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THE NEW INSTITUTIONAL AND POLITICAL (DIS)BALANCES RESULTING FROM THE DISSOLUTION OF THE NATIONAL ASSEMBLY ON JUNE 9, 2024

ABSTRACT: *Since the dissolution of 9 June 2024, France's political and legal system has undergone a new configuration. On the one hand, the tripolarisation of the National Assembly and the establishment of two minority governments are encouraging a permanent search for balance and maintaining a political disorder that has already been present in the Assembly since the re-election of Emmanuel Macron. But, on the other hand, the constitutional means available to the institutions are fully operational. However, within the executive dyarchy they reveal the obvious weakening of the President of the Republic and the predominance of the Prime Minister, who is a full player in a monist parliamentary system.*

KEYWORDS: Constitution; France; Fifth Republic; dissolution; motion of censure; President of the Republic; Prime Minister; National Assembly.

1. Introduction

The relationship between Parliament and the executive in France since 1958 has largely been to the advantage of the executive, whose predominance was legally organized by the constituent assembly and, in practice, has turned into a presidentialization of the regime from the election of the President of the Republic by direct universal suffrage.

Therefore, this relationship is, on the surface, relatively simple and, in most cases, corresponds to a coexistence/alignment of the presidential and parliamentary majorities. Specifically, the elections that designate the President of the Republic and those that renew the National Assembly have so far mostly produced a similar result. Consequently, Parliament, and in particular the National Assembly, is in a subordinate position to the executive branch, and especially to the President of the Republic. This has been accentuated since the constitutional revision of 2000 and the alignment of the presidential term of office with that of the deputies: five years, with concurrent elections.

In this configuration, the Fifth Republic's regime corresponds to a system of collaborative powers, or a parliamentary system, defined by a flexible separation of powers. The legislative and executive branches are separate but collaborate; they possess reciprocal means of dismantlement. Parliament can be dissolved by the

government, and the government is politically accountable to Parliament. This is precisely what the constitutional law of June 3, 1958, stipulated.

Furthermore, the majority voting system, adopted for both the election of members of parliament and the President of the Republic from 1962 onwards, creates a structuring configuration that inevitably leads, from the perspective of political parties, to a bipolarization of political life. This is a situation in which only two of the existing governing parties have a chance of forming the government and alternate in power more or less regularly, with the winning party forming the government and the losing party constituting the opposition.

But changes have occurred. A first variant has gradually emerged: a dualist parliamentary system (as opposed to a monist parliamentary system) characterized by the active role of the Head of State and the dual responsibility of the government, both to the Head of State and to Parliament. This, however, is not an institutional novelty. Indeed, while the drafters of the 1958 Constitution did not necessarily foresee this possibility, it is, on the one hand, a configuration already known in French constitutional history under the July Monarchy (1830-1848), and, on the other hand, the 1958 Constitution encouraged this natural tendency by giving primacy to the executive branch, and particularly to the President of the Republic. By stating that "A constitution is a spirit, institutions, and a practice" in his speech of January 31, 1964, Charles de Gaulle, then President of the French Republic, offered a definition that transcended the purely legal framework to encompass a reality that was simultaneously ideological, structural, and pragmatic. It lays the foundations of French presidentialism, while maintaining the parliamentary nature of the regime, which places the President at the center of state power and, consequently, the Prime Minister as a transmission belt between the President and Parliament, or, more precisely, the National Assembly, before which alone he exercises his responsibility.

So, if we put all these elements together, the Fifth Republic regime corresponds to a regime of preponderance of executive power over legislative power with a Head of State particularly endowed with competencies.

The second variant, however, appeared with what has been called cohabitation.

This configuration has occurred three times:

- 1986-1988: President of the Republic: François Mitterrand, Prime Minister: Jacques Chirac;
- 1993-1995: President of the Republic: François Mitterrand, Prime Minister: Edouard Balladur;
- 1997-2002: President of the Republic: Jacques Chirac, Prime Minister: Lionel Jospin.

It is defined as the coexistence of a President of the Republic and a political majority opposed to him in the National Assembly. Within this framework, the dual nature of the executive branch becomes fully apparent, since the Head of State, elected by direct universal suffrage, loses his role as head of the executive

branch to the Prime Minister, who is accountable to the National Assembly. The head of government thus becomes the dominant figure in the executive branch and the true leader of the parliamentary majority.

It constitutes a complex and controversial political phenomenon (for a non-exhaustive selection, see the bibliography). Some commentators consider it a sign of the flexibility of French institutions, sometimes presidential in nature, sometimes parliamentary. Others, on the contrary, consider it a perversion of institutions that could lead to a harmful diarchy at the top of the state between the President of the Republic and the Prime Minister.

