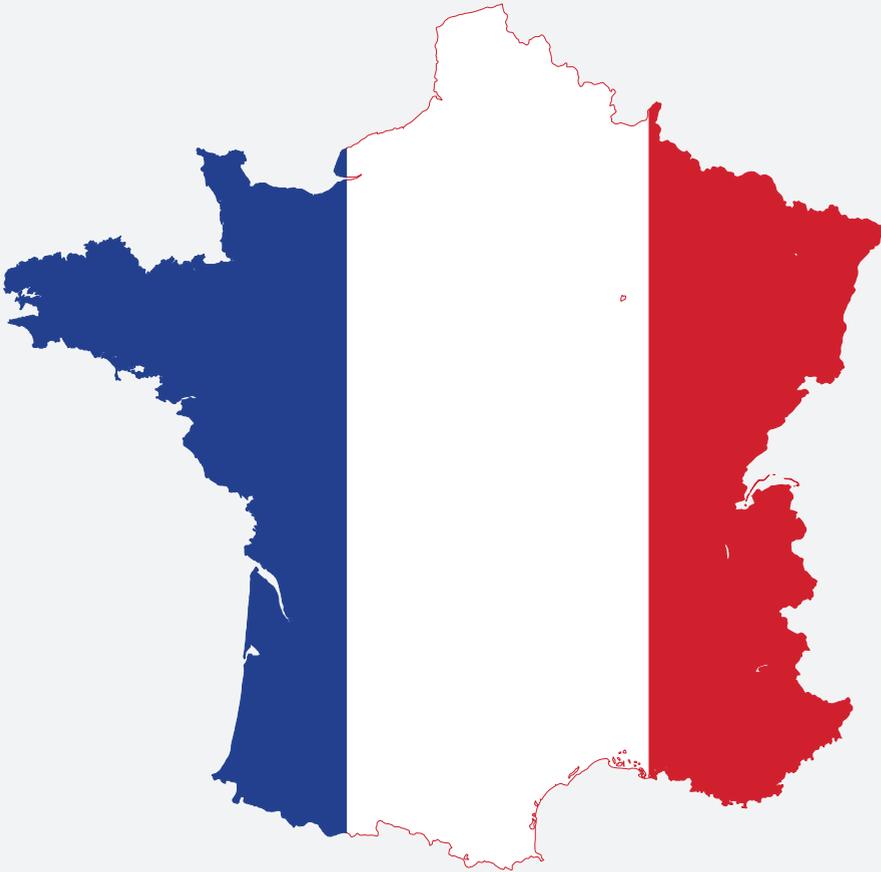




1870-1958

The Advent of the Republic

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Al-Bayan Center for Planning and Studies is an independent, non-profit centre based in Baghdad. Its main mission, amongst other things, is to provide a credible perspective on public and external policy issues that concern Iraq in particular and the Middle East region in general. The centre seeks to undertake an independent analysis of and to submit practical solutions to complex issues in the academic and political domains.

1870-1958 The Advent of the Republic

Catherine Shakdam *

The Third Republic (1870–1940):

After four years of uncertainty over the leadership of the country, the Third Republic is firmly instituted in Versailles on 1875, thus quashing monarchists quarrels and hopes that they would return in favour.

Interestingly enough, and against many odds, the Third Republic would prove an ocean of stability following much upheaval and institutional instability.

The Third Republic is proclaimed in France on September 4, 1870 after the defeat at Sedan.

Reeling still from its defeat with neighbouring Germany (Prussia) and the reality of an occupation – large swathes of land were still under German control, France has to contend with a social and financial crisis.

Its dreams of glory and prestige in tatters France is looking to find itself again. This time sovereignty would find its greatest expression yet in the formulation of a republic.

As a condition sine qua non to peace Otto von Bismarck demands that France establishes an assembly of elected members.

Elections are held in February 1871. Led by right-wing monarchists (Orleanists and Bonapartists) the new Assembly meets in Bordeaux and elect Thiers as Chief Executive – the term president was not yet used. After so much political and constitutional instability, the ruling elite was rather keen not to upset socio-political sensitivities, or bring up memories of institutional battles.

