (the Radical Republican and Socialist Radical Party) is the oldest of all French parties, having been founded in 1901. As the most important party of the Third Republic, "the governmental *par excellence*, the radical party was associated in French minds at the end of the War with all that they disliked in pre-war French politics."

The Party had been compared to a radish, red outside and white inside—with "its heart on the Left and its pocket book on the Right." It thrived on the single-member constituencies and was the leading party of the Third and Fourth Republics. It promised all things to all men, nothing to anyone in particular, and steadily against any substantial welfare for the industrial workers. Its clientele were small farmers, rural doctors, shopkeepers, school-teachers and the lawyers. The party's contribution to the Resistance movement was not impressive.

The Radical Party was not only itself more loosely organised but, since 1946, had been allied with a number of smaller groupings to form the R. G. R., "a coalition whose character and organization nobody has found it easy to define with any degree of precision." The R. G. R. had been described as a body of men of the Right, seated in the centre. Radical Party membership has never exceeded 2,000,000. Today it is doubtful if there are more than 10,000 members.

The Party is more or less extinct now. Se-



vere conflicts within it have ended in its disintegration. With the waning of the significance of anti-clericalism and the general acceptance of economic planning and State social and economic controls, the Radicals found themselves not only without men, but also without ideas. Some moved to the Gaullist Party, others to the Left, while a third group went to the centre. A group of its leaders joined the Federation of the Democratic and Socialist Left as one of its constituent units. It is in the name of the Federation that they are represented in Parliament, not more than 25. Those who remained in the centre became part of the Democratic Centre. The Radical Party is, thus, virtually dead.

### The Convention of Republican Institutions

A notable development of the Fifth Republic is the flowering of "political clubs" consisting of students, intellectuals and leaders of student and professional organizations for the purpose of debating the future of the country. These clubs discuss and examine critically the policies of the Government and institutions of the country, and take a stand against the Gaullists. Six such clubs, located in different cities, took steps to bring them all together in a common meeting.

*The Convention des Institutions Republicanes* was, thus, established in 1964, in an effort to bring the non-Communist-Left together against General De Gaulle. The Convention was explicitly dedicated to economic and social planning, a democratic government clearly opposed to the personal rule of De Gaulle, and to European unity. The Convention held its Congress and it decided to exercise influence on the political parties of the Left. These youngmen, who commanded sufficient influence, offered "to act as a catalyst in the constant dialogue among the Radicals, the Socialists, the P.S.U., and even the Liberal Catholics and the Communists, in order to set the foundations from which a coherent opposition to De Gaulle would emerge and a coherent democratic force would develop." They played an important role in setting up one common candidate of the Left for the Presidential election, and simultaneously worked hard to create a Federation. In this way they became a part of the Federation of the Democratic and Socialist Left. The Convention has negligible political strength.

### The Democratic Centre

Many political parties in France claim to

be Centrist, but no political party has deliberately called itself a Centrist party. The Centre has, all through, consisted of splinter groups: Moderates, unaffiliated Independents, Peasants, Republicans, etc. Only in the years following Liberation one political party, *M.R.P. (The Movement Republicain Populaire)*, managed to form a political formation, formulated a programme and attracted more than 25 per cent votes. All others changed their names very often and shifted their alliance in an unpredictable manner—sometimes to the Left and sometimes to the Right. From 1945 to 1962, for example, the Centre consisted of the M.R.P., the Left Republicans, some of the Moderates and Peasants, dissident Radicals, and Left-Centre groups. Since 1962 none of these parties has been able to elect an adequate number of Deputies so as to form a group in the National Assembly.

But the direct election of the President in 1965 forced the Centre groups to unite behind a single candidate and the formation contrived as such was given the name of Democratic Centre. The support this combination received in the legislative elections of 1967 gave little hope of its continuity. As long as the Left is represented by a co-operative arrangement between the Communists and the Federation, there is very little hope for the Democratic Centre to survive.

### Parties of the Right

The Right is composed in the post-war, as it was in the pre-war France, of a number of small groups, whose membership and names changed frequently. But in the post-war period two groups emerged which distinctly advocated the outright overthrow of the Republic and its substitution with an authoritarian regime. Those two formations may be described as anti-Republican Right: The Poujadist movement and the Activists. The former emerged in 1954 from groups that had been traditionally most loyal to the Republic and to Parliamentary government. Shopkeepers, artisans, small farmers, and many small political leaders, who supported this movement, were called Poujadists, after the name of the movement's leader, Pierre Poujade. Beginning as a strong pressure block called the Union for the Defence of Merchants and Artisans, whose aim was to lighten the tax burdens on small businessmen, the movement later became a party, the Union and French Fraternity. It demanded the complete overhaul of the po-



litical institutions, Parliament to be replaced by the Estates General and the leaders of the Fourth Republic tried before a "High Court."

By 1955, Poujade, the leader of the movement, organized local and departmental federation throughout France. His slogan was: "throw out the rascals" the Deputies of the National Assembly. Poujade nominated candidates in many Departments, refused to ally himself with any other political party or group, and appealed for a big support. He was able to capture 25 seats in the National Assembly. With the return of De Gaulle in 1958, the Poujadist movement collapsed.

The second anti-republican formation was the "Activists." Some Army officers attempted in the course of the war in Algeria to rise against the Fifth Republic and General De Gaulle. They were supported in Algeria by the French settled there, and in France proper by small secret groups—a few of the remaining disciples of authoritarian ideology, and some outright Fascists and Extremists. They formed a formation called O.A.S., the *Organization de L'Armee Secrete* and indulged in indiscriminate acts of terrorism and assassination. It also conspired to assassinate De Gaulle, and proclaimed its determination to keep Algeria French. It was in 1961 that the leaders of O.A.S., including two Generals were arrested and the organization was smashed.

### The Republican Right

In this group of political division are included the independents and the Gaullists. The first, like the Radicals and the M.R.P., appeared to be on the way out while the Gaullist constituted a well-knit organisation and was the well-organized political party of France.

The Independents have had virtually no organization and membership, except for an alliance among departmental and political leaders. They supported the Fifth Republic and by extending their support to the Gaullists did well in the 1958 elections securing 20 seats. They became the conservative party in the Assembly in matters of economic and social reform, and in regard to Algeria. This resulted into De Gaulle's displeasure and divided them sharply amongst themselves. The election of the President by direct vote and later the legislative election of 1962 sharply divided them and a group called the Independent Republicans joined hands with the Gaullists. The residue joined

hands with other Centrist groups.

