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*Partially Presidentialized Bicameral Parliament of France and Its
Impact on the Course of Legislative Proceedings During Emmanuel
Macron's Term of Office in the Light of the Fifth Republic's
Institutional Logic*

Częściowo sprezydencjalizowany francuski parlament dwuizbowy i jego wpływ na przebieg postępowania
ustawodawczego podczas kadencji Emmanuela Macrona w świetle logiki instytucjonalnej
V Republiki

ABSTRACT

The article refers to the impact of the proximity of the presidential and parliamentary elections on the political composition of the chambers of the French parliament, as well as on their functioning in the framework of rationalized parliamentarism. The 2017 elections were, due to the victory of Emmanuel Macron as a candidate from outside the two main political camps, a special test for the so-called majoritarian fact, which may be defined as an opposite of cohabitation. The author points to the maintenance, even after the 2017 elections, of the Fifth Republic's institutional logic based on presidential dominance. Its part is also the fact that the Senate – the French second chamber – does not have to be included into the majoritarian fact. This may result in the occurrence, despite the aforementioned strong position of the president's camp, of incongruent bicameralism. Such a configuration may be treated as an indicator of a partial presidentialization of France's bicameral parliament. Hence, the author argues that both partial senatorial elections of 2017 and 2020 strengthened a weaker version of majoritarian fact applied within the French semi-presidential system of government. All this has an impact on the use of selected parliamentary procedures concerning the course of legislative proceedings (such as mixed parity commissions and the last word given to the National Assembly), which have been inscribed into the framework of the Fifth Republic's rationalized parliamentarism.

Keywords: France, majoritarian fact, incongruent bicameralism, presidentialization, legislative procedure, mixed parity commissions, last word procedure

INTRODUCTION

In 2017, two universal elections were held in France – first presidential (on April 23 and May 7) and then parliamentary one (on June 11 and 18). Both were only a few weeks apart. Due to specific properties of the French system of government, these elections should be considered together. As for the presidential elections, for the first time under the Fifth Republic's Constitution (enacted in 1958) candidates of two major parties did not qualify for the second round. In turn, the parliamentary election conducted a few weeks later have brought a profound reconstruction of the party competition at the level of the National Assembly – the first chamber of the French parliament. It can be argued that the two aforementioned elections have particularly demonstrated the vulnerability of the party system to the influence of institutional factors that result from the Fifth Republic's semi-presidential system of government. In order to get a complete picture of the strength of major political parties at the parliamentary level, the same issue should be examined in the light of the results of two partial elections to the Senate (held in 2017 and 2020). It is worth noting that only after the 2020 renewal, all members of the second chamber may be treated as elected during Macron's presidency.

The reconfiguration of the French political scene after Macron's victory remains firmly rooted in the wider institutional context of the Fifth Republic. The political system established in 1958–1962 is commonly treated as one of the most obvious examples of the multifaceted phenomenon of presidentialization of politics [Poguntke, Webb 2007: 1–25; Passarelli 2015: 1–22]. The latter affects, to a greater or lesser extent, all political systems of modern democratic countries, and can be analysed in various fields. There are three faces of the process: the executive face, the party face and the electoral face. What is more, the systems of government themselves can be located on a scale from partified to presidentialized. French semi-presidentialism is in the middle: between a parliamentary system that is most partified and a presidential system that is more presidentialized than the others. Modern political parties, which are increasingly becoming personalized organizations and thus remain subordinate to their leaders, play a key role in presidentialization of politics. It particularly refers to two different (but strongly connected with each other) areas of modern politics: the executive power and party system [Poguntke, Webb 2007: 4–11]. The growing importance of one-man leadership can also be seen within the institutional structures of the executive branch, which is manifested, at least in the French case, by a particularly powerful head of state. In the political practice of the last six decades (with the exception of periods of cohabitation), the presidential power has proved to be much stronger than it appears from the 1958 Constitution itself. For this reason, the emergence of cohabitation (in 1986) could be seen as one of the deregulations of the French system of government (*le dérèglement du système*), at least in the version that had existed until then [Chantebout 2006: 394].

According to the 1958 Constitution, semi-presidentialism has been adopted in the premier-presidential variant, in which the cabinet is politically responsible only to par-

liament [Elgie 2011: 27–29].¹ However, non-constitutional factors that can be observed in practice may cause the semi-presidential system to resemble its stronger version (referred to as “president-parliamentarism”). Its most significant feature is the cabinet’s dual political responsibility based on the assumption that not only the parliament acting through a motion of censure but also the president is able to dismiss it freely [Elgie 2011: 27–29].² Most importantly, such an institutional shift takes place completely outside the 1958 Constitution. Thus, regardless of the political configurations in the executive and legislative, the weaker version of semi-presidentialism (based on the government’s political dependence on the parliamentary majority, and not on the head of state) is formally applied without any exceptions. Nevertheless, the true face of the system of government implemented in practice emerges only after taking into account the relatively persistent tendencies revealed in political practice. It also needs to be emphasized that the practice of cohabitation (1986–1988, 1993–1995, 1997–2002), in which the re-parliamentarization of the system occurs [Cohendet 2002: 109–116], has not permanently undermined the trends previously formed.