An interpretation of the Constitution that favours the preeminence of the President of the Republic within the institutions undoubtedly precludes such a political configuration. Cohabitation can, in fact, only occur if the presidential majority is rejected in the legislative elections. Gaullist institutional practice argues in such cases for the resignation of the Head of State, since his responsibility is thus directly called into question by the people. However, this was not the decision of President François Mitterrand in 1986 and 1993, nor that of President Jacques Chirac in 1997. Cohabitation, long considered improbable, thus became frequent at the end of the 20th century: between 1986 and 2002, it lasted, cumulatively, nine years.

Without going into further detail, it should be noted that the third period of cohabitation differed from the two previous ones. These occurred without the electoral deadlines being altered by a decision of the Head of State. Furthermore, the duration of the first two periods of cohabitation and the third differed. Those that affected the end of President François Mitterrand's two seven-year terms lasted only two years. The third period of cohabitation, on the other hand, lasted an entire legislative term, or five years. The Head of State, who had not dissolved Parliament upon his election in 1995, decided to do so in 1997 in order to secure a parliamentary majority aligned with his views for the final five years of his term. The failure of the presidential majority in these elections resulted in a particularly long period of cohabitation. At the same time, the President's political responsibility was directly engaged by his decision to alter the electoral calendar by calling an early legislative election. This situation confirmed that the classic legal division between executive and legislative branches was overlaid by a more political division based on the existence of two opposing blocs: the majority bloc and the minority bloc (or opposition). This had already been the case since 1962, and it was fully confirmed during periods of cohabitation.

The Constitution has therefore adapted and been fully applied during periods of cohabitation and, a fortiori, during periods of coexistence of majorities.

Obviously, these variations, and especially the latter, necessitated a more political than legal approach, as there is an inevitable overlap between the powers of the two heads of the executive branch. This is because the drafters of the Constitution initially opted for a parliamentary system (see the Constitutional Law of June

3, 1958), but with a restoration of the President of the Republic's powers within the executive duarchy. However, depending on the circumstances—coexistence or cohabitation—as well as the influence and nature of the politicians in charge, the distribution of powers within the executive branch will favor either the President or the Prime Minister. It is essential to examine the spirit and practice of the Fifth Republic to understand the functioning and evolution of its institutions.

This is what will need to be experienced again with the third variant that emerged on June 9, 2024, and the subsequent elections. Indeed, the situation resulting from the dissolution of June 9, 2024, is unprecedented in many respects, both politically, with the origins and results of the legislative elections that followed, and with regard to the constitutional text. While this leap into the unknown may appear risky to some, the constitutional provisions include mechanisms and safeguards whose activation has already had an impact or will undoubtedly shape future political and legal developments.

2. A new chaotic political configuration

The unexpected activation of Article 12 of the Constitution has numerous consequences. Among these, the political dimension is of particular interest. Indeed, the new configuration of the National Assembly resulting from the legislative elections reveals a political landscape that the President may not have foreseen: a three-way split with a government enjoying only a minority of support. But before discussing this aspect, it is necessary to consider the very notion of dissolution. A rare phenomenon since 1958, the dissolution of June 9, 2024, is based on rather curious considerations in more ways than one, exacerbating the chaos it was intended to quell.

A – The origin: a singular dissolution

Faced with the poor results obtained by the presidential camp in the European elections (almost 17 points separated the National Rally (31.3%) from the presidential majority (14.6%)), amounting to a real electoral slap in the face, the President of the Republic had several options. First, he could have refrained from acting. Indeed, the results of the European elections are consistent with the two previous elections, 2019 and 2014: in 2014, the National Front obtained 24.86% of the vote and 23 seats, while the then-presidential party, the Socialist Party, garnered 13.98% of the vote for 13 seats; in 2019, the National Rally again came out on top with 23.34%, 22 seats, compared to Renaissance/MoDem with 22.42% of the vote and 21 seats. The National Rally is thus gaining a foothold within the European Parliament, but it is true that in 2024, distrust, even rejection, of the presidential camp became clearly evident. That said, no European election had ever before led the French authorities to draw any conclusions whatsoever.

But President Macron decided otherwise. Without venturing into speculation about his motivations, it is possible to suggest that, faced with the ordeal of the end of his term, marked by a relative majority in the National Assembly and growing disarray within its ranks, the President sought a fresh impetus. In doing so, the idea of appealing to the people could have taken shape through the activation of either the referendum under Article 11 on a flagship bill or Article 12 concerning dissolution. The latter carries a greater risk because, depending on the results, the absence of a presidential majority could jeopardize the President's mandate. Indeed, by invoking the "fever" and "disorder" that had spread through the National Assembly and wishing to give the French people "the choice of our parliamentary future," the dissolution was declared on June 9, 2024, barely after the results of the European elections were known. In doing so, the President believed that the results of the European elections had created the conditions for a crisis. The surprise lies in the speed of this decision, made immediately after the results were announced, and in the organization of legislative elections within the shortest possible timeframe permitted by the Constitution (Article 12, paragraph 2: "General elections shall be held no less than twenty days and no more than forty days after the dissolution of Parliament"). This is explained by the proximity of the Bastille Day celebrations and the Olympic Games, leading to a brief campaign with the first round on June 30 and the final results on July 7.

