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CO-HABITATION IN THE SEMI-PRESIDENTIAL FRENCH SYSTEM: CRISIS AND SOLUTIONS

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Abstract:
Co-habitation in the French political system is a possible occurrence that may lead to political instability. However, the French constitutional founder has established preliminary solutions through provisions related to the executive authority — specifically, the President of the Republic and the government. Experience has shown that political solutions can emerge from bilateral meetings and negotiations, making cohabitation possible in the three cases of French experience. Nevertheless, cohabitation is considered a response to the reality imposed by elections, and engaging in it demonstrates respect for the popular legitimacy mandated by the ballot boxes. Nevertheless, the political will to collaborate cannot always be guaranteed due to its dependence on the individuals involved.

Keywords: cohabitation, executive authority, majority, parliament.

Introduction:

There are multiple forms of political governance in the world. Some establish democracy and political participation, while others are characterised by rulers who seek to control and monopolise power. Despite these differences, each system has its advantages and disadvantages. Historical analysis reveals numerous figures who have monopolised power and the emergence of dictatorships and absolute monarchies, where political participation and freedoms were minimal.

Like many political systems worldwide, the French system has undergone numerous developments to reach its current state. Initially under the control of an absolute monarchy, it then experienced a period of parliamentary and legislative dominance at the expense of executive power. This resulted in the establishment of a hybrid system situated between presidential and parliamentary systems, known as the semi-presidential system. Many countries later adopted this system, including Algeria, one of the former French colonies. Like other political systems, it has both advantages and disadvantages, and can exist contrary to the ideals of the legal scholars and theorists who support it, such as Maurice Duverger.

One of the most challenging situations that a semi-presidential system can encounter is when two opposing currents emerge from presidential or legislative elections and shape the executive authority. We shall refer to this situation as a crisis. This crisis specifically results from the presence of two opposing factions at the top of the governing authority, each with its own political vision and agenda. If there is no consensus between the two branches of executive power, this perilous condition can jeopardise the political system, necessitating the implementation of solutions that should be activated automatically as the situation demands.

Given the sensitivity of this crisis involving the political system, we raise the following question:

What constitutional and political solutions does the semi-presidential system resort to during periods of cohabitation to ensure political stability?

This raises numerous questions, including:

What crisis does the semi-presidential system face when there are two opposing political currents within the power structure?

What is cohabitation in law and politics?

What are the constitutional solutions during the period of cohabitation?

What are the political solutions during this period?

How effective is cohabitation within the French semi-presidential system?

To address these questions, we have divided our study into two parts. The first part covers the semi-presidential system in France, the principles underlying this system and the concept of cohabitation, or political coexistence. The second part will examine periods of political coexistence in French political history, the solutions provided by constitutional founding figures or political conventions, and the effectiveness and shortcomings of these solutions.

Section One: The Semi-Presidential System and Instances of Cohabitation

This section discusses the semi-presidential system and the principles upon which it is based. The first subsection will define the nature of this system and examine its characteristics. The second subsection will explore political cohabitation, the reasons for its emergence and the circumstances that necessitate entering into a state of cohabitation.

Subsection One: The Semi-Presidential System in France

Before defining the semi-presidential system, it is important to understand the circumstances that led to its development and the political system that existed beforehand. This will help us to identify the historical conditions that necessitated the establishment of this system, as well as how constitutional law scholars perceive this political framework.

Branch One: The Political System in France Before Adopting the Semi-Presidential System

In the old system, the division was made by distributing members of the Third Estate among the clergy, the nobility and commoners based on their attributes. Based on this idea, some proposed replacing the clergy with a new class representing the rural population.

Regarding legislative authority, the majority granted power to the councils of the General Estates with the king, while the minority attributed it solely to the king within constitutional limits. In the 1789 elections, the French system aimed to preserve the basic principles of the old system, namely maintaining the monarchy, upholding the estates and exclusively delegating executive authority to the king while sharing legislative power with the members of the General Estates.

The sharing of legislative authority did not constitute a genuine weakening of the monarchy, as it had always existed. In countries with local legal entities, the king had shared this power with those entities[i].

Regardless of the method of exercising power, the governance system in France before the revolution was characterized by authoritarianism and absolutism, laying the groundwork for the revolution.

After the revolution, the French political system experienced a critical period, best described by the term “instability.” Between 1789 and 1875, France witnessed approximately thirteen written constitutions and around fifteen different political systems. This significant diversity of constitutions and systems reflects the scale of political upheaval during that time.

The experience of political governance in France during this period was marked by a back-and-forth struggle between parliamentary and executive control. Constitutionally, the systems oscillated between parliamentary monarchy and republic, often practically veering towards dictatorship. During this phase, France became a testing ground for numerous political experiments.

Nevertheless, these experiments consistently ended in failure. Following this, the First Republic established a stable republican model. The Fourth Republic, which lasted around twelve years, revived revolutionary traditions through governmental instability and a weakening of executive power in favour of legislative authority[ii].

