

The French National Assembly and Senate – A subservient parliament



Image: Fronton of the Assemblée nationale. ©Assemblée nationale.

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The French Parliament is a bicameral parliament, composed of a directly elected lower house – the *Assemblée nationale* – and an indirectly elected upper house – the *Sénat*. Their organisation and the division of their powers is currently governed by the 1958 Constitution of the Fifth Republic. Under the constitutions of the Third and Fourth Republic, the French Parliament enjoyed a particularly privileged position of power in the institutional architecture which, combined with a fragmented party system with little party unity, led to frequently short-lived governments. The authors of the Constitution of the Fifth Republic were keen to change this state of affairs, and to give the executive branch tools to bring the parliament in line. This resulted in a parliamentary structure that came to be known for its relative weakness in the face of the executive, and particularly in the face of the directly elected President of the Republic, a fact subsequent constitutional reforms have not successfully addressed.

Electoral system:

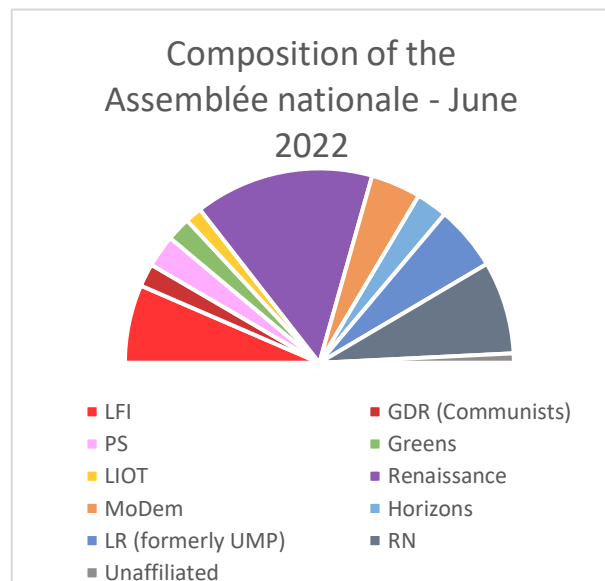
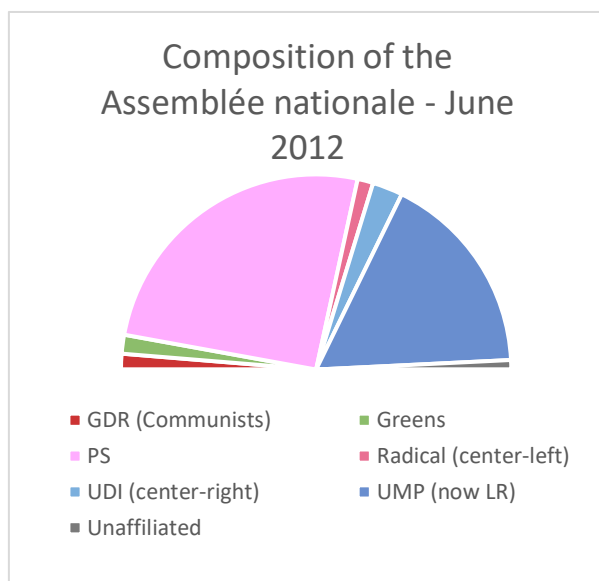
Members of the *Assemblée nationale* are directly elected from 577 constituencies. These constituencies exclusively have an electoral purpose and do not match any local government entity. Of these constituencies, 27 are in overseas territories, 4 are in Corsica, and 11 represent the French nationals living abroad. Elections to the *Assemblée nationale* follow a two-round system. In the first round, voters may choose among all of the candidates. If no candidate obtains 50% of the votes of at least 25% of registered voters, a second round is organised between all the candidates who have obtained 12.5% of the votes of registered voters – or, failing that, between the two candidates who have obtained the most votes. MPs elected in the first round are rare. In the vast majority of cases, a second round is held between two candidates, exceptionally between three or more. The term of office for members of the *Assemblée nationale* is five years, except in the case of a dissolution of the

Assemblée during the term – an event that occurred for the last time in 1997. Since 2002, legislative elections have been consistently held a few weeks after the election of the President of the Republic. This is widely believed to have lowered the stakes of the legislative elections, making them mere “honeymoon elections” to follow and mirror the one for the President. Voter turnout has certainly dropped since then: in both 2017 and 2022, fewer than 50% of voters turned out to vote in the first or second round of the legislative elections. The voting system does not feature in the Constitution and can therefore be modified at any point by a simple law. Nevertheless, it has remained the same through almost the entirety of the Vth Republic. The only exception were the legislative elections of 1986, for which a proportional system was used and abolished immediately afterwards.

According to article 24 of the Constitution, the *Sénat* "ensures the representation of the local government entities". The mode of election reflects this purpose. An electoral college elects the 348 senators indirectly. The college is made up of other elected representatives – at the municipal, departmental and regional level, as well as MPs and members of the Assembly of the French people living abroad. Among the senators, 8 represent overseas territories without a department status and 12 represent French nationals living abroad. The rest of them are elected at the departmental level. The mode of election depends on the number of senators elected in the department, which in turn depends on the department's population. For the least populated departments, one to two senators are elected in a two-round election. In the more populous departments, three or more senators are elected through a party-list election with proportional representation. Members of the electoral college are legally required to take part in the vote. The senatorial term of office is 6 years. Half of the second chamber is renewed every three years. The minimum age for election is 24.