Dissolution is a power that does not require countersignature and whose implementation conditions are minimal. The only requirement is consultation with the presidents of both assemblies and the Prime Minister, which takes the form of a simple notification.

Each dissolution serves a specific purpose, making them difficult to categorize. The 1962 dissolution followed the overthrow of the government and was fully in line with the mechanisms of rationalized parliamentarism; the 1968 dissolution was a response to the events of May 1968. As for the dissolutions of 1981 and 1988, their objective was to restore a majority coalition while the deputies' terms were still incomplete and a newly elected President of the Republic wished to rely on the same parliamentary majority that had brought him to power. The 1997 dissolution is often described as a "British-style" or "convenient" dissolution, but it exemplifies a failed attempt, resulting in the third period of cohabitation.

The dissolution of parliament in 2024 came at a time when the President, following the 2022 legislative elections, held only a relative majority. This led to greater uncertainty, with the possibility of a coalition or a new form of cohabitation. Furthermore, it occurred at a time when the President was ineligible to run for re-election, unlike in 1986, 1997, or even 1993, since President Mitterrand could legally have sought a third term because the previous version of the Constitution did not limit the number of consecutive terms. Indeed, since the 2008 revision, the President can only serve two consecutive terms. Moreover, much like in 1997, the President did not manage to regain a majority, but this defeat followed his losses in the European elections and even in the 2022 legislative elections, which had failed to secure a majority. Consequently, the

President appeared weakened, and all the elements were in place for a chaotic end to his five-year term.

B – The unforeseen consequence: the lack of a majority

Previous dissolutions had led to clear results, with the exception of 1988, when the presidential majority obtained only a relative majority (275/575). For the other dissolutions, and even though the 1997 dissolution did not produce the expected results for the presidential majority, which led to a cohabitation government (absolute majority of 319/577 for the left-wing coalition versus 262/577 for the outgoing majority, which had held 483 seats before the dissolution), the results were unequivocal and ensured an absolute majority in the National Assembly for the presidential group.

The situation resulting from the 2024 dissolution is unprecedented. Three blocs (the top three) stand out, none of which holds an absolute majority:

- New Popular Front (NFP): 193/577
- Presidential Coalition: 166/577
- National Rally (RN) and Union of the Right for the Republic: 142/577
- The Republican Right (LR): 47/577
- Freedoms, Independents, Overseas and Territories (LIOT): 21/577

As mentioned, depending on whether or not the presidential and parliamentary majorities coincide, the parliamentary system in place is either dualist or monist. In a dualist system, the President chooses the Prime Minister and imposes their policies. The Prime Minister is subordinate to the President and is not accountable to the National Assembly. In a monist system, the President must endorse the voters' choices and appoint a Prime Minister who enjoys the confidence of the National Assembly. In the current scenario, there is no absolute or relative majority; only a "governing minority" remains, according to Professor Lascombe (2024: 16). The existence of a minority government was not new, as it had existed since 2022 with the Borne government under the presidency of Emmanuel Macron, and in the past with the Rocard government from 1988 to 1991, albeit on a smaller scale. Furthermore, dissenting members emerged within the majority group itself, challenging the Prime Minister and even the President. This was the case under the Barre government between 1976 and 1981 and under the Valls government between 2014 and 2016, weakening the adoption of certain texts.

This situation inevitably bred instability. Chronologically, starting with the results of July 7th, this instability manifested itself within the National Assembly. The 17th legislature thus presented three blocs,

two of which were coalitions: the New Popular Front and the presidential bloc; the National Rally, to which we must add the Union of the Right for the Republic, remained the most homogeneous. Indeed, within each bloc, parliamentary groups were being reconstituted, thus reshaping the bloc's balance. The example of the New Popular Front illustrates this, and over time, disagreements multiplied: homogeneity in voting on texts, particularly the motion of censure of December 4, 2024; the Socialist Party's negotiations with the Bayrou government and the NPF's refusal to support the vote on the motion of censure following the general policy speech. Eleven groups were therefore created. This reflects the heterogeneous and unstable situation of political power relations within the Assembly and the constant search for balance by each of the actors, government, groups or deputies.