Such a relocation of the Fifth Republic’s system of government corresponds to the presidentialization of political parties and the party system as such. The same refers to parliamentary elections as a form of catalysing public support for political formations and a tool for rationalizing the political configuration of the National Assembly. Hence, this phenomenon may even be regarded as presidentialization of the French parliament itself (or, more precisely, as partial presidentialization because it refers to the first chamber) As the political practice implemented since 2002 has shown, it clearly contributes to shaping pro-presidential parliamentary majority in the National Assembly. This scheme has been tested every five years (2002, 2007, 2012, 2017) and always brought the expected effect, refraining a given presidential party from going to the opposition (which would result in another period of cohabitation). Considering Macron’s victory in the 2017 presidential election, the hypothesis is that the Fifth Republic’s institutional logic described above is now so petrified that it not only supports the configuration of the head of state in the conditions of traditional competition between the centre-right camp (built around the Republicans) and left-wing camp (created around the Socialist party), but it can also lead to sudden transformations within a well-established party system. Thus, the 2017

¹ Article 20 of the 1958 Constitution states that the government is responsible to parliament in accordance with the terms and procedures regulated in Art. 49 and 50 (they refer to parliamentary confidence in the government). There are no constitutional provisions regulating the power of the head of state to revoke the government without the prime minister’s prior motion. According to Art. 8 of the Constitution, such a motion is always required (*Texte intégral de la Constitution...*). From a formal point of view, the president’s role is therefore secondary. On the other hand, the head of state may indirectly change the government through the dissolution of the parliament and early parliamentary election.

² The two forms of a semi-presidential model were first described at the beginning of the 1990s by Matthew Shugart and John Carey, however, initially they were not treated expressly as sub-types of this system of government but as two separate mixed systems [Shugart, Carey 1992: 23–25]. As noted, Robert Elgie includes this concept into his own approach to semi-presidentialism.

highly presidentialized parliamentary election can be seen as a particular test of the operation of the Fifth Republic's institutions. It is also worth paying attention to the impact of the establishment of a completely new presidential party on the Senate's political composition. Such a perspective seems to be especially justified after the second senatorial renewal during Macron's term of office (in 2020).

It can be argued that in the case of the Senate, the proximity to the presidential elections is neither particularly important nor is it a factor determining the very occurrence or restoration of the optimal (from a presidential perspective) political configuration of the Fifth Republic. The analysis, in a broader context, of the 2017 presidential election and its impact on the political composition of the National Assembly and the Senate can be treated as a contribution to research on the presidentialization of the French political system, and above all, on its internal constraints that may be potentially overcome by using selected instruments of rationalized parliamentarism. Such constraints are visible mainly through the prism of the relationship between the chambers when some parliamentary procedures involving both of them are applied (it refers first and foremost to mixed parity commissions and the so-called last word of the first chamber, which have been set out in Art. 45 of the 1958 Constitution).

As for the methodological approach applied, the change in the number of seats for the main parties (the ruling party and the largest opposition party) entering parliament after each elections to the National Assembly will be briefly examined. These results can be used as a benchmark for a more extensive examination of the far-reaching transformations within the party system at the parliamentary level that took place in 2017. Hence, first the phenomenon of presidentialization of parliamentary elections (and thus also of the parliament itself) in France from the point of view of its systemic properties will be presented. Subsequently, the structure of France's party system at the parliamentary level (taking into account each of the two chambers of parliament) will be outlined. This will be treated as a reference point in the analysis of the consequences of Macron's victory. Some legal and practical aspects of the functioning of the French political system (including selected parliamentary procedures treated as the core of rationalized parliamentarism in France) will also be discussed. Hence, the aim of the article is to show that when it comes to the structure of the party system, Macron's success has led to its rapid and profound change, but from the perspective of the Fifth Republic's semi-presidential system of government, this change is not a breakthrough. On the contrary, it only confirms the durability of the previously determined direction of its institutional evolution. The same refers to aforementioned procedures used in the event of political differences between the chambers. Their application in practice was noticeable after the 2017 election to the National Assembly, as well as after senatorial renewals conducted, respectively, three months after the election and, once again, in 2020.

