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French snap elections: 'cohabitation' could reshuffle the cards between president and prime minister

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Emmanuel Macron lors de la cérémonie à Oradour-sur-Glane, le 10 juin 1944. Le président français lance le même jour la campagne pour son parti, dans la perspective des élections législatives anticipées du 30 juin et 7 juillet et qui pourraient voir le RN majoritaire à l'Assemblée nationale. Ludovic Marin/AFP

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The decision by French president Emmanuel Macron to dissolve parliament following the far-right's historic surge in the European elections has thrown the country's politics into disarray.

With the two rounds of the next parliamentary elections now slated for June 30 and July 7, the European elections appear to indicate that the trend of a broad three-way division of French politics has continued: at 31.37% of the European ballot for Marine Le Pen's National Rally, and 5.47% for Reconquest, the party founded and led by nationalist firebrand Eric Zemmour, the far-right was in front. Next came the freshly minted left-wing coalition, the Popular Front, which includes the left's four main parties, Socialist Party (PS) (18.83%), France Unbowed (LFI) (9.89%), the Greens (EÉLV) (5.5%) and Communists (PCF) (2.36%); altogether, this accounted for almost 30% of the vote. The government's centrist list, Renaissance, achieved 14.60%, with the mainstream conservatives, the Republicans, clinging to 7.25% of the vote.

This fragmented landscape makes it likely Macron's government will lose its majority in the national assembly and be forced to cohabit with a prime minister from another party. How would such arrangements, as set out by the country's 1958 constitution, work in practice?

Executive power

Adopted in 1958, the constitution of the Fifth Republic sought to curb the power of the national assembly and, therefore, reduce the governmental instability that had rocked the Fourth Republic since 1946.

Executive power was further strengthened, after the constitution was tweaked to allow for the direct election of the president, following a 1962 referendum on the matter called by Charles de Gaulle, then president.



The change gives the president the legitimacy to assert power and guiding ideas but, on the downside, their stances can become divisive. That has led some people to describe France as a presidential parliamentary regime or even a presidential regime, since in this organisation the president is an active participant in framing and delivering policy at state level.

In the vast majority of countries with a parliamentary system it is not the president or king or queen who engage in public political debate. In Germany, for example, we have become accustomed to hearing Angela Merkel's name. Yet she was not President but Chancellor – a position akin to the French Prime Minister. In the UK, when we think of politics, the first images that spring to mind may be Margaret Thatcher, Tony Blair or Boris Johnson. Once again, these were prime ministers. Queen Elizabeth II and now King Charles III stand further back.



