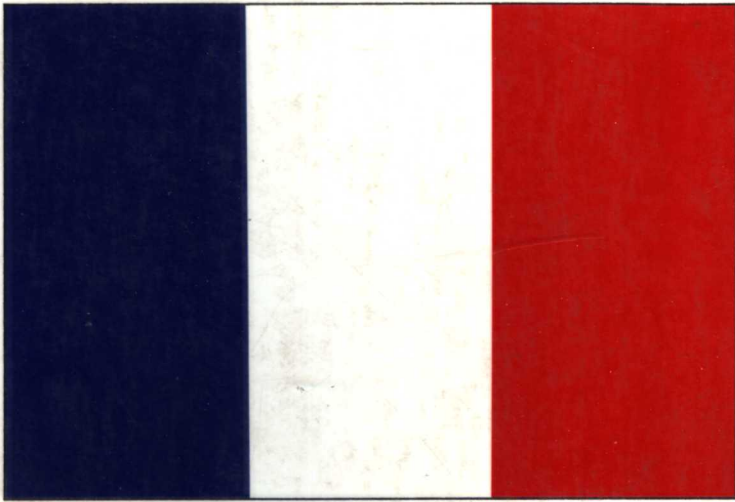


Third Edition

the FRENCH POLITY



William Safran

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**the
FRENCH
POLITY**

The French Polity, Third Edition

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Preface to the Third Edition

This third edition owes its existence to four factors: the positive reception of the previous two editions by colleagues and students; the encouragement of friends; the changes that have taken place on the French political scene in the past several years; and new interpretations by French and Anglo-American scholars. The changes have been impressive: There has been a growing consensus about the political system, a consensus reflected in the attenuation of the traditionally sharp Right-Left divisions and a reduction of the relevance of the ideologies that informed them—Gaullism and Marxism. The mainstream Right has become disoriented, and the Socialist party has emerged as the major party of France, in the process losing much of its socialism. Trade unions have weakened; at the same time, interest-group and other extraparty (and extraparlimentary) kinds of participation have increased. The nearly absolute dominance of the president has been moderated by the experience with "cohabitation," or power sharing, between a Socialist president and a right-wing Assembly and government. This power sharing, which signaled a partial "reparliamentarization" of the French polity, has been paralleled by other kinds of diffusion of decision-making authority: from the central government to subnational units, and from the state to the private sector. The Fifth Republic Constitution, which had been tailor-made for a charismatic president, survived all these changes and adapted itself to them.

But other challenges have emerged, among them the presence of a large number of immigrants, which has aggravated the existing anxieties about unemployment, has contributed to the growth of the extreme-Right National Front, and sparked a debate about the nature of French society and the identity of the French nation. Many of the conventional images of France and its political culture apply even less today than they did several years ago: a country whose population is hopelessly bipolarized, whose people fear face-to-face relations, and whose regime is beset by

crises of legitimacy. Notions about French exceptionalism have had to be revised in the face of France's modernized and more pluralistic educational system, the massification of its culture, its growing urbanization and secularization, its embrace of high technology and a competitive market economy, and its concern about the Europe of 1992.

The organization of the material in this volume is basically the same as that of earlier editions. However, the discussion of political culture has been much enlarged and brought up to date. The chapter on political parties has been recast and expanded to reflect developments during the past several years and to deal with aspects of interparty relations and intraparty disputes, developments that seem to confirm the belief expressed in previous editions about the questionable relevance of ideology. The chapter on interest groups, which has been updated, continues to represent an attempt to combine description of important groups with discussion of the systemic context and the "pluralist-corporatist" controversy. The treatment of decision-making bodies and patterns has been revised to take into account changes in the relationships among president, government, and Parliament.

I have retained the institutional approach because of the durability of such structures as the presidency, the legislature, and the civil service, and because of the importance of such relatively new institutions as the Constitutional Council. But I have avoided the "archeo-institutionalist" practice of explaining everything in terms of institutions and, for that reason, I have paid considerable attention to social forces and public opinions. At the same time, I have avoided the temptation of the "neo-institutionalist" to label every political interchange and every pattern of decision making an "institution." I have retained most of the historical notes, not only because history is interesting but also because of the need to counteract the ahistoricism of so much American social science and to reaffirm the proposition that political phenomena have antecedents. This orientation explains the attention that continues to be devoted to the constitution and its evolution from earlier republics to the present.