The Fourth Republic (1946–1958) then emerged in France after World War II, with the aim of rebuilding the country's economic and social structure. However, it faced significant challenges, including the rise of the French Communist Party during the Cold War, as well as political pressure from the French Popular Movement led by General de Gaulle.

Economically, the Fourth Republic emphasised nationalising public services and maintaining social security, while continuing to rely on a market economy guided by the Monnet Plan[iii]. Politically, the Republic struggled to achieve governmental stability due to the multitude of parties and the lack of a clear majority in the National Assembly, coupled with strong opposition to the system itself. The Fourth Republic was characterised by political instability, with governments falling one after another, and by the dominance of parliament, which ultimately weakened executive authority — conditions that paved the way for the establishment of the Fifth Republic and the adoption of the semi-presidential system as a political governance framework.

Consequently, one could argue that the reasons for the return of power and prominence to the French presidency stemmed from the preceding political systems' failures and instability, which were the primary factors motivating the shift towards a new system that guarantees political stability — hence the adoption of the semi-presidential system.

Branch Two: The Semi-Presidential System in France

This is a relatively new form of government which attempts to combine elements of the traditional presidential and parliamentary systems. Numerous attempts have been made to amend these systems, which has often led to their deterioration. Some of these attempts have resulted in simpler derivative systems within the same general framework, while others have produced systems that differ entirely from the originals. One such system is the semi-presidential system[iv].

The first examples of the semi-presidential system emerged in 1919 in Finland and the Weimar Republic. However, it did not become widely adopted until the Fifth French Republic embraced it in its 1958 constitution[v].

While there are various definitions of the semi-presidential system, they mostly revolve around one key feature: a President of the Republic who is elected by popular vote and has extensive powers, alongside a government based on parliamentary confidence. This form of government sits between presidential and parliamentary systems[vi].

Some definitions focus on its characteristics and advantages, chief among which is the existence of a directly elected president who shares executive power with a Prime Minister. Additionally, in this system, the government is accountable to an elected legislative body. The semi-presidential system can help reduce the risk of power concentration in a single individual or office by dividing it between two poles. However, the dual executive is just one element of a complex array of institutions and relationships through which actual political power is exercised in semi-presidential systems[vii].

Legal scholar Maurice Duverger discussed this system in his book "Semi-Presidential Systems," defining it and enumerating the countries that have adopted it. He characterized the "semi-presidential system" based on its components, which include two key elements: first, a "President of the Republic" elected by popular vote with significant and extensive powers; second, a "Prime Minister and government" accountable to the deputies. This applies to seven countries that have adopted this system: the Weimar Republic (1919-1933), Finland since 1919, Austria since 1929, Ireland since 1937, Iceland since 1945, France since 1962, and Portugal since 1976[viii].

As these institutions are partly presidential and partly parliamentary, some argue that it could also be accurately referred to as a 'semi-parliamentary system'.

To further clarify the concept in terms of popular sovereignty, it is evident that the constitution determines the type of government that the people will choose. This essentially involves establishing legislative, executive and judicial powers. Separating these three authorities is crucial to avoid concentrating all power in one entity. From this perspective, we present three political systems representing three different methods of separating powers: the parliamentary system, the semi-presidential system and the presidential system. The first was established in 1215, the second in 1787 and the third in 1958 as a blend of the first two. Thus, the semi-presidential system is one of the modern democratic frameworks and is considered a blend of the presidential and parliamentary systems[ix].

It is also defined as a combination of the two systems, consisting of two heads of state: the president, who is elected by popular vote and acts as the head of state and head of government, and the prime minister, who leads the government and is either elected by parliament or appointed by the president with parliament's support[x].

Through this concept, we can identify two types of semi-presidential system. The first leans towards the parliamentary system, while the second leans towards the presidential system. In the former, the prime minister and cabinet are exclusively accountable to the majority in parliament. Here, the president may appoint the prime minister and their government, but parliament must approve them and can remove them from office. Thus, this system is closer to the parliamentary system than the presidential one. In the latter, the parliament acts as a continuous check on the president, who must maintain a healthy and functional relationship with parliament to achieve their policy objectives.

By contrast, in a presidential-parliamentary system, the prime minister and cabinet are accountable to both the president and the majority in parliament. In this system, the president selects the prime minister and cabinet, but also has the authority to dismiss them. Therefore, this system is closer to the presidential system than the parliamentary system, as the president has extensive powers that enable him to remove anyone who obstructs his political agenda[xi].

Overall, the definitions provided suggest that the semi-presidential system is based on a duality of executive power: a president elected by popular vote and a government accountable to parliament. It is a combination of the parliamentary and presidential systems.

