

“From the White House to the *Palais Élysée*:
Divided Government, the Legislative Presidency, and Prospects for Comparing
Presidential Politics in the U.S. and France”

Forthcoming in *The Presidency Research Group Report* of the
American Political Science Association, Spring 2003

Richard S. Conley
University of Florida

David Prindle’s (1986) lament nearly two decades ago still holds true today. Presidency scholars have yet to exploit the significant opportunities for theory-building that the comparative study of executive politics may offer. The relatively few, recent comparative studies of executive leadership, although estimable in their own right, have focused on U.S. presidents and their counterparts in Westminster-style parliamentary institutions such as Britain, Australia, and Canada (Campbell 1998; Foley 1993; Sykes 2000). The problem is that however norms of leadership in other Anglo democracies have changed over time, *the defining characteristic of the Westminster system remains intact*—the fusion of the executive in the legislature—as Foley (1993) readily admits in his “presidentialization” thesis concerning the British prime minister. This factor, more than any other, complicates direct comparisons of the British-style premier to U.S. presidents in the analysis of many facets of institutional politics, including legislative leadership.

Scholars of the U.S. presidency would do well to look beyond the White Cliffs of Dover and across the Channel to France as they begin to think about the potential for comparative study of executive politics. The French Fifth Republic (1958-) is an obvious choice for cross-national comparison that has been surprisingly overlooked, most likely due to language barriers. There is very little explicitly systematic, comparative research on the presidencies of the two countries. Filling this void could greatly enhance scholars’ understanding of presidential behavior in constitutional and contextual settings that are more similar in many respects compared to Westminster parliamentary arrangements.

Evolving Norms and The Institutional Setting

France has a *separated institutional and electoral structure* with significant analogies to the United States. Moreover, norms and expectations have developed in a similar direction in both countries—toward a presidency-centered, plebiscitarian model of executive leadership.

French presidents in the Fifth Republic were supposed to act as “arbiters of republican institutions.” The expectations of many of the framers of the Fifth Republic concerning legislative dominance and separation between institutions were rather akin to eighteenth and early nineteenth century views of the American presidency (see Tulis 1987). Their objective was to balance legislative government with a functional executive and avoid the inertia and deadlock for which the Fourth Republic was well known (Teyssier 1995, Chapter 2).

Charles De Gaulle, the first president of the Fifth Republic, quickly dispelled notions that a parliamentary-centered regime would predominate. De Gaulle swiftly moved the system in the direction of France's long tradition of plebiscitarian tendencies (Ehrmann 1983, 7-11). In 1962 he won a referendum on direct election of the president as a means of enhancing his—and future presidents'—claims to be the only representative of all the people. Unwittingly, perhaps, De Gaulle also opened up the possibility of divided control of the presidency and the legislature (see Duverger 1986). He also established the precedent that the president could “fire” prime ministers at will—as he did Michel Debré and Georges Pompidou, despite any such formal-constitutional authority. In sum, De Gaulle effectively placed the legislature in an inferior institutional position in the Fifth Republic's constitutional order. He solidified the presidency and the *Palais Élysée* as the locus of power and the institution to which the electorate looks for policy leadership.

While a double executive exists in the French “semi-presidential” system, the president and the prime minister have *not* been de facto co-equals for much of the Fifth Republic. When the president enjoys a parliamentary majority the prime minister manages day-to-day legislative affairs of the *Assemblée nationale* from the *Hôtel Matignon* in much the same manner as congressional leaders in the American context—although the prime minister is endowed with extraordinary tools to legislate by decree or *ordonnance* (with the president's consent) and through expedited legislative processes that go well beyond congressional analogies. The essential point is that this structure gives a president working with a majority in the legislature extraordinary possibility for control of the legislative agenda that is unknown to American presidents (Schain and Keeler 1995).

It is under conditions of outright split-party control of the presidency and the legislature that the meaning of the “double executive” in France has become most meaningful. Under these conditions comparisons to the U.S. case seem particularly apt. Both Socialist President François Mitterrand and Gaullist President Jacques Chirac endured divided government—*cohabitation* in French parlance—at some length in the last two decades. During periods of cohabitation, the system has approximated dominance by the legislature envisaged by many of the framers of the Fifth Republic (see Andrews 1982, 25-33). The president has been placed in a much more inferior position in domestic affairs and has occasionally sustained significant challenges by prime ministers to preeminence in De Gaulle's sacrosanct *domaine réservé* (reserved domain) of foreign affairs.