The present edition includes many new sources, statistics, and findings of recent research done in France and elsewhere. However, there is no pretense that the entire slate of current publications on French politics has been used. Many sources that are obsolete or that refer to statements that have become less controversial have been eliminated; yet some of the "old" sources (those published more than five years ago) have been retained because they contain still-useful analyses. Despite efforts at comprehensiveness, this edition is not complete—nor can it be, because changes in the patterns and policies of a dynamic political system are not "coordinated" with authors' and publishers' deadlines.

For whatever merit this study possesses I owe thanks to many people—to some, for making comments on specific details; to others, for discussing a number of themes with me orally and suggesting clarifications; to still others who did not help wittingly but from whose writings I have learned much; and to others again who have helped to make my various sojourns in France more useful and pleasant. I wish to express my gratitude to the following: John S. Ambler, Bernard E. Brown, Sue-

Ellen Charlton, Jacques Coeuillet, Henry Ehrmann, Paul Godt, Elijah Kaminsky, John Keeler, Georges Lavau, Kay Lawson, Lowell Noonan, Jean-Luc Parodi, Françoise Praderie, Philippe Roqueplo, Jean Tournon, Frank L. Wilson, and Raphael Zariski. I want to record my indebtedness to two anonymous reviewers who, it seems, went over every line and pointed out mistakes, omissions, and other blemishes (and most of whose suggestions I tried to follow). I also want to signal my appreciation to the production editor, Marie-Josée Schorp, for her intelligence, conscientiousness, and enthusiasm. Last but not least, I thank my wife, Marian—patient critic, Francophile, and copy editor extraordinary—and my children, Gabriella and Joshua, whose varied experiences as *écoliers* and *lycéens* in the French school system and immersion in French culture gave me added insight into the formation of the French character. For all errors of fact and interpretation I alone remain responsible.

William Safran
Boulder, Colorado

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CHAPTER 1

France: The Historical and Constitutional Background

An observer of France is struck by the importance of politics to most of its citizens and by the controversies surrounding the meaning of political developments. Since the Revolution of 1789, whose bicentennial was celebrated in 1989, there have been many changes of regime, accompanied by changes in social structure, public attitudes, and political style. These changes have been interpreted in various ways: To some, they are steps in a continual upward climb toward freedom, equality, reason, and prosperity; to others, they are to be deplored as signifying the abandonment of order and authority; to still others, the changes have occurred at too slow a pace, so that France has lagged behind some of its neighbors. Fundamental disagreements about the ideal political system and anxieties about the country's future have in the past been reflected in polarized political parties, arguments about a constitution, and, often enough, street fights, general strikes, and rebellions. Yet the majority of French men and women have shared a highly developed sense of national identity and an immense pride in their country, the beauty of its landscape, its long history, the glory of its monarchs, the military exploits of its generals, its global diplomatic role, its intellectual and artistic achievements, the variety of its cuisine, the spread of its language, and the influence of its political ideas.

France is the largest country in Europe (after Russia), its boundaries having been more or less fixed some two centuries ago. It achieved national unity earlier than did Germany or Italy; it was the first important European country to produce a revolution, to commit itself to republican rule, and to export its democratic ideals to foreign countries. Its great natural wealth, once measured in agricultural terms, led to relative economic self-sufficiency and inward-looking tendencies, whereas its universalist principles and its military power contributed to its international outlook. France is a country in which revolutionary mythologies persisted alongside social

and economic traditionalism and in which the apparent disorder in politics contrasted with orderly and relatively rigid patterns of culture in general: the geometric layout of Paris and other cities, the neoclassic architecture, the formal gardens, the stylized drama, a strictly codified etiquette, uniform school curricula, and the continuing attempts by the authorities to exert formal control over the purity of the French language.¹

Historically, France owes much to Julius Caesar. Survivals of the Roman conquest are obvious: the Romance language, the Roman law, the mixed racial stock (Latin grafted onto the indigenous Celtic and Germanic), and the French toleration (at least on the level of principle) of different races. The movement toward centralization of the various autonomous provinces was gradual and occurred essentially from about A.D. 1000 to the sixteenth century.

