

Working Paper on The unorthodox Fifth Republic. The evolution of the French constitutional system since 2022

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1.	A NEW SCRIPT	9
2.	THE FIVE FEATURES OF THE UNORTHODOX FIFTH REPUBLIC	11
	2.1. Variability in the balance of powers within the legislative couple	11
	2.2. Unprecedented but precarious ministerial autonomy	12
	2.3. The ambiguous affirmation of the Parliament's legislative function	13
	2.4. The variability of oppositions and their strategies	15
	2.5. The disjunction between political lives of the different levels of governance	16
3.	WHY IS THIS?	17
	3.1. Volatile and divided voters	17
	3.2. Procedural and electoral rules leading to dissensus	18
4.	CONCLUSION	19

Summary

Since 2022, the Fifth Republic has entered an unorthodox phase. In the absence of a knock-on effect from the presidential election to the legislative elections, the system as a whole is dysfunctional and, in various respects, diametrically opposed to the classic Fifth script. This contribution takes stock of the upheaval underway and seeks to identify its causes. Defying a culturalist interpretation centred on the French aversion to compromise, it argues that the combination of electoral behaviour and procedural and electoral rules has contributed to this development by encouraging the establishment of fragile minority governments, without Parliament emerging the victor. In addition to the instability of the executive, this altered Fifth raises a threefold problem of the legibility, predictability and effectiveness of power.

In 1997, Barbara Sinclair published a landmark book.¹ She diagnosed an unorthodox turn in the American legislative process. In her view, the gradual erosion of bipartisan consensus in Congress was condemning the majority to play procedural tricks to get its legislation through, such as bypassing the filibuster or multiplying omnibus bills. In so doing, the American political system continued to pass legislation, but at the cost of breaking with the original model.

Similarly, the Fifth Republic seems to have entered an unorthodox phase since the 2022 legislative elections and the narrow victory of President Macron's freshly re-elected camp. Since then, the signs of dysfunction have been multiplying: the repeated use of Article 49.3 (which allows laws to be passed without a vote in the Assembly²), a failed surprise dissolution, a new ungovernable assembly, a resigning government in office for a long time (almost two months in the summer of 2024), a censure unseen since 1962... Yet, as in the case of the American legislative procedure, the political system "holds" until today and a crisis of regime has been avoided. The 2025 budget was finally adopted, even though it had never been passed so late (on 14 February 2025). The system has stabilised around a balance that can be found elsewhere in Europe, albeit in a specific form here, namely a minority government maintained in power by means of non-participating support from various political groupings - support that is at once implicit, evolving and fragile.

This unorthodox Fifth Republic has moved a long way from the Gaullist script, characterised by verticality of power, clarity of the political game and stability of teams. Everything seems to indicate that the regime has entered a fourth phase after a classic age of 25 years (1962-1986) followed by 15 years of turbulence (1986-2002) marked by three cohabitations and a legislature without an absolute majority, then 20 years of restoration of the fundamentals of the regime (2002-2022) thanks to the introduction of the five-year presidential term and the inversion of the electoral calendar.³

This contribution seeks to understand the current period. It first attempts to identify the structural elements of the regime's evolution since 2022 before offering explanations for this change. Rejecting the facility of institutional culturalism, this analysis argues that the current changes are due to the conjunction of voters' choices and various rules, both electoral and procedural. Finally, I consider the many weaknesses in the way the system currently operates, both from the point of view of democratic ideals and France's ability to be truly and effectively governed.

¹ Barbara Sinclair, *Unorthodox lawmaking: new legislative processes in the U.S. Congress*, University of California, Los Angeles, 1997.

² For the record, if this provision is used, the text is deemed to have been adopted by the National Assembly unless a motion of censure brings down the government.

³ A bill was passed before the 2002 elections to make sure the presidential race will take place about one month before the elections for the National Assembly.

1. A new script

The Fifth system was characterised by a high degree of stability and simplicity in the chain of delegation, which is summarised in the following box.

Box 1. The classic Fifth Republic operating script

1. A disputed presidential election with a clear winner
→
2. Legislative elections confirm the winner of the presidential election
→
3. A government chosen de facto by the President, with little autonomy from him and relatively stable
→
4. A government led de facto by the President
→
5. A clearly identified opposition embodying alternation

The keystone of this script was undoubtedly the presidential election associated with the President unconstrained right to dissolve the National Assembly.⁴ While it is true that the direct election of the president does not necessarily lead to his domination, as shown by many semi-presidential regimes around the world, it so happens that, since 1965, the presidential election has played this role in France. This ascendancy of the president via the presidential election is largely due to the role played by the electoral campaign for this election. The length of the campaign and the paradoxical combination of drama and ritual (with a succession of sequences known in advance and progressing in dramatic intensity) have done much to establish this confrontation at the heart of French political life.

The presidential election is the key, since it temporarily legitimises a president and guarantees him or her an absolute majority, often a coalition majority, to govern. Before 2022, the only exception was the 1988-1993 legislature, characterised by minority governments but who were close to the majority.⁵ Coalitions are almost systematic and are formed according to a pre-electoral logic, unlike the other major European parliamentary democracies. The two-round majority system encourages parties offering a certain degree of proximity to come to an agreement between the two rounds (withdrawal) or even before the first round (single candidacy).

The electoral rules (only two candidates in the second round of the presidential election and majority voting for the legislative elections) lead to a certain bipolarisation of political life. The opposition is rarely “stereo”, to use Guy Carcassonne’s term⁶: it is mainly on the right when the government is on the left - and vice versa. Over the last fifteen years, this opposition has more often than not held a majority in the Senate (2011-2012 then 2014 to date).

The election of Emmanuel Macron to the presidency in 2017 represents a turning point in relation to this classic script. On the one hand, the success of the young Economy Minister marks a kind of apogee for the Fifth Republic. Indeed, the former advisor reached the top of the State by the mere grace of his successful campaign. In the weeks that followed, his election gave him an absolute majority in the National Assembly, despite the fact that he did not belong to any of the parliamentary groups present during the previous term. The presidential election established Macronism and enabled President Macron to exercise the full range of his powers, as his predecessors had done.