The recent experiences with cohabitation confirm the degree to which a French president's legislative leadership is contingent on party control of the legislature. He holds a constitutionally “weak” office. His formal legislative powers are minimal—even more so than his American counterpart. He possesses no veto power over legislation, only delaying tactics, and he is not ascribed any particular constitutional equivalent to the opportunities for legislative leadership afforded by an American president's State of the Union address. As a result, like American presidents, French presidents in the Fifth Republic have recourse to “go public” (Kernell 1997), criticize the opposition, and build grassroots support. Media relations have taken on greater importance and public approval figures more prominently in French presidents' electoral calculus (see Kaid et al. 1991).

Divided Government & the Legislative Presidency

The French experience with cohabitation offers one of the few close analogies to divided government in the U.S. to test similarities in presidents' strategic behavior (but see Elgie 2001, and Laver and Shepsle 1991, for a broader conceptual comparison of divided government). Cohabitation has occurred thrice in France with two differing partisan configurations. From 1987-88 and from 1993-95 Socialist President François Mitterrand confronted a center-right majority in the *Assemblée nationale* following votes in non-presidential election years (an analogy to mid-term elections in the U.S.), while Gaullist President Jacques Chirac, upon dissolving parliament a year early without adequate explanation to the electorate, was penalized with a leftist majority coalition from 1997-2002 (Goldey 1998). The first experience with cohabitation provoked scholarly and public concerns of a constitutional crisis (Zorgribe 1986; Colombani and Lhomeau 1986). By the third incident of divided government in 1997, there was little doubt that the Fifth Republic would remain intact, even if the president was often relegated to an uncomfortable and inferior position in domestic affairs.

In each case of cohabitation the institutional arrangement functioned relatively well and constitutional crisis was avoided because policymaking largely reverted to the legislature, as the framers of the Fifth Republic, De Gaulle notwithstanding, intended. Cohabitation also worked because the occupants of Matignon had presidential ambitions and did not wish to weaken the office to which they aspired. Nonetheless, divided government in France amounted to an "Aronian" Cold War: peace impossible, war improbable" (Bell 2000, 193) between the president and prime minister. The situation engendered a search for mutual weaknesses, much public posturing, and occasional conflict that scholars of the American presidency and executive-legislative relations would recognize as commonplace in the presidential-congressional rivalry in the United States.

In the first case of cohabitation domestic affairs fell to Prime Minister Chirac, while President Mitterrand focused on the *domaine réservé* of foreign affairs. Mitterrand, as David Bell notes, "intended to leave to the Prime Minister the prose of government and arrogate to himself the poetry of campaign...he was able to play on the two registers: setting the Presidency up as the 'arbiter' above the battle and as an impartial moderating force" (Bell 2000, 176). Mitterrand was quite content to allow Chirac opportunities to get bogged down in management of his relatively thin parliamentary coalition, and Chirac faced the disadvantage of having a very narrow two-year window of opportunity to make significant policy accomplishments before the presidential election of 1988. Mitterrand took the opportunity to selectively criticize Chirac and his policies. On several occasions Mitterrand used his constitutional power to refuse to sign decrees enabling Chirac to expedite domestic legislation (Elgie 2001a). These actions did not constitute a "veto" in the American sense of the word, but had the effect of delaying Chirac's agenda, forcing the prime minister to employ regular legislative processes, and giving Mitterrand public attention from which to criticize Chirac. The plural left regained a working legislative majority in 1988 after Mitterrand's reelection.

In the second round of cohabitation from 1993-95, Chirac stepped aside to campaign for president and left the prime ministership to his rival Édouard Balladur, who also had presidential aspirations. Balladur, like Chirac, wanted divided government to

work. The prime minister sought to take credit for policy accomplishments and accentuate his ability to govern as a means of expanding his electoral appeal. Once again, Mitterrand cast de facto “vetoes” on select elements of Balladur’s agenda. By drawing media and public attention to the prime minister’s plans for education reform, for example, Mitterrand forced Balladur to back away from the legislation. Mitterrand also selectively threatened dissolution of the *Assemblée nationale* when he felt the Prime Minister was overstepping his boundaries in foreign affairs (Bell 2000, 214).

