| **Title**           | Sophie Boyron, The Constitution of France: A Contextual Analysis |
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*The Constitution of France* is a welcome addition to the Hart Series on Constitutional Systems of the World. The Series provides up-to-date introductions to the major constitutional systems describing not only the current constitutional rules and structures, but also setting them in their historical and cultural context. This book is written by one of the leading experts in French constitutional law who draws on her line of substantial publications in the area. Boyron offers timely analysis on the seemingly ever sui generis French constitutional system which has undergone significant transformations in the last few years. The object of the book is the current Constitution enacted in 1958 ‘portrayed by [Boyron] as an innovative hybrid construct whose arrival brought the constitutional stability that had eluded France for centuries’. Two main leads are developed in this regard – one explaining what the current Constitution has achieved in the context of the overall French constitutional history, and the other explaining what the Constitution has achieved in terms of its own existence since 1958, with the significance of the 2008 constitutional reform emphasised throughout.

The book is divided into eight chapters. Each ends with a concise conclusion and a list of further reading material, mostly in the French language but also in English, including some by the author. Boyron works around seven themes in order to capture the quintessence of what makes the French constitutional regime and its evolution so distinctive. This culminates, in a final chapter, about dynamics of constitutional change. Chapter 1 (*French Constitutional History: A Difficult Coming of Age*) looks at the historical roots of French constitutionalism and its difficult implementation after the constitutional ‘big bang’ of the 1789 Revolution. The author carefully explains essential starting points to understand the rest of her analysis, such as the merging of constitutional traditions, namely ‘the parliamentary tradition of the constitutional monarchy and the Republican tradition of the Revolution’ (all quotes are from the book), which shaped modern constitutionalism from the Third Republic onwards. She analyses the interesting paradox of French constitutional law which consists of a divorce between theory and reality, that is between ‘[revered] constitutional instruments …’ and ‘constitutional practice [which] often went against them’. Chapter 2 (*In Search of the Constitutional Fundamentals*) is devoted to the origins and features of the 1958 Constitution. The author shows how the stability and longevity of the current constitutional regime can be attributed to three key factors, namely legitimacy, integrity and efficiency. These have been successfully put in place and operating, although questionably in some respects, since 1958 allowing the development of a functioning democracy under the Fifth Republic.

Chapter 3 (*The Primacy of the Executive*) deals with the executive branch of government, split between the President of the Republic, Head of State, and the Prime Minister, Head of Government. The structural issues of the bicephalous executive are dealt with in the first place, namely how and why the President of the Republic has gained in importance thanks to the constitutional text, but also political practices and further constitutional reforms; and how this has created ambiguities and tensions in
the relationship between the two ‘heads’. As in other chapters, the author aptly echoes criticisms of the current regime and, in this particular case, the failure to clarify the distribution of the executive power, with some wondering whether to abolish the position of the Prime Minister and put in place a presidential-style system of government. The author completes the analysis with one of the main issues facing every modern liberal democracy, namely the issue of accountability. She provides a comprehensive account of constitutional mechanisms in place in this regard, such as the criminal liability of the President of the Republic and members of the Government, and instruments of financial control.

Chapter 4 (Towards a Renewal of the Parliament) focuses on Parliament which is divided, on the model of an unequal bicameralism, between the Assemblée Nationale and the Sénat. Like the institution of the President of the Republic, Parliament is the institution which has evolved the most under the 1958 Constitution. This is clearly demonstrated through the examination of efforts made to give the ‘rationalised’ French Parliament some of its institutional autonomy back. A description of the features of Parliament gives a good impression of the challenges faced by both houses in their internal organization (i.e. time management) and relationship with the Government (i.e. scrutiny of the executive). Without being unduly technical, these developments appear a bit ‘fragmented’ into too many levels of sections and subsections though.

Chapter 5 (The Rise of the Judicial Power) maps out the transformation of the third branch of the French political system. One slight caveat is that the reader is assumed to have a basic knowledge of the French court-system which is not fully presented in the book. After a section on judicial independence which, not stated in the constitutional text, but asserted for all supreme courts through ‘constitutional practice and repeated constitutional amendments’, Boyron concentrates on the Conseil Constitutionnel. The Conseil literally rose from a political ‘weapon against the deviation of the parliamentary regime’ to ‘a formidable constitutional court’. One might deplore too short analysis of the new control a posteriori. However, the author provides interesting case studies in the area of constitutional rights protection.

Chapter 6 (The Constitution and Its People) offers interesting insights into the concept of the French people and its expression, indirect and direct – with original developments on street demonstrations and strikes in the latter case. Although there is arguably no ambiguity in the Constitution regarding sovereignty ‘first and foremost located in the French people’, Boyron elaborates on its implications and links with the related notions of nationality and citizenship.

Chapter 7 (From Centralised Unity to Multilevel Constitutionalism) is a much needed reflection with regard to two transformative forces of French constitutional law, namely decentralisation (i.e. ‘demands for more freedom at local and regional levels’) and integration (i.e. ‘[demands] for more integration at European and even international levels’). Developments on how the Conseil Constitutionnel has ‘redesigned the constitutional space in an attempt to define the exact relationship between the [French and European] legal orders’ are fascinating. The ‘judicial dialogue’ aspect of it, however, could have been placed on a wider contextual level with more references to and comparisons with other constitutional systems.
Because ‘constitutional change reveals the deep nature of a constitutional system’, the author examines *The Dynamics of Constitutional Change* in a final chapter. Starting with the amendment procedure, she summarises these dynamics per se (i.e., amendments, constitutional practices and conventions), as well as the trends for constitutional reform which, being more frequent, have paradoxically allowed the Fifth Republic to survive well into the twenty-first century despite significant political turbulence.

The book is a comprehensive, well researched and well presented piece of work. It contains a Table of Cases (mostly of the Conseil Constitutionnel), a Table of Legislation and Other Instruments and an Index. One might find disappointing the absence of a general bibliography, and appendixes with, for example, the text of the French Constitution. Supposedly, these are not necessary given the end-of-chapter bibliographical notes and the easy access to the English version of the Constitution on the website of the Conseil Constitutionnel. What I particularly like about this contribution, apart from its rich content, is the clear narrative style. The tone is also rightly pitched: while portraying an overall positive view of French constitutionalism, the author also draws the reader’s attention to critics who call for further reforms and encourage further research in the field.

As stated at the outset, the book is a timely contribution not only to the Hart Series, but also indeed to the scholarly literature on French Constitutional Law and comparative constitutionalism. Although it requires a basic grounding in French constitutional law and history, and cognate fields, such as European law, I would recommend it to students and academics interested in the French legal system and in comparative constitutional law and politics.

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