### The Gaullists

General De Gaulle returned to France in 1944 at the head of the Provisional Government. He advocated the establishment of a strong Presidential government, the overhauling of the stagnant economy of the country and broad social welfare measures. But within eighteen months of his regime he resigned. He re-entered politics as the head of a large political movement, the Rally of the French People, with the avowed object of establishing a new Constitution by replacing the Constitution of the Fourth Republic which suffered from the same defects as the Constitution of the Third Republic. By the end of 1947 the R.P.F. had a membership of 800,000 and it won a sweeping victory in the municipal elections of 1947. It subsequently gained more than one-third of the seats in the upper chamber of Parliament. The Gaullists, then, pressed for dissolution of Parliament and new elections.

But in the elections of 1951, the Centre parties with the support of Socialists to the Left and Independents to the Right checkmated their intentions. They could secure only, 117 seats in the National Assembly. the Parliamentary group of the P.R.F. showed signs of disintegration soon. De Gaulle freed his followers from the pledge to follow him and himself withdrew from politics. In the elections of 1956, the Gaullists were reduced to just a handful of Deputies—the Social Republicans. Yet the devout and select group of De Gaulle remained active and awaited for the opportunity enabling their leader to return.

It did not take long. The deterioration of the war in Algeria and the inability of the Government of the Fourth Republic to keep an effective control over the Army provided the requisite opportunity for De Gaulle to return first as the Prime Minister and then after the Constitution of 1958 became operative as the first President of the Fifth Republic. A strenuous effort was made to revive the Gaullist Party. In the election of 1958, the Gaullist contested elections under the label of U.N.R.—the Union of the New Republic. They captured 189 seats and with the help of their Deputies, who joined them the Gaullists mustered a strength of 210 and became the largest Parliamentary group. In the elections of 1962, they won 275 seats out of a total of 482.



The Gaullists drew their strength from the Right and the Centre, especially the Catholic votes. It is a party which is supported by more women than men and it is a party that failed to appeal to the young. Thirteen per cent of the voters for the party are farmers and about twenty-seven per cent are workers. Employed and managerial groups. Executives, industrialists and merchants vote for the Gaullists.

The future of the Gaullists eclipsed after General Charles De Gaulle's resignation in 1969 from the Presidency. There was no dynamic leader to keep them together and make them a force to count. With the Gaullist era ending began the Giscardian era. In 1978, the Centre-Right coalition won the general election but Chirac's Gaullist predominance in the coalition was reduced by 20 seats. Chirac had by then acquired a kind of charisma among the Gaullists. Although he had been Giscard's Prime Minister for two years (1974-76) but he never acted subserviently.

Jacques Chirac waged his own campaign for 1981 Presidency and seriously splitted right forces. He, however, earned the enmity of

many conservative leaders when, after finishing third in the first ballot of Presidential election, he withheld his wholehearted support from his voters for Giscard in the second round. He declared that he would give his vote in favour of Giscard, but left it to his followers to vote as they pleased. It went in favour of the Socialist leader Mitterrand and he was elected. The Socialists also secured an absolute majority in June 1981 elections to the National Assembly. In March 1986 elections Chirac-Giscard alliance secured 291 seats in the National Assembly, a water-thin majority, no doubt, but France, once again, went to the Right. Chirac considered it a good stepping for the next Presidential election in 1988. But the Socialists succeeded in taking over the Presidency. After the two-term of Presidency of Socialist Mitterrand, Jacques Chirac won the French Presidency for the Conservative political forces. The 1958 Constitution has polarised the French political system between the right-wing conservative parties led by the Gaullists on one side and the leftwing political parties led by the Socialists on the other.



## CHAPTER VIII

# The French Political System

### Revolutionary Legacy

Every great revolution, says Franz Borkenau, "has destroyed the State apparatus which it found. After much vacillation and experimentation, every revolution has set another apparatus in its place, in most cases of quite a different character from the one destroyed; for the changes in the state order which a revolution produces are no less important than the changes in the social order."<sup>1</sup> Social revolutionary crises in France in 1789, 1793, 1830 and 1848 set in motion political and economic conflicts that culminated in fundamental structural transformations. Bourgeois, peasant and working class revolts transformed social and economic relations. Autocratic and 'feudalistic' monarchies were overthrown and constitutional, bureaucratic and bourgeois, democratic national-states came into existence after each of these successive revolutions in France.<sup>2</sup>

The prerevolutionary landowning classes lost their exclusive privileges in social and political spheres and were largely deprived of their shares of the agrarian surpluses through regional and local quasi-political institutions. The emergent political elites were, however, obstructed, by counter-revolutionary attempts at home and military interventions from abroad in building new state organisation to consolidate the Revolutions. The new State structures, nevertheless, were more centralized and rationalised than those of the *ancien regime*. The outcomes of the various French Revolutions favoured the bourgeoisie. The French revolutionary upheavals created and consolidated "a professional-bureaucratic state that coexisted symbiotically with, and indeed guaranteed the full emergence of, national markets and capitalist private property..... And despite the massive presence in society of the French state as a uniform and

centralized administrative framework, further, national economic development and social differentiation remained primarily market-guided and outside the direct control of the government." One reason for a focus on state building as a legacy of the French Revolution is in the words of Samuel P. Huntington: "A complete revolution involves..... the creation and institutionalisation of a new political order."

The course of the ongoing French revolutions and counter-revolutions was shaped by social and political crises in which liberal stabilization proved very difficult, and by the emergence of centralized state bureaucracy that paved the way for Bonapartist regimes. As a prelude to this analysis, let us first consider the social character of the revolutionary break in France. Of course, Alexis de Tocqueville placed the state at the centre of his analysis in *The Old Regime and the French Revolution*. In this book, he made a penetrating analysis of the French Revolution, emphasizing the elements of continuity between the monarchy which it overthrew and the Republic which it established: "The despot fell; but the most substantial portion of his work remained; his administrative system survived his government."<sup>4</sup>

Unlike Marx, de Tocqueville believed that the democratic revolution was not entirely the achievement of the bourgeoisie but the crowning result of multiclass effort, not excluding a section of the nobles. It was ideological revolution in which the principle of social equality and spirit of Christianity prevailed. He thus implicitly refutes some of the propositions of both liberal and Marxist historiography. He did not think that "discrepancy between political equality and economic inequality, would be indefinitely accepted by a democratic people. He saw that the first phase of the democratic world revolu-