It has short-term and medium-term consequences, with the long term a matter of divination. In the short term, the appointment of the various bodies of the National Assembly during the month of July 2024 was marked by negotiations and agreements detrimental to the image projected to voters. The appointment of the Speaker of the National Assembly is a prime example. His role is crucial, as he directs debates, enforces the rules of procedure, and maintains discipline. He receives bills presented by the government, as well as bills proposed by members of parliament, refers them to the relevant committees, and decides on the admissibility of amendments tabled on texts examined in plenary session. The Speaker, the metronome of the Assembly's operations, convenes and chairs, on the one hand, the Conference of Presidents, which meets weekly to determine the Assembly's agenda, and on the other hand, the meetings of the Bureau, which has general authority over the organization and internal functioning of the institution. Finally, the President of the National Assembly presides over the Congress and, as the fourth-highest-ranking official in the State, represents the National Assembly, particularly abroad. After three rounds of voting, Yaël Braun-Pivet won with 220 votes against her two opponents (André Chassaigne with 207 votes and Sébastien Chenu with 141 votes), thanks to the various carryovers from previous rounds. This election speaks volumes about the French political landscape, in which the President of the Assembly would have to act as an arbiter between the different blocs and demonstrate considerable diplomatic skill. The Bureau, for its part, must, according to Article 22 of the National Assembly's rules of procedure, strive "to reflect the political makeup of the Assembly." This would not be the case, since, through a series of obstructions, agreements, and so-called tactical maneuvers, the National Rally (RN) was not to be represented on the Bureau despite the number of its members.

The initial clashes in July foreshadowed those of the parliamentary session. In the medium term, therefore, following the censure of the Barnier government, whose appointment took 51 days and which came from the smallest group within the "governing minority," the search for a non-censure pact was central

to the formation of the Bayrou government, both before its appointment and up until its general policy speech. In both cases, it was necessary for the President of the Republic to choose a Prime Minister who could unite the center and the center-right while avoiding alienating the extremes. Normally, in countries where the coalition government system is practiced, political parties are the primary actors in the process. However, in France, under Article 8 of the Constitution, the President has the discretion to choose the appointment timeframe (he is not bound by any obligation) and the individual. The choice is based on the person and a few broad policy directions, rather than on a genuine government programme negotiated among the coalition parties. Prime Minister Bayrou seemed to have embarked on this path without any prospect of its long-term viability. That said, he only needed to ensure the stability of his minority majority and remained accountable to the National Assembly. The monistic approach seemed to prevail at the time, since, while the President of the Republic appoints the Prime Minister, the latter is no longer directly responsible to him. By seeking a non-censorship pact, the Prime Minister was turning only to members of parliament who, by approving this agreement, would commit to not censuring the current government and to seeking compromises. However, this "agreement" (despite the borrowing from legal terminology) had no legal force but was purely political; it depended solely on the will of the political groups, could not last for the duration of the legislative term, and was contingent on public opinion.

Finally, as several studies show, including that of Yann Algan, Thomas Renault, and Hugo Subtil, the National Assembly, far from being pacified by the dissolution as the President of the Republic had announced, transformed into a "spectacle-assembly addressing a new audience: social media. It is no longer a question of rational debate and convincing other members of parliament, but of stirring up the emotions of followers on these networks" (2025: 3). This has only intensified since July 2024. Based on the analysis of speeches, the Assembly, despite the tripartite division, is highly polarized, with anger and emotions dominating the debates. This parliamentary fervour and theatrical dimension are not new. What is new is the audience to which the speeches are addressed: the voter-followers. The Assembly is no longer the place for calming conflicts between citizens through political parties and groups by means of rational speeches and constructed contradictory exchanges; it is becoming the place for increasingly short, Manichean interventions with a unilateral aim, provoking interruptions, reminders of rules, and reactions in the form of applause or protests.

This situation does not inspire optimism regarding the search for compromise, which is nevertheless necessary in a space where division has replaced bipolarity. This observation is partly a consequence of the decline of political parties, particularly since 2017, and the fragmentation of the political landscape, compounded by the perceived ineffectiveness of the majority voting system, which has produced results similar to those obtained with proportional representation. All these factors raise concerns about a drift similar to

that experienced by the Third (104 governments from 1871 to 1940) and Fourth Republics (22 governments between 1947 and 1958), with a risk of ministerial instability. However, the 1958 Constitution provides institutional safeguards, namely those of rationalized parliamentarism (Articles 12, 49, and 50). It is precisely in the DNA of the Fifth Republic to have instruments that allow the regime to be preserved from excessive instability.

