

SECTION OF SAINT-POURÇAIN SUR SIOULE OF THE SOCIALIST PARTY

CONGRESS OF VILLEURBANNE

THEMATIC CONTRIBUTION.

FOR A DEMOCRATIC AND BALANCED CONSTITUTION

In its initial version, the 1958 Constitution is balanced, democratic and well-functioning. The President of the Republic, an institutional arbiter, is elected for seven years at the second level by a college similar to that of the electorate responsible for electing senators. The National Assembly is elected by direct universal suffrage for five years according to a first-past-the-post voting system with two rounds per constituency. The Senate, which represents local governments, is elected by indirect suffrage by one-third every three years.

The government determines and conducts the policy of the nation. It is accountable to the National Assembly, which can censure it. It can commit its responsibility on a bill to which it attaches particular importance.

The President of the Republic has the right to dissolve the government in order to end, if need be, a blocked or uncertain institutional situation, thus calling on the voters to decide.

The drift began in 1962 when General de Gaulle instituted the election of the President of the Republic by direct universal suffrage.

Two institutions, the President of the Republic and the National Assembly, derive their legitimacy in parallel from the same source, namely popular suffrage, except that one may dissolve the other.

The imbalance settles permanently and, from that moment on, the drift will continue in what is called the presidentialization of the regime.

Certainly, the growing role of the Constitutional Council and the strengthened independence of the judiciary ensure that at least the constitution and the main principles of the rule of law are respected.

But the various amendments to our Basic Law have only gradually reduced the role of Parliament and strengthened the dominance of the presidential function, also to the detriment of the government.

A crucial step was taken in 2000 with the introduction of the five-year term and the reversal of the electoral calendar. From now on, the presidential term has the same duration as that of the deputies to the National Assembly. But they are elected a few weeks after that one. The legislative elections take place in the shadow of the election of the President of the Republic, who nevertheless retains the right of dissolution.

The sole purpose of the legislative elections is then to give a majority to the elected President, without really worrying about the government program that will be applied.

The history of the last fifteen years has shown the undemocratic and inefficient character of this institutional mechanism.

For the next five years, the French government will find itself torn between the temptation of personal power and the permanent scramble. This situation is maintained by the media which, after all, are only doing their job, and by social networks whose natural propensity to exacerbate polemics is well known, without ever contributing to giving them the slightest political outlet.

Democracy is debate and voting. Debate without a vote is indecision. Voting without debate is the formula of the "godillots".

It is therefore necessary to give back to Parliament, the only authentically democratic place, the fullness of its role, since direct democracy of the referendum type is neither practicable nor sustainable on a daily basis. There are two possible ways forward.

The first would be to return to the election of the President of the Republic by universal suffrage and to find the original version of the 1958 Constitution. But how can such a reform be passed? It is hard to imagine the people renouncing by their own vote the possibility of choosing their own President.

The second way is to continue the evolution begun in 1962 by giving it a new coherence and balance. This can be done by taking essentially two steps that could be voted on by the Congress of Parliament.

The first would abolish the right of dissolution (Article 12). The National Assembly would legislate and control government action without living under permanent threat or in childish subjugation.

The second measure would provide that the President of the Republic and the deputies are elected on the same days (1st and 2nd rounds) and for the same five-year term.

The voters would thus choose at the same time on the one hand the one they feel best embody the supreme office, and on the other hand the government policy they wish to see implemented, by determining a parliamentary majority to carry it, the current voting system being maintained for the deputies.

The democratic balance would thus be restored and it is clear how, over the past fifteen years, this balance could have produced a healthier, clearer, more effective and more democratic institutional situation.

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