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With much more than just a system of governance in the balance, France wanted first and foremost to secure its sovereign integrity by asserting order over its territories. While systems of governance more often than not are the expression of a political vision, they are also the expression of a nation's sovereign rights, and in time of extreme duress, necessity trumps form.

By the time France saw the rise of the Third Republic, most were more preoccupied with the nation's survival, than an imperious need for democracy-building. That is not to say that France had abandoned its revolutionary dreams, only that stability was taking precedent.

As it happened, the Third Republic would allow for both: stability and democracy-building.

Thiers first executive order would be to sign a peace treaty in between France and Germany in Frankfurt in May. He then set out to quell the rebellion – the Commune, to assume control of France and establish the uncontested authority of the new Republic.

It would take four years of political divisions for the Third Republic to assert itself over a myriad of political factions.

The Third Republic was definitively established in January 1875 on an amendment which allowed for the President of the Republic to be elected for a period of seven years, renewable, by the Chamber of Deputies and the Senate in the National Assembly. The Wallon amendment states:

“The president is elected to the absolute majority of votes by the Senate and the Chamber of Deputies united in National Assembly. It is appointed for seven years; he is re-elected. “

The amendment was adopted on the 30th by 353 votes to 352: the establishment of the Third Republic came down to a single deciding vote. Three additional amendments followed, later composing the 1875 Constitution, which remained in force until 1940.

The early days of the Third Republic saw a shift which many may not have predicted in the wake of Napoleon Bonaparte's truce with the Church, and Monarchists' control over power. Breaking away from traditions, and following the resignation of President Patrice de MacMahon, France will de facto become secular, democratic, and parliamentary – ruled by a majority republican. From 1879 onwards, Republican France is asserted.

It would take a few more decades however for France to seal its break from the Church and forever think secular. France's "laïcité" – French-style secularism – is an ideology, defining what it means to be French.

The 1905 French law on the Separation of the Churches and State is passed by the Chamber of Deputies on 9 December 1905. Enacted during the Third Republic, it established state secularism in France. The law was based on three principles: the neutrality of the state, the freedom of religious exercise, and public powers related to the church. This law continues to be seen as the backbone of the French principle of laïcité (secularism).

As Tim King, a political analyst based in France writes on the matter: "The 1905 law separates; it does not discriminate. Indeed it stresses freedom of conscience. It doesn't mention the wearing of religious insignia in schools or public buildings. Its purpose is to reinforce one of the three pillars of republicanism: *égalité* The ideal of equality lies behind the French policy towards immigrants – welcomed as equals, but only as long as they become like the French, adopting French

language, culture and values. Republicanism is not merely the reverse of the take it or leave it British attitude towards monarchy. If you have a problem with republicanism, you have a problem with being French. Laïcité is an absolute, an exception française.”

Born in institutional and political tumult, the Third Republic carries within the seed of its own instability. Indeed, the characteristics of its institutions are not predisposed to stability. After 16 May 1877 crisis, which marks the end of the dual parliamentarism, the architecture of the regime is ambiguous in its repartition of power – which ambiguity one must note is by design. In view of France’s past experiences with a strong Executive, the Third Republic ambitions to temper political wills on the basis of displacement and dilution.

- The characteristics of this republic are:
- The President of the Republic has a ceremonial role.
- The Chamber of Deputies is elected by direct universal suffrage.
- The Senate is elected by indirect universal suffrage.

The President of the Council, comparable today to the President of the Council of Ministers, is one of the main ministers but not the Prime Minister, that is to say, he is not the head of government.

The architecture is simple but effective in generating an institutional status quo that will manifest in the coming and going of governments, break-up and make-up of political factions, and thus dramatic political chaos. If France has the republic it wanted, or at least that its political philosophers imagined, its efficiency and ability to own the political landscape leaves something to be desired, by the weakness of its institutions architecture.

The Third Republic rises on the following syllogism – one which in hindsight makes little to no sense at all: “The nation is sovereign, or the parliament represents the nation, so the parliament is sovereign.”

Imagined to counter a strong Executive, the Third Republic’s main difficulty came from an excessive valuation of parliamentary power. Parliament, with its two chambers – each made of several hundred members, did not allow for the rise of any clear political majority, and only coalition majority.