3. An expected application of constitutional safeguards

While the political situation is chaotic and difficult to predict, the legal framework is clear. The Constitution provides for a parliamentary system and the necessary instruments for its operation, assuming a rationalized parliamentarism. These legal elements remain unchanged; it is their application by political actors that is in question, even if all the articles of the Constitution concerning dissolution, the appointment of the Prime Minister, and the management of current affairs by a caretaker government have been properly implemented.

However, this is an unprecedented situation under the Fifth Republic: a minority government forced to seek ad-hoc majorities. Furthermore, the Prime Minister's position, as in a period of cohabitation, is enhanced while that of the Head of State tends to diminish. Indeed, while several legal instruments enshrined in the Constitution are difficult for the Prime Minister to implement—such as the use of ordinances under Article 38, which requires an enabling act that may not be passed—those relating to the President are almost entirely beyond his reach.

A – The predominance of the Prime Minister

The institutional sequence we are witnessing, which can be described as a monist parliamentary system, places the government and its Prime Minister at the forefront, since their accountability can only be invoked before Parliament. This is partly confirmed by the time it took for Michel Barnier to be appointed after the legislative election results (51 days). François Bayrou was appointed quickly after the resignation of the previous government (8 days), but his government took 10 days to form, whereas, for the 45 previous governments of the Fifth Republic, the average time to announce the formation of a government had been 2 days. This necessarily implies negotiations between different individuals, with the choice currently resting on the government's ability to avoid censure and to find favour, at least temporarily, with each opposition bloc and the various minority groups supporting the government. This presents a rather unflattering image of the institutions in the eyes of the public, but it is in no way contrary to the Constitution. Indeed, Article 8, paragraph 1, states that "the President of the Republic appoints the Prime Minister," and paragraph 2 specifies that "On the Prime Minister's proposal, he appoints the other members of the Government and terminates

their functions." No timeframe is mentioned for either appointment or resignation. This time is all the more necessary given that, in the event of a vote of no confidence, dissolution cannot occur for at least one year. It is therefore essential to choose a Prime Minister and ministers who will not alienate the opposition blocs and who will be capable of governing. This clearly demonstrates that the government is accountable only to the National Assembly.

Thus, as long as the alliance between the blocs hostile to the government does not reach an absolute majority to dismiss it, the government can govern, provided that its minority bloc supports it and does not disintegrate. Two constitutional provisions attest to this.

On the one hand, the Prime Minister is not required to prove that they have a majority. Article 49, paragraph 1 of the Constitution does not provide for an investiture procedure for assuming office, and practice has generally favoured the Prime Minister's freedom, even though at the beginning of the Fifth Republic, the application of paragraph 1 was subject to contrasting interpretations (Gicquel, J. and Gicquel, J.E., 2017: 653-656). Furthermore, it does not stipulate any time limit for the government's responsibility to be invoked, and the government is formed upon its appointment. It therefore falls solely to the members of Parliament to prove that the government lacks a majority by implementing a spontaneous motion of censure (Article 49, paragraph 2).

On the other hand, Article 49, paragraph 3 of the Constitution can ensure the stability of a government, even a minority one, when the ordinary means of passing legislation have proven ineffective. Generally, this rationalization tool proves very effective when faced with either a recalcitrant majority or one or more combative oppositions. The government then ties its fate to that of a specific piece of legislation.

According to the provisions of paragraph 3, the Prime Minister may, after deliberation by the Council of Ministers, commit the Government's responsibility on the vote of a draft finance bill, a draft social security financing bill, or any other bill or proposed law under debate in the National Assembly. Discussion of the bill is immediately suspended, and the text is considered adopted without being put to a vote, unless a motion of censure is tabled within 24 hours.

The motion of censure must be passed under very specific conditions: only votes in favour of the motion are counted, and it can only be adopted by a majority of the members of the Assembly. If the motion of censure is adopted, the text is rejected and the Government falls.

Since the constitutional reform of July 23, 2008, with the exception of finance bills or social security financing bills, Article 49, paragraph 3 of the Constitution can only be used on a single bill during a single parliamentary session. Previously, the government could use it as often as it wished and on any bill.

From 1958 until Emmanuel Macron's re-election, Article 49, paragraph 3, was used 112 times, and

23 times from 2022 onwards by Elisabeth Borne when she only had a relative majority. The use of Article 49, paragraph 3 of the Constitution has varied since 1958. It was infrequent at the beginning of the Fifth Republic, but more widely used by certain governments that had only a very narrow majority in the National Assembly, such as Michel Rocard between 1988 and 1991 (28 times).

Furthermore, contrary to its original purpose, the procedure has been used to allow for the completion of the examination of texts on which too many amendments had been tabled and to counter the practice of parliamentary obstruction. Since the constitutional revision of July 23, 2008, the number of parliamentary injunctions per session has been limited due to the new conditions outlined above.