PRESIDENTIALIZED ELECTION OF DEPUTIES AND NON-PRESIDENTIALIZED
ELECTION OF SENATORS

A specific feature of parliamentary elections in France is the fact that they remain largely overshadowed by those for the post of the president of the Republic. The secondary role of elections to the National Assembly can be explained by several different factors. First, such an effect is conditioned by a particular position of the head of state, which depends both on its evident constitutional strengthening in the 1958 Constitution itself, as well as on the transformation of the system of government following political practice. In the conditions of so-called majoritarian fact (*fait majoritaire*), which exists outside periods of cohabitation, the president should be justifiably regarded as the actual leader of the entire executive branch. As a result, the presidential election is perceived as a field where the main directions of policies are determined, while the parliamentary election serves at most to provide the head of state with a majority in the first chamber, thanks to which appropriate conditions for their implementation are created. Secondly, the president has a tool for influencing the date of a parliamentary election, which is the right to dissolve the National Assembly regulated in Art. 12 of the 1958 Constitution. In fact, there are no significant restrictions on the head of state deciding to use this constitutional instrument. The only true limitation is the ban on the dissolution during the year that elapses from an early election to the National Assembly. The dissolution is also forbidden when the head of state exercises extraordinary presidential powers set out in Art. 16 of the Constitution. The latter regulation, however, is not of great importance because it has been applied only once so far, in 1961 [Duhamel, Tusseau 2013: 590–592].

Generally speaking, parliamentary elections in the Fifth Republic may result from either the expiry of the five-year term of office of the National Assembly, or from a presidential decision to apply Art. 12. In the years 1958–2020, fifteen parliamentary elections were held. The first of them were carried out in 1958 following the adoption of the Constitution. Due to the very establishment of the Fifth Republic, they can be described as “founding elections”.³ When it comes to the remaining ones, five of them were held in the aftermath of the dissolution of the National Assembly (1962, 1968, 1981, 1988, 1997). In turn, nine other elections resulted from the end of the five-year term of the first chamber (1967, 1973, 1978, 1986, 1993, 2002, 2007, 2012, 2017). Of these fifteen elections, six took place immediately after presidential ones. Their proximity could have been influenced by two different factors. The first one is the dissolution of parliament triggered by a newly elected head of state. This can happen when one of the candidates who belong to the opposition camp takes the presidency.

³ It should be borne in mind, however, that the term “founding elections” relates only to the transition from the Fourth Republic to the Fifth one and has nothing to do with the founding elections that follow the beginning of a democratic transition in authoritarian states, where they are the first elections based on a democratic political competition [Levin 2020: 174].

Article 12 serves then to avoid cohabitation. Thus, a party supporting the head of state is given the opportunity to win most of the seats in the National Assembly (1981, 1988). Both elections are temporarily linked with each other [Devedeix-Margueritat 2001: 121]. The second factor lies with the constitutional and statutory changes of 2000–2001. They were intended to avoid another periods of cohabitation, which was commonly regarded as an anomaly making the process of exercising presidential and prime-ministerial power dysfunctional [Bourdon 2008: 77–79]. This aim was achieved by shortening the term of the head of state to five years (which made it equal to the term of the first chamber), as well as by reversing the electoral calendar to establish the priority of the presidential election [Rouquan 2005: 493–497]. The last four parliamentary elections (2002, 2007, 2012, 2017) prove that achieving such an effect is now possible without presidential intervention through the dissolution of the National Assembly. It needs to be highlighted that the proximity of both elections has additionally been built on the assumption that presidential elections are always to precede parliamentary ones. This is because the presidentialization of parliamentary elections is intended to petrify majoritarian fact, which leads to the prime minister's dependence on the president.⁴ Outside cohabitation, it is the head of state, and not the parliamentary majority, that basically retains the sole capacity to dismiss the government [François 2006: 71–72].

It may be concluded that the effect of proximity of both types of elections which are supposed to jointly shape the French political scene can be achieved in two different ways: “manually” or “automatically”. Evidently, the formation of a pro-presidential majority in the National Assembly is by no means guaranteed. When both elections are separated by a relatively long period of time (they are not held in the same year), voters may not be influenced by the political profile of the presidency any longer. This is evidenced by the 1997 dissolution of parliament (two years after the 1995 presidential election), which resulted in a counterproductive effect (from President Chirac's point of view): the emergence of the third period of cohabitation [Hainsworth 2000: 43–44]. Most importantly, each of the six above-mentioned parliamentary elections conducted in the shadow of presidential ones paved the way for maintaining (1981, 2007, 2012, 2017) or restoring (1988, 2002) majoritarian fact.