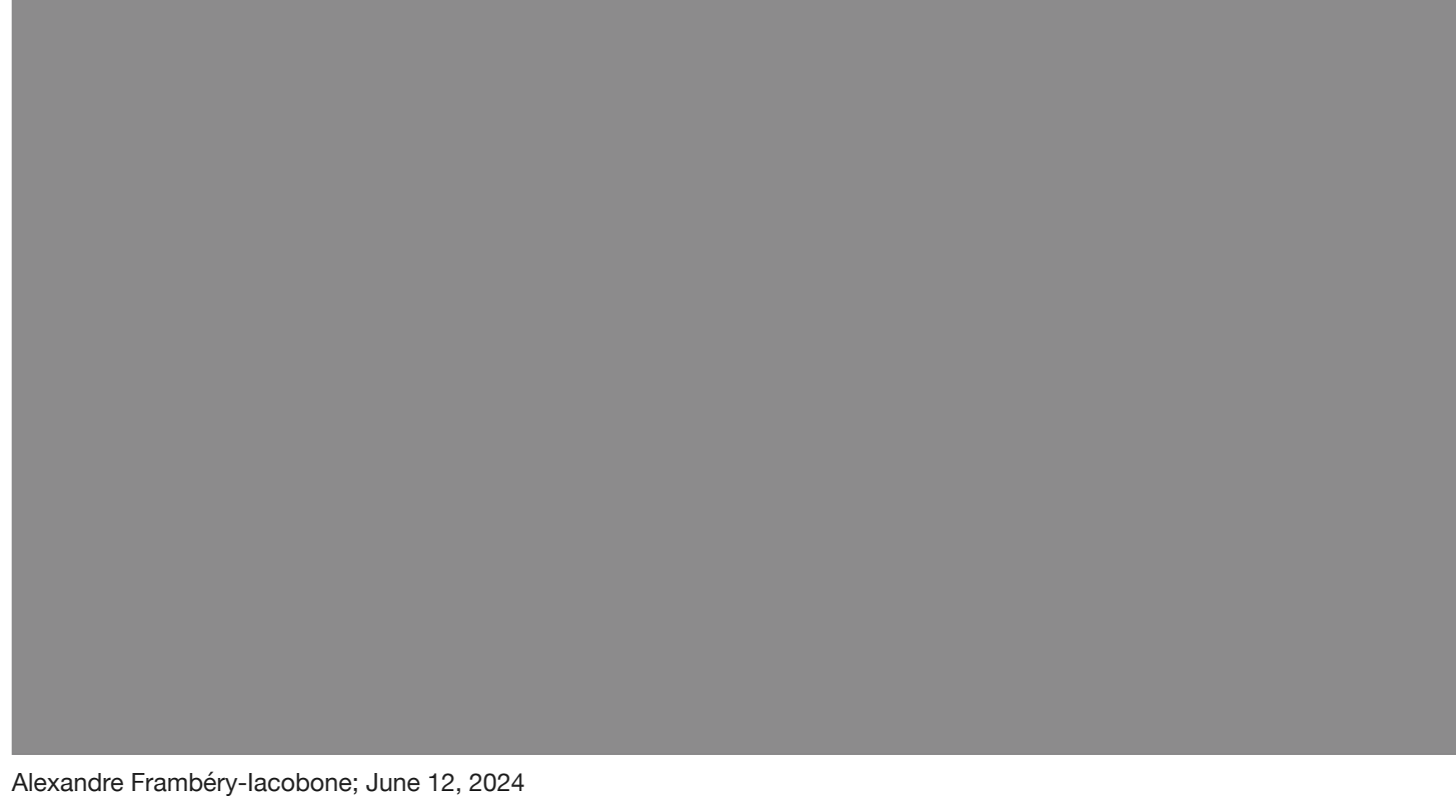
Alexandre Frambéry-Iacobone, June 12, 2024

France is a special case: unlike most other countries with a parliamentary system, the head of state is elected directly by the people, giving them visibility and legitimacy. The French constitution therefore holds double meaning.

A constitution with two faces

To allow him or her to exert power, the French parliamentary system grants several prerogatives to the president. As we have seen, they can dissolve the national assembly in case they are threatened or unable to pass the promised reforms by invoking article 12 of the constitution. Walking in the footsteps of his predecessors, Macron's governments have often bypassed parliament to force through unpopular measures by resorting to article 49 paragraph 3 of France's constitution. The mechanism was introduced in the fifth Republic constitution to "rationalise" the parliamentary system and resolve crises and deadlocks by handing over the reins to the executive. But the national assembly can also hold a vote of no confidence in the government.