Specifically, for the first time since 1962, Prime Minister Michel Barnier, after invoking Article 49, paragraph 3 of the Constitution to pass the 2025 social security financing bill, resigned following the adoption of the motion of censure on December 4, 2024. The opposition coalition brought down his government. While this led to an unprecedented political situation (yet again), the constitutional mechanisms were fully functioning. Having resigned the next day, the government, like that of Gabriel Attal, was handling day-to-day affairs pending its official replacement. The implementation of this "traditional principle of public law" and not of the text of the Constitution was accomplished: "the resigning Government retains competence, until the President of the Republic has provided by an official decision for its replacement, to proceed with the handling of current affairs" (CE, Ass. 19 October 1962, Brocas, Rec. 553).

But if the government resigned, the budgetary and financial emergency remained: the 2025 budget bill would not be definitively adopted by Parliament within a timeframe compatible with its promulgation before the start of the following fiscal year. Furthermore, neither the Constitution nor the organic law on budget laws (LOLF) explicitly stipulates the procedure to be followed if a government is ousted on a timeline that prevents it from completing the parliamentary review of the budget bill for a given year before the start of that year.

But the Government would take advantage of Article 47, paragraph 4 of the Constitution and Article 45 of the Organic Law on Budget Laws (LOLF). These articles stipulate that the Government must submit, before December 19 of the year preceding the start of the fiscal year, to the National Assembly, a special bill authorizing it to continue collecting existing taxes until the budget law for that year is passed. This exceptional legislative procedure aimed to guarantee the financing of public spending and the continued operation of public services from January 1 until the adoption of the budget law and the law for financing Social Security for 2025. This situation had arisen twice before, in 1962 under Georges Pompidou and in 1979 under Raymond Barre.

In such a case, Article 45 of the Organic Law on Budget Laws (LOLF) allows the new Prime Minister,

or the incumbent, Mr. Barnier, who resigned (in the capacity of managing current affairs), as Georges Pompidou had done in the autumn of 1962, to submit, before December 19, a special budget bill enabling the collection of existing taxes, with expenditures authorized by decrees of the Prime Minister, based on the voted appropriations (renewal of payment appropriations for the 2024 fiscal year). Naturally, such a bill was adopted, within a few days, as was the case in December 1979, under entirely different circumstances, by Parliament, in order to ensure the continuity of national life. The Constitutional Council (decision no. 79-111 DC of December 30, 1979, Law authorizing the Government to continue to collect existing taxes and duties in 1980) had specified in 1979 that "it is clearly the responsibility of Parliament and the Government, within the sphere of their respective powers, to take all the necessary financial measures to ensure the continuity of national life; that they must, in order to do so, take inspiration from the rules provided for, in the event of late filing of the draft finance law, by the Constitution and by the ordinance constituting organic law, with regard to both resources and the allocation of credits and authorizations relating to the services voted on."

However, most of the new tax measures would have to wait for the 2025 Finance Act, the date and conditions of whose adoption (whether or not a new Article 49, paragraph 3 would be introduced) were not yet known at the time. In 1979, after the Finance Act was struck down by the Constitutional Council, the special law (Law No. 79-1159 of December 30, 1979) was quickly followed by the 1980 Finance Act (Law No. 80-30 of January 18, 1980).

These new institutional and political developments, resulting from the dissolution, demonstrate that the Prime Minister not only plays a central role but also has numerous legal and, in particular, constitutional instruments at their disposal that they can and/or must use. The situation of the President of the Republic is quite different.

B – The weakening of the President of the Republic

As Georges Vedel pointed out, "if the law says 'what must be done,' it cannot say 'what will be done with it'" (Vedel, 1989: 27). While the Prime Minister and members of parliament have made and will continue to make use of many of the provisions authorized by the Constitution, the President of the Republic, although possessing his own powers, appears very constrained in their use because he is dependent on the political environment. In dealing with the government, he has no other power than to appoint and accept the resignation of the Prime Minister (Article 8). He did indeed apply this, but it is an obligation to act (the present indicative) and we have seen how constrained his choice was.

In relation to Parliament, the President has the right to address the Assembly and the right to dissolve

it. In the first case, it is difficult to see what a written or oral message to Congress would contain, what demands or announcements would be made, and above all, what he could achieve amid a divided Assembly that fails to provide him with a majority for action. In the second case, according to the Constitution, the President of the Republic cannot dissolve the National Assembly during the interim presidency (Article 7, paragraph 4), when extraordinary powers are invoked (Article 16), and, according to Article 12, when a previous dissolution occurred less than a year prior. This timeframe means that from the moment the President calls upon the electorate, he commits in advance to respecting its verdict. The question remains, however, when this dissolution could take place.