Due to the flexibility of this system, it has spread rapidly. During the 1990s, the semi-presidential system became the preferred governance model in Europe, particularly among countries formerly part of the Soviet Union. By that time, more than thirty countries worldwide had adopted the semi-presidential system, including Russia, France, Poland, Ukraine, Portugal, Azerbaijan, Kazakhstan, Mongolia, Haiti, Romania, Austria and Turkey[xii], as well as other nations outside Europe.

Subsection Two: Cohabitation in the Semi-Presidential System

As previously mentioned, each type of political system has its advantages and disadvantages, and this applies to the semi-presidential system as well. One of the situations that threatens its political stability most critically is when the parliamentary majority government is not from the same political stream as the President of the Republic — or even when it is an opposition government. So, what is this situation, and how did it emerge?

Branch One: Cohabitation in the French Political System (Dual Political Coexistence).

In the context of the Fifth Republic, the term 'cohabitation' refers to the existence of two conflicting authorities: the President of the Republic on one side, and an opposing parliamentary majority government on the other. From a constitutional legal standpoint, the term was originally more closely associated with issues of marriage and family law, and had not previously been discussed in constitutional or political terms prior to the Fifth Republic.

Nevertheless, the conflict between the parliamentary majority and the executive authority is a recurring theme in France's political and constitutional history.

What does the term 'political cohabitation' really mean in the context of the political turbulence caused by conflict within the majority framework of the Fifth Republic?

Section One: The Concept of Cohabitation (La cohabitation)

Although the conflict between the French president and their opponents dates back a long time, the term 'cohabitation' only emerged in 1967. Despite this situation and struggle, de Gaulle preferred to describe it simply as a form of parliamentarism. During the unsuccessful cohabitation experiments of 1973 and 1978, the term gained little traction, despite being mentioned by some experts and political figures. For example, François Mitterrand began using the term 'cohabitation' in its current political sense before his election in 1978, stating: 'We will coexist in the same country, and our desire is to preserve the common national fabric, but there will be two policies for France: his policy and our policy, and they cannot be confused.' By linking the term 'cohabitation' to the implementation of a political programme opposing the president, Mitterrand anticipated the meaning the term would take on after 1986. Shortly before this, researchers such as Jean-Luc Parodi and Pierre Avril analysed the contradiction of the majority through the lens of cohabitation, while Jean-Claude Colliard used the term in 1978 to describe the division within the majority[xiii].

Cohabitation is precisely defined as 'a situation that arises from the coexistence of the two branches of executive power in the state following two separate direct elections, each representing a different political party, with each being constitutionally obligated to form a government'[xiv].

Thus, by 'cohabitation', we specifically mean the emergence of an opposing parliamentary or non-presidential majority as the second pole of executive power, formed through the establishment of a government with its own programme.

'Cohabitation' refers to joint and dual executive authority, where each pole shares the same popular legitimacy derived from elections. This creates competition and conflict between the two authorities[xv].

Therefore, cohabitation involves two opposing authorities working together to maintain political system stability while adhering to the limits of their respective authorities and respecting their shared popular legitimacy.

As such, political practice can give rise to a situation that is very dangerous, as it can threaten the stability of the existing political system and state institutions. Cohabitation is merely an innovation aimed at avoiding such instability. What follows focuses on the crisis arising from opposing poles in the executive hierarchy enjoying popular legitimacy and the basis that brought them to power. We will also explore the solutions established to address this crisis, which underpin cohabitation in France's semi-presidential system.

Section Two: Periods of cohabitation in the French semi-presidential system

Throughout history, the French system has undergone numerous experiences, and the adoption of the semi-presidential system has presented some of the most significant challenges, as governments have been formed in opposition to the President of the Republic. So, what are the periods during which the French political system entered a state of cohabitation?

'Cohabitation' in the French context, within the framework of the Fifth Republic, is a novel situation with no equivalent in other democratic systems. The notion of cohabitation did not exist when the Fifth Republic was established; it emerged through the practice and application of this type of political system. Over time, cohabitation became a likely occurrence with each presidential or parliamentary election, first occurring in 1986, then in 1993, and again in 1997[xvi].

In my view, the absence of cohabitation in the early years of the Fifth Republic was due to the dominance of the presidential majority, reflecting the principle on which the semi-presidential system is based. This principle embodies the idea of presidential majority control over parliament to ensure political stability and grant greater authority to the President, thus leaning towards a presidential system.

The three instances of cohabitation that later emerged resulted from popular support gained by the opposition and close competition between right-wing and left-wing parties. Below, we present the periods of cohabitation in France as a historical narrative.