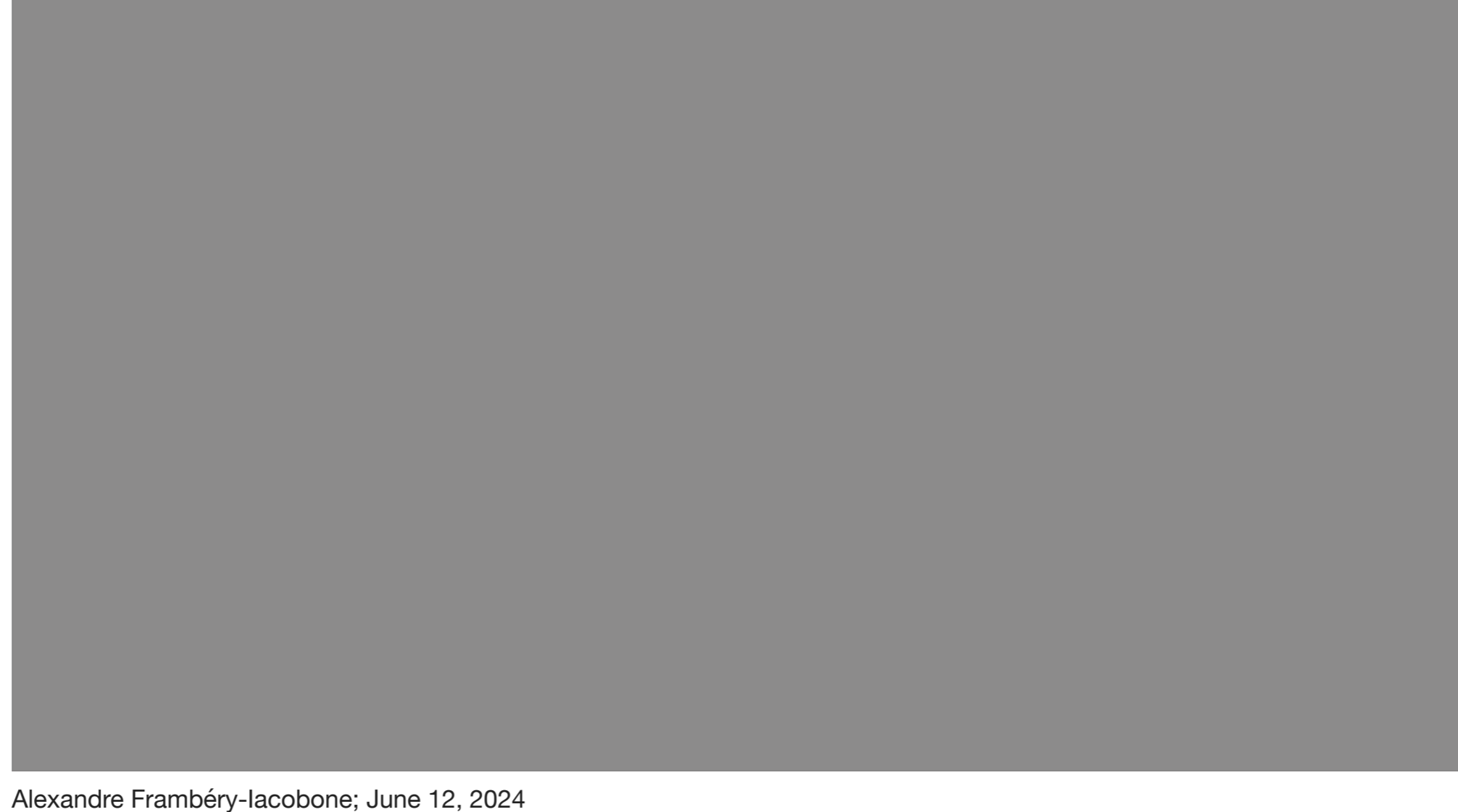
As a result, a French president in office during a cohabitation is returned to a more discreet role – closer to those we encounter in other parliamentary systems.



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In cases where a president of the republic has a political majority in the national assembly, they obtain a greater legitimacy than their prime minister, the very person who is supposed to direct the government's action. Under such "majority rule": the president leads the state, and the prime minister is placed below him in a de facto hierarchy (not merely the textual hierarchy as enshrined in the constitution), and the reforms he or she initiates can be expected to pass parliament.

In such instances, the prime minister is not only accountable to the assembly from which he or she comes, but he or she is also accountable to the head of state. In addition, during the Fifth Republic, some presidents asked their prime minister for a blank letter of resignation, playing on a constitutional ambiguity. Such a move is only really possible under majority rule.



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The majority rule was greatly reinforced by the constitutional reform carried out under former president Jacques Chirac in 2000, which reduced the seven-year presidential term to a five-year one, and placed the legislative elections after the presidential elections. Since then, France has not experienced cohabitation.

Parliamentary elections matter more

Finally, it almost doesn't matter what political colour the head of state is: their action can be neutralised – or at least greatly diminished – if the national assembly is not made up of a majority of members of their political family. The last person to experience this situation was Chirac who was elected in 1995 and dissolved the assembly in 1997.