1. Quoted in Theda Skocpol, *States and Social Revolutions*, p. 161.

2. Theda Skocpol, "States and Social Revolutions," p. 162.

3. Samuel P. Huntington, *Political Order in Changing Societies*, p. 266.

4. Quoted in W. Ebenstein: *Great Political Thinkers*, p. 523.



tion, political in nature would inevitably lead to a second phase, which would be primarily social and economic..... The July Revolution of 1830 was the last purely political revolution in France..... and he foresaw that the next upheaval would result from economic grievances."<sup>5</sup>

The February Revolution of 1848 was the first in which the French working class played a crucial role. Even before the revolution began, de Tocqueville predicted, "Before long, the political struggle will be restricted to those who have and those who have not; property will form the great field of battle." After the Revolution, he told the Chamber of Deputies that the passions of the working class have turned from political to social questions and that they were forming ideas aiming "not only to upset this", or that law, ministry or even form of government, but society itself, until it totters upon the foundations on which it rests today."<sup>6</sup> De Tocqueville, however, hated this revolutionary spirit of the workers not merely because he opposed socialism but also because it might provoke the property-owning classes to opt for an absolute government, that Marx later called Bonapartism. De Tocqueville said, "The insane fear of socialism throws the bourgeois headlong into the arms of despotism. As in Prussia, Hungary, Austria and Italy, so in France the democrats have served the cause of the absolutists. But now that the weakness of the Red party has been proved, people will regret the price at which their enemy has been put down."<sup>7</sup>

But this was not the end of the social revolution process which, de Tocqueville believed, would continue to refashion social and political institutions in future.

In 'Recollections', he explained the legacy of the French Revolutions in the following words, "will socialism remain buried in the contempt that so justly covers the socialists of 1848?..... I am sure that in the long run the constituent laws of our modern society will be drastically modified; many of the main parts of them have already been substantially modified."<sup>8</sup> An abortive socialist revolution occurred in France in 1871 known in history as the Paris

Commune. Marx lent his public support to this revolutionary event despite the fact that it took place in a not yet fully industrialized society, with a poorly organised working class and a leadership consisting of largely petty-bourgeois groups.

Marx even predicted that the Commune could never succeed. In his essay entitled 'The Civil War in France' he explained the accidental circumstances which enabled the workers of Paris to liberate themselves from the capitalist government of France. Explaining the role of accidents in a revolution, Marx said, "World history would indeed be very easy to make, if the struggle were taken only on condition of infallible favourable chances. It would, on the other hand, be of a mystical nature, if 'accidents' played no part."<sup>9</sup> For Marx, the Revolutions of 1789 and 1848, were partial, political revolutions of the bourgeoisie lacking a social content. The proletariat alone could represent the interests of society as a whole through a social revolution. Thus for Marx, the Paris Commune was the "political form of social emancipation".

#### Bonapartist Heritage

From Napoleon Bonaparte to Louis Bonaparte to General de Gaulle, Bonapartism has been a recurrent feature of the French political system. The reason for this is to be located in the fact that the French dominant class, from the beginning, had less capacity than the English to make an effective liberal political revolution against the monarchy. The English Parliament was a functioning national institution for a century, at least, before the English Revolution and it brought together prosperous landlords and the rising bourgeoisie class in the English system of government. In France things were quite different. The dominant class was divided internally from the very beginning as to what kind of representative institutions it wanted *vis-a-vis* monarchy. In the early phases of the Revolution there was great distrust of any centralized executive power and so no workable system could be created to replace the monarchical one. As testified by Alfred Cobban, the fundamental reality was "that before

5. Quoted in *Ibid.*, pp522-523.

6. Quoted in *Ibid.*, p.529.

7. Alexie de Tocqueville, *The European Revolution and Correspondence with Gobineau*, p. 22.

8. Alexie de Tocqueville, *Recollections*, pp; xiv-xv

9. Karl Marx, *The Civil War in France*, p. 86.



1789....there was not a single truly elected assembly in the country, but only government officials, in 1790 there was no longer a single official, but only elected bodies."<sup>10</sup>

This kind of pervasive anarchy first led to revolutionary dictatorship of the Jacobins. After the fall of Robespierre, the Thermidorean Convention dismantled the judicial apparatus of the Terror and the centralized controls of the revolutionary government. Once again an attempt was made to consolidate the Revolution in a conservative liberal form. But the liberal republican Directory was no more successful than the pre-1792 constitutional monarchy, as it faced similar problems and chaotic conditions. However, it retained most civil servants and expanded central administrative structures. "The central bureaucracy was thus given a renewed stability which paved the way for the vital role it was to play in the new state moulded by Napoleon and bequeathed by him to later generations."<sup>11</sup>

In these circumstances, Napoleon Bonaparte seized power in a *coup d'état*, who established himself, step by step, first as *de facto* dictator, then as First Consul for life, and finally as full-fledged crowned emperor, significant institutional developments took place under Napoleon. He legalised the social and economic accomplishments of the Revolution and reintroduced administrative centralisation. "The Directory owed its fall partly to the narrowness of its political foundations. Bonaparte, well aware of that fact, looked for allies on the Right as well as on the Left, and his most successful method of winning sympathy was to appoint men from all sections of the political world to the new posts which were opening.... Some had been terrorists, others belonged to the nobility."<sup>12</sup>

He dispensed with mass mobilisations and expressions of ideological commitment and wielded the symbols, rituals, and propaganda of a highly generalized French patriotism. He embellished his essentially authoritarian regime with symbolic concessions to the inherited factions: plebiscitary and patriotic rituals for the radicals: "consultative councils with restricted

franchise for the liberals, and a Concordat with the Catholic Church for conservatives."<sup>13</sup> The destruction of the old regime and the gaining of fundamental rights by all citizens made possible the creation of a truly national army. France had many political regimes since Napoleon's dictatorship, which lasted only until 1814. It was followed by a restored Bourbon monarchy, then a 'bourgeois' monarchy, a Second Republic followed by a Second Empire of Louis Bonaparte, then an ephemeral, socialist Paris Commune, drowned in blood by the Thermidorean dictatorship, followed by a Third Republic, destroyed by the Nazi conquest and the creation of a fascist Vichy regime. It was replaced by a Fourth Republic, set up after liberation, only to be overthrown by a Bonapartist regime of Charles de Gaulle in 1958.

