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SN Citizen Democracy and Institutions  
Senator des LandesThematic contribution  
Congress of Villeurbanne*Dusting the Vth regime  
and breathe new life into democracy*

The institutional regime in which we live has become unstable if it is not overwhelmed. breath. The democratic crisis, which has become a crisis of mistrust towards the political world suspected of running on empty, solely for its own sake, has taken on worrying proportions. The risk is, of course, that such a bad political configuration could serve as a springboard for the advent of an authoritarian regime. After all, one third of the French share the opinion that the country should be led by a strong man who does not have to worry about parliament or elections ...

In this somewhat disaster-stricken landscape, only the presidential election is overshadowed, for which citizen enthusiasm does not weaken or only slightly. The fact remains that the polarization on a single deadline - and a single individual - has become deadly.

It is first and foremost for political parties. Most of the government parties, including ours, have been transformed into presidential stables. If the objective of a partisan organization is, of course, the conquest and exercise of power, the increased personalization of presidential power leads to a dissociation of the parties within them into sub-fractions that each supports the candidate whose supporters think he or she is likely to win his or her camp. While debate and the confrontation of ideas remain essential, the platforms of proposals are becoming individualized to the detriment of a unified partisan programmatic vision. The primaries have accentuated these practices to the point of absurdity, exacerbating the divisions in each camp to the point of provoking a disintegration of militant logics. Moreover, the role of the presidential election is so important that it literally eclipses all other elections and, above all, the legislative elections, which have become mere confirmatory elections. Worse, the presidential election artificially polarizes all the power stakes, engenders a stifling drama, generates an unattainable level of expectation to match the campaign promises and inevitably leads to disappointments that generate a new cycle of mistrust. The democratic boom is such that it has provoked a succession of continuous alternation over the last 20 years, the most recent of which marked an explosion of our political system, of which the SP was one of the first victims.

In this troubled context, it is necessary to take up again the question of improving our political regime and to take seriously the question of its necessary democratization. The question is not that of a constitution number. It is that of transforming the regime by "de-presidentializing" it and assigning a new role to the citizens.

- I) De-identify our plan and re-parliamentarize it

### *1.1 State of play*

The constitution has shifted the center of state decision-making from Parliament to the executive. Moreover, following the 1962 referendum, the election of the President of the Republic by universal suffrage brought France into the category of semi-presidential regimes like 60 other countries in the world. In these regimes the government needs to be supported and/or accepted by Parliament (as in a parliamentary regime) and also by the President. The French system is characterized by the specific place of the presidential function, the constant strengthening of its role and the tendency towards the personalization of power, which has been singularly reinforced by the practice of the current president. Moreover, the transition to a five-year term and the organization of legislative elections following the presidential elections now make the situation of cohabitation almost improbable and reinforce the notion of a "presidential majority". These developments have called into question the capacity of parliament to control the executive and thus limit the capture of the democratic game by special interests, especially when they have a significant financial strike force.

Thus, the French Parliament belongs to the category of weak parliaments, both in terms of its influence on legislative production and its ability to control the government. The fact is implacable: the downgrading of Parliament is inscribed in the genetic code of the Constitution of the Fifth Republic. The constitutional reform of 2008 did not fundamentally change the course of events. While it was able to change certain practices, it failed to strengthen the place of parliament in the French institutional structure, which was its primary objective.

### *1.2 Proposals*

1) Renovating our electoral calendar. Legislative elections should no longer depend on the presidential election. Either the two elections can be held at the same time or, on the contrary, they will be out of sync.

2) To oblige the government to make a commitment of its responsibility and a declaration of general policy before Parliament, in this case the National Assembly. This measure will make it possible to enshrine the double legitimacy of the Prime Minister. It will be based both on his appointment by the President of the Republic, but also on the majority resulting from the legislative elections.

3) Drastically limit the procedures of streamlined parliamentarism through emblematic reforms :

- Delete the use of 49.3, except for finance and social security financing bills ;
- Drastically limit prescriptions. Article 38 of the constitution allows the government to take measures that normally fall within the competence of Parliament, its scope is unlimited. It is necessary to go back to the original spirit of ordinances, that is to say

limit its scope to technical matters only (codification and transposition procedures);

- Remove the blocked vote. Article 44 (3) obliges parliamentarians to vote on a text for which only amendments validated by the Government are accepted. This mechanism defeats the right of deputies and senators to amend, since the Government chooses the amendments it wishes to retain. This is the denial of the right to amend.

4) Restore full budgetary authority to Parliament. It is necessary to delete Article 40 of the Constitution. Parliamentarians have neither the initiative for public levies nor for public spending. Parliamentarians and the government must be able to debate the country's budgetary choices before the French people, on equal terms, which makes it necessary to delete Article 40.

5) Rebalance the powers in favor of the Prime Minister by explicitly stating that he or she determines the policy of the Nation.

6) Imposing new requirements on the government :

- Make the composition of the government subject to the parity requirement ;
- Make the office of member of the government incompatible with the exercise of any local executive mandate ;
- Ensure more democratic appointments, notably by the need for approval by a 3/5 majority of the members of the competent commissions of the two assemblies.
- Ensure ethics at all levels of political life by extending to the President, the Prime Minister and members of the government the transparency provisions, including financial, applicable to parliamentarians.

II) Giving a new democratic breath

### *2.1 State of play*

In a survey of 11,000 people in France in July 2020, only 24% of French people were satisfied with the way democracy works in our country. Judgments on political leaders are even harsher. The overall image of politicians remains very strongly negative: they are accused of not caring about citizens or of being corrupt.

This lack of trust is reflected in two ways:

- on the one hand, in the increase of abstention: this becomes structural but it is also a means of expression. Indeed, what is the point of participating in a system that does not meet the concrete expectations of everyday life or does not change it, or even does not respect the choices made by citizens (as in the 2005 referendum)? The last municipal elections, even though they took place in an extraordinary context, have only confirmed the erosion of the participation of French citizens in the various ballots marking

a new stage in the move away from politics. They also revealed a contrast in participation, which normally goes unnoticed when elections are held on the same day, between cities and metropolises, where abstention is higher, and the rest of the country. This indicator is worrisome because local political institutions are the ones in which the French still have the most confidence. More fundamentally, it is the most fragile and precarious citizens who are increasingly distancing themselves from a political world that seems increasingly distant, if not foreign, to them.

- on the other hand, this distance translates into alternative mobilizations on the bangs of the political system or refusing to play its game, as illustrated by the yellow vests movement. To such an extent that some do not hesitate to speak of the archipelipelagization of our political life and, more broadly, of our country.

Faced with this threat of democratic breakdown, we must put citizens back at the heart of the game and of our political project.

## *2.2 Proposals*

1) Guarantee the conditions for democratic functioning. Renewing the democratic dynamic also means ensuring that the principles on which it is based are defended:

- The example of the current functioning of certain democracies (United States, Hungary...) shows how indispensable the existence of a free press is. It is thus necessary to enshrine press freedom, pluralism, media independence and the protection of sources at the constitutional level.
- The same applies to the ability for everyone to get information through the Internet. Free, equal and universal access to digital networks and the training of citizens in their use must also be enshrined in the Constitution.
- It is also necessary to better protect citizens and give them new rights by strengthening the powers of the Defender of Rights for the benefit of these same citizens.
- It is also necessary to enshrine the protection of whistleblowers in the constitutional text.
- The stakes of the digital society from the point of view of democracy and freedoms are decisive. The SP must position itself and determine how and whether the public authorities should regulate this sector and its main players. This refers to a plurality of topics: memory archiving, the issue of algorithms, data protection, digital identity, the common good. The prospect is to achieve a digital charter of policy by taking leadership on a subject that concerns in particular the younger generations.

2) Ensure a better representation of the citizens' vote by transforming the voting system for legislative elections. While our majority voting system is supposed to guarantee the emergence of a parliamentary majority, it produces above all a level of disproportionality between votes and seats that is almost unequalled. The prospect is to draw inspiration from the solutions that exist in other Western democracies to implement a voting system that respects parity, ensures greater freedom of choice among candidates within and between parties, a close link between elected officials and voters and a greater sense of proximity between elected officials and voters.

a proportionality in the distribution of seats. As a first step, a democratic simulator on the Internet could be set up to show in real time the differences in political, democratic and social representation according to the voting system, to show our fellow citizens that a better representation of opinions and individuals is possible.

3) Build a more inclusive citizenship by finally recognizing the right of foreigners to vote in local elections.

4) Nationally: make the constitution a citizen and collaborative text. Citizen integration in political decision-making is a challenge for 21st century democracy and a priority for socialists. As a complement to representative democracy, we must take into account the citizen aspiration to become more directly involved in public life between elections. Our constitutional text does not provide for any mechanism to involve citizens in the development of the law. It will therefore be necessary to introduce a citizen's right of amendment and a citizen's right to propose a citizen's law, the conditions for inclusion on the agenda of each assembly and the methods of examination of which will be defined by law;

5) Redefine the conditions for direct consultation with citizens. By proposing :

- a redefinition of the shared initiative referendum. The case of the RIP-ADP clearly shows the extent to which this tool is too restrictive and must be completed in its procedural development;
- a new drafting of Article 11 of the Constitution. Thus, the initiative of the referendum would be entrusted to the Prime Minister, in the name of the government, and no longer to the President of the Republic in order to put an end to the plebiscitary logic.
- a new citizens' initiative referendum, drawing in particular on existing work in this area in order to distance itself from the counter-productive aspect that unframed direct participation can entail.

6) Rethinking the financing of political life: it is unfair today and favors the wealthiest social classes who can thus assert their preference in the democratic game, particularly through the donation system.

7) Locally: giving a new participatory impetus to our local system. Decentralization must be marked by a deepening of local democracy. The latter is only effective if it is inclusive, promotes participation and, at the same time, aims to strengthen citizen accountability. This deepening can be achieved through :

- a strengthening of parity among the executives of the communal bloc and, more broadly, among all executives;
- an increase in the rights of elected officials, and in particular those of elected opposition members ;
- a strict separation of local "executive" and "legislative" functions ;
- the setting up of citizen juries, not decision-making juries, to contribute to the acceptability of local projects ;
- the possibility of electing the inter-communal executive by universal suffrage on the basis of a list, while maintaining the arrowed election of community councillors in a separate ballot held afterwards

municipal elections, to promote political accountability such as transparency of EPCIs and implement parity within them.

8) Ensure better political representation. Politics can no longer be reserved for the few and exclude all others, especially women and youth. The possibility of getting involved in politics and the democratization of elective positions are also a major challenge. It is thus necessary to :

- To implement a true status of the elected representative that allows everyone, whatever their condition, job and status, to be able to exercise political responsibilities. The perspective is also that the elective experience can later be valorized in the individual career path (whether it is a possibility of a diploma and/or a validation of acquired experience) ;
- Providing the opportunity for certain locally elected officials to serve exclusively on a full-time or part-time basis, depending on the size of the community, by becoming a territorial civic officer ;
- Limit the cumulation in time to three executive mandates in the same function (except in communes of less than 1,000 inhabitants), as this rule constitutes a major lever to accelerate the renewal of the political class and the feminization of the assemblies. It must of course also be applied to members of parliament.