While such political pluralism does, on paper, appeal to the idea that in a democracy, all ideas ought to be represented, it de facto hampered the State’s ability to not only make decisions but embrace any potent governing vision.

The regime of the Third Republic was a malfunction festival which resulted in ministerial instability. But from such chaos democratic progress nevertheless came ... so much so that such progress came to define what it is that makes France’s Republic so French!

In 1901 freedom of association is proclaimed and in 1905, most dramatic of all, the law of separation in between the State and the Church passes.

It is under the Third Republic as well that France witnessed the birth its secular and compulsory education system – one aimed to train future citizens in the way of the Republic.

France’s republican institutions will ultimately fail the nation, when, surrounded by increasingly belligerent and authoritarian neighbours in the 1930s: Franco’s Spain, Mussolini’s Italy, and Hitler’s Germany, Parliament will fail to agree on a budget, and doing so, hampered France’s ability to repel military aggression – or at least make provision for a potential military confrontation.

For France, the interwar period (in between WW1 and WW2) is marked by a degeneration of its parliamentary system, and political inertia in that no decision will be made to safeguard the nation against a growing list of enemies – not least of all Germany.

Voices such as that of young officer de Gaulle are ignored.

In 1933, Hitler comes to power. In September 1939, he enters Poland. As a result, Britain and France declare war on Germany.

But where France struggles to find political cohesion, autocratic Germany plows through ... quite literally by-passing France's defenses. Hitler's armies breach into France through the 'hole of the Ardennes' prompting a veritable exodus.

As Hitler's march on, government is forced to relocate from Paris to Bordeaux in the south-west. In June 1940, in a last ditch effort to offer France some modicum of unity and purpose Marechal Pétain – a hero of WW1, is appointed as prime minister.

With the imminent fall of France in June 1940 in World War II, Pétain is appointed Prime Minister of France by President Lebrun at Bordeaux, and the Cabinet resolved to make peace with Germany. The entire government subsequently moved briefly to Clermont-Ferrand, then to the spa town of Vichy in central France. His government voted to transform the discredited French Third Republic into the French State, an authoritarian regime aligned with Nazi Germany.

A day after Pétain signs the armistice – June 17, 1940, Gen. Charles De Gaulle calls on the BBC: "France has lost a battle but not the war."

So begins the competition between two frances: that of the Vichy regime and that of Free France regime.

The Vichy Regime (June 1940 – August 1944):

The Vichy regime is governed by Pétain. Under his leadership France is divided into two areas: the north, occupied by Germany and the South under French administration. Subsequently, France agrees to help Germany in its war effort.

On 29 June 1940, the French government, called the Vichy regime unequivocally bows to Germany when it appoints a French ambassador to Paris.

On July 9, 1940 the two Assemblies decide that it is necessary to revise the constitutional laws, and transfer power to the hands of Marechal Pétain. Rewritten and in essence rendered void of its initial spirit, the Third Republic is as good as dead under what France will soon learn to call the ‘Collaboration period’.

Very much mapped out on the autocratism of its neighbours, France is being mould on an authoritarian model, characterized by personalization and concentration of authority with the Executive.

The Government of Free France (June 1940 – August 1944):

Exiled in Britain, Gen. de Gaulle begins the long and arduous process of uniting France – a very fragmented France, by demanding of the French to apply themselves to a higher ideal of France itself.

Before it could manifest on the ground, France's Resistance Movement was very much born in republican idealism – that of a free, independent, democratic, and sovereign France.

On June 6, 1944 begins the Normandy landings. In August, General Leclerc rushes to Paris at the head of the Second Armored Division. By the end of 1944 France is essentially liberated and the Allies march onto Berlin (Germany).

On May 8, 1945 France announces the end of the war. A jubilant France will begin the tricky process of rebuilding its institutions.

Begins the interim period under the leadership of Gen. de Gaulle. Keen to assert France's new institutions within popular legitimacy, de Gaulle calls for two referendums, and one general election.

The French will, on the same day, elect a new Assembly, and answer two fundamental questions as to the structures of their institutions.