The third cohabitation to date lasted two and a half times longer than the preceding two cases, spanning 1997 to 2002—what Robert Elgie (2002) has called cohabitation *de longue durée*.¹ For five years Jacques Chirac faced a leftist parliament headed by Socialist Lionel Jospin as Prime Minister. In 1997 Chirac made a significant miscalculation by calling early legislative elections in the hope of catching the left off guard. The strategy backfired (Daniels 2000). The ensuing situation, as one scholar described it, was of “two men for one chair” as Chirac and Jospin jockeyed toward the 2002 presidential election (Malouines 2001). One interesting development in the management of cohabitation during this period was Chirac’s attempt to use bicameralism to his advantage. Although the indirectly-elected French Senate is the inferior chamber to the National Assembly, the Senate had a majority of the right. Chirac used that majority in a strategic way to delay elements of the Jospin government’s agenda (see Verdier 1998).

Toward A Comparative Research Agenda

For scholars of the American presidency and executive-legislative relations, a “degree of gridlock, the increased use of extraordinary constitutional, administrative, and political procedures, and the ongoing battle for public opinion” (Elgie 2001a, 120) that has marked the French experience with divided government should look rather familiar. Such similarities call out for the application of concepts from American political science research to systematic cross-national inquiry.

Several avenues of research seem promising. Scholars might compare how veto threats operate in similar and dissimilar ways in the two systems under divided government. In the United States growing partisanship in Congress has fundamentally altered the ways in which presidents seek to negotiate with opposition majorities (Bond and Fleisher 2000; Cameron 2000; Conley 2002). Presidents wield the veto or the threat of the veto as a means of gaining influence over the legislative process “quietly” behind the scenes, as well through public pronouncements (Conley 2003; Deen and Arnold 2002). French presidents have no formal veto power, but have employed a range of delaying tactics that are tantamount to vetoes, including the attempted manipulation of bicameral politics. Moreover, French presidents can threaten the ultimate sanction during periods of high-stakes politics: Dissolution of the legislature, though they are limited to one dissolution in an electoral period.

In modeling such strategic behavior, scholars might apply the concepts of “strategic disagreement” or “blame-game” politics between presidents and opposition leaders in the legislature (Gilmour 1995; Groseclose and McCarty 2001). By delaying or halting policy decisions, presidents in both systems have capitalized on opportunities to

criticize the opposition majority for potential electoral advantage. Here the experiences of Bill Clinton seem roughly comparable both to Mitterrand in 1988 and Chirac in 2002.

Notably, in France as in the United States, presidents have used divided government and the “bully-pulpit” to relocate themselves in the center of the political spectrum and improve their standing with the public, despite a weakened institutional position. The approval ratings of Mitterrand and Chirac variably increased under cohabitation (Parodi 1988; Zarka 1992; Fontaine 2002). Analyzing the basis for such improvements could help solve the puzzle of Bill Clinton’s approval ratings from 1995-2000. In addition, the most recent period of cohabitation witnessed extraordinary personal antagonism between Chirac and Jospin and a focus on scandal that is reminiscent of the institutional combat between congressional Republicans and Bill Clinton, including—but not limited to—the Lewinsky ordeal.

The Fifth Republic’s separated institutional structure suggests other potential bases for comparison beyond those afforded by Westminster parliamentary systems. For example, many French presidents, including De Gaulle and Valéry Giscard d’Estaing, did not enjoy large parliamentary majorities and had to act as coalition-builders (*rassembleurs* in French) in much the same way that U.S. presidents need to negotiate with members of Congress, despite mathematical “unified government.” Moreover, the application of a “two presidencies” (Wildavsky 1975) framework to the French presidency may also be useful. Constitutionally, the French president occupies a predominant position in foreign affairs, but prime ministers can also claim authority (Elgie 2001a, 120). Comparing how and when presidents have focused more closely on foreign affairs—from policy initiatives to public activities—and the legislative challenges they have faced could prove illuminating.