Presidentialization of parliamentary elections thus understood is closely related to the phenomenon of a presidential party. It may be defined as a formation whose primary task is to support the implementation, at the parliamentary level, of policies set by the head of state. This consequently causes presidentialization of a chamber dominated by such a political party or by a coalition of parties built around the president's political formation. Hence, France's bicameral parliament may be more or less presidentialized. It all depends on existing political configu-

⁴ Hence, the election to the National Assembly is regarded as secondary to presidential one. Most importantly, this phenomenon is firmly rooted in the pro-presidential interpretation of appropriate constitutional provisions [Jakubiak 2019: 140–142].

rations. It should be added that such a political formation is not forced to operate in opposition to the government. Obviously, it does not mean that the formation must win parliamentary elections a few times in a row. The latter depends solely on the alternation in power, and not on majoritarian fact as such. A pro-presidential configuration of the political scene may persist for a quite long period of time, even if turnovers of power occur every five years.⁵ When a given presidential party goes to opposition, it always occurs in the aftermath of the presidential election which ends in the incumbent head of state losing presidential power. As it turns out, the Fifth Republic's institutional logic is that various systemic mechanisms (see Table 1) push the French semi-presidentialism towards the system based on presidential dominance over the cabinet. Most importantly, such a variant may be applied only in the framework of majoritarian fact. Initially, a primary tool that could serve this purpose was the dissolution of parliament. As a result of the constitutional and statutory changes in 2000–2001, Art. 12 ceased to be used to restore majoritarian fact in the event of its temporary disruption due to the election of the head of state from a party belonging to the opposition. Instead, the electoral calendar itself has begun to be a factor organizing the space of political competition in line with majoritarian fact, as confirmed by four election cycles started in 2002, 2007, 2012 and 2017. The question remains as to the strength of such institutional factors. Their impact may be assessed from the perspective of their ability to modify the space of inter-party competition at the parliamentary level.

Table 1. The proximity of the presidential and parliamentary elections in the Fifth Republic

| Year of presidential and parliamentary elections | Newly elected head of state | Political party forming the core of presidential majority in the National Assembly | Reasons for the proximity of presidential and parliamentary elections |
|--|-----------------------------|--|---|
| 1981 | François Mitterrand | the Socialist Party | early parliamentary election due to the dissolution of the National Assembly by a newly elected president of the Republic |
| 1988 | François Mitterrand | the Socialist Party | early parliamentary election due to the dissolution of the National Assembly by a newly elected president of the Republic |
| 2002 | Jacques Chirac | the Union for the Presidential Majority / the Union for a Popular Movement | expiration of the seven-year term of the head of state and of the five-year term of the National Assembly in 2002; reversal of the electoral calendar in 2001 (the 2002 parliamentary election held after the presidential one) |

⁵ This is the case of majoritarian fact after the end of the third cohabitation. Taking into account combined presidential and parliamentary elections of 2002, 2007, 2012 and 2017, it should be noted that they brought about the complete turnovers of power in three cases. Only in 2007, there was no such a political change (the neo-Gaullist formation retained its dominant position in the National Assembly). A crucial factor is that the aforementioned alternations were complete, and not partial. The latter means that they relate only to parliamentary majorities, so that the presidency remains politically unchanged. In turn, complete alternations refer both to the National Assembly, and to the head of state [Quermonne 2003: 88–89].

| Year of presidential and parliamentary elections | Newly elected head of state | Political party forming the core of presidential majority in the National Assembly | Reasons for the proximity of presidential and parliamentary elections |
|--|-----------------------------|--|--|
| 2007 | Nicolas Sarkozy | the Union for a Popular Movement | shortening the term of the head of state to five years in 2000; expiration of the five-year term of the National Assembly |
| 2012 | François Hollande | the Socialist Party | expiration of five-year terms of the head of state and of the National Assembly; consequences of normative changes introduced in 2000–2001 |
| 2017 | Emmanuel Macron | the Republic Forward! | expiration of five-year terms of the head of state and of the National Assembly; consequences of normative changes introduced in 2000–2001 |

Source: Author's own study.

As for the influence of some institutional mechanisms on the space of party competition, an important reservation is, however, needed. All of the regularities regarding elections to the National Assembly described above do not apply to the Senate. The French second chamber is elected not directly but by members of a special electoral college made up of around 160,000 persons (so-called qualified voters). Moreover, the date of a partial senatorial renewal is in no way linked to presidential or parliamentary elections. Following the reduction of the tenure of senators from nine to six years (in 2003), half of them are elected every three years. Previously, only one-third of them were so elected [Pactet, Mélin-Soucramanien 2007: 388–389]. More importantly, the convergence of such renewals with the remaining national elections (which means that all of them are held in the same year) is completely accidental (see Table 2). It was only in 2017 that the presidential, parliamentary and partial elections to the Senate occurred in the same year.⁶ Anyway, the election of senators by qualified electors (members of public bodies operating at different levels of the territorial structure of the state) makes such proximity irrelevant. This seems to be especially true for newly formed political parties that are not yet entrenched at the local and regional levels. It is due to the fact that such formations are not sufficiently represented in local bodies, which considerably weakens their potential impact on the Senate's political profile.