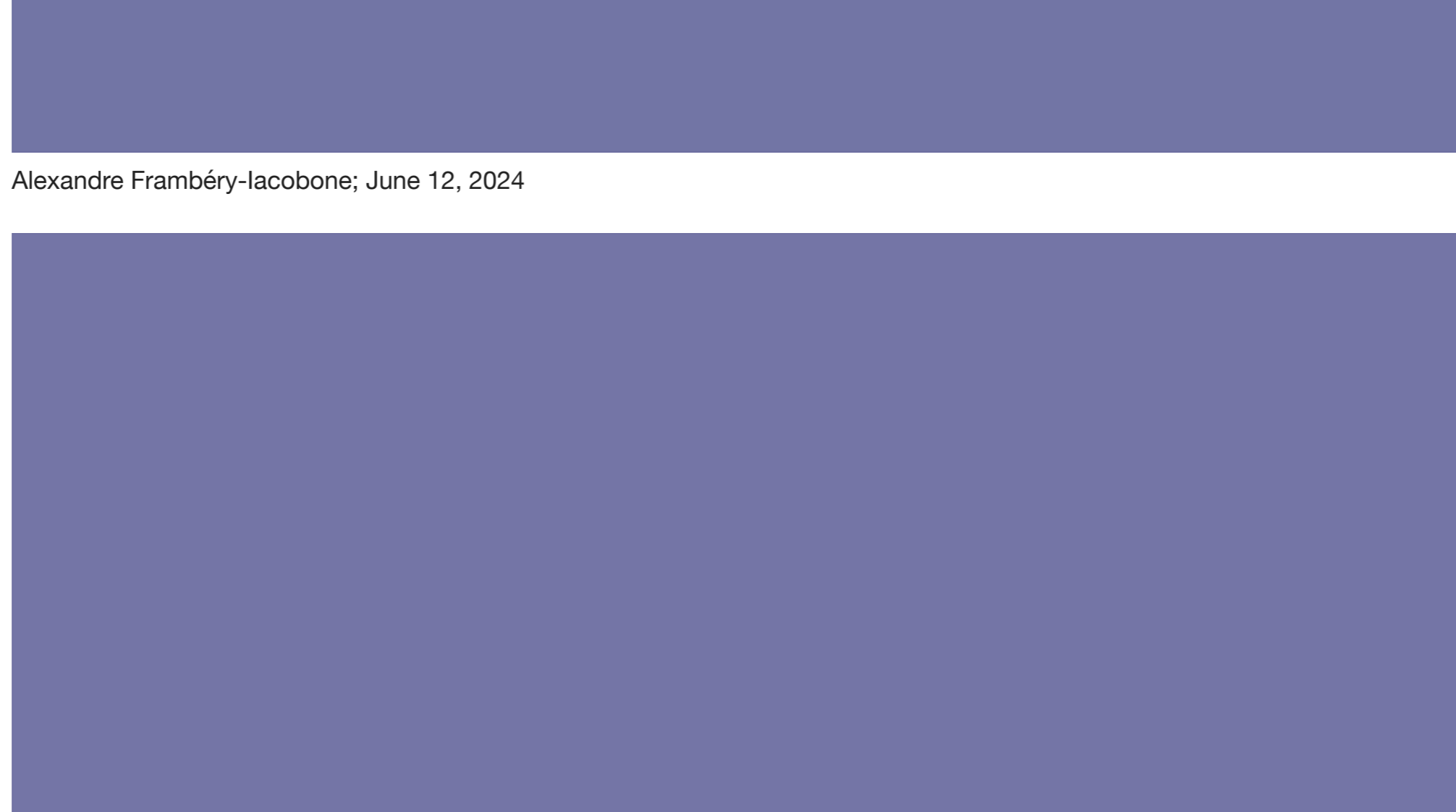
He was forced to work with a left-wing parliamentary majority and socialist Prime Minister Lionel Jospin. As a result, Jospin was able to introduce the 35-hour working week, universal health cover, back-to-school allowance, paternity leave and civil partnership for same sex couples. None of these were supported by President Chirac or his party.

What is currently at stake is the potential power shift from the president's party in government with an imperfect majority assembly, to a system of cohabitation, which would significantly reduce Macron's prerogatives.

Should the assembly swing to the far right, Macron would have no choice but to appoint a prime minister from that political persuasion – at the risk, otherwise, of the government being removed by an assembly no confidence vote. The prime minister, for his part, would have a free hand to set up his government and introduce bills – the assembly can table bills but these are fewer in number than government bills.



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By bringing forward the parliamentary elections, Macron has brought back the risks of cohabitation to France. The country's institutions would then operate according to a more typical parliamentary system. So, even without President Macron's resignation, France could find itself led by a completely different political dynamic to that of the presidential party.

This is a powerful reminder that the most important elections for France are not really those that appoint the head of state, but rather those that establish its 577 MPs.

La version originale de cet article a été publiée en français.

New Popular Front (Nouveau Front Populaire, NFP)

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