Such suggestions represent just the tip of the iceberg for comparative research. Significant progress on comparing the French presidency will require extensive data gathering on legislative politics (e.g., legislative agendas and defining presidential legislative “success”), analyzing the development of the institutional presidency as Andrews (1982) attempted for the early Fifth Republic (i.e., staffing, advisory structures, etc.), compiling survey data and accompanying indicators of presidential and prime ministerial approval in the absence of a single organization in France such as Gallup that conducts regular surveys, and charting French presidents’ media and public activities.

As Arend Lijphart (1971) argued more than three decades ago, the comparative method is a powerful means to enhance our research approaches, build arguments, and test theories. Clearly, scholarship by Roy Pierce (1995) and Michael Lewis-Beck and Tom Rice (1992) on electoral politics in France and the U.S. demonstrates the potential for systematic comparative research on the two countries. Presidency scholars interested in institutional dynamics must begin to apply and develop comparative frameworks in a similar way. The comparative method has great potential to complement and extend recent innovative work that has emphasized the constraints and opportunities presidents face as institutional actors. Such research has facilitated cross-comparisons among modern U.S. presidents as well as between modern and “pre-modern” presidents (Cameron 2000; Crockett 2002; Rudalevige 2002; Shapiro et al. 2000; Skowronek 1993). Moving in the direction of cross-national research is a logical next step.

Note

¹ The 2002 election placed into effect constitutional reform reducing the president's elective mandate from 7 years (*septennat*) to 5 years (*cinquennat*). Part of the rationale for the reform was to insure that presidential and legislative elections would take place simultaneously the same year in the hope of avoiding future incidences of cohabitation. However, because the president can still dissolve the legislature and thereby throw off the electoral cycle for legislative elections, the preclusion of cohabitation appears doubtful in the long run.

References

- Andrews, William G. 1982. *Presidential Government in Gaullist France*. Albany: State University of New York Press.
- Bell, David S. 2000. *Presidential Power in Fifth Republic France*. Oxford/New York: Berg.
- Bond, Jon R. and Richard Fleisher, eds. 2000. *Polarized Politics: Congress and the President in a Partisan Era*. Washington, D.C.: Congressional Quarterly.
- Cameron, Charles. 2000. *Veto Bargaining: Presidents and the Politics of Negative Power*. New York: Cambridge University Press.
- Campbell, Colin. 1998. *The U.S. Presidency in Crisis: A Comparative Perspective*. New York: Oxford University Press.
- Colombani, Jean-Marie and Jean-Yves Lhomeau. 1986. *Le mariage blanc: Mitterand-Chirac*. Paris: Bernard Grasset.
- Conley, Richard S. 2002. *The Presidency, Congress, and Divided Government: A Post-War Assessment*. College Station: Texas A&M University Press.
- _____. 2003. "George Bush and the 102nd Congress: The Impact of Public and 'Private' Veto Threats on Policy Outcomes." Forthcoming in *Presidential Studies Quarterly* 33 (December).
- Crockett, David A. 2002. *The Opposition Presidency: Leadership & the Constraints of History*. College Station: Texas A&M University Press.
- Daniels, Douglas J. 2000. "France on Alternating Power: Cohabitation III." In Marie-Christine Weidmann Koop, ed., *France at the Dawn of the Twenty-First Century*. Birmingham, AL: Summa Publications, Inc.
- Deen, Rebecca E. and Laura W. Arnold. 2002. Veto Threats as a Policy Tool: When to Threaten? *Presidential Studies Quarterly* 32: 30-45.
- Duverger, Maurice. 1986. *Bréviare de la cohabitation*. Paris: Presses Universitaires de France.
- Ehrmann, Henry W. 1983. *Politics in France*, fourth edition. Boston: Little, Brown and Co.
- Elgie, Robert, ed. 2001. *Divided Government in Comparative Perspective*. New York: Oxford University Press.