Thus three Bonapartist regimes have ruled over France from 1804 to 1814 by Napoleon, from 1852 to 1870 by Louis, and from 1858 to 1969 by Gaulle. All of them became necessary because of some inherent weaknesses of the civilian, liberal Republican governments which they had to replace. Yet as Herbert Leuthy correctly points out, an observer who concentrates only on the periodically changing constitutional forms cannot comprehend the real basis and enduring power of French government. He says: "If one looks at a constitutional handbook one will find no mention of.... any of the great institutions on which the permanence of the state depends.... No mention is made of the Ministries which remain after the Minister of the day has departed. No mention is made of the Council of State which, because of its jurisdiction over the administrative machine, rules supreme over the instruments of state power, is indispensable to an executive incapable of carrying out its will without it, interprets according to its own code the true content of laws passed by Parliament or quietly buries them, and as the universal advisor of Government usually gets its own way even in the formulation of government policy, because it has authority and permanence, and the Government has not."<sup>14</sup>

Herbert Leuthy goes on to describe the

10. Alfred Cobban, "Local Government during the French Revolution," in *Aspects of the French Revolution*, p. 118.

11. Theda Skocpol, *States and Social Revolution* p. 193.

12. Quoted in *Ibid.*, p. 195.

13. *Ibid.*, p. 195, See Leo Gorshoy, *The French Revolution and Napoleon* pp. 375-381, 451-467.

14. Herbert Leuthy, *France Against Herself*, trans. Eric Mosbacher, p.p. 18.



Bonapartist contribution to the French political system with the same passion: "No mention is made of the general staff of the financial administration, which is able to modify and interpret the budget passed by Parliament as autocratically as the Council of State is able to modify and interpret its laws, and by its control over state revenue and expenditure is able to exercise a decisive influence over the life and death of governments.... Not one of these institutions is derived 'from the people'. They represent the state apparatus of the absolute monarchy, perfected and brought to its logical conclusion under the First Empire. When the crowned heads fell, the real sovereignty was transferred to this apparatus. But it works in the background, unobtrusively, anonymously, remote from all publicity and almost in secret.... It is not so much a state within a state as the real state behind the facade of the democratic state." Crystallization of this Bonapartist state in the womb of revolutionary democracy, which began with Napoleon and was consolidated by Louis, was later given a modernized appearance by Charles de Gaulle in the twentieth century. Thus Bonapartism and now Gaullism are as much authentic elements of the French state structures as liberal parliamentarism. In fact, Bonapartist heritage is integrated with the functioning of democracy in France.

#### Advanced Capitalist Democracy

Despite travelling different trajectories, in their ascent towards modern constitutionalism, Great Britain, France and the United States today are equally developed members of the international league of advanced capitalist democracies. They may have different histories, traditions, cultures and political institutions, but they also have in common two crucial characteristics: the first is that they are all very highly industrialised societies; and the second is that their means of production, trade and finance are under capitalist ownership and management. As A. Schonfield says, "There are big differences between the key institutions and economic methods of one country and another. The differences are often the subject of sharp ideological cleavages. Yet when the total picture is examined, there is a certain uniformity in the texture of their societies. In terms of what they do,

rather than of what they say about it, and even more markedly in terms of their behaviour over the period of years, the similarities are striking."<sup>16</sup>

Notwithstanding all levelling proclamations, there continue to exist in France wealthy economic elites who own large amounts of property in one form or another, and who also receive large incomes, derived wholly or partially from their ownership or control of that property. On the other hand, France also contains a very large class of people who own very little property and whose income is derived from the sale of their labour. Poverty is a fluid concept but the 'affluent society' of France has failed to eradicate it. There is enough evidence to show that it is not a marginal or residual phenomenon but an endemic condition affecting a substantial part of its population.

Managerialism represents an important phenomenon in the development of French capitalism too. Along with the owners, these managers who also are part-owners constitute self-perpetuating oligarchies in the French corporations. As Baran and Sweezy explain, "profits, even though not the ultimate goal, are the necessary means to all ultimate goals. As such, they become the immediate, unique, unifying, quantitative aim of corporate policies, the touchstone of corporate rationality, the measure of corporate success."<sup>17</sup> In fact, the modern manager can pursue profit more vigorously than the old-style entrepreneur, with the aid of market analysts, economic consultants, and other specialists. In both, the work-process remains one of domination and subjection.

In a sense, the spread of managerialism reinforces the advantage of what Harold Laski used to call the 'careful selection of parents'. Access to the upper layers of capitalist enterprise requires high university qualifications available only to the sons of the rich. Two French authors have pointed out, "An approximate calculation of chances of access to university according to the father's profession shows that these are of the order of less than one per cent for the sons of agricultural wage earners to nearly 70 per cent for the sons of businessmen and to more than 80 per cent for members of the liberal professions. These statistics clearly demonstrate

16. A. Schonfield, *Modern Capitalism*, p.65.

17. Baran and Sweezy : *Monopoly Capital*, p. 40.



that the educational system operates, objectively, a process of elimination which is more thorough as one reaches the most unprivileged classes."<sup>18</sup> Those who fear a 'meritocratic' society in which every one will be judged on 'merit' alone, need not be unduly alarmed, as the race is still rigged, against the working-class.

Raymond Aron laments the fact that he found the capitalists of France, those acursed 'monopolists', without any 'hegemonic virtue' as they did not have "a definite and unanimous opinion, either on the policy to be followed in Indo-China or on the policy to be followed in Algeria." They had in fact "most often no political conceptions."<sup>19</sup> This is a superficial view because differences "among the French economic elites about Indo-China or Algeria occurred inside a field of *Conservative* options, and severely excluded any other. There may have been some among the members of these elites who wished for rapid decolonisation but history, somehow, does not record a massive degree of pressure on the part of any segment of the French bourgeoisie on behalf of the Vietnamese and Algerian liberation struggles or for the nationalisation of private enterprise, or for a major redistribution of wealth, or for a radical extension of social benefits, or for an extension of trade union rights; and so forth."<sup>20</sup> This elite pluralism does not prevent the separate economic elites in France's capitalist society from constituting a dominant, political class with a high degree of cohesion and solidarity.

