

Michel Debré (1912-1996)

General de Gaulle's prime minister from 1958 to 1962, Michel Debré was also one of the major artisans of the 5th Republic's Constitution. In his Speech to the State Council, he presents the project for the Constitution and pleads for a mixed parliamentary regime that ensures the reciprocal oversight and collaboration of powers in the elaboration of the law. He deems the election of the president of the Republic by universal direct suffrage dangerous as long as the electoral body depends on overseas populations and the communist party remains electorally powerful.

The government wanted to renovate the parliamentary regime. I would even be tempted to say that it wants to establish it, because for many reasons the Republic has never been able to put it in place. The reason for this choice is simple. The regime of assembly or conventional regime is unpractical and dangerous. The presidential regime currently cannot function in France. The regime of assembly or conventional regime is one where all power, in principle and in fact, belongs to a Parliament and, more precisely, to an Assembly. The Assembly is not only legislative power and budgetary supervision. It is politics and the government, which takes the origin of its authority from it and, because of its arbitrary nature, is no more than its assistant. Its decisions cannot be criticized by anyone, even when they are contrary to the Constitution. [...]

The presidential regime is a form of democratic regime that is the opposite of an assembly regime. Its particularity comes from the importance of power attributed in principle and in fact to a head of State elected by universal suffrage. Powers, in such a regime, are not merged. They are to the contrary very rigorously separated. Legislative Assemblies are devoid of any governmental influence; their domain is that of the law and this is a well-defined domain. [...] Democracy presupposes a parliament endowed with political power. One can imagine solely two legislative and budgetary assemblies, in other words ones that are subordinated. But we must observe that this conception does not coincide with the traditional image of the Republic, a legitimate one in many ways.

To this reason in principle are added two reasons in fact that are each decisive. The President of the Republic has responsibilities overseas; he is also president of the Community. Does one envisage an electoral body universally including all the men and women of metropolitan France, Black Africa, Madagascar, and the Pacific Islands? This would not be reasonable and would seriously be capable of harming the unity of the whole as well as the consideration of what we owe to the head of State. Consider as well the internal French situation and let's talk politics. We want a strong France? Is it possible to ground authority on such deeply divided suffrage? Must we forget that an important

part of this suffrage, gripped with the difficulties of the past years, adopts, with regards to national sovereignty, an attitude of revolt that a certain party strongly promotes for reasons that men of State and of government cannot accept? [...]

Not a conventional regime, nor a presidential regime: the path before us is narrow and it is the path of a parliamentary regime. To the mixture of powers in one single Assembly, to the strict separation of powers with priority given to the head of State, preference should be given to the collaboration of powers—a separate head of State and parliament to lead a government that comes from parliament and is responsible to the president, with between them a distribution of attributions giving each one similar importance in the procedures of state and ensuring the means to resolve the conflicts that are, in any democratic system, the ransom of freedom.

Michel Debré, *Speech to the Council of State* (August 27, 1958)
translation Will Bishop

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