Geographically, France is far from a uniform country. There are mountainous areas, such as the Alps, the Jura, and the Vosges in the east, the Pyrenees in the south, and the Auvergne (Massif Central) in the south-center. In the south, there is the subtropical vegetation typical of the Mediterranean; in the Paris area and its surrounding regions, there are forested regions and extensive wheat fields; in the west, the flat coastal Vendée fronts on the Atlantic Ocean; and the flatlands of the northwest spill over into Belgian Flanders. The French like to point to these diverse features, in addition to the moderate climate and the fertility of the soil, and to relate them to the development of national pride, the hexagonal symmetry of the country's map, and the peculiar mix of national and local orientations.

France is at least as complex as the United States, and as diverse geographically and culturally. It is noteworthy that the two countries share many features, regardless of differences in historical development. To name just a few common traits: (1) the belief that a constitution does not "evolve" organically but is the result of rational choice—a belief reflected in the United States in the Founders' conviction that a political experiment could be started from scratch and that previous political formulas could be rejected in toto, and in France, in the politics, culture, and religion of "reason," which shortly after the Revolution of 1789, led to the temporary "abolition" of God, the Christian calendar, and traditional social institutions; (2) the principle of popular sovereignty, that is, the axiom that governmental powers are derived from the people; (3) a commitment to the principle of equal rights for all; (4) a persistent localism in politics; and (5) similar political commitments to equal representation and to a public and secular educational system for the masses.

THE LEGACY OF THE REVOLUTION

Five of France's eleven political systems since 1789 have been republics. The remainder comprised three monarchies, two empires, and one fascist puppet state. Each republic has given France new institutions and patterns, which were at least partly incorporated into succeeding regimes. The First Republic, from 1792 to 1799, proclaimed the notion of popular sovereignty, produced the Declaration of the Rights

of Man and the Citizen, reduced the power of the Catholic church, and inaugurated the secular age in politics. During the Second Republic (1848–1852), universal male suffrage was introduced, and a plebiscitary element—the election of the president by popular vote—was injected into French political life. During the Third Republic (1875–1940), the church was formally disestablished, the executive branch was weakened and made responsible to a Parliament that asserted its supremacy, and the French nation, it seemed, was decisively converted to republicanism.

Still, many innovations introduced during the old monarchical system (the *ancien régime*) and many prerepublican social patterns persisted well into the twentieth century. The monarchical centralization of administration, introduced by Cardinal de Richelieu, Mazarin, and Colbert during the seventeenth century, continued to the present republic with only minor modifications, and the preeminence of Paris, secured by the Bourbon rulers, still informs French political, economic, and cultural life. The old social and legal distinctions between the nobility and the middle class that had marked the *ancien régime* gave way, but they were replaced by distinctions almost equally pronounced between the bourgeoisie and the working class. The French republic, whatever its latest constitutional expression, continued to be adorned with several monarchist glosses: the glorification of French kings and of the royal and martial tradition in the history books, the châteaux, and museums; the refurbishing of old buildings and neighborhoods in the name of art or cultural continuity; and the nostalgia for a national hero.

Just as popular dissatisfactions with existing monarchies expressed themselves in periodic uprisings that culminated in republican experiments, republics were inevitably overlaid with reactionary institutions and ideologies. The attempt in 1789 to moderate the absolute rule of the Bourbon dynasty ended with its abolition. The revolutionary republic that replaced it was in turn replaced by a Reign of Terror, a Directory, and finally a Consulate. This last gave way to the First Empire of Napoleon Bonaparte (who had been first consul) in 1804. When that empire collapsed, largely from external causes, the French regime returned to Bourbon rule with the accession of Louis XVIII to the throne in 1814. That regime retained, at least in theory, some of Napoleon's accomplishments: the establishment of a merit-based civil service, the abolition of feudal tax obligations, and a system of codified laws. The Charter of 1814 provided a framework for a constitutional monarchy on the English model. The Charter called for religious freedom, the sanctity of property, procedural safeguards against arrest, equality before the law, and some participation in the legislative process by a bicameral Parliament.