The administrative class in France also contributes directly and substantially to the exercise of state power. If the regime is weak and plagued with cabinet instability as happened under the third and fourth Republics, bureaucrats would step into the vacuum to play a dominant role in decision-making. But even when political executive is strong, as is the case in the Fifth Republic from 1958 onwards, top civil servants have succeeded in influencing the policies of successive Presidents from Charles de Gaulle to Jacques Chirac. State intervention has assumed more elaborate institutional forms in France than anywhere else in the capitalist world. As Schonfield points out, "in some ways,

the development of French planning...can be viewed as an act of collusion between senior civil servants and the senior managers of big business. The politicians and the representatives of organised labour were both passed by."<sup>21</sup>

In France, the main channel of entry to top administrative positions is the *Ecole Nationale d'Administration*. The same is also true of the high military and judicial parts in the French State. Two French authors point out that social origin is important not only for selection but also for promotion, "If a student of modest origin has successfully negotiated his university course, the entrance examination of the E.N.A. and... the final examination where the cultural sifting is perhaps more severe than on entry, he will not, nevertheless, be on the same level as the offspring of great bourgeois families or of high officials: the spirit of caste and personal family relations will constantly work against him when promotions are made."<sup>22</sup>

The state elite in France does not view its commitment to capitalism as involving any element of class partiality. It subscribes to Hegel's exalted view of the state as an embodiment of reason and national unity, particularly reflected in the statement of its charismatic leader, General de Gaulle, when he said, "I belong to everyone and I belong to no one." He thus visualised himself, far above the interests of the lesser men, whether they were capitalists or workers, farmers or businessmen, the young or the old. De Gaulle's perception of his political role is similar to the historical role attributed to the two Bonapartes in the French politics of their own times. Yet his conduct of affairs showed that he protected economic and political arrangements in which large-scale capitalist enterprise played a crucial role. But that is, more or less true of other Presidents of the fifth Republic, including the Socialist Mitterand, from 1969 to the present day.

The evidence conclusively suggests that in terms of social origin, education and class situation, the persons who have occupied command positions in the French state system have been mostly drawn from the world of business property or from the professional middle classes.

18. P. Bourdieu and J.C. Passeron, *Las Heritiers*, pp. 13-14.

19. R. Aron, *Sociologie des Societes Industrielles, Esquisse d'une Theorie d'es Regimes Politiques*, p. 81.

20. R. Miliband, *The State in Capitalist Society*, p. 43.

21. A. Schonfield, *Modern Capitalism*, p. 128.

22. Bon and Bumier, *Les Nouveaux Intellectuels*, p. 165.



But the men and women born into the subordinate classes, which form the vast majority of the French population have fared badly not only in administration, the judiciary and the military, the non-elected segments of the state system but also in the legislatures and the cabinets which are exposed to competitive party politics on the basis of universal adult franchise, "In an epoch when so much is made of democracy, equality, social mobility, classlessness and the rest, it has remained a basic fact of life in advanced capitalist countries that the vast majority of men and women in these countries has been governed, represented, administered, judged and commanded in war by people drawn from other, economically and socially superior and relatively distant classes."<sup>23</sup> This applies equally to advanced capitalist democracy as practised in France.

#### Left Wing Governments in France

The first such government to require consideration is the Popular Front government of Leon Blum, brought to power in 1936 which had won 376 seats with 147 seats for the Socialist Party, 106 to the bourgeois Radical-Socialist Party, and 72 to the Communist Party, the rest being shared by smaller parties of the Left. The opposition had 222 seats dispersed over a number of Rightwing parties. This victory of the Left was quite clear and decisive, thus constituting its biggest electoral success in the inter-war years. It signalled a grand show of radical, left wing and democratic strength against the internal and external threat of fascism. The victory of the Popular Front was immediately given a new dimension by the massive wave of strikes, with the occupation of factories by the workers. These strikes swept the whole country. This revolution of 1936 was a dramatic working-class uprising, although mainly peaceful, against capitalist oppression along with forceful demands for improvement in living conditions.

The Popular Front government was formed on 4 June, one month after the elections, with Leon Blum becoming its Prime Minister. It was composed of Socialists and Radicals, with Communists giving issue-based support from outside. In this potentially dangerous conflict between

labour and capital, relief came to the besieged fortress of capital from the new left wing government itself. Roger Salengro, the new socialist minister of the interior, had promised on the eve of his appointment, "Let those whose task is to lead the trade union movement do their duty. Let them hasten to put an end to this unjustified agitation. For myself, my choice is made between order and anarchy. Against whosoever it may be, I shall maintain order."<sup>24</sup>

The Popular Front government did not try to establish industrial peace by using coercive power of the state. It brought the representatives of capital and labour on a negotiating table and made them sign the famous Matignon agreement. It endorsed the 40 "hour week, a general increase in wages and enlarged trade union rights. J. Bannier remarks, "the economic and social measures of the Popular Front, which were thought at the time to be quite revolutionary, seem now extraordinarily timid when compared to what has been achieved since then in France and abroad, not only by governments of the left, but also by governments making no profession whatever of radicalism."<sup>25</sup>

This assessment underestimates the difficulties and the opposition which the Blum government faced. The point is also relevant to the foreign policy of the government, especially its attitude to the Spanish Civil War. It adopted a policy of neutrality and non-intervention towards it. This failed to appease the Right, but helped to divide and demoralise the Left. Once relieved of its immediate fears, the opposition regained into confidence and began, with ever greater strength, to challenge the left-wing regime, which then began a process of retreat. It resulted in the resignation of the Blum cabinet in June 1937. Leon Blum had made absolutely clear, after the elections, that he wanted merely to "administer the bourgeois state and, therefore, to "put into effect the Popular Front programme, not to transform the social system,"<sup>26</sup> So the fact is that the short-lived Blum regime did even try to overcome the political, financial and international obstacles in its path. Blum had no wish to transform the *exercise* of power into *its conquest*.<sup>27</sup> Thus the impact of the Popular Front 'experiment' upon the French social sys-

24. Quoted in *Ibid.*, p. 94.

25. J. Bannier, *Les Grandes Affaires Françaises*, p. 35.

26. Dorothy M. Pickles, *The French Political Scene*, p. 130.

27. G. Lefranc, *Histoire du Front Populaire*, p. 141. For a perspective discussion of this distinction in Leon Blum's thought, see C. Audry, *Leon Blum on la Politique du Juste*.



tem was very limited because it did not fundamentally influence the distribution of political and economic power in French society.

Another case of a left-wing regime in France occurred at the time of its liberation in 1944, when traditional elites were massively discredited by their wartime record of collaboration with the Nazis. They were bereft of political influence when a resurgent and armed Left appeared on the verge of capturing state power in post-liberation France. But here also the reality was much less dramatic. There were two main reasons why appearance belied reality. The first was the status of General de Gaulle as the recognised leader of all Resistance movements in France including the Communists and consequently the potential leader of the post-liberation French government. But the general was determined to deprive the left, especially the Communists, from an important role in the post-liberation settlement. In this de Gaulle was eminently successful.