Cohabitation from 1986 to 1988:

During this period, matters proceeded smoothly, with cohesion and stability stemming from a unified approach among the government, parliament and the President of the Republic. This unity was largely the result of François Mitterrand's election as president in May 1981, and his subsequent victories in the legislative elections that followed, despite criticism from socialists regarding the expansion of presidential powers. In February 1981, Mitterrand stated: 'We do not wish to make the president what he is today: someone who tries to intervene in everything.' However, he did the opposite in reality, stripping the government and parliament of power and intentionally weakening these bodies. He took a step forward in anticipation of the March 1986 elections for this reason, replacing the majority voting system with a proportional representation system[xvii] (Law of 10 July 1985)[xviii] in fear of a victory for the right. Unfortunately for him, his fears were realised and the right won. Following consultations, Jacques Chirac was appointed on 20 March 1986, stating: 'The powers and responsibilities of the president, as defined by the constitution, are inviolable, and the government, headed by the prime minister, determines and leads the nation's policy.' In contrast, on 8 April 1986, President François Mitterrand affirmed in a letter to parliament that he remained committed to the constitution and the commitments outlined in Articles 5 and 20, which define the tasks of the President of the Republic and the government's responsibilities respectively. Following the onset of cohabitation, the President's powers were reduced and he took on the role of arbiter, with his powers limited to specific areas[xix].

Cohabitation from 1993 to 1995:

The semi-presidential system in France had changed since the beginning of the Fifth Republic. As the dominance of majority and presidential logic increased, there were some attempts at adjustment and coexistence. However, majority logic once again prevailed in 1993. Legislative elections continued to produce a parliamentary majority for the opposition. The winning coalition secured all of the seats, despite receiving only 76% of the votes in the first round. This marked a victory for the right and a decline in presidential power between 1993 and 1995. Lionel Jospin maintained his presidential authority by standing in the 1995 election[xx].

Thus, the second period of cohabitation, at the end of a five-year legislative term, coincided with the conclusion of President Mitterrand's term, with the affirmation that he would not run again in the 1995 presidential elections. This situation contributed to easing the relations between the president and the prime minister, as there were no longer reasons or ambitions to provoke a conflict between the president and the opposition or the prime minister. This made the period of cohabitation in 1993 distinct from that of 1986, which was characterized by conflict and hostility and was a pre-election campaign. The notable feature of this cohabitation period was the calm and avoidance of conflict between the two poles of executive power, compounded by the illness of President[xxi] François Mitterrand[xxii].

Third: cohabitation from 1997 to 2002.

Unlike the previous two periods, this one did not result from the conclusion of a legislative mandate. Rather, it stemmed from the president's decision to dissolve the National

Assembly based on Article 12 of the Constitution. It is a unique case because the dissolution did not occur immediately before the start of the electoral campaign, as occurred in 1962, nor after victory in the presidential elections, as occurred in 1981 and 1988. Rather, this dissolution arose from political manoeuvring intended to catch the left off guard. The intention was to enhance his authority over a divided right, split between supporters of Balladur and Chirac[xxiii]. However, the president's calculations proved unsuccessful, resulting in a lengthy five-year period of cohabitation marked by confrontation between the two heads of executive power during the 2002 presidential election.

This situation was reminiscent of the first period of cohabitation, except that the pre-campaign phase began five years earlier, exacerbating tensions as the election deadline approached. Chirac's approach weakened the presidential function, which might have been more securely preserved had Lionel Jospin not been so determined to become president himself in 2002. This scenario challenged Jacques Attali's theory that long cohabitation could signify a return to a parliamentary system in which the left relinquishes the presidential function[xxiv].

Third: threats to the stability of the system in the event of an opposition government being formed.

If the opposition regains a parliamentary majority, the President of the Republic's role will diminish in favour of the opposition majority government, which threatens executive authority. This raises the question of who will dominate decision-making and prevail in formulating and implementing public policy. This scenario arises amid a stubborn adherence to direct popular voting for the president and parliamentary elections, resulting in a mixture of tension and reconciliation[xxv].

The semi-presidential system can be stable if the government is formed by a presidential majority in parliament. However, if an opposition government is formed based on a parliament with an opposing majority, this will create problems and pose threats to the stability of the political system. What are these threats?

The following points outline the key threats to the stability of the semi-presidential system:

Government independence

Regarding this aspect, we pose the question: Which legal actions, jurisdictions and constitutional powers granted to the President of the Republic might threaten the independence of the opposition government?

According to Article 8 of the French Constitution, the President of the Republic has the power to appoint and dismiss the Prime Minister and ministers in the event of a government resignation. However, the text of this article indicates that the government's independence is not absolute[xxvi].