⁶ Initially, the Senate's renewal was to be held in 2007 (presidential and parliamentary elections were then conducted) but the legislature enacted a special organic law postponing it to 2008. The purpose of such a change was to avoid accumulation of as many as five elections in just a few months. Such an electoral calendar resulted from the fact that municipal and cantonal elections were also to be held in 2007 [Safran 2009: 147]. It should be stressed that the presidential and parliamentary elections themselves were not an obstacle to holding a partial election to the Senate, as evidenced by the proximity of the three elections in 2017.

Table 2. Proximity of presidential, parliamentary and partial senatorial elections

| Proximity of presidential and parliamentary elections held in the same year | Partial election to the Senate following presidential and parliamentary elections held in the same year | Period between parliamentary elections and senatorial renewals |
|---|---|--|
| 1981 | 1983 | 1 year |
| 1988 | 1989 | 1 year |
| 2002 | 2004 | 2 years |
| 2007 | 2008 | 1 year |
| 2012 | 2014 | 2 years |
| 2017 | 2017 | 3 months |

Source: Author's own study.

PARLIAMENTARY DIMENSION OF THE FRENCH PARTY SYSTEM BEFORE THE 2017 ELECTIONS

In almost four decades preceding the 2017 elections to the National Assembly, the French party system was subjected to remarkable evolution. After many years of the Gaullist party's domination, the 1981 parliamentary election brought victory to the left-wing camp built around the Socialist Party (*Parti Socialiste*, PS). Since then, almost all parliamentary elections have resulted in the opposition winning most of the seats in the National Assembly. The only exception was the 2007 election. Most of the parliamentary seats were then taken, for the second time in a row, by the then largest centre-right party: the neo-Gaullist Union for a Popular Movement (*Union pour un mouvement populaire*, UMP). The parliamentary elections of 1986, 1988, 1993, 1997, 2002, 2012 were won by major formations belonging to the parliamentary opposition: a political bloc built either around the Gaullist (neo-Gaullist) party or around the socialist left.⁷ The periodic turnovers of power in the 1980s and 1990s undoubtedly revealed a high level of electoral volatility [Elgie 2003: 42–43]. Nevertheless, an invariable feature of the party system was its bipolar structure. Prior to the 2017 elections, the party around which parliamentary majorities were formed was either the Gaullist (neo-Gaullist) formation or the Socialist Party. No other political force at that time gained enough strength to break, or at least considerably weaken, the process of bipolarization.⁸

With the passage of time, the phenomenon of bipolarization became more permanent and deepened. This is evidenced by the evolution of the formations which in the 1970s and 1980s were strong partners of one of the two dominant parties. In the 1990s, their political position was already much weaker [Poirmeur 2014: 124–127]. For example, the coalition of the so-called plural left (*gauche plurielle*) led by Prime

⁷ Election results and party compositions of the Fifth Republic's parliaments referred to in this paper can be reached at the following addresses: <https://www.france-politique.fr/election-politique.htm>; <https://www.interieur.gouv.fr/fr/Elections> (access: 14.09.2021).

⁸ This failed even when the candidate of such a formation took the presidency, as demonstrated by Valéry Giscard d'Estaing (1974–1981).

Minister Lionel Jospin during the third cohabitation was heavily dominated by the socialists, whose allies merely orbited the PS [Knapp 2004: 50]. At that time, the communists' political position deteriorated rapidly [Thevenon, Jal 2014: 150–152]. The same refers to the centre-right camp concentrated around the neo-Gaullists. The transformation of the Rally for the Republic (*Rassemblement pour la République*, RPR) into the UMP in 2002 involved the inclusion of those smaller parties belonging to the Union for French Democracy (*Union pour la démocratie française*, UDF) – a confederation of centrist and centre-right formations – that had not decided to resist bipolarization.⁹ Hence, the UMP – renamed as the Republicans (*les Républicains*, LR) in 2015 – represents several different right-wing currents, and the neo-Gaullist tradition is only one of them [Elgie 2003: 58]. The roots of the remaining components can be found in the Christian-democratic and liberal formations that previously formed the UDF [Kesler 2019: 183–186]. As a result, the PS and the neo-Gaullist formation started to dominate decisively within their own political camps. However, the effects of the processes described above were not evident for each of these political groups at the same time. In the case of the left-wing camp, a clearly stronger position of the PS started to be noticeable already after the 1981 presidential and parliamentary elections, and in the case of the neo-Gaullist formation, it took place only as a result of the establishment of the UMP in 2002 [Grunberg, Haegel 2007: 15–20].