But that achievement was facilitated "by a second factor in the political situation of France at the time of the Liberation, namely that the French Communist Party, though bent upon major economic and social reforms, was in no sense committed to anything resembling a revolutionary bid for power."<sup>28</sup> The Communist Party, therefore, was satisfied with a marginal role in the reconstructed Provisional Government which de Gaulle formed on 9 September, 1944. It included two Communists, with minor ministries of public health and air, and four right wing socialists and the rest of his Cabinet consisted of conservatives. Some acts of nationalisation followed but they did not intend to transform the French economic and social order, whose continued capitalist character was taken for granted both by de Gaulle and socialist ministers of his Cabinet. As the Socialist Minister of Production put it at the time, "a wide free sector remains the fundamental condition of French activity and economic recovery."<sup>29</sup>

A year after the Liberation, on 21 October, 1945, general elections gave the Communist and Socialist Parties an absolute majority in the new Constituent Assembly, and also in the country. The 'classical Right' had been utterly

defeated at the polls. But the Mouvemente Republicain Populaire (M.R.P.) regrouped the Right, gaining 141 seats, against 148 for the Communists and 134 for the Socialists. The M.R.P., as a crucially important instrument of conservatism, could play a role in governance because the Socialist Party insisted on its participation in a tripartite government that included the Communists. The M.R.P. and the Socialists also desired de Gaulle to continue as President, who insisted on the exclusion of the Communists from strategic ministries, such as defence, interior or foreign affairs. Instead, the Communists got four 'economic' ministries and their leader was given a portfolio signifying more rank than power.

In accepting so many insults and compromises, the Communists were trying to project their 'nationalist' image. Probably they believed that their participation in a clearly non-socialist and even anti-socialist government led by de Gaulle, may ultimately lead to a socialist conquest of power, with their own party at the head of affairs. This proved to be a miscalculation. Communist participation actually 'deradicalised' the government by subduing the militant elements of the working class movement. This was what de Gaulle had hoped for when he took Communists into his government. He said later, "At least for a certain time, their participation under my leadership would help to assure social peace, of which the country had such great need."<sup>30</sup>

The situation did not undergo much change when de Gaulle suddenly tendered his resignation on 20 January 1946. Maurice Thorez became vice-premier with the Socialist Felix Guoin as Prime Minister. Inspired by the spirit of Yalta the French Communist Party proudly described itself as 'the Party of Reconstruction'. "But the 'reconstruction' in which it played so notable a part was that of a predominantly capitalist economy, and the renovation which occurred was that of a regime whose main beneficiaries were not the working classes but those capitalist and other traditional elites whose situation had at the time of liberation seemed so perilous.... it can at any rate hardly be doubted that the Communist presence in the government between 1944 and 1947, when the Communist

28. R. Miliband, *The State in Capitalist Society*, p. 103.

29. Quoted in B.D. Graham, *The French Socialists and Tripartisme - 1944-47*, p. 48.

30. Charles de Gaulle, *Memoires de Guerre*, p. 276.



ministers were forced out, entailed no threat to the French dominant class, and was in fact of quite considerable advantage to it."<sup>31</sup>

### The Gaullist Republic

The French politics during the Fourth Republic from 1946 to 1958 was characterized by dissensus and deadlocks. In 1947, once the Communists had gone into opposition, there were 183 opposition deputies out of 635. In 1951 there were 221, made up of the Communists on the left and the Gaullist R.P.F. on the right. In 1956 there were still 201 although most of the Gaullists had left the Assembly and their place was taken by a neo-fascist group led by Poujade. Thus the fraction from which the government majority had to be structured was 452 in 1947 and 414 in 1951, needing 318 votes out of a possible 635. Besides, the ruling bloc itself was sundered by France's historic cleavages. For these reasons, cabinets were unstable and their average life was less than seven months.

The Assembly of 1956 contained few Gaullists. Under instructions from de Gaulle, the R.P.F. had dissolved itself. But his friends in the Assembly, the Senate, the army and the bureaucracy did not give up their efforts to recall the General at a suitable opportunity. It came in 1958 over the war in Algeria. This polarised French public opinion. The Communists supported the cause of Algerian independence, the far right demanded total repression and the ruling parties all split down the middle. The defection of the army proved the final straw. A cabinet crisis followed. The military officers in Algiers started an insurrection. France feared a civil war. On 15 May, the General declared his readiness "to assume the powers of the Republic."

The officers of the armed forces publicly demanded the return of de Gaulle and the members of Parliament echoed their call. Faced by an army threat to invade France from Algerian soil, the French government resigned. On 1 June 1958 the Assembly expressed confidence, by 329 votes to 224, in de Gaulle as new Prime Minister, with full powers of governance for the next six months, authority to revise the constitution, and an immediate adjournment of

the Assembly. It was really a Bonapartist *coup d'état*. In the words of S. F. Finer, "The General was back in the saddle again. This time he would ride." It was a "swing from parliamentary institutions to some kind of Bonapartism."<sup>32</sup>

The Gaullist constitution was drawn up rapidly and submitted to the French people on 28 September 1958 for their approval in a referendum. Only the Communist Party opposed it but 80% of the voters approved it. De Gaulle was chosen President by an electoral college consisting of regional and local councilors. "Superficially the Constitution looks much the same as before.....But there are four vital differences. The parliamentary representation of the public has been deliberately distorted. The legislature has been muzzled. The executive has been given a much greater weight in decision-making; and, notably, the presidency has been exalted at the expense of the prime minister and the Cabinet."

But this exaltation is due "more to practice than to the letter of the Constitution. On paper the prevalent notion is of a 'two headed executive' with a division and balance between the president..... and the prime minister." But in terms of "the other constitutional innovations....the presidential usurpation of power is clearly displayed."<sup>33</sup> To begin with, the Prime Minister is *appointed* by the President in his discretion. Next, the president has the right to dissolve the Assembly whenever he thinks fit. Thirdly, he has a qualified right to bypass the legislature by ordering a referendum. Fourthly, the President possesses an emergency power of great dimension under Article 16. Finally, he is the 'arbitrator' under Article 5. "In practice this clause has thrown the cloak of constitutionality around flagrant breaches of the Constitution and enabled Charles de Gaulle to make it mean what it suited him to mean."<sup>34</sup>

Through the connivance of his Prime Ministers the President used his referendum power both as a personal plebiscite and, in one flagrant case in 1962, to amend the constitution in flat contradiction of Article 89. From 1958 to 1969, De Gaulle could remove a recalcitrant Prime Minister and choose his successor; he could override unruly opposition in the Assembly by

31. Relp Mcliband, *The State in Capitalist Society*, pp. 105-106.

32. S.E. Finer, *Comparative Government*, p. 300.

33. *Ibid.* p. 302.

34. *Ibid.* p. 304.



using procedural rules; he could ignore the constitutional rules by invoking his power of arbitration.

How did this happen? First, a new electoral law favoured the united Gaullists over a divided opposition, and discriminated particularly against the Communists. In the 1958 election, the Gaullists and their conservative allies got 320 seats with 49% votes. The opposition parties secured 51% votes but received only 144 seats. The Communists with 21% votes cast in their favour could get only 10 seats while the Gaullists with 28% could claim 188 seats. Though his party was in a minority, de Gaulle nominated Michel Debre from his own party as his first Prime Minister. Paradoxically, the minority status of the Gaullist party enabled de Gaulle to expand the role of the presidency. As he proceeded to conciliate the Algerian rebels, he came into clash with the inflamed, chauvinists among the 'Moderates' on his right but in the process received the support of the left-wing parties. They even overlooked his usurpations of the constitutional authority.

The General climaxed these unconstitutional usurpations of his authority in September 1962 by putting his constitutional amendment, to provide for a direct election of the President, directly for a popular referendum, in violation of the procedures clearly laid down in Article 89. The entire non-Gaullist majority of the Assembly passed a vote of no-confidence in the Gaullist cabinet. The President then dissolved the Assembly and called for a general election. The outcome stupefied all the opposition parties, both left and right. For the Gaullists, the election was a landslide.

S. E. Finer says, "In vain did the General's opponents claim that the moral victory was theirs since the parties which had opposed de Gaulle's unconstitutional referendum had won sixty per cent of the total popular vote. For the hard political fact was that, with his minority vote of forty per cent, de Gaulle had picked up 229 metropolitan seats—only thirteen short of an absolute majority in the Assembly's and since in this election the Independent Republicans of M. Giscard d'Estaing had fought as allies of the Gaullist party, and had won twenty seats, this ensured the General and his prime minister something no government had pos-

sessed since the beginning of the Third Republic, and something that Debre, who was the chief architect of the 1958 Constitution, had never envisaged when he pioneered its drafting: namely, an absolute governmental majority in the assembly."<sup>35</sup>

The opposition parties of centre and left began to take the lesson of the electoral system with its second ballot to heart. The new mode of election for the president, adopted in 1962, requiring an absolute majority of the electorate either at first ballot or the second between two leading candidates of the first ballot, facilitated polarisation of the parties into two opposing blocs. The Gaullist party formed the nucleus of one of these blocs and the Socialist Party gradually developed into the nucleus of a rival bloc after a decade of trial and error. The Communists on the left and the neo-fascist groups on the right were electorally and politically isolated and marginalised and were compelled to align with what they believed was the lesser evil. Consequently, in the 1965 presidential election De Gaulle and Mitterrand received 44.6% and 31.7% votes respectively in the first ballot, and 55.2% and 44.8% votes respectively in the second ballot. By this time the Fifth Republic began to institutionalise itself.

In the words of de Gaulle, "The keystone of our regime in the new institution of a president of the Republic, designated by the reason and feelings of the French people to be the head of state and the guide of France." Then follows an extra-ordinary catalogue of the president's powers, real and fanciful, related to administration, defence, foreign policy, public safety and "the outstanding responsibility for the destiny of France and of the Republic." (Broadcast, 20 December, 1962.) The General established this exalted conception of his office through four avenues. The first was the docility of his cabinet, which became almost a rubber stamp for his decisions. The General ruled his cabinet and through it the Assembly. The second avenue was an over-use of the government's decree powers. When the Gaullists lost their majority in 1967 in the Assembly, the President relied on decrees to enact laws under Article 38. In contrast to this, the president invoked the emergency powers under Article 16 only once at the time of the Four Generals' Revolt in Algeria

35. S.E. Finer, *Comparative Government*, p. 308.



in April 1961. Finer argues that the proclamation of emergency was unconstitutional as there was no interruption in "the regular functioning of the constitutional organs of government" as required by Article 16.

The third avenue was de Gaulle's usurpation of the right to interpret the Constitution under cover of article 5. Despite the provision of a Constitutional Council and the *Council d'Etat* to deal with such matters, the President preferred to impose his personal interpretations. In 1960 he disallowed the convening of a special session of Parliament under Article 29 requested by a majority of deputies to discuss the farmers' grievances. A somewhat similar case arose in 1961, once again provoked by agricultural unrest. Again, unable to prevent the Parliament's meeting, the President simply refused to let it debate agricultural bills because his view was that it must confine its deliberation to issues related to emergency alone. This unexpected interpretation provoked widespread anger. The opposition immediately tabled a motion of censure but the President of the Assembly ruled the censure motion out of order on the strange grounds that in his view the General did have the right of interpreting the constitution under Article 5. As Finer says correctly, this bizarre logic defies analysis.

However, the classic utilization of the 'arbitration power' to violate the Constitution was the use of referendum to amend the Constitution in 1962; when the mode of Presidential election was changed from indirect to direct without the required approval of Parliament under Article 89. So the final avenue to presidential supremacy has been the abuse of referendum and debilitation of Parliament. His charismatic leadership transformed the Gaullist Republic into a plebiscitary dictatorship. The General told the voters in his broadcasts, "I am the country's guide. To succeed I must have the support of the nation. That is why I appeal to you over the heads of intermediaries."<sup>36</sup>

#### Legitimation of the Fifth Republic

From a capitalistic point of view, Gaullism had given France political stability, public order, a booming economy, a vast gold hoard, peace in Algeria and a nationalist and seemingly anti-American but pro-European foreign policy. At

this moment, the tranquillity of the French social and political life was rudely disrupted and the entire fabric toppled and seemed to disintegrate. The very legitimacy of the Fifth Republic was in question. The government was paralysed by a month-long general strike of ten million workers. Finer says, "The way was clear for a *coup d'etat*. It did not happen, because of a covert...complicity between the so-called revolutionary party, the Communists, and the Gaullist government. Brought to the jump, the Communist race-horse 'refused', the government regained the initiative and in new general elections scored a momentous victory over all its opponents of the centre and the left."<sup>37</sup>

The immediate conclusions from this Gaullist crisis of legitimacy can be drawn as follows: (1) the tradition, nay the cult of insurrection and Revolution, was still alive in France; (2) the Communist Party of France at this occasion did not prove to be an extra-constitutional and insurrectionary force; (3) the concept of a unified 'opposition of all the lefts', symbolized in the 1968 common programme was credible so long as the combined left, led by the Communists, was kept away from state power; and (4) General de Gaulle took advantage of this fundamental cleavage within the ranks of the French Left to resurrect his authority and legitimise the Fifth Republic.