However, certain flaws in the script could already be observed in at least three respects: a. the second round of the presidential election had selected a radical candidate, as in 2002; b. the alternation did not benefit the existing opposition but a new, highly personalised structure; and c. the government had to deal with different types of opposition. On the one hand, the opposition was “stereo”: present on both the left and the right. On the other hand, this oppo-

4 Gabriele Maestri, *Lo scioglimento parlamentare negli ordinamenti repubblicani. I casi della Francia e dell'Italia*, Torino, Giappichelli, 2024.

5 Olivier Rozenberg, “Minority Governments in France: a mix of presidential and parliamentary logics”, in Bonnie N. Field, Martin Shane (eds), *Minority Governments in Comparative Perspective*, Oxford, Oxford University Press, 2022, pp. 170-188.

6 Jean-Jacques Chevalier, Guy Carcassonne, Olivier Duhamel, Julie Benetti, *Histoire de la Ve République*, Paris, Dalloz, 2017, 16th ed., p. 366.

sition was friable: on the right as on the left, some of its less radical elements were tempted by a ministerial post. While the practice of luring people into government was not new, it took on an unprecedented scale and lasted for the entire term (2017-2022).

The gap with the classic script became obvious in 2022. The most notable point was undoubtedly that the presidential election did not have the knock-on effect on other elections and institutions that it had had since 1981. There are many reasons for this. The outgoing President, worn out by a first term in office in which he was often in the front line, did little campaigning. As in 1969, 2002 and 2017, one of the two duelists selected in the second round of the presidential election was unlikely to win over half the electorate. The qualification of the far-right candidate, announced and then confirmed, led everyone, and perhaps the President himself, to believe that the election was a foregone conclusion.

Without the knock-on effect of the presidential election, it became clear that the entire institutional edifice of the Fifth Republic was in danger of collapsing. In the 2022 legislative elections that followed the presidential election, the Macronist camp had limited success. Its weakness was compounded two years later by new legislative elections triggered by the President's surprise dissolution. The results in terms of votes in the first round and the distribution of seats, shown in Table 1 for the two legislative elections, indicate that no coalition won an absolute majority. Moreover, these data show that no coalition could declare itself the clear winner, particularly in 2024 where the RN came out clearly ahead in the first round and the left slightly ahead in terms of seats.

Table 1. Results of the 2022 and 2024 general elections

		Left	Macronists	Right	Radical right
2022	% votes	26,5	25,9	12,1	18,8
	% seats	26	43	12	16
2024	% votes	28,8	21,8	8,5	33,4
	% seats	33	28	10	25

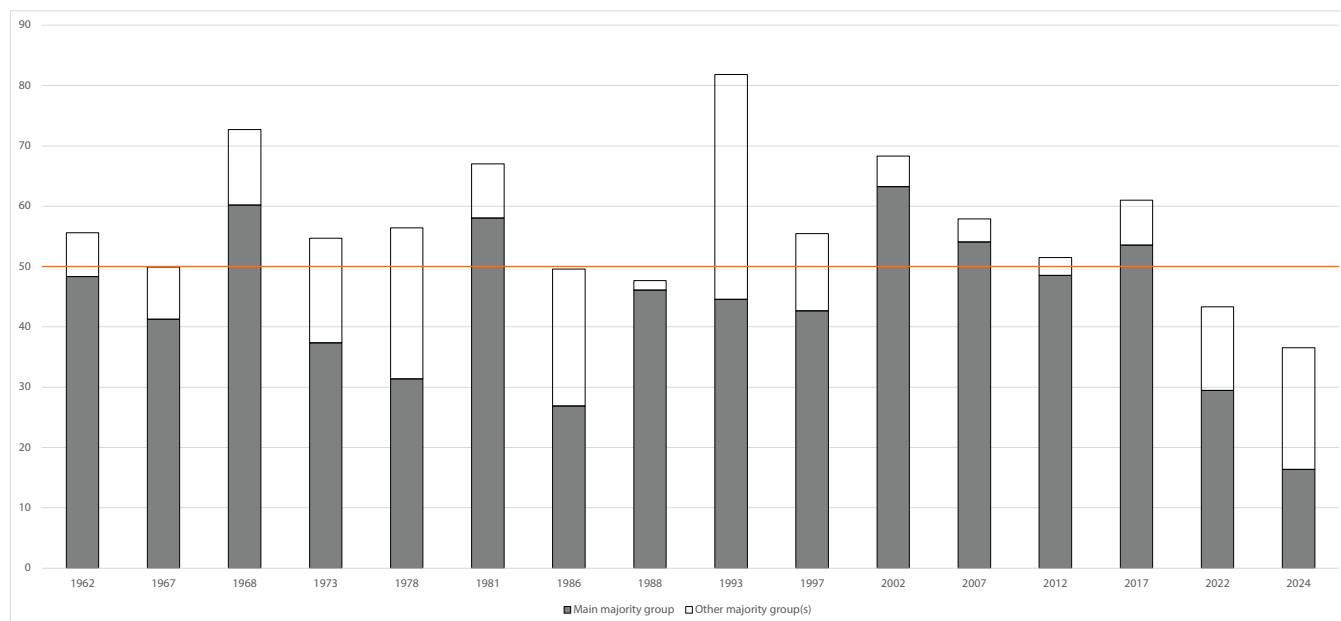
Note: % votes : 1st round

Sources: Ministry of the Interior, National Assembly

Since 2024, the partisan space in the National Assembly has been divided into three poles of relatively equal size. The majority system, which offers a national bonus to the winner of the election, is by its very nature not conducive to such a tripartition. However, there is evidence that it does not make it impossible.