Consequently, at the beginning of the first decade of the 21st century, France began to move closer to a two-party model. Bipolarization turned out to be the most advanced in the 2007 elections, and the factor that led to such an effect was presidentialization of political parties strengthening the UMP and the PS as leaders of two separate segments of the party system [Bachelot, Haegel 2015: 92]. However, when it comes to the parliamentary level itself, significant importance should also be attached to the majoritarian electoral system that promotes large parties and those of the smaller ones that decide to enter into pre-election coalitions with large formations. In turn, the parties deprived of the ability to cooperate with some stronger political actors (like the extreme right) lose their chances of having significant parliamentary representation, despite relatively high electoral support. Even if the candidates of such formations take part in the second round of a given parliamentary election, they are not able to win seats without the backup of one of the two dominant parties. As to the influence exerted (prior to 2017) by presidential elections immediately preceding parliamentary ones, it should be noted that in 1981 the PS won 285 seats in the first chamber (58% of all 491 seats). Compared to the results of the 1978 election (113 seats), this meant an increase of over 152%. More interestingly, the left-wing camp was able to achieve such a strong parliamentary position only in the aftermath of its candidate's presidential success. The road to taking power away from the centre-right camp led through the presidential elections, and not through parliamentary one held

⁹ Suffice it to say that out of 365 UMP deputies elected in 2002, only 211 came from the RPR. Most of the rest were previously involved in the UDF [Bréchon 2011: 62].

separately from the former [Borella 1990: 42]. As for the 1988 parliamentary election, the PS regained power after a two-year period of cohabitation, but the then presidential camp did not have an absolute majority of seats (48% of all 577 seats won by the PS and its allies). In any case, the election resulted in 30% more seats for the PS than in 1986. The inclusion of some UDF politicians into the Rocard government created the conditions for the functioning of left-wing cabinets during the entire five-year term of the first chamber [Chevallier, Carcassonne, Duhamel 2007: 362–366].

Another parliamentary election held immediately after a presidential one took place only in 2002. The UMP as a formation supporting President Jacques Chirac won over 63% of the seats in the National Assembly. Such favourable outcomes achieved by the then presidential party has not been repeated in any of the three subsequent elections to the first chamber conducted immediately after the 2002 election of the head of state. Despite the marginalization of Lionel Jospin, who was the Socialist Party's presidential candidate (he took the third place), the socialist left represented at the parliamentary level was not weakened as much as after the five-year rule in 1988–1993. They enjoyed the status of the largest opposition party (almost a quarter of the seats in the National Assembly). This gave the two major formations almost 88% of the mandates and oriented the space of party competition towards an incomplete two-party system. The latter tendency was even more exposed five years later when the UMP and PS received together over 90% of the seats. What is more, their parliamentary potential was more balanced than in 2002 because the PS won over 35% of the mandates [Avril, Gicquel 2010: 100]. The same formations dominated the political scene after 2012 but the then third parties had a slightly larger representation in the National Assembly. Nearly 15% of the deputies did not belong to parliamentary groups of the UMP and PS. At that time, the position of the UMP clearly deteriorated. As the major opposition party, it had only 34% of the seats [Gohin 2013: 925]. Despite some fluctuations in 2002–2017, the political structure of the first chamber was stable during this period. The marginalization of the formations cooperating with the two major parties in the 1980s and 1990s, as well as at the beginning of the 21st century, were then preserved, or even frozen. Bearing in mind the 2017 election results, this can be described as the calm before the storm.

When it comes to the Senate's political composition prior to Macron's presidency, the body always reflected with a long delay the changes taking place within the party system and already visible in the National Assembly. Suffice to say that in the 1960s, the Gaullist party, which consistently dominated the National Assembly, had a much weaker position in the Senate. An important feature of the then second chamber's political profile was a particularly strong position of the centrists. Their political role under the Fifth Republic was gradually weakening but the process was very slow and not comparable to much faster transformations in the National Assembly. In other words, the Senate resisted very much the process of bipolarization. Hence, neither the Gaullist (neo-Gaullist) party nor the PS had such a strong position as both parties had in the National Assembly. In the Senate, bipolarization began to be