An example of the government's lack of organic independence and the President's interference in the appointment of ministers, despite the existence of an opposition parliamentary majority, is Mitterrand's appointment of Jacques Chirac as Prime Minister on 20 March 1986, along with the rest of the government. Evidence of a tacit understanding through which the president imposes his choices without undermining the prime minister's authority can be seen in the absence of rejection of ministers proposed by the prime minister, while attempting to enforce the appointment of ministers who are submissive to him. Consequently, he had to use his veto power to reject the initial proposals to appoint Jean Lecanuet as Minister of Foreign Affairs and François Léotard as Minister of Defence. Thus, from the outset, the constitution was seemingly respected while fulfilling the president's desires, as was confirmed later. During the cabinet reshuffle on 19 August 1986, the president refused to appoint André Santini as Minister of State for Returnees (a position he would not assume until 28 September 1987) and accepted Bernard Bosson as Minister for European Affairs, a position guaranteed to the presidency. 'If he had not been suitable for me, he would not have been a minister because it is a responsibility, and he possesses

competencies that I particularly value,' stated François Mitterrand on this matter[xxvii].

The president's authority to dismiss the government illustrates the organic relationship between the head of state and the head of government. If the head of state is constrained in their power to dismiss the government, the head of government becomes relatively stronger. Conversely, if the head of state has extensive powers to dismiss the government, the prime minister and ministers effectively become mere executive officials[xxviii].

The president can also dissolve parliament to end the government's work, a topic we will address in the following section.

Dissolution of Parliament

In the French constitutional system, the President of the Republic can remove the government in two ways: by directly dismissing it, or by dissolving the parliament from which it emerged. According to Article 12 of the French Constitution, the President may dissolve the National Assembly after consulting the Prime Minister and the presidents of both houses of parliament[xxix]. Although dissolution is temporally restricted the President cannot dissolve Parliament during the year following legislative elections after a previous dissolution[xxx], nor during a state of emergency it remains a tool through which the President can terminate the government of an opposing parliamentary majority.

The requirement to consult the Prime Minister and the presidents of both houses of parliament is non-binding, allowing the President to bypass it if desired.

Therefore, if an opposition government is formed, this mechanism indicates that the President can end its term by dissolving the originating parliament. Consequently, in the French semi-presidential system, the president's power to dissolve parliament poses a threat to the stability of the political system by threatening the continuation of an opposition government.

Implementation of public policy

In a parliamentary government formed by a non-presidential majority, the establishment and implementation of public policy fall to the government. This can create a clash between the President's goals and those of the parliamentary opposition, threatening the government's continuity. This conflict may be reflected in the proceedings of the Council of Ministers, as control over the council and its decisions is a primary objective for both branches of executive power. Consequently, this may lead to a crisis necessitating solutions.

Security and Military Competencies

Military and security competencies can play a crucial role in the conflict when there are two poles of executive power. The concentration of authority over security councils, combined with control over the Ministry of Defense and the supreme command of the armed forces, tends to favor the party that holds these powers. For example, in the Algerian experience in this regard, the President's control over security and military competencies led to the dissolution of parliament, the declaration of a state of emergency, and the mobilization of the army in the streets due to the emergence of a parliamentary majority that opposed the government politically and ideologically, and which had the constitutional right at the time to form an opposition government. This was unacceptable to the existing regime, plunging the country into a long period of violence, political, social, and security instability, along with economic stagnation[xxxi].

From this, we can see that the President's control over the dissolution of parliament, the declaration of a state of emergency and the command of the armed forces, along with the lack of restrictions on these powers, can make him resilient. The military can be used to suppress opposition and impose a state of emergency.

Chapter Two: Solutions for Cohabitation

Legally, cohabitation is only possible if the head of state abandons the increasingly stringent presidential interpretation of the constitution that has developed since General de Gaulle.

However, cohabitation leading to a more parliamentary interpretation of institutions can take various forms. It may be peaceful if the head of state relinquishes some of their powers or exercises them only at the request of the prime minister. Conversely, it may become conflictual if the president refuses to submit to the will of the new majority and continues to act as the representative of the majority that elected him. Between these two extremes, a range of interpretations based on mutual respect and the evolution of public sentiment exists[xxxii].

Therefore, cohabitation in a semi-presidential system is possible if there is political will for the elected president and an opposition parliamentary majority government to coexist. More precisely, this would be a government that does not share the same political or ideological views as the president. This political will can only be realised under certain conditions and guarantees. In this study, we categorise these as constitutional legal and political guarantees, which we address in detail in the following sections.

Subsection One: Constitutional and Legal Solutions for Political Cohabitation in the French Semi-Presidential System

The issuance of legal texts aimed at reassessing the role of the opposition has been initiated through Constitutional Laws No. 74-904 dated October 29, 1974, and No. 92-554 dated June 25, 1992. The first of these amendments modified Article 61, paragraph 2, granting 60 deputies or 60 senators the right to summon the Constitutional Council, a right that was originally restricted to the President of the Republic, the Prime Minister, and the presidents of both houses of parliament. This had a significant impact, especially in a system oscillating between presidential and parliamentary majorities, highlighting the role of the Constitutional Council as a guarantor of the system's legitimacy.

The same right to summon the council was granted to 60 deputies or senators for the prior review of international treaties (Article 54), which was aimed at potential constitutional review before ratification. This was under the constitutional law of 1992 (Article 2) and was part of the broader context of the amendment that allowed the ratification of the Maastricht Treaty.