Party system:

The political system is based on strong oppositions and alternations in power. Historically, two main parties have shared the majority of seats in Parliament: the conservative party inherited from Charles de Gaulle (known successively as the UDR, RPR, UMP and now LR), and the centre-left Socialist Party (PS). Nevertheless, the system has never been strictly bipartisan: each of the two governing parties has often been able to – and most of the time had to – rely on the support of smaller allied parties to obtain an absolute majority of seats – various centre-right parties for the conservatives, the Communist, Green and Radical parties for the socialists. These political alliances are not legally formalised nor formally negotiated, and the junior partners will usually have little say in policy choices.



The system underwent a major upheaval in 2017, with the arrival in the Assembly of a majority from a newly-created centre-right party (*La République en Marche* or LREM, now *Renaissance*), organised around Emmanuel Macron. The arrival of this new party player has been accompanied by a splintering and rebalancing of the political equilibrium, as the figures above illustrate. The former governing parties lost a large proportion of their seats, resulting in a more open, but also more unstable, political landscape. On the left, the newly-founded party *La France Insoumise* (LFI) now holds the biggest share of seats. The far-right party *Rassemblement National* (RN) has also significantly increased its presence, rising from 3 MPs in 2017 to 89 MPs in the 2022 elections. As a consequence, the 2022 legislative elections resulted in a minority government (around *Renaissance* MPs, allied with Horizons and MoDem MPs) for the second time in the history of the Vth Republic – the only other occasion having happened in 1988-1993, and only in a much smaller measure.

In parliament, party groups mostly follow a generally high party discipline and the influence of party leaders can be described as strong. Though the Constitution states that the political leader of the majority is the Prime Minister, the directly-elected President has in practice taken this role more and more overtly, as long as they are from the same party as the parliamentary majority. The deference most majority MPs feel towards the individual figure of the President explains a significant part of the persistent power-imbalance between the *Assemblée nationale* and the executive branch, despite legal modifications meant to empower parliament over the years.

Composition and representation:

A series of measures has been taken to encourage gender parity in elected bodies. Since the early 2000s, the proportion of women elected to both chambers has risen from around 10% to over 35%.

The stereotypical French MP's profile has long been shaped by the "*cumul des mandats*", literally the possibility of holding multiple offices at the same time. For a long time, the majority of MPs combined their parliamentary mandate with one, and often several, local offices – often mayor, president of a department or region, etc. Since 2014, however, the practice has been banned. An MP can no longer hold a local executive office, and may only hold one local mandate as simple member. This change, along with the aforementioned shifts in the party balance, has resulted in a change in the recruitment of MPs in the *Assemblée nationale* specifically, who now have far fewer ties with local government authorities than they used to.

Powers and institutional culture:

The French Parliament fulfils the functions traditionally associated with parliaments in parliamentary systems, in particular those of passing bills, controlling the government, and evaluating public policies (art 24). Both chambers have relatively similar powers, though their prerogatives differ on some important points. The *Sénat* is not involved when it comes to government stability: the government must only retain the confidence of the *Assemblée nationale* to stay in office, and in return only the *Assemblée* can be dissolved by the President of the Republic. In the event of a persisting disagreement between the two chambers on a bill, the *Assemblée nationale* can be given the final decision by the government, unless the bill is of constitutional nature. Apart from those elements, their attributions are reasonably similar.

Perhaps the most striking feature of the French Parliament is how many provisions are made in the Constitution to keep parliamentary influence in check. For example, article 34 of the Constitution lists exhaustively the areas in which the law may intervene – any other topic being left to be handled by governmental regulations. It also sets a maximum number of standing committees per chamber – currently eight, with no subcommittees allowed (art 43) – with the consequence of limiting the ability of MPs to specialise or focus on one ministerial portfolio.

The government controls the agenda of two out of every four seating weeks, the other two weeks should be dedicated one to control and one to parliamentary initiative. On the weeks controlled by the Parliament though, the government can still impose the examination of any bill relating to the budget, crises or the possibility of legislating by decree (art 48). It also has many ways of influencing parliamentary deliberation, using tools such as the fast-track procedure (art 45) or voting bills in “blocks” (art 44), incorporating only those amendments that the government is in favour of. One of the most frequently debated tools is sometimes referred to as 49.3, from the name of the constitutional article that provides for it, or the “guillotine procedure”, and involves tying the survival of the government to the fate of a specific bill. In this case, a government bill is considered adopted without a vote, unless a motion of no confidence is tabled within 24 hours and passed within 48 hours. So far, this article has been used over a hundred times since 1958 and toppled no government.

All of those tools were designed to help the government discipline an unruly majority, and have not been as strongly needed in times of strong and stable majorities that characterized most of the Vth Republic. However, the collapse of the main parties and fragmentation of the party system gave them newfound relevance in recent years, adding an element of coercion to the executive-legislative relations as the system still struggles to find its new normal.

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