noticeable only in the first decade of the 21st century. After the 2004 renewal, the UMP and PS held more than three-quarters of the seats. A clear advantage of the two largest political formations over smaller groups could also be observed after the subsequent senatorial elections (2008, 2011, 2014). Every time, both parties won between 70 and 80% of the mandates, which did not leave much space for parliamentary representation of other political formations. This leads to the conclusion that the Fifth Republic's second chamber, unlike the National Assembly, cannot be regarded as a political environment particularly favourable to a presidential party. Hence, the above-mentioned phenomenon of presidentialization, the main feature of which is the domination of the political party supporting presidential policies in a given chamber, cannot be easily extended to the Senate. Due to the way the latter body is elected, this part of the French parliament remains quite immunized to the impact of the presidential election on the composition of the legislature itself. With this in mind, a fundamental question arises about the impact on the composition of the chambers of such presidential elections that do not fit into the existing pattern of inter-party rivalry, but cause a real revolution within the party system. Taking into account the entire period of the Fifth Republic, it should be said that such a fundamental political change was triggered only by the presidential election that brought victory to Emmanuel Macron, the first politician of the Fifth Republic to win the presidency, without having his own well-established party backing.

IMPACT OF THE 2017 PRESIDENTIAL ELECTION ON THE SPACE OF INTER-PARTY COMPETITION

The second round of the 2017 presidential election was exceptional in that, for the first time in the Fifth Republic, the two parties that dominated the French party system over the past few decades were not represented by any of the two candidates. In five previous elections, both candidates who passed to the second round came from the Gaullist (neo-Gaullist) or socialist formation (1965, 1988, 1995, 2007, 2012). In four cases, one of the candidates was supported by a dominant political party indicated above (1969, 1974, 1981, 2002).¹⁰ The uniqueness of the situation that happened in 2017 is exacerbated by one more factor, which is the lack of a permanent and well-established political base of the winner of the election. Macron was not even a candidate put forward by any of the smaller parties that tried to resist (like Marine Le Pen's National Front – *Front national*, FN) the logic of bipolarization, and acted outside the two main political formations. In all previous presidential elections conducted in the Fifth Republic, the winners turned out to be candidates strongly

¹⁰ The 1958 election is not taken into account here because Charles de Gaulle was elected in the first round. Besides, it was not a popular election. Instead, a special electoral college was established to choose the head of state.

supported by their own political parties, which made the elections themselves very party-oriented [Pütz 2007: 336–344]. In turn, in the case of the 2017 elections, their anti-party profile was more clearly exposed (due to mass opposition to the political formations that had alternately played the role of a presidential party). Macron's *En Marche!* (Forward!) was created in 2016 as a loose political movement, and only a year later it turned into a typical political party as the Republic Forward! (*La République en marche*, LREM) [Evans, Ivaldi 2018: 51].

These two factors, that is, the lack of candidates representing the main political formations in the second round, as well as the victory of a candidate from outside well-established political formations, are important insofar as they occurred together, additionally strengthening the atypical nature of the 2017 election. Furthermore, taking into account the criteria for assessing the political party novelty (such as the organization, leader and candidates) [Sikk, Kökker 2019: 761], Macron's formation can certainly be treated as a new political organization. There was not a merger of smaller political organizations or a split within a larger formation. The lack of much political experience of the most candidates put forward in the 2017 election [Dangé et al. 2017] also provides grounds for such a conclusion. What is more, previous political affiliations of those deputies belonging to the LREM who were already active participants in political life, as well as the accession of François Bayrou's MoDem to the presidential majority prove that Édouard Philippe's cabinet established after the election should be treated as – in accordance with Duverger's terminology – a so-called *marais* government. This means that although a given cabinet is supported by politicians coming from different parts of the area of party competition, they all remain quite close to the centre of the political scene (their position is beyond the extreme right and extreme left) [Elgie 2018: 16–19]. Even if some of the cabinets formed under the Fifth Republic could be legitimately classified as *marais* governments [Elgie 2018: 19–24], what Macron's presidency has changed is that cabinets are now backed up by a large centrist formation.

In view of the above, a question arose as to whether such a specific presidential election could affect a parliamentary election (to be held a few weeks later) to the same extent as in the case of the Fifth Republic's previous presidential elections conducted just before parliamentary ones. A situation in which Macron's party wins an absolute majority of seats in the first chamber would have meant that even in such unusual conditions the presidential election should have been treated as a fundamental factor influencing the political composition of the National Assembly. In turn, the presidential formation's unfavourable electoral outcomes leading to the maintenance of relatively strong political positions of the LR and PS, would have most likely marked the beginning of the fourth period of cohabitation. It should be borne in mind that the proximity of presidential and parliamentary elections combined with the precedence of the former had never failed as a mechanism for maintaining majoritarian fact (and thus also allowing the further application of a stronger variant of semi-presidential system). However, the impact of Macron's election on the legislature should be discussed in two

aspects. This is especially true for the 2017 elections, as a partial election of senators took place, for the first time in the Fifth Republic, only three months after presidential and parliamentary ones, which was due to their unplanned proximity.