Voters are asked whether they approve of the Assembly elected on the same day serving as a Constituent Assembly, and whether until a new constitution is approved, the country would be governed according to a proposed set of laws that appeared on the ballot paper. If the first proposal had not been approved, the Third Republic would have been restored, but its approval led to the creation of the Fourth Republic. Both were approved by wide margins with a turnout of 79.8%.

This plébicit led to the Constitutional Law of 2 November 1945:

- Legislative power is vested in a single chamber, the National Constituent Assembly responsible for drafting the new constitution. It appoints the head of government and shares with him the legislative initiative.
- the executive power is orchestrated by the government which, besides its power to execute, promulgates laws and can ask the Assembly a second deliberation.
- regarding the electoral college, the 1945 law eliminated the two main restrictions to the universality of suffrage: it establishes the electorate for women and the military.

this sets up the provisional government of France until the entry into force of the final Constitution.

At the time, the first political party is the Communist Party, which collects a third of the vote. Behind the Socialist grouped in SFIO collect 23.4% of votes and then the MRP (Popular Republican Movement) with 23.9% of the vote.

Due to a failure of any real majority to emerge France will proceed into tripartism, something that profoundly irritated Gen. de Gaulle and eventually led to his resignation on January 20, 1946.

On October 13, 1946, following months of wrangling and one referendum to the negative, France finally votes its new Constitution – the Fourth Republic is born, contrary in its makeup to de Gaulle’s calls for a strong Executive .

In a speech the general gives in Bayeux, de Gaulle exposes his ideas on what France’s Constitution should look like – a strong Executive incarnated in the person of the President of the Republic.

Two years after the Normandy invasion, in the symbolic city, the

first city in continental France liberated by Allies, where he set foot on French soil in June 1944, de Gaulle gave a speech where he talked about the shape that the French Constitution would have to take.

When De Gaulle appears on the balcony of the town hall in Bayeux, the public greets him with cries of “Take power!” De Gaulle then advocates a reduction in the power of Parliament, going as far as to say, “It goes without saying that the parliament, which is composed of two chambers and exercises legislative power, cannot be the source of executive power”.

He says to support a bicameral parliament with a head of state standing above the parties. In a state of emergency, the head of state would be the guarantor of national independence and the treaties signed by France.

The ideas that he puts forward would inspire the 1958 Constitution, and thus modern France.

The Fourth Republic (1946–1958):

The Constitution of October 22, 1946 (amended by the law of December 7, 1946) establishes the following principles:

- regarding the legislature, the parliament consists of the National Assembly and the Council of the Republic. In addition, two councils, the Economic Council and the Assembly of the French Union, play an advisory role.
- the executive power is exercised by the President of the Republic and the Council of Ministers.
- The National Assembly is elected by direct universal suffrage (majority county list ballot system with preferential vote). The Council of the Republic is elected by direct universal suffrage.

The Constitution defines the institutions of France and the French Union. It is a parliamentary constitution, that is to say, it rebuilds a parliamentary system with a government responsible before Parliament. The parliamentary regime is sufficiently stable but unlike that of the Third Republic, which kept up obsolete principles such as equal bicameralism.

Bicameralism is now unequal: that is to say that only the Assembly can overthrow the government and has the last word on challenged laws.

To prevent political instability special measures are set in place – in the case of two Cabinet crises/changs in less than 18 months, then the Assembly shall be dissolved and a new one set in place. This will force MPs to be held accountable, and excesses of powers somewhat subdued.

As France faces increasing instabilities in its colonies, with calls for

Independence in Southeast Asia, and then North Africa with Algeria, the Fourth Republic will prove unable to contend with the many crises that will come to plague its tenure.

Soon, the Fourth Republic will reconnect with the instability of the Third Republic.

Comes the war in Algeria. The situation became so uncontrollable that the military will cross into the political, and somewhat pave the way for Gen. de Gaulle's return in power. In search of direction amid a cacophony of political voices, at a time when France sits at war's door once more, de Gaulle, a hero of the Resistance and embodiment of an independent France

mixes with politics. They do not want from Algeria. The Committee of Public Hi is passed and implemented by the generals.

From that time, De Gaulle is ready to return to power. On June 1, de Gaulle returns to power and on September 28, 1958, a new Constitution is passed. On October 4, 1958 the Fifth Republic is born.