Furthermore, Constitutional Law No. 2000-964, issued on 2 October 2000, introduced the 'five-year presidential term' system, reducing the term duration from seven years. This had originally been set by Law No. 1873-11-20 on 20 November 1873 during the Third Republic, and was later confirmed under the name 'republican traditions', understood in strictly formal terms.

These constitutional texts were created by the constitutional founding body to balance the powers of the President and the government, and will undoubtedly impact the period of cohabitation.

In the following section, we will discuss the solutions proposed by the French constitutional founders to ensure the stability of the political system if presidential or parliamentary elections result in a government belonging to a different political stream to that of the President of the Republic, according to their assigned constitutional powers.

Section One: Domestic Policy and Foreign Policy

Political cohabitation in the semi-presidential system is divided into two types: external cohabitation dominated by the President of the Republic[xxxiii], and internal cohabitation where the balance shifts towards the control of the opposition government. This reflects what is stated in the French Constitution and its provisions. According to Article 20 of the French Constitution, determining state policy falls within the government's competencies, regardless of its nature—whether it is a presidential majority government or a non-presidential parliamentary majority government. This, in itself, is a constitutional guarantee for the non-presidential parliamentary majority government to take charge of and implement national policy[xxxiv].

When a presidential majority government is formed, there will be no disagreement between the President and the government regarding state policy and its implementation. However, issues arise when an opposition government is formed with its own perspective on state policy that may contradict the President's views. In this context, Article 20 becomes more important, as it ensures that the President does not monopolise this competency. The determination of state policy varies according to political currents and each party's perspective. By separating competencies in the constitution, both sides of the executive authority are obliged to respect this constitutional principle.

When discussing state policy and its implementation, we will focus on the decisions and outcomes of the Council of Ministers. Presiding over the Council of Ministers is one of the responsibilities assigned to the President of the Republic, as outlined in the French Constitution[xxxv]. This raises the question of the extent to which the President controls the Council of Ministers' decisions and the opposition's ability to implement its programme and propose laws that reflect its principles. This issue represents a crisis arising from the presence of two poles of executive power that do not share the same political outlook. In this study, we will attempt to identify the solutions proposed to resolve this crisis.

As previously mentioned, foreign policy falls under the President of the Republic's remit. Several provisions in the French Constitution reflect foreign policy. Notably, Article 5[xxxvi] states that it is the President's duty to respect treaties. Additionally, Article 53 grants the President the exclusive right to negotiate treaties and oversee negotiations for international agreements not subject to ratification, relating to the state's foreign relations[xxxvii]. Article 14 also stipulates the approval and presentation of the credentials of ambassadors and extraordinary envoys[xxxviii].

These constitutional provisions demonstrate that all matters relating to the state's external relations are within the President's remit, and the Prime Minister has no authority in this regard as they are responsible for domestic policy.

Section Two: Security and Defence Competencies

The President of the Republic is responsible for national defence and presides over the higher defence councils and committees, as stipulated in Article 15[xxxix] of the French Constitution. However, according to Article 20[xl], the Constitution places the armed forces at the government's disposal. Additionally, in exceptional circumstances, as outlined in Article 21, the Prime Minister can represent the President of the Republic in presiding over the higher councils and committees of defence.

These constitutional provisions demonstrate that the French constitutional founder has established a balance to prevent monopolies and control over defence and security. Complete control of defence and security, and of the armed forces, could be exploited to impose a state of emergency and suppress opposition, as happened in Algeria in 1992. The balance established by the constitutional founder regarding military affairs makes it difficult to use the army to suppress opposition.

Section Three: The Role of the Constitutional Council During Cohabitation

The Constitutional Council, or constitutional courts in other systems, acts as an arbiter to resolve disputes and disagreements that arise between authorities, including between the two branches of executive power when the government is derived from an opposing parliamentary majority.

Many disputes revolve around goals, the implementation of programmes and ensuring popular loyalty to guarantee future legitimacy through various types of election. The French Constitutional Council is one of the main bodies responsible for ensuring the integrity of elections and the results determined by ballot boxes. It adjudicates on election-related disputes in accordance with Articles 58 and 59 of the French Constitution[xli]. If the results favour the opposition in the formation of a parliament, the Constitutional Council must

ensure supremacy for the opposition. This serves as a precursor to political cohabitation and guarantees that the president does not violate constitutional provisions regarding his relationship with the opposition government. The Council has empowered deputies and the government with a mechanism to challenge constitutionality[xlii].

Subsection Two: Political Solutions for Political Cohabitation in the French Semi-Presidential System

As discussed in this study, if the French semi-presidential system enters a state of political cohabitation, constitutional solutions and provisions ensure the stability of the system in the presence of opposing executive power poles. In addition to these constitutional solutions, there are other political solutions, the most important of which are bilateral meetings and negotiations between the two poles of executive power.

Section One: Bilateral Meetings Between the President of the Republic and the Prime Minister

Before each cabinet meeting, the president and prime minister often hold bilateral meetings to unify or align their perspectives and find solutions to issues that will be raised in cabinet. These meetings are part of the political customs applicable during periods of political cohabitation and are considered an effective solution[xliii].

Although the Constitution does not stipulate the necessity of these meetings and there is no law that references them, they have become a requirement of the political landscape and are essential; they have practically turned into a political custom during periods of cohabitation. The moral basis of this custom lies in the belief that this behaviour is obligatory. Therefore, despite not being legally codified[xliv], this political behaviour has become mandatory and tends to be activated automatically with the emergence of political cohabitation[xlv].

Section Two: Negotiations

Negotiations between the two branches of executive power occur where gains are achieved and concessions are made simultaneously[xlvi]. As discussed earlier in this study, these negotiations may begin at the moment of government formation. Through these negotiations, the president tries to use his remaining options to push for the appointment of people who share his views and vision, even if they come from the other side of the political spectrum. Negotiations continue throughout the cohabitation period and are utilised whenever necessary as each party seeks to gain advantages at the expense of the other, whether through pressure or promises.

These constitutional, legal and political solutions demonstrate the resilience of France's political system, which is particularly evident in its experience of political cohabitation.

However, how can we assess the effectiveness of these solutions despite the contradictions at the level of executive authority? One way to discern this is by observing that cohabitation has never led to a political crisis forcing either the president or the prime minister to resign. During periods of cohabitation, opposition governments have managed to implement their political programmes, thereby maintaining state stability.

This positive outlook suggests acceptance of the concept of political cohabitation among the French people and political class, despite some friction and challenges during these periods[xlvii].

Conclusion:

This study focused on crises arising from the announcement of final legislative or presidential election results. These crises are caused by the emergence of two opposing executive power poles, each with its own programme and vision for public policy.

We have reached the following conclusions:

Elections can mark the beginning of a crisis.

The emergence of two poles of executive power can lead to political instability.

- Cohabitation, or political coexistence, involves accepting election results and the legitimacy granted by the people, and respecting the outcomes of the ballot.

Cohabitation and coexistence are possible, but require constitutional, legal and political solutions.

While cohabitation is a widely accepted concept among the public and political class, it is not guaranteed in my personal opinion. Its success depends on the willingness of the political class and individuals in executive power to collaborate for the stability of the political system, given that each period of cohabitation has its own specifics.

This raises another issue: Is cohabitation the result of politicians' will, or the consequence of applying the constitution and laws?

Therefore, the Constitution should establish a more precise framework for cohabitation, creating provisions that activate automatically when the semi-presidential system enters a state of cohabitation.

Footnotes:

[i]- Granier de Cassagnac, Adolphe. History of the Causes of the French Revolution, Part One. Auch: J. Foix, Rue Neuve, France, 1850, p. 7 .

[ii]- Fournier, Antonin-Xavier. Critical Analysis of Cohabitation Under the Fifth Republic: Balance and Perspectives. Master's thesis submitted in partial fulfilment of the Master's degree in Political Science at the Université du Québec à Montréal, 2007, p. 9.

[iii]- Wikipedia. 'Fourth Republic (France)', accessed on 11/10/2025 at 22:21. [Link].

[iv]- Vitaliano Canas. 'The Semi-Presidential System'. Heidelberg Journal of International Law (HJIL), Max Planck Institute for Comparative Public Law and International Law, Vol. 64, Berlin, Germany, 2004, p. 98.

[v]- McAfee, Connor J., 'Semi-Presidentialism: A Pathway to Democratic Backslide'. Penn State Journal of Law & International Affairs, Vol. 11, No. 2, 2023, p. 196. The term 'semi-presidentialism' was coined by the renowned political scientist Maurice Duverger in 1980 during a presentation on political systems in France.

[vi]- Duverger, Maurice. 'A New Political System Model: Semi-Presidential Government'. European Journal of Political Research, Vol. 8, University of Paris, France, Elsevier Scientific Publishing Company, Amsterdam, 1980, p. 165.

[vii]- Sujit Choudhry et al., 'Semi-presidentialism as power-sharing: constitutional reform after the Arab Spring', International IDEA, Sweden, 2014, p. 9. International IDEA, Sweden, 2014, p. 9.

[viii]- Duverger, Maurice. Semi-Presidential Regimes. 1st ed., Presses Universitaires de France, 1986, p. 7.

[ix]- A Constitution for Today's Quebec', a document prepared by the Institut du Nouveau Monde, [link].

[x]- McAfee, Connor J., op. cit., p. 195.

[xi]- McAfee, Connor J., op. cit., p. 197.

[xii]- McAfee, Connor J., op. cit., p. 198.

[xiii]- Fournier, Antonin-Xavier, op. cit., p. 36.

[xiv]- Parodi, Jean-Luc. 'Periodic Proportionality, Cohabitation, Party Atomisation: A Triple Challenge for the Semi-Presidential Regime of the Fifth Republic'. Revue Française de Science Politique, Vol. 47, No. 3–4 (June–August 1997), Presses de la Fondation Nationale des Sciences Politiques, p. 300.

[xv]- Fournier, Antonin-Xavier, op. cit., p. 40.

[xvi]- Parodi, Jean-Luc, op. cit., p. 300.

[xvii]- Donnarumma, Maria Rosaria. 'The Semi-Presidential Regime: A French Anomaly'. *Revue Française de Droit Constitutionnel*, Vol. 1, No. 93, Presses Universitaires de France, 2013, p. 44.

[xviii]- Decision No. 85-195 DC of 10 July 1985, published in the Official Journal of the French Republic, concerning amendments to the Electoral Code relating to the election of deputies. The decision addresses the organic provisions that modify the electoral regime, particularly with regard to eligibility, the replacement of deputies and electoral procedures. It confirms that the amendments comply with the French Constitution and specifies the rules for replacing deputies elected by a first-past-the-post system, as well as the restrictions on candidacy in certain cases.

[xix]- Gicquel, Jean. 'Cohabitation, Powers', no. 49, 1989, p. 70.

[xx]- Parodi, Jean-Luc, op. cit., p. 310.
[xxi]- Fournier, Antonin-Xavier. Critical Analysis of Cohabitation under the Fifth Republic: Balance and Perspectives', Master's thesis, Université du Québec à Montréal, 2007, p. 76.
[xxii]- François Mitterrand. President of the French Republic from 1981 to 1995. For more information, see the French Presidency's website: https://www.elysee.fr/la-presidence/les-presidents-de-la-republique (last visited on 15/11/2025 at 21:05).
[xxiii]- Chirac, Jacques. President of the French Republic from 1995 to 2007. See the French Presidency's website: https://www.elysee.fr/la-presidence/les-presidents-de-la-republique. Last visited on 15/11/2025 at 21:20.
[xxiv]- Fournier, Antonin-Xavier, op. cit., p. 78.
[xxv]- Gicquel, Jean, op. cit., p. 71.
[xxvi]- See Article 8 of the 1958 Constitution of the French Republic.
[xxvii]- Gicquel, Jean, op. cit., p. 72.
[xxviii]- Sujit Choudhry et al., 'Semi-Presidentialism as Power Sharing: Constitutional Reform after the Arab Spring', International IDEA, Sweden, 2014, p. 11.
[xxix]- See Article 12 of the 1958 Constitution of the French Republic.
[xxx]- See also Article 16 of the 1958 Constitution of the French Republic.
[xxxi]- Majumdar, Margaret A. and Saad, Mohammed. Transition and Development in Algeria: Economic, Social and Cultural Challenges, first edition, Intellect Books, PO Box 862, Bristol, BS99 1DE, UK, 2005, p. 13.
[xxxii]- Chaudet, Jean-Pierre. 'Legal Aspects of Cohabitation Between the President of the Republic and a Hostile Parliamentary Majority.' Revue des Deux Mondes, p. 290.
[xxxiii]- Gicquel, Jean, op. cit., p. 71.
[xxxiv]- See Article 20 of the 1958 Constitution of the French Republic.
[xxxv]- See Article 9 of the 1958 Constitution of the French Republic.
[xxxvi]- See Article 5 of the Constitution of the French Republic of 1958.
[xxxvii]- See Article 52 of the 1958 Constitution of the French Republic.
[xxxviii]- See Article 14 of the 1958 Constitution of the French Republic.
[xxxix]- See Article 15 of the 1958 Constitution of the French Republic.
[xl]- See Article 20 of the 1958 Constitution of the French Republic.
[xli]- See Articles 58 and 59 of the 1958 Constitution of the French Republic.
[xlii]- See Article 54 of the 1958 Constitution of the French Republic.
[xliii]- Messaoudi Temame and Djouadi Ilyes. 'The Requirements of the Semi-Presidential Regime with Political Coexistence: A Comparative Study Between the Algerian and French Political Systems'. International Journal of Legal and Political Research, Vol. 7, No. 3, University of El Oued, Algeria, 2023, p. 76.
[xliv]- Bʿalī Muḥammad al-Ṣaghīr. Administrative Law – Administrative Organisation, unpublished, Dar Al-Oloum Publication and Distribution, Algeria, 2002, p. 16.
[xlv]- Messaoudi, T., & Djouadi, I., op. cit., p. 76.
[xlvi]- Messaoudi, T., & Djouadi, I., op. cit., p. 76.
[xlvii]- Fournier, Antonin-Xavier, op. cit., p. 136.