The legislative elections were held on June 30, 2024 (first round) and July 7, 2024 (second round). Should the term "the following year" be calculated from the date of the dissolution decree, i.e., June 9, of the first or second round? Should the next dissolution therefore take place on June 10, 2025, July 1, 2025, or July 8, 2025? There is no precedent, and the question remains unresolved in law. The Constitutional Council has refused to recognize its jurisdiction to hear appeals against the decree dissolving the National Assembly issued by the President of the Republic pursuant to Article 12 of the Constitution. It confirms its previous decisions (decisions no. 88-4 ELEC of June 4, 1988, no. 88-1040/1054 AN of July 13, 1988, no. 97-14 ELEC of July 10, 1997). In 2024, it recalled that its assigned competence, strictly defined by the Constitution, does not allow it to hear disputes directed against such an act of the Head of State, which differs in particular from the preparatory acts for the election for which it has admitted, on an exceptional basis, its competence on the basis of article 59 of the Constitution; it also refused to examine a QPC raised in the context of the exceptional control which it exercises, on the basis of article 59 of the Constitution, on requests calling into question the regularity of future elections.

Moreover, considering that the decree of dissolution is a prerogative of the President of the Republic, exercised without countersignature, and given the wording of Article 12 ("A new dissolution may not take place within one year of these elections"), the second round of elections must be taken into account, as it constitutes the end point from which the count begins. Therefore, the following dissolution could not occur until after July 8, 2025. However, taking into account that the ordinary session of Parliament ends on the last working day of June and that the election must take place at least twenty days and at most forty days after the dissolution, the legislative elections could be held no earlier than Sunday, August 3 (first round) and Sunday, August 17 (second round). That said, the campaign would be brief and would fall during the French summer holidays. It was therefore highly likely that the elections would take place after the summer break. It was also possible to imagine that the dissolution would only take place after the holidays, with elections then being organized right in the middle of the back-to-school season. So far, the President of the Republic has not resorted to another dissolution, but anything is possible.

Before the nation, the President of the Republic can resort to a referendum under Article 11 and to the emergency powers of Article 16. Article 16 will not be considered, as it is unlikely that the conditions set forth in the constitutional text would be met. Article 11 corresponds to the manifestation of national sovereignty and presents itself as an exceptional procedure for the adoption of laws by citizens. While the decision to hold a referendum rests with the President, the initiative lies with the Government during parliamentary sessions or with members of Parliament. Consequently, assuming the executive branch takes the initiative, the first condition is that both heads of the executive branch must agree. The second condition must fall within the areas of application defined by the Constitution: the organization of public powers, reforms relating to the nation's economic, social, or environmental policy and the public services that contribute to it, and the authorization to ratify a treaty. Immigration, proportional representation, end-of-life issues, the role of screens in youth politics, and enshrining environmental protection in the Constitution are among the topics being considered for a multi-question referendum or several referendums. For now, while President Emmanuel Macron stated his intention to give the French people a voice in his New Year's address for 2025, nothing has been finalized.

Therefore, when analyzing the President's options for action and ultimately his very existence, he appears particularly powerless. Furthermore, the area of his reserved domain (foreign affairs and defense) sheds no more light on the matter, as international issues revolve around the United States, President Trump, and the consequences of his election on various regional conflicts and the renewal of international relations under his leadership.

However, the issue of the President of the Republic's voluntary resignation or impeachment places him squarely at the center of political concerns. Voluntary resignation is regularly invoked to trigger an early presidential election. While the President states his intention to complete his term (especially since he is ineligible to run again), the opposition blocs, led by the NPF and RN, as well as certain prominent figures (François Hollande, Nicolas Dupont-Aignan, Charles de Courson, Jean-François Copé, etc.), regularly exert pressure. Furthermore, according to an Odoxa-Backbone Consulting poll for Le Figaro dated January 3, 2025, six out of ten French people supported his resignation.

That said, would this have been a viable way out of the aforementioned crisis? From a political standpoint, the prospect of a presidential election following the President's resignation before July 8, 2025 would have been unsatisfactory for the parties involved. Indeed, within the minority camp, which supported the government, there were too many potential presidential candidates, making it too soon. And within the opposition, while candidates had clearly declared their intentions, one side was preoccupied with a legal case, while the other was experiencing significant internal turmoil, with a rebellion among some of its members.

The political timing did not seem opportune, especially since the process of gathering endorsements is expedited in such circumstances to limit the interim period. Nevertheless, in the event of a widespread deadlock in the various governments by the National Assembly, or following another dissolution that would result in a massive rejection by voters, maintaining the President in office would prove difficult. Moreover, the political situation could be identical: the composition of the National Assembly will remain and the possibility of the new elected President not having an absolute majority cannot be ruled out.