The victory of a candidate from outside the two main political camps turned out to be decisive for the political composition of the National Assembly, while in the case of the Senate, which is not elected by universal suffrage, such an effect was not detected. When it comes to the first chamber, there was an unprecedented collapse of the existing party system (referred to as “imperfect two-party system”). Together, the LR and PS lost 360 of the 491 seats the two parties won in the 2012 elections, although the marginalization of the socialists went much further than in the case of the neo-Gaullist party. The former retained only 10.5% of their seats obtained in 2012, while the latter gained the support that allowed them to keep 51% of their mandates. Neither the socialists nor the Gaullist (neo-Gaullist) party have ever obtained such a low percentage of seats in the National Assembly.¹¹ Furthermore, electoral absenteeism was exceptionally high (51.3% in the first round). This can be explained by the fact that this time neither of the two largest political parties was successful in the presidential election. Hence, their supporters were not determined to participate in the parliamentary election in order to avoid possible cohabitation [Marcé, Chiche 2017: 300–301]. The vast majority of seats lost by the two largest political formations went to Macron’s party (313). The Republic Forward! obtained over 54% of all 577 mandates in the first chamber, whereas both previously dominant parties retained only less than 23%.

As for smaller political parties, a total number of their seats has increased compared to the previous election. The largest of these formations is the MoDem, which won 47 seats, including associate deputies. As part of the former UDF which, after the creation of the UMP, decided to resist the logic of bipolarization [Agrikoliansky 2008: 114–115], the party led by Bayrou belongs to Macron’s presidential majority. Such a strong parliamentary support given to the head of state not only allowed for the continuation of majoritarian fact (this time without the participation of any of the two parties that previously dominated the party system) but also proved that it was possible to build, for the first time under the Fifth Republic, a dominant centrist presidential party that would not be part of the political camp led by the neo-Gaullist formation. This is what distinguishes Macron’s party from the UDF, which was formed in 1978 under the auspices of President Valéry Giscard d’Estaing.

When it comes to the composition of the Senate, it should be noted that although half of its members were elected in September 2017 (three months after Macron’s double victory), both the PS and UMP maintained a relatively strong position. The latter even increased its number of seats by three. As a result, the LR could retain the position of the Senate’s largest formation, with 42% of all the seats. In turn, the role

¹¹ In 1981, the RPR obtained fewer seats (88) but the then National Assembly had 491 members, and besides, the Gaullist party did not have as many ideological trends as it did after the UMP was founded.

of the PS has decreased, but not as much as in the National Assembly. After the 2014 elections, the Socialists held over 32% of the mandates, and three years later they lost less than a third. Bearing in mind that all the remaining political groups in the Senate retained, overall, their positions after the 2017 renewal, the PS lost seats mainly in favour of Macron's formation. Anyway, the new presidential party won just over 6% of the seats. Its strength demonstrated at the level of the National Assembly elections was by no means reflected. As for the 2020 senatorial renewal, the election has not changed the existing balance of political forces. The Socialists lost several seats, while the Republicans slightly increased their position, so they remain by far the strongest formation in the Senate. In turn, Macron's organization is still strongly marginalized. It is mainly due to its weak roots at the local level. The three-year period since its establishment in 2017 has turned out to be not enough to significantly change this situation. Completely different ways of electing members of both chambers mean that when a given presidential party is a relatively new political entity, the incongruence of bicameralism clearly increases (majorities in both chambers do not overlap). It all shows that the old and well-entrenched political formations have a much better starting position. Moreover, they may be capable of maintaining it in the long run.

More importantly, the two above-mentioned partial elections to the Senate in 2017 and 2020 were held in the first months and years after the sudden and profound rebuilding of the French party system. Moreover, it happened at the end of the second decade of the 21st century, at a time when the political structure of the French second chamber began to better reflect the pattern of rivalry between the neo-Gaullist camp and the socialist camp. This meant that the probability of avoiding far-reaching differences between majorities in both chambers of parliament was increasing. This was especially true when the majority in the National Assembly had a neo-Gaullist formation, which in 2002–2015 was the Union for a Popular Movement. At that time, the position of this party in the second chamber was strengthened, which had an impact on the relations between the chambers in the context of legislative proceedings. There were no major differences then between the National Assembly and the Senate. In 2011–2014, the socialists gained a slight advantage in the second chamber, but it must be remembered that in 2012–2017 they also had the status of the ruling party. Both indicated periods partially overlapped, which strengthened the position of the Socialist Party. In this context, the victory in the elections to the National Assembly of the formation supporting President Macron was a complete departure from the pattern established in the first two decades of the 21st century. This was due to the fact that the immediate influence of Macron's presidential victory could only be identified in relation to the first chamber, which, due to the process of presidