



A brief analysis of the differences between the French semi-presidential system and the American presidential system

Han Liu*

School of Marxism, Wuhan University of Technology, Wuhan, Hubei, China

*Corresponding author: a1729638646@qq.com

Abstract. After the establishment of the Fifth Republic, France created a new political system, a semi-presidential and semi-parliamentary system, which continues to this day. The United States has had a presidential political system since the 1787 Constitution. Although they are both political systems with the word "president" in them, there are big differences. Analyzing and comparing the political systems of these two countries can give us a more comprehensive understanding of the different choices of the two countries.

Keywords: French President United States Presidential Powers

1 INTRODUCTION

The presidential republican system of government in the United States is established in accordance with the principle of separation of powers and checks and balances among the legislative, executive and judicial powers. The legislative power belongs to the National Assembly, but the president has the right to approve and suspend the veto of the legislation of the National Assembly, and the National Assembly can also overturn the veto of the president under certain conditions. The executive power belongs to the President, but when the president appoints ministers and makes a treaty, the consent of two-thirds of the members of the Senate must be obtained. A judge may hold office for life unless he commits any dereliction of duty; Subject to presidential appointment and congressional approval. The current form of government in France is a new model of democracy created after the establishment of the Fifth Republic by Charles de Gaulle in 1958. Half parliamentary half presidential system. It is a form of government between a parliamentary system and a presidential system. In this system, the president is responsible for national defense, foreign affairs, and constitutional policy, and the Prime minister is responsible for other policies. The prime minister is appointed by the president. Although the Constitution does not require the consent of the National Assembly, at present, the consent of the National Assembly is exercised, and the President is directly elected by the people. The President has the power to dissolve Parliament, submit bills to a referendum, and exercise some powers without the prime

minister's countersignature. This system of government, which has the characteristics of a presidential system in that the president holds significant powers, but also has the characteristics of a parliamentary system in that the government is accountable to parliament, and is therefore called a "semi-presidential system".

2 OVERVIEW OF FRENCH SEMI-PRESIDENTIAL SYSTEM AND AMERICAN SEMI-PRESIDENTIAL SYSTEM

2.1 (1) French semi-presidential system

1. Generate background

French politics has been struggling with the difficult choice between "the pursuit of democracy and equality" and the "pursuit of order" since the modern Revolution. After many rounds of evolution, it finally entered the Fifth Republic of France. On the one hand, as France's economic strength continues to increase, the French bourgeoisie urgently needs a strong government to implement various policies after experiencing a series of coups; on the other hand, after experiencing the Algerian colonial war, France The political crisis in France has reached a point where it cannot be alleviated, and the class struggle in France has become increasingly acute. This series of phenomena all illustrate that the original political system no longer adapts to the needs of French social development. De Gaulle came back to power amid popular expectations. After taking power, he summed up historical lessons and combined with the domestic environment at that time, perfectly solved France's domestic and foreign problems. He also revised the constitution and established a semi-presidential system with French characteristics. The constitutional regime adopted in 1958 has been based on fundamental principles of a broadly parliamentary model in particular, on the so-called dualistic parliamentarianism built on the balance between the executive and the legislative). Special attention was paid to the phenomenon of presidentialisation of the French version of the aforementioned model.¹

2. Specific content

What is a semi-presidential system? This is a special political system between the parliamentary system and the presidential system, taking into account some characteristics of the parliamentary system and the presidential system. Under this political system, the formation of the government is completed by the prime minister, and the president is the head of state and commander-in-chief of the armed forces, directly elected by voters. The president appoints and removes the prime minister and approves the ministers nominated by the prime minister, presides over cabinet meetings, the Supreme National Defense Council and the National Defense Committee, has the power to dissolve parliament, and can directly submit certain important bills to a referendum without going through parliament; in extraordinary times, the president has the power to "according to the situation" Necessary measures need to be taken".¹ In short, the president is the de facto leader, and the parliament and the president have

a check on the prime minister. In this political system, the president is both the guarantor of the country's unity and the arbiter of its interests. These notably include direct investigations and legislative reviews, appointments and removals of administrators, legislative vetoes on executive appointments, committee reviews and other related oversight activities.²

2.2 (2) American presidential system

1. Generate background

A full understanding of the institution of the American presidency requires us to examine how it developed from the founding to the present. This developmental lens, analyzing how historical turns have shaped the modern institution, allows for a richer, more nuanced understanding.³ After the United States declared independence from Britain in 1776, although the Declaration of Independence declared that each state was an independent country, after experiencing the colonial period, the American people understood that legislative power guaranteed people's freedom, while executive power hindered people's freedom., so each country was unwilling to establish a new central government to replace the British government. The executive branch of the Confederate government only had an executive department subordinate to the Confederate Congress. Problems such as the lack of an independent executive branch, the inability to formulate a national budget, economic tariff barriers, and the inefficiency and lack of responsibility of the Confederate Congress surfaced soon after the founding of the Confederacy. Therefore, the United States needs to establish a strong central administrative agency nationwide to improve administrative efficiency, restrain local governments, and enable the capitalist market economy to develop better. After many games between different interest groups, it was finally determined The United States wants to establish a presidential system.

2. Specific content

What is a presidential system? This is a principle in which the president is the head of state and the head of government and implements the principle of separation of powers and checks and balances. The legislative, executive, and judicial powers are controlled by Congress, the president, and the courts respectively. When the three departments exercise power, they check each other to achieve the goal. Balance of power. Congress has legislative power, and the president has the right to veto bills passed by Congress, and Congress has the power to override the president's veto under certain conditions; the president has the power to appoint senior officials, but must be approved by Congress, and Congress has the power to impeach the president and senior civilian officials in accordance with the law. The judges of the Supreme Court are appointed by the President and approved by Congress. The Supreme Court can also invalidate laws passed by Congress on the grounds of being unconstitutional. The president has the power to approve and veto legislation passed by Congress and dominates U.S. foreign policy.

3 COMPARATIVE ANALYSIS OF FRENCH SEMI-PRESIDENTIAL SYSTEM AND AMERICAN PRESIDENTIAL SYSTEM

3.1 (1) From the perspective of the legislative body

Since the French president is directly elected by citizens, the president is only responsible to the voters and not to the parliament. This also puts the French president above the parliament. The most prominent manifestation of this decision is that the president has the power to dissolve the National Assembly and has This power allows Parliament to face the threat of being dissolved while impeaching the government, and is therefore conducive to implementing the president's will. In addition, the French president has the right to appoint envoys abroad in diplomacy and plays the role of commander-in-chief of the armed forces in national defense and military matters. This also shows that the French president is exclusive when exercising diplomatic and national defense powers, that is, he chooses people who basically agree with him. Hold relevant positions. In the United States, the Constitution gives the president the power to appoint senior officials, executive power, veto power, and the power to declare taboo states. However, because the United States implements the principle of "separation of powers," the president's power will be restricted by the legislative body. For example, when exercising the power of foreign relations, although the President of the United States has the power to conclude treaties with foreign countries, the treaties concluded must be approved by the Senate of Congress. For another example, although the President has the power to agree or reject bills submitted by Congress, this power does not place the President of the United States above the legislative body. Because the president's veto power is a limited veto, the "pocket veto" requires timing. If the president's veto is overturned by two-thirds of Congress, the veto will be invalid.

3.2 (2) From the perspective of administrative agencies

The central government of France is the highest administrative organ. Since the government is formed by the Prime Minister, the government has dual responsibilities. On the one hand, the government is responsible to the Parliament, and on the other hand, the government is responsible to the President. This model makes the government a bridge connecting parliament and the president. Although the president is not the head of government, he has the power to preside over matters related to the government parliament. Since the prime minister is appointed by the president, the prime minister must take orders from the president. This means that when the president and the prime minister have differences of opinion, they must obey the president's decision-making.⁴ Since the appointment of government members, government meetings, etc. are all controlled by the president, the president has greater power at the executive level. Looking at the United States, it is due to the principle of separation of powers and the competition between the Democratic and Republican parties, which makes the American president more administratively independent. The American president is the center of national power and the direct administrative head, and independently

exercises national administrative power. Various departments of the U.S. government mainly implement the president's will and decisions, accept his leadership and supervision, and have no final decision-making power.

3.3 (3) From the perspective of judicial organs

In France, the president guarantees the independence of the judiciary, serves as president and member of the Supreme Judicial Assembly, and has the power to appoint three members of the Constitutional Council.⁵ This model allows the president to both exercise judicial power through the Supreme Judicial Council and to use the Constitutional Committee to exercise constitutional review power. It also puts the judiciary in the weakest position among the three powers in France.² Not only in France, but also in many countries, judicial power, one of the three powers, is always neglected. In the United States, the president and the judiciary have a relationship of checks and balances. Although the president can limit judicial power by appointing judges,³ the courts have the power of judicial review and can interpret the constitution. This approach can interpret and declare the president Whether the decree is unconstitutional, thereby effectively controlling the power of the president.

3.4 (4) Judging from the power of the president

The French president has more privileges than the American president. Although the French Prime Minister is the head of government, it is a nominal position without real power. The person who truly holds power is the President. The President of the United States is both the head of state and the head of government, but his power is subject to many restrictions. In France, the constitution does not provide for any impeachment of the president, and the president's power is subject to fewer restrictions. In the United States, the president is subject to impeachment to a greater extent, and his power is subject to greater checks and balances.⁶ In France, the president has emergency powers. This power allows the president to combine all executive, legislative, judicial, military and other powers during a state of emergency, giving him supreme power. The President of the United States does not have emergency powers. In terms of normativeness and stability, the US presidential system is more standardized and the checks and balances of power are guaranteed. Under France's semi-presidential system, the president has greater power and is less restricted, so he has a certain degree of arbitrariness.

4 CONCLUSION

The characteristics of diversity of civilizations make different countries have different political systems. What kind of political system a country implements and how to formulate the development direction of this political system are not subjectively determined by a small number of ruling classes, but within a certain period of time. It is produced under historical conditions, suitable for the cultural traditions and religious

traditions of the country, and suitable for the national conditions of the country where it is located. When looking at the political systems of different countries, we must dialectically analyze the background of their emergence and the differences between them, and find out the reasons for the differences, so as to objectively understand the political systems of the country.

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