The second way in which the president can resign is through impeachment. Article 68 of the Constitution is the counterpart to Article 67, which protects the office and its holder from third parties: "The President of the Republic is not responsible for acts performed in that capacity." Article 68 thus protects the presidential office from its holder himself: "The President of the Republic may only be impeached in the event of a breach of duty manifestly incompatible with the exercise of his mandate." The triggering event is an attack on the dignity of the office through conduct by the President unrelated to his official duties: an act stemming from his private life (scandal) or public life (commission of an offense, violation of the Constitution). Impeachment can be pronounced following a vote by a two-thirds majority of the members of each house, and then by both houses meeting as the High Court. The High Court is presided over by the Speaker of the National Assembly and decides, by secret ballot, on the impeachment within one month. The conditions are identical for the different votes: a qualified majority of two-thirds, a ban on proxy voting, and a count of only votes in favour of convening the High Court or impeachment; abstentions are considered votes against. This procedure is therefore complex to implement. As proof, the impeachment attempt launched by LFI (La France insoumise) deputies was rejected by the National Assembly's Law Committee on October 2, 2025, by 54 votes to 15.

The President of the Republic retains the power of appointment, notably that of the Prime Minister. He nevertheless maintains the ability to speak to the media, but given the decline in his popularity, his voice no longer carries weight.

In conclusion, and to echo Charles de Gaulle's words in his press conference of January 31, 1964, "a Constitution is a spirit, institutions, and a practice." While the "institutions" and their powers are still very much present in the Constitution, the reference to the "spirit" was based on the "need to ensure that the public authorities possess the efficiency, stability, and accountability that they organically lacked under the Third and Fourth Republics." Clearly, however, the spirit has vanished. Undoubtedly, the five-year presidential term, the reversal of the legislative and presidential election calendars, the limitation to two consecutive presidential terms, and even the evolving expectations of the French people have eroded the "spirit" that prevailed in 1964 and led to the current situation. Both the text and the spirit of the text have been modified

and remain undeniably tied to political circumstances dependent on the actors involved. Undoubtedly, the parliamentary nature of the regime is confirmed, the Constitution provides the means to address the current political difficulties, and there is no constitutional deadlock. However, the new institutional and political balances, or imbalances, undeniably affect the stability of the regime and thus raise questions about its future. Will the Constitution demonstrate the same flexibility as during periods of cohabitation, without succumbing to a regime crisis, and will it allow the Fifth Republic to navigate this new legal and political phase? Time will tell, but it is hopeful that democratic principles will prevail.

References

1. Algan, Y., Renault, T., Subtil, H. 2025. “La Fièvre parlementaire: ce monde où l’on catche ! Colère, polarisation et politique TikTok à l’Assemblée Nationale”, Note de l’Observatoire du Bien-être du CE-PRÉMAP, 16 p.
2. Ardant, Ph. and Duhamel, O. 1999. “La dyarchie”. *Pouvoirs*, no. 91, “La cohabitation”, pp. 5-24.
3. Cohendet, M. A. 1993. *La cohabitation: Leçons d’une expérience*. Paris: PUF, 352 p.
4. Colliard, J. C. 1994. “Que peut le président ?”. *Pouvoirs*, no. 68, “Qui gouverne la France”, pp. 15-29.
5. Gicquel, J. 1989. “De la cohabitation”. *Pouvoirs*, no. 49, “La Ve République - 30 ans”, pp. 69-79.
6. Gicquel, J. and Gicquel, J.E. 2017. *Droit constitutionnel et institutions politiques*. Paris, LGDJ, 31st ed., 926 p.
7. Lascombe, M. 2024. “Première réflexions sur le fonctionnement de la Ve République six mois après la dissolution du 9 juin 2024”. *LPA*, December, pp. 15-24.
8. Maus, D. 1999. “Le Parlement et les cohabitations”. *Pouvoirs*, no. 91, “La cohabitation”, pp. 71-82.
9. Parodi, J. L. 1997. “Proportionnalisation périodique, cohabitation, atomisation partisane : un triple défi pour le régime semi-présidentiel de la Cinquième République”. *Revue française de science politique*, pp. 292-312.
10. Parodi, J. L. 2002. “L’énigme de la cohabitation, ou les effets pervers d’une pré-sélection annoncée”. *Revue française de science politique*, no. 52(5), pp. 485-504.
11. Quermonne, J. L. 1997. “Chronique d’une dissolution singulière et d’une cohabitation risquée : la continuité de la Ve République en question”. *French Politics and Society*, pp. 13-21.
12. Vedel, G. 1989. “Le hasard et la nécessité”. *Pouvoirs*, no. 50, “1789-1989 Histoire constitutionnelle”, pp. 15-30.

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