A comparison of the size of parliamentary majorities since 1962, as shown in Figure 1, shows not only that never before has a government's parliamentary base been so far from an absolute majority under the Fifth era, but also that never before has the main parliamentary group of the majority, in this case Emmanuel Macron's party, been so small.

Graph 1. Size of the majority (% of seats in the National Assembly)



Note: data at start of legislature
Source : Assemblée nationale

Another expression of the crumbling of the classic script is the return of governmental instability, which was a feature of previous republics or, in the Fifth, only at the end of parliamentary terms. The Borne government lasted 1 year and 8 months, Gabriel Attal's 8 months and the Barnier team 3 months - a record. The Barnier government was censured for the first time since 1962. The vote on several motions of censure was not a foregone conclusion, like the one on pension reform in 2023. In short, the Fifth Republic of the heyday of Gaullo-Mitterrandism seems - temporarily? - over.

2. The five features of the unorthodox Fifth Republic

The minority nature of the government is no doubt not sufficient to characterise the evolution of the regime insofar as it has already experienced a similar episode in 1988-93. Five features stand out:

- » the variability of the balance of powers within the legislative couple;
- » unprecedented but precarious ministerial autonomy;
- » the ambiguous affirmation of Parliament's legislative function;
- » the variability of oppositions and their strategies;
- » the disjunction between the political lives of the different levels of governance.

As we can see, in the post-2022 Fifth, notions of instability and ambiguity dominate, whereas the classic script was characterised by clarity, verticality and permanence. Let's take a quick look at each of the five elements.

2.1. Variability in the balance of powers within the legislative couple

Since 2022, the President has retained a key role in identifying a Prime Minister. This role, which is assigned to him by the Constitution, has even been strengthened given the difficult reading of the results of the legislative elections on the one hand, and the leadership crisis of the oppositions on the other (we know, for example, that it took a month for the Left to agree on a candidate for Matignon in July 2024). The role retained by the President has been critici-

sed. It has been seen as a legacy of the verticality of the Fifth or as a lack of realism on the part of President Macron. However, it is in line not only with the letter of the Constitution but also with the spirit of parliamentarianism, under which the Head of State can play a crucial role in times of crisis and uncertainty - not to govern himself but to help the country to be so.⁷ Italy has offered many examples of this over the last few decades.

However, the evolution of the relationship within the executive couple is more complex than in the parliamentary theory. Under the Fifth Republic, a simple rule prevails: the relationship between the President and the Prime Minister depends on whether the President and the parliamentary majority are of the same colour. If there is agreement, as everything suggests, the President essentially dominates the Prime Minister. If there is disharmony, as was the case during the three cohabitations, the Prime Minister dominates, except internationally. Since 2022, these balances have become considerably more complex. From 2022 to 2024, the dominance of the President over his Prime Ministers was essentially maintained. However, both E. Borne and G. Attal were able to take advantage of the government's minority position to be in the front line to negotiate directly with certain opposition groups, in particular with the Right during the pension reform of 2023. Everything changed with the appointment of Mr Barnier (well) after the 2024 legislative elections. According to the press, the Prime Minister had hinted to the President before his appointment that he would follow the Macronist economic line before freeing himself from this promise afterwards.⁸ During the three months of the Barnier government, the President decided very little - if anything - on domestic policy. It was during this period that a provision of the Constitution that might have seemed obsolete became crucial: the President has to appoint the Prime Minister but cannot not legally obtain his/her resignation. With the arrival of F. Bayrou at Matignon, the situation seems to be one of in-between: the Prime Minister, seasoned by several decades of political life, a historic and crucial baron of the Macronie, does not take his orders from the Elysée Palace but nevertheless acts in good intelligence with the President, which means that the two heads of the executive consult each other and privately seek compromise.

It is difficult to say whether the variability in the relationship between the President and the Prime Minister is due to contingency (the personalities of each, Mr Barnier's cunning, etc.) or to a learning effect in the face of a new political situation. The main point here is to highlight this new variability: when the President can only rely on a very limited parliamentary group and a very relative majority, his domination over the government is both limited and variable.

2.2. Unprecedented but precarious ministerial autonomy

The ministers of recent governments are facing an unprecedented paradox. On the one hand, their authority suffers from the major ministerial instability experienced by governments since 2022. Not only do they lack the time to act, particularly from a legislative point of view, but they also lack a certain legitimacy with regard to both the social and professional groups affected by their field of action as well as their departments. Uncertainty about the lifespan of successive teams casts doubt on the significance of official ministerial announcements. And rightly so, since new ministers are quick to backtrack on the commitments of their predecessors, as in the case of the requirement to pass the brevet in order to go on to lycée, announced in December 2023 when Elisabeth Borne was Prime Minister and abandoned in January 2025 by Elisabeth Borne, now Minister for Education. In addition, the difficulty of finding parliamentary majorities is leading ministers to avoid taking action through legislation (and thus depriving themselves of a degree of visibility) or to make their nest in private members bills (see below).

Despite this undoubted fragility, some ministers enjoy remarkable autonomy from both the Prime Minister and the President, particularly since François Bayrou's arrival at Matignon in December 2024. In truth, it is hard to find a precedent under the Fifth Republic and its "uncertain" ministers.⁹ Never before have so many ministers been able to enjoy so much autonomy, even beyond their own portfolios. On 17 February 2025, for example, the Minister for Culture

⁷ William Selinger, *Parliamentarism. From Burke to Weber* (Cambridge: Cambridge University Press, 2019).

⁸ «Entre Emmanuel Macron et Michel Barnier, histoire d'un malentendu», *Le Monde*, 18 November 2024.

⁹ Guillaume Tusseau, *Droit constitutionnel et institutions politiques*, Paris, Seuil, 7e ed., 2024.

travelled to the Western Sahara, a few months after France recognised Moroccan sovereignty, without even informing the Prime Minister.¹⁰ The following month, he learned from the press that his Defence Minister was planning to convene a meeting of all political forces to explain the capabilities of the French armed forces.¹¹ On 15 March 2025, the Minister of the Interior also publicly threatened to resign if a Franco-Algerian agreement was not reviewed, contrary to the President's stated position. A few days later, his Justice counterpart brandished the same threat if some of his colleagues did not reverse their position on the wearing of religious veils in sport. The phrase coined by a minister in 1983, "a minister either shuts up or resigns", which has been checked several times since then, was thus, in a way, turned into "a minister opens his mouth to threaten to resign".

While this broad autonomy is partly due to F. Bayrou's personal style of governance, whether he wanted it or not, and to his willingness to involve leading politicians within the government (including two former prime ministers), it also shows the weakening of the two heads of the executive, a historic weakening due to its joint nature. In addition to a failed dissolution and wear and tear on power, it is both the Macronist camp's reduced parliamentary base and the minority nature of the government that explain this weakness. The ministers from the right, in particular, know that they are essential to the survival of the government team and are using this to write their own score. Finally, some are tempted to play the public opinion card in a fluctuating context where the possibility of early elections is far from out of the question. As the Minister of the Interior points out: "From the outset, I theorised that without a parliamentary majority, I would have to rely on public opinion."¹²

2.3. The ambiguous affirmation of the Parliament's legislative function

It would be doubly wrong to associate the weakness of Parliament with the classic Fifth version and its power with the unorthodox version. On the one hand, because Parliament was never as weak as was claimed before 2022 and had gradually asserted itself.¹³ Secondly, because Parliament's assertiveness since 2022 is, to say the least, ambiguous.

Parliament certainly seems to be at the heart of the political machine since 2022. MPs and pivotal groups are courted to make or break majorities, whether for the survival of a government or for legislative projects. In 2023, the negotiations between the LR group in the Assembly (62 members) and the Borne government on pension reform would have cost several billion euros - probably close to 3.¹⁴ This is a far cry from the few million francs that the Rocard government gave in 1988-91 to the Communists or centrists to get its legislation through - "peanuts" according to his adviser Guy Carcassonne.¹⁵ Although the sums were smaller, the Socialist Group also obtained significant changes to the Finance bill during the negotiations in January 2025. Whereas a certain discretion sealed the agreements in 1988, members of parliament no longer hesitate to put themselves forward. For example, during the negotiation of the 2025 budget in autumn 2024, the chairman of the LR group in the National Assembly not only obtained a more favourable measure for pensioners, but also the opportunity to announce it first on the television news. The National Assembly can be bought at a high price, and sometimes refuses to be sold as it was when the combined opposition of the left and the far right succeeded in toppling the Barnier government.

The Senate is particularly strengthened by this situation insofar as the group that dominates it (LR) is indispensable to the Assembly. Successive governments since 2022 have endeavoured to attract the good graces of the right wing in the Senate in order to obtain those of the right wing in the Assembly, sometimes even using the former to force the hand of the latter. This means tabling legislation more frequently in the Senate first, supporting legislation originating in the Senate (including giving it time on the government agenda in both houses) and accepting amendments from the upper house. This is in stark contrast to Emmanuel Macron's first term in office, during which the Senate, left and right alike, was seen as a bastion of the "old world".

10 «La méthode Bayrou redonne du champ à Emmanuel Macron», *Le Monde*, 10 March 2025.

11 «Bayrou tente d'imposer ses prérogatives face au duo Macron-Lecornu», *Le Monde*, 14 March 2025.

12 «'Vous en avez pour combien de temps ?' : dans la vie d'un ministre en sursis», *Les Echos*, 11 March 2025.

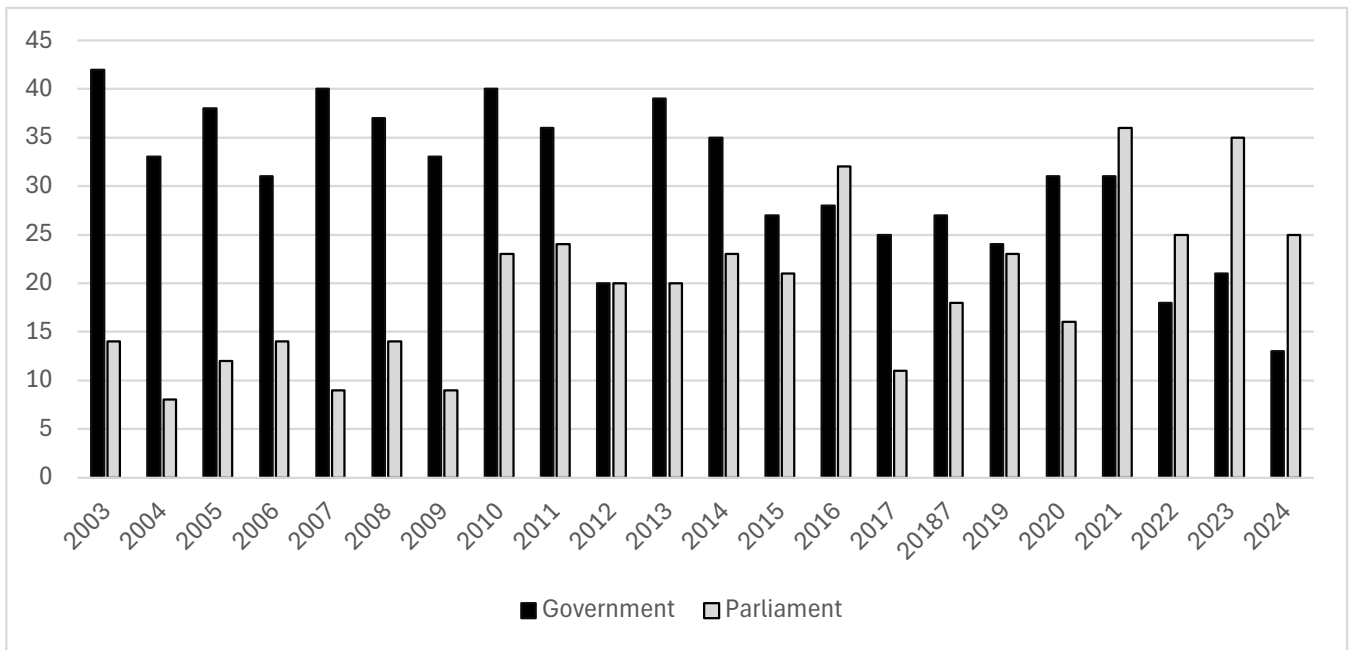
13 Olivier Rozenberg, «De la difficulté d'être un Parlement normal», in Olivier Duhamel, Martial Foucault, Mathieu Fulla, Marc Lazar (eds.), *La Ve République démystifiée*, Paris, Presses de Sciences Po, 2019, pp. 47-65.

14 «Réforme des retraites : l'équilibre budgétaire du texte préservé malgré de coûteuses concessions», *Le Monde*, 17 March 2025.

15 Pierre Favier, Michel Martin-Roland, *La Décennie Mitterrand*, 3. Les défis, Paris, Seuil, 1996, p. 145-6.

The legislative assertiveness of the two chambers appears to be reflected in the origin of the bills enacted. The following graph shows that 2024 is the fourth consecutive year in which more private members bills have been passed than governmental ones. This new distribution is the result of negotiations with a government in dire straits¹⁶ and is also due to the scarcity of government legislation. In many cases, prime ministers are cautiously backing away from legislating, for example on immigration, a subject on which F. Bayrou has refused the bill requested in the press by his interior minister.

Chart 2. Origin of laws passed



Note: excluding international agreements
Sources: Legifrance, National Assembly

Parliament's assertion is ambiguous, however. The government continues to use the various procedural tools at its disposal to steer legislative debates - and not just 49.3, which will be discussed below. With regard to the numerous private members bills (PMBs) examined in session, the impression sometimes prevails that, in the absence of any direction or priority from the executive, the aim is to keep parliamentarians busy with secondary issues or bills that will get bogged down in the shuttle. A review of the PMBs that have been adopted shows that some are of limited political significance - it is, moreover, this political harmlessness that has enabled them to pass the hurdles of the legislative procedure and, often, to be carried by a cross-party duo. Among the parliamentary proposals that have become law are those aimed at upgrading the position of town hall secretary (2023), guaranteeing respect for children's image rights (2024), taking account of local authorities' ability to pay when awarding grants and subsidies for investment in the ecological transition of school buildings (2024), and ensuring that the State provides human support for pupils with disabilities during the lunch break (2024). In contrast, the major decisions that will affect the future of the nation seem to be moving away from parliamentary assemblies, whether it be pension reform, which is in part left to the social partners meeting in "conclave" in 2025, or the international agenda, which is particularly pressing with the arrival of President Trump.

¹⁶ For example, we read in the press: "At the end of January [2025], François Rebsamen, the Minister for Regional Planning and Decentralisation, should have been seen, paper in hand, drawing up the long list of draft private members bills on local authorities that he was tasked with pushing through in order to attract the good graces of senators towards the executive." Cf. "Vous en avez pour...", art. cit.

It may be objected that these bills have an impact on the everyday lives of French people, and that a number of more significant PMBs have also been passed. However, the government's support was essential to them and was paid by the addition of numerous provisions desired by the minister, such as the grouping together of drug traffickers in prison, conveyed in March 2025 by a PMB but for which the Minister of Justice personally put himself forward. This is certainly not a new procedure in the Fifth Republic, but since 2022 it has been distinguished by its frequency and by the type of motivation of the ministers, i.e. to gain time in a period of

high ministerial instability by making a nest of a proposal that is already ready or even in progress.¹⁷ In addition, given the low level of government cohesion, some ministers are tempted to rely on their group within the coalition to better impose themselves on other members of that same coalition.

2.4. The variability of oppositions and their strategies

One of the major specificities of the Fifth Republic, in contrast to the two previous Republics, is the clarity and permanence of the identification of the opposition. Since 2022, there has been a clear break in both respects. On the one hand, instead of clarity, there is a subtle gradation between majority and opposition. Secondly, the position of each party may change, not only from one legislature to the next, but even during the same legislature. The following table details the position of the political forces in these two dimensions since 2022.

Table 2. Positioning of political forces on the majority/opposition continuum since 2022

	Majority +					Opposition +
	Macronist	Macron's allies	Right	Socialist	RN	LFI, Communists, Greens
1. Borne and Attal	Majority but muted Pdt/PM rivalries	Majority but critical mezo vocce	De facto support without participation	Opposition	Opposition	Opposition
2. Barnier	Majority but deaf rivalries between Pdt/party	Majority but critical mezo vocce	Participation but limited support	Opposition	De facto support without participation, then opposition	Opposition
3. Bayrou				De facto support without participation	Uncertain	Opposition

The Macronists and their electoral allies, former Prime Minister E. Philippe's Horizon party and F. Bayrou's MoDem, form the core of the majority. They support the President and the Prime Minister but there are tensions between the Prime Minister (G. Attal in particular) and the President or between the Macronists and their allies or, since the dissolution of 2024, between the President and his own party. None of this is really new yet. At the other end of the continuum, the Insoumis, the Communists and the Greens are consistently and often virulently opposed, for example by tabling more and more motions of censure following recourse to the 49.3.

Between the two poles, the positioning of the other political forces is more complex and unstable. To overstate the case, the Right went from not participating but supporting during the 16th parliamentary term to participating but not supporting it in the 17th. It refused to censure the Borne and Attal governments without sparing its critics and then, after the 2024 legislative elections, LR ministers joined the government but without complying with the ordinary rules of majority solidarity. LR MPs, for example, opposed President Macron's candidate for the presidency of the Constitutional Council in February 2025. Clearly, the chairmanship of the group by a candidate for the party presidency and the 2027 presidential election, threatened by the interior minister from his ranks, contributes to a certain misalignment between the parliamentary and governmental right.