But when Charles X ascended to the throne in 1824, monarchical rule became increasingly arbitrary. The subsequent replacement of the Bourbon king by Louis-Philippe (of the House of Orléans) after the Revolution of July 1830 was intended to provide a better opportunity for the development of constitutional rule. As if to underline its republican spirit, the "July Monarchy" used as its symbol not the fleur-de-lis of the Bourbons but the tricolor flag of the Revolution of 1789. Censorship was abolished; equality before the law was guaranteed; extraordinary courts were forbidden; trial by jury was instituted; and the Parliament was granted more signifi-

cant lawmaking responsibilities. But that regime too was a disappointment, for Parliament continued to be disregarded, opposition leaders were arrested, and political liberty did not flourish.

In 1848, the French revolted again and instituted the Second Republic. The Constitution of (November) 1848 was a remarkably democratic and modern document, especially because its social provisions foreshadowed the constitutions of twentieth-century welfare states. The one plebiscitary feature of the constitution—the provision for the direct election of the president—was soon injudiciously used by the French people when they voted for Louis Napoleon, the nephew of the great emperor, as president and elected an Assembly with a monarchist majority—and when, three years later, they acquiesced in the establishment of a Second Empire under Napoleon III.

The Second Empire was, in theory, a republican or “popular” empire in the sense that it was inaugurated by a plebiscite. The Constitution of January 1852, on which it was based, confirmed “the great principles proclaimed in 1789.” The chief executive was “responsible to the French people” (rather than to God), and legislative power was to be exercised collectively by the president,² the Senate, and the Chamber of Deputies. The Senate was appointed by Napoleon III, but the Chamber was elected on the basis of universal manhood suffrage. However, legislative initiative rested with the president (later emperor), and ministers were responsible to him rather than to Parliament. The republican features of the constitution were progressively subverted by imperial interference in legislative elections, the persecution of opposition candidates, and the requirement of an oath of imperial support and allegiance for all deputies. To counteract growing popular disenchantment—perhaps boredom—with the regime after 1860, Napoleon III made halfhearted attempts to liberalize it by increasing the power of the Parliament, which even obtained the right of legislative initiative. But it was too late; the defeat of France at the hands of the Prussians in 1870 discredited and disorganized the Second Empire, and a rebellion in Paris brought on its demise.

The regime that followed the Second Empire was a republic by default. The National Assembly that was hurriedly elected in 1871 to provide a government capable of negotiating peace with Bismarck’s Germany did not want a republic at all: More than 400 of its 650 deputies were monarchists. But since the Assembly could not agree on which of the three dynasties (Bourbon, Orléans, Bonaparte) should be called upon to provide a king, the precise nature of the regime was left unsettled. The Assembly adopted a skeleton constitution that dealt merely with “the organization of public powers”—the executive and legislative—and the relationship between them. This constitution contained neither a preamble nor a bill of rights. The first provisional president, Adolphe Thiers, who had served as a minister in several preceding monarchical regimes, had become convinced that “a republic divides us least.” His successor, Marshall Mac-Mahon, was a conservative, a clericalist, and a monarchist. The question of the regime was tentatively and surreptitiously settled in 1875 when the Parliament adopted—by a one-vote majority—an amendment providing that “the president of the Republic [*sic*] shall be elected by a

plurality of votes of the Senate and the Chamber of Deputies meeting in joint session."³

The "provisional" Third Republic was to last sixty-five years, and the political patterns established in it were to influence succeeding republican regimes. There was a popularly elected Chamber of Deputies, juxtaposed to a Senate dominated by indirectly elected, relatively aged and conservative representatives of rural communes. The cabinet, though appointed by the president, was collectively responsible to Parliament, which could oust it by a vote of censure. The president, elected for seven years, was not "responsible" in that his acts had to be countersigned by a minister. But he did have the power to dissolve the Chamber (after consulting the Senate).

The conflict between the legislature and the executive was never fully resolved, at least in formal constitutional terms, and was to lead to several crises. The first and most important of these was the episode of May 16, 1877, when President Mac-Mahon ousted a republican prime minister with whom he did not get along (in spite of the latter's solid support in the Chamber of Deputies), appointed a monarchist in his stead, and dissolved Parliament. The newly elected Chamber was even more solidly republican (or "leftist," in the context of that period) than its predecessor; and when, early in 1879, the Senate too was brought under the control of the republicans, Mac-Mahon saw himself as effectively repudiated and resigned. Nearly all presidents who succeeded him were deliberately selected on the basis of their lack of ambition. The presidential dissolution power atrophied, and the chief of state became a figurehead, like an English monarch, rather than an active decision maker. In fact, of the fourteen presidents of the Third Republic, only five served full seven-year terms.⁴ The Third Republic became a parliamentary regime that proved durable but very unstable, with the legislature recklessly overturning cabinets at an average rate of once every eight months.

Whereas in Britain a gradually evolving democracy and parliamentary supremacy could accommodate itself easily to the retention of traditional institutions and patterns, such as the Crown, the House of Lords, the established church, and the acceptance of a deferential and hierarchical social order, the French, with their Cartesian intellectualism,⁵ were unable to compromise among clashing political norms. "Republicanism" was grudgingly accepted, but its precise meaning was subject to disagreement. Its dominant expression was Jacobinism, which could be traced back to a belief (espoused by Rousseau as well as the men of the Reign of Terror) in a direct democracy that excluded all intermediaries or "mediating structures," such as political parties, interest groups, and local governments; in egalitarianism and anticlericalism (opposition to the [Catholic] church, particularly its political role); and in the supremacy of the state as the embodiment of the "general will" (or the "public interest"). And yet the Paris Commune of 1871,⁶ the first French egalitarian (or "socialist") uprising, was mercilessly crushed by the bourgeoisie that led the new republic. Despite the distrust of institutions that would interpose themselves between people and government, the role of the Senate, an indirectly elected body, became very important. A commitment to the republic did not necessar-

ily mean the acceptance of a particular manifestation of it: The government was hated, although the state was depended on by various sectors of society that expected protection and subvention.

Nor did the commitment to the republic resolve a deep-seated disagreement about political values. This dissensus stemmed from the confusion of three strains coexisting in French political culture: rationalism, historicism, and hero worship. The rationalistic spirit has been reflected in recurring attempts to elevate a particular set of abstract principles and to construct a "logical" political system on their basis.⁷ This attitude was personified by Abbé Sieyès, who, after the Revolution of 1789, wrote several draft constitutions based on his principles of an "indivisible popular sovereignty" and a "just representation"—principles first embodied in the Constitution of 1791. Historicism (an outlook found particularly among conservatives) implies the belief that a political system cannot be constructed from logical blueprints, but that it is rather a reaction to, and an evolution from, a nation's collective experiences, which do not always follow rational patterns. In order to "explain" their political positions, many French citizens used to refer, without more specific identification, to "the 18th Brumaire" (of 1799, when Napoleon instituted his coup d'état); "the July Monarchy" (of 1830); "the Affair of May 16" (1877); "the episode of May 13" (the revolt of the French officers in Algeria in 1958); and "the May Events" (of 1968)—as if the references were clearly understood by all French schoolchildren. Moreover, all French political attitudes are said to be shaped by the Revolution of 1789. The republicans have considered themselves the true heirs of the Revolution because they trace their own faith in a secular parliamentary government to the years following that great event. The moderates believed that the Revolution established, once and for all, the political ascendancy of the bourgeoisie. Leftists considered it their task to "complete" the Revolution by adding economic rights to the political rights already gained, thereby achieving "liberty, equality, and fraternity"; the Right saw the Revolution as a mistake to be rectified. The hero-worshipping French are essentially antirationalist and historicist. The belief that institutions are run by people and are therefore corruptible is coupled with the belief that there are individuals who are untainted by corruption and must be called upon to rectify the evils of the "system" and to advance national unity. The French have always had numerous historical models for such heroes.

The remembrance of these heroes and the revolt against reason explain why the Third Republic was confronted with repeated irruptions of traditionalism, Bonapartism, monarchism, and fascism. In 1886, General Boulanger, a "man on horseback," was encouraged by antirepublican and clericalist forces to institute a coup d'état, and he might have succeeded had he not lost his nerve. The Dreyfus Affair, in which militarism, monarchism, clericalism, and anti-Semitism colluded in the pressing of trumped-up espionage charges against a Jewish military officer, occurred in the 1890s; it divided France into two hostile camps and almost destroyed the republic. In the 1920s and 1930s, the *Action française*, the *Croix de feu*, and other extreme nationalist and antidemocratic movements challenged the legitimacy of the regime. Yet the Third Republic survived all these challenges. In the first decade of