The revolutionary crisis of 1968 proved to be a five-act play. The first act began with the activities of the ultra-left student agitators leading to a general strike of the French workers on 13 May, the tenth anniversary of the Fifth Republic. The second act included occupation of factories by the workers and M. Pompidou's decision to negotiate a settlement with the trade unions on economic issues. The third act involved a harassed Charles de Gaulle offering a popular referendum on a concept called 'participation' but the effort failed. Then began the riots in capital leading to failure of all talks between the government and the workers and the number of strikers reaching *ten million*.

Finer describes the scenario, "This was the revolutionary climax. The government clearly had no control over the situation and widespread demands were voiced for the resignation of the prime minister and for the re-

36. Quoted in Finer, *Comparative Government* pp.324-325.

37. S.E. Finer, *Comparative Government*, p. 326.



tirement of de Gaulle. The political parties staked their claims to the succession: Mitterrand, leader of the Federation of the Left, declared he would be a presidential candidate in the event of an election, the Communists stated that they would naturally expect to share in any government, and Mendes-France, the leader of the doctrinaire P.S.U., himself announced his willingness to head a new government of 'all the lefts.' But nobody *did* anything to bring all this about. They sat, apparently expecting the government would quit.<sup>38</sup>

The fourth act in the drama was the General's broadcast. He told the nation that he was not resigning; that he had cancelled referendum on 'participation;' and that he was dissolving Parliament and calling for immediate elections. The moment for taking a revolutionary action had passed. The negotiations with the trade unions began to bear fruits. The Gaullists started counter-demonstrations against what they described as the Communist-totalitarian threat to the Republic. France slowly returned to work in mid-June. The police moved to eject students from the premises which they had occupied and met no resistance. Social peace had been re-established. That is how the fifth act of the drama came—the denouement. The result of the election was a land-slide victory of the Gaullists and their allies. It was a giant step in the direction of legitimisation of the Fifth Republic.

At this stage, we can make five hypotheses. (1) The most important element in the development of the Fifth Republic during its first decade was the personal charisma of General de Gaulle. (2) Leaving out the charismatic personality of the leader, the constitution provided no solution for the situation where a non-charismatic President faced an Assembly in which his party was in a minority, and was compelled to work with a Prime Minister of a different political complexion. (3) The French dissensus had perished and the destined polarisation had not occurred. (4) the General could not be defeated in an election by a fractured opposition but could lose a referendum, as he did in 1969, leading to his resignation. (5) Except the Communists, all other parties had given their acceptance to the Gaullist Constitution.

The General's plan to reform the Senate, to reshape it in the Gaullist image, and to acquire new powers through a constitutional amendment, were rejected in a referendum held on 27 April, 1969 with 47.58 per cent votes in favour and 52.41 per cent votes against the proposal. The General's ambition to alter, delete or replace no less than 23 of the 89 articles of the current Constitution was thwarted by the people. As Finer put it, "Having by the illegal use of Article 11, whipped the French electorate on its bare arse, the General was now inviting it to kiss the rod as well."<sup>39</sup> This meant that one General's attempt to delegitimise his own constitution of the Fifth Republic by suggesting comprehensive amendments had failed and his resignation after this event was a correct step in the direction of its further legitimisation.

This next election brought M. Pompidou to Presidential office with 44 per cent votes in the first and 57.6 per cent votes in the second ballot. The election closed the de Gaulle chapter. It opened another. This had been a free, fair and open election. All parties had taken part in it, including the far left, and the Gaullist candidate had won. Now Mitterrand's complaint that the Gaullist clique was retaining power through force or fraud was no longer valid. For the first time, the credentials of the President were not suspicious. In 1974, the French people elected Valéry Giscard d'Estaing, a non-Gaullist conservative, as their President. Both in 1981 and 1988, the electorate chose Socialist Mitterrand as their President. Jacques Chirac was elected to Presidency in 1995 as a Gaullist leader. The succession of these leaders belonging to different parties in the Presidential office demonstrated conclusively that the Fifth Republic had finally achieved full legitimacy.

In a sense, the strategy and tactics of the French Communist Party during the revolutionary crisis of 1968 also helped in the ultimate legitimisation of the Fifth Republic. Jack Woddis believes that by abstaining from any adventurist call for an insurrection: "It avoided another Indonesian catastrophe, in which at least half a million Communists and others were massacred in 1965 after abortive *coup* against the military leaders; it secured material and democratic gains for the workers; it increased the

38. *Ibid.*, p. 328.

39. *ibid.*, p. 338



cred in 1965 after abortive *coup* against the military leaders; it secured material and democratic gains for the workers; it increased the people's desire to have done with de Gaulle, who was compelled to resign within a year of the general strike."<sup>40</sup>

The most important test of the Fifth Republic came when the Socialist President had to appoint a Gaullist Prime Minister in 1986 but despite their different political complexions, the experiment in cohabitation proved successful. The same Gaullist Prime Minister Chirac, who coexisted with the Socialist President Mitterand at that time is now at the Elysee as President and he has to coexist with the Socialist Prime Minister, Jospin. The Communists are

occasionally represented in Socialist cabinets without causing any constitutional or political embarrassment. Capitalist democracy is not weakened by their presence in some governments led by the Socialist Party; this in fact strengthens it.

The French system of a combined Presidential Parliamentary government was adopted in Sri Lanka by Jayawardhene in 1976. In 2002, Sri Lankan democracy faces now a similar dilemma, which France has faced during the last fifteen years i.e. how to cohabit successfully Chandrika Kumartung-led Presidency with a cabinet led by the United National Party that is opposed to the President ideologically as well as programmatically.

#### SUGGESTED READINGS

Barrington Moore, *The Social Origins of Dictatorship and Democracy*  
 Blondel and Godfrey, *The Government of France*  
 Dorothy Pickles, *The Fifth French Republic*  
 Finer, S.E., *Comparative Government*, Chap.7.

Jack Woddis, *New Theories of Revolution*  
 Macridis, J. and Ward, A.E., *Modern Political Systems*  
 —Europe.  
 Ralph Miliband, *The State in Capitalist Society*.  
 Theda Skocpol, *States and Social Revolutions*.

40. Jack Woddis, *New Theories of Revolution*, p. 365