The Socialists moved from clear opposition to a form of support without participation by refusing to censure the Bayrou government on the budget vote. As with the Right during the previous legislature, this outstretched hand was coupled with widespread criticism of the government by socialist leaders and even, in February 2025, the tabling of a motion of censure strategically

¹⁷ At the risk of exposing themselves to the obtuse jurisprudence of the Constitutional Council in matters of riders, as with the 2024 immigration law.

calculated to fail.¹⁸ It should be noted that with the change in the Socialists' position, the electoral coalition that had enabled the Left to make progress in 2022 and 2024 split. Such a change in coalition strategy between two elections, common in Italy, is extremely rare in France.

Finally, the RN, whose membership has reached an unprecedented 88 members in 2022 and 123 in 2024, is following a relatively convoluted strategy. It was clearly in opposition during the 16th parliamentary term. It then decided not to censure Michel Barnier for the first few months in exchange for a normalisation of the way the government treated him. Marine Le Pen changed her strategy in December 2024 and since then seems to hesitate as to the degree of radicalism with which she opposes.

Opposition games are thus complex and evolving. They are clearly sensitive to the perception of public opinion in a context of anticipated dissolutions and uncertain leadership on both the left and the right. Table 3 provides a summary of the points developed in this second part by distinguishing three periods since 2022, each of which is opposed in one or other dimension to the normal functioning of the Fifth as well as to cohabitation.

Table 3. Summary of the different components of the unorthodox Fifth Republic

Type of period	Majority agreement	Borne/Attal	Bayrou	Barnier	Cohabitation
President	(All) powerful	(Quite) powerful	Variable	Limited mainly to international issues	
Prime Minister	Low		Variable	Quite strong	Strong
Ministers	Dominated		Possible autonomy		Dominated
Opposition	Clear and unique	Complex and variable			Headed by the President

2.5. The disjunction between political lives of the different levels of governance

The latest feature of the unorthodox Fifth Republic began in 2017 and has been confirmed ever since: the French no longer vote for the same parties at national and sub-national levels. Without being conquerors, the old world of right-wing and left-wing governing parties is holding up rather well at municipal, departmental or regional levels. The composition of the Senate, which is largely dependent on that of the municipalities, reflects this mismatch between national and sub-national political life, even if the gaps in representation between the two assemblies have become less glaring since 2022. Table 4 provides various data illustrating the differentiated presence of the main political forces.

Table 4. The presence of political forces in different institutions and levels of governance (2025)

	LFI, PCF	PS and allies	Ecologists	Macronists and allies	LR and allies	RN and allies
Députés (%)	15	11	7	28	8	24
Senators (%)	5	19	5	33	38	1
Mayors 9,000 (n)	28	128	17	171	157	9
Mayors 100,000 (n)	1	15	7	2	14	1

Note: various right and various left not taken into account for cities; "Macronists and allies" = LREM, MoDem, UDI and centrists. "Mayors 9,000 (n)" = Mayors of towns with more than 9,000 inhabitants (number)

Sources: National Assembly, Senate, Ministry of the Interior

¹⁸ By focusing on the issue of migration, it made it unlikely that the RN group, which would have been necessary to obtain an absolute majority, would come on board.

3. Why is this?

It is tempting to offer a culturalist explanation for the chaotic state of the French political system. By some form of mitochondrial curse, the political players would be victims of the way the Fifth Republic works, or even of a French mindset that prevents them from lucidly drawing conclusions from the political situation in order to work out compromises in government or parliament. It's true that some episodes seem to be akin to parochialism. For example, on the evening of the second round of the 2024 legislative elections, the leader of the Left claimed to be in a position to apply his programme in full, even though his troops only made up a third of the chamber. According to Michel Barnier, the Socialists and Greens also refused to enter into negotiations after his appointment to Matignon. Without underestimating these behavioural elements that distance French politicians from their German or Italian counterparts, it seems to me that the current situation is more fundamentally due to the combination of two elements: the voting behaviour of the French and the formal rules of the political game.

3.1. Volatile and divided voters

The focus on the functioning of the system should not obscure the fact that it depends not only on the rules and elected representatives, but also on the electorate. In a gradual but increasingly marked way, the electoral behaviour of the French has become erratic, whether this instability is the result of an eclipsing electoral participation or the volatility of the choice itself. This trend is well known. Over the long term, it combines a strong disidentification with political parties and a massive distrust of politics and even institutions and their principles. It was facilitated, from the late 1970s onwards, by the introduction of proportional representation for new elections. It is reflected in the eruptive success of leaders who do not rely on an incumbent party, following the example of Emmanuel Macron in 2017. Table 5 provides an illustration of the current level of volatility by comparing the results of different political formations in two elections just two years apart.

Table 5. Scores of various political parties in the 2022 presidential election (1er round) and the 2024 European elections

	LFI	PCF	PS	Greens	LREM	LR	RN	REC
Presidential 2022	22	2.3	1.8	4.6	27.9	4.8	23.2	7.1
European 2024	9.9	0.1	13.8	5.5	14.6	7.3	31.4	5.5

Note: the PS and LREM in particular put forward candidates supported by different parties in both elections; LFI = La France insoumise, PCS = French Communist Party; PS = Socialist Party; LREM = La République en marche; LR = Les Républicains; RN = Rassemblement national; REC = Reconquête.