- Elgie, Robert. 2001a. "Divided Government French-Style." In Robert Elgie, ed., *Divided Government in Comparative Perspective*. New York: Oxford University Press.
- Elgie, Robert. 2002. "La cohabitation de longue durée: Studying the 1997-2002 Experience." *Modern & Contemporary France* 10: 297-311.
- Foley, Michael. 1993. *The Rise of the British Presidency*. New York: St. Martin's.
- Fontaine, André. 2002. "Les charmes fanés de la cohabitation." *Le Monde*, 27 March 2002.
- Gilmour, John B. 1995. *Strategic Disagreement: Stalemate in American Politics*. Pittsburgh: University of Pittsburgh Press.
- Groseclose, Tim and Nolan McCarty. 2001. "The Politics of Blame: Bargaining Before an Audience." *American Journal of Political Science* 45: 100-120.
- Goldey, D.B. 1998. "The French General Election of 25 May—1 June 1997," *Electoral Studies* 17: 536-66.
- Kaid, Lynda Lee, Jacques Gerstlé, and Keith R. Sanders, eds. 1991. *Mediated Politics in Two Cultures: Presidential Campaigning in the United States and France*. New York: Praeger.
- Kernell, Samuel. 1997. *Going Public: New Strategies of Presidential Leadership*. Washington, DC: CQ Press, Inc.
- Laver, Michael and Kenneth A. Shepsle. 1991. "Divided Government: America is not 'Exceptional'." *Governance* 4: 250-69.
- Lewis-Beck, Michael S. and Tom Rice. 1992. *Forecasting Elections*. Washington, DC: CQ Press.
- Lijphart, Arend. 1971. "Comparative Politics and the Comparative Method." *American Political Science Review* 65: 682-93.
- Malouines, Marie-Eve. 2001. *Deux hommes pour un fauteuil: Chronique de la cohabitation 1997-2001*. Paris: Fayard.
- Parodi, Jean-Luc. 1988. "La France de la cohabitation: Profil de l'année politique (1986-87)," *Pouvoirs* 44: 167-78.
- Pierce, Roy. 1995. *Choosing the Chief: Presidential Elections in France and the United States*. Ann Arbor: University of Michigan Press.

- Prindle, David F. 1986. "Toward a Comparative Science of the Presidency: A Pre-Theory." *Presidential Studies Quarterly* 16: 467-80.
- Rudalevige, Andrew. 2002. *Managing the President's Program: Leadership and Legislative Policy Formation*. Princeton: Princeton University Press.
- Schain, Martin A. and John T.S. Keeler. 1995. "Le pouvoir présidentiel aux États-Unis et en France: une perspective comparative." In Nicholas Wahl and Jean-Louis Quermonne, eds., *La France présidentielle: L'influence du suffrage universel sur la vie politique*,. Paris: Presses de la Fondation nationale des sciences politiques.
- Shapiro, Robert Y., Martha Joynt Kumar, and Lawrence R. Jacobs (eds.). 2000. *Presidential Power*. New York: Columbia University Press.
- Skowronek, Stephen. 1993. *The Politics Presidents Make: Leadership from John Adams to George Bush*. Cambridge, MA: Harvard University Press.
- Sykes, Patricia Lee. 2000. *Presidents and Prime Ministers: Conviction Politics in the Anglo-American Tradition*. Lawrence: University Press of Kansas.
- Teyssier, Arnold. 1995. *La Ve République, 1958-1995: De Gaulle à Chirac*. Paris : Pygmalion/Gérard Watelet.
- Tulis, Jeffrey K. 1987. *The Rhetorical Presidency*. Princeton, NJ: Princeton University Press.
- Verdier, Marie-France. 1998. "La IIIe cohabitation ou le retour aux sources du Sénat?" *Revue politique et parlementaire* 997: 74-88.
- Wildavsky, Aaron. "The Two Presidencies." 1975. In Aaron Wildavsky, ed., *Perspectives on the Presidency*. Boston: Little, Brown and Company.
- Zarka, Jean-Claude. 1992. *Fonction présidentielle et problématique majorité présidentielle/majorité parlementaire sous la Cinquième République (1986-1992)*. Paris: Librairie Générale de Droit et de Jurisprudence.
- Zorgbibe, Charles. 1986. *Le Chef d'État en question*. Paris: Economica.