Clearly, the instability of voters leads to instability among elected representatives, who can hope to recover by developing bold strategies, either collectively or on a personal level by changing party affiliation. In addition to this, the French party landscape is stabilising around three blocs: the left, the centre/right and the far right. In other words, the mobility of individual behaviour does not prevent a degree of consolidation when it comes to aggregation. If groupings are made around three poles rather than two (as the rules encourage¹⁹), it is probably because the structural cleavages that organise the party space are changing and, in periods of transition, multiplying without one dimension managing to dominate.²⁰ In addition to the divide relating to economic liberalism, these include cultural liberalism, the urban/rural divide, which is far from anachronistic, and, on a more operational level, the positioning vis-à-vis the Republican Front (i.e. whether opposition to radical right should be systematic). The result is a complex and imperfect²¹ tripartition of the party system that disrupts the stabilising effects of the majority system. As we know, the two-round majority system offers a premium in seats to the side that comes out on top in the second round. With the dispersion of votes into three poles, this premium remains, but it is at the same time less strong and divided between the two closest poles, i.e. the left and the centre/right, as Table 1 shows: in 2022, the difference in seats/votes in favour of the Macronists was 17 points compared with, in 2024, 6.5 points for

19 Olivier Rozenberg, «Clivage droite/gauche et Ve République : une longue tournée d'adieux», *Pouvoirs*, 179, 2021, pp. 29-44.

20 Pierre Martin, *Crise mondiale et systèmes partisans*, Paris, Presses de Sciences Po, 2018.

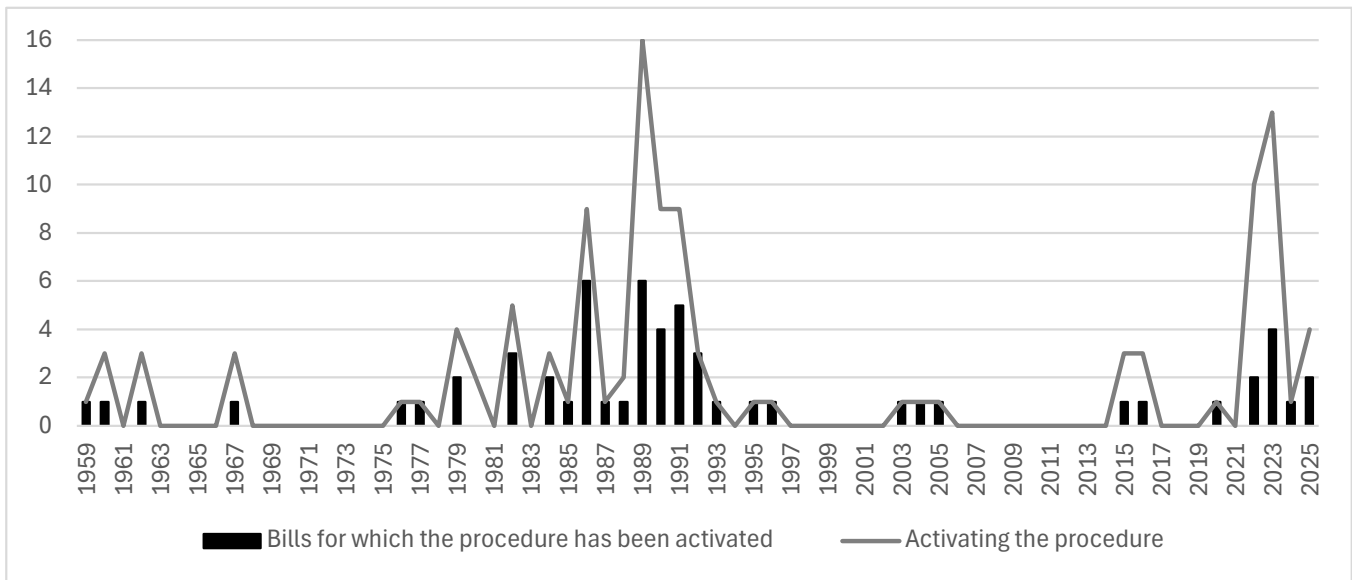
21 Imperfect, given the strong internal divisions in the left-wing camp, which was united during the legislative elections, and in the centre/right camp, which was more often than not disunited during the legislative elections.

the Macronists, 4.2 for the left and 1.2 for the right.²²

3.2. Procedural and electoral rules leading to dissensus

The Fifth Republic was designed to be a kind of viable Fourth, i.e. to govern without an absolute majority. To this end, two main tools were provided for in the Constitution: the optional nature of government investiture, which is common in Europe, and Article 49.3, which is not.²³ Both tools have been used to the full since 2022, as Chart 3 confirms in the case of 49.3.

Chart 3. Use of the 49.3 procedure since 1958 (as at 25 March 2025)²⁴



Source: Assemblée nationale

²² In addition to the tripartition of the party system, the end of the stabilising effect of the majority vote results from the territorial spread of the vote for the Rassemblement National. The RN may still have strongholds, but people are voting for its candidates in more and more places. These candidates are in a position to be elected almost everywhere in France. Put another way, the increase in their candidates' chances of coming out on top in a constituency outstrips the increase in the party's aggregate results.

²³ A third provision has also proved effective, namely the requirement of an absolute majority for a motion of no confidence. It was in fact the combination of this rule and 49.3 that enabled certain texts such as the pension reform to be adopted in March 2023. There was a relative majority to oppose the reform without an absolute majority being ready to vote for no confidence. Using 49.3, the government managed to substitute a vote on the first with a vote on the second.

²⁴ The 49.3 is triggered in the Assembly for a given reading, so it can be used several times on the same bill.

Although the 49.3 was used frequently, it was used slightly less than during the 1988-1993 legislature. Only one use is recorded for the year 2024 for example, and it resulted in the fall of the Barnier government. Clearly, this moderate frequency is precisely due to the risk of being censured. It shows that the 49.3 is not, as the press often presents it, a procedure for temporarily dissolving the Assembly. Furthermore, the moderate use of this provision is a reminder that it was created to unite uncertain majorities rather than to govern without an absolute majority. The fact remains that the existence of this tool makes it possible to limit the compromises made on certain texts, particularly during the vote on the budget. At the beginning of 2025, for example, the Socialists did not have to formally approve the finance laws prepared by the Bayrou government, but they did have to abstain from voting on motions of censure.

The second type of rule that does not encourage a compromise between political forces relates to elections and voting systems, and more specifically to the combination of a structuring presidential election and majority voting for legislative elections. The presidential election gives many political leaders the hope of winning and running the country, whatever their current political weight. The examples of F. Hollande in 2012 (admittedly leader of the Socialists but at a low point in the polls a few months earlier) and even more so of E. Macron in 2017 have given strong credibility to this presidential promise, which acts as a real incentive to non-cooperation. Why join forces today if you have to stand out tomorrow? Why take the risk of compromise if it means disappointing your troops? In this respect, the fact that there are two rounds of voting also encourages doctrinal radicalism, especially at a time of electoral volatility. Qualification at the end of the first round is no longer promised to anyone. To achieve it, candidates must first and foremost convince their base.

Secondly, the majority system does not lead to compromise either. The winner-take-all principle that characterises it helps, once again, to sustain the hope of winning an absolute majority

of seats. Above all, it locks alliances into pre-election agreements. A change in party strategies is certainly possible, but it can be costly in terms of image and takes time. It took the Socialists no less than six months after the legislative elections in the summer of 2024, but also a vote of no confidence and the absence of a budget, to timidly enter into a fragile negotiation with the government. In a way, this period is the functional equivalent of the long post-election negotiations for coalition agreements that we see in Northern Europe, with the difference that it replaces closed meetings on ministerial positions and future laws with a series of colourful events that give off a feeling of powerlessness and emptiness.

Let's summarise. On the one hand, volatile voters creating a tripolar partisan landscape, ready to support a new and/or inexperienced and/or non-party candidate. On the other hand, institutions that allow one pole to govern alone and encourage everyone to refuse government coalition or even parliamentary compromise. If the institutions manage to accommodate the new electoral situation, they no longer have the structuring effect on the electorate that they used to, namely the designation of a clear winner, legitimised by the ballot box and with the capacity to act in parliament. In the absence of this knock-on effect of the presidential/legislative pairing, the constitutional rules no longer produce the vertical "force to govern"²⁵ that was the hallmark of the Fifth era, but a kind of minority instability that is both contained and long-lasting.

4. Conclusion

The way in which the French political system currently operates expresses a profound departure from the classic version of the Fifth Republic. This evolution is the result of voters' choices, which are both volatile and divided into three poles. It was encouraged or enabled by the rules specific to this system, both procedural and electoral. These rules make it possible to govern without a majority, even in a degraded mode, and do not encourage the forging of post election alliances. The pivotal role played by the 2017 presidential election in this development suggests that, just as the president is undermined by his own power²⁶, the Fifth Republic is itself the source of its degeneration. Giving the keys to power to a political entrepreneur with no clear party base and so little obligation to enter into alliances or compromises marked the apogee of the logic of the Fifth. But it proved to be a dead end. The disappointment was all the greater because a certain amount of hope had been raised.²⁷ The government was all the more isolated because it thought it did not have to negotiate. And, *ultimately*, the next presidential election lost its knock-on effect on the entire system.

Like the unorthodox American legislative procedure, the French political system continues to function despite its profound alterations. The 2025 budget was adopted, albeit belatedly. State vacancy was avoided. The geopolitical tensions that followed the election of D. Trump served to verify that the President retained a capacity for action in diplomatic and defence matters despite his limited political capital. However, to conclude, we must point out that this unorthodox Fifth raises a threefold problem. Firstly, there is the problem of the legibility of the political game. The subtle fluctuation of the majority/opposition boundary or the evolution of party strategies can certainly delight commentators, but they are difficult to grasp, easily perceived as insincere and, often, poorly assumed by the players themselves. While refusing the easy culturalist interpretation, we note the difficulty politicians have in accepting past compromises as compromises in the eyes of public opinion. The second democratic problem is that of the predictability of political life and therefore of public action. The day after the elections, the result does not make it possible to know who is going to run the country and for how long²⁸ - which is common in Europe. Political life is then at the mercy of reversals, changes of affiliation and other dramatic events - which is less the case. Repeated suspense surrounds the vote on motions of censure. This lack of predictability is not only uncomfortable for citizens. It focuses most of the attention on the very short term at a time when the problems are very long-term: the environment, debt and geopolitics.

Finally, the degeneration of the regime raises a problem of public action. If the classic Fifth

25 Nicolas Roussellier, *La force de gouverner. Le pouvoir exécutif en France XIXe - XXe siècles*, Paris, Gallimard, 2015.

26 Nicolas Roussellier, «Un pouvoir présidentiel encombré de sa force», in Olivier Duhamel et al, op. cit, pp. 9-16.

27 Nicolas Sauger, Emiliano Grossman, *Pourquoi détestions-nous autant nos politiques*, Paris, Presse de Sciences Po, 2017.

28 In this respect, we note that the criteria defined by Guy Carcassonne to demonstrate that the Fifth Republic was a "modern democracy" are no longer applicable. For the record: "A) that the governed effectively choose the governors; B) that the governments effectively have the means to govern; C) that the governors are effectively accountable to the governed" (my translation). See Guy Carcassonne, *La Constitution*, Paris, Seuil, 1996.

was, in many respects, falsely effective, we cannot be satisfied with a parliament confined to legislating on the incidental, or with ministers who seem to compensate for their impotence by a communication frenzy that sometimes descends into gesticulation and sterile polemics. The problem is a democratic one, insofar as the inefficiency of the system in providing solutions to crucial issues inevitably strengthens the appeal of more authoritarian solutions. The great merit of the Fifth was that it made this desire for verticality subject to a republican framework, and even a parliamentary one, and to regular, clear elections that provided social links. In its unorthodox form, the paradoxical alliance between authority and republicanism threatens to unravel in favour of a noxious alternative between an ultra-minority and fragile government, artificially supported by an institutional system that has reached the end of its tether, and an illiberal temptation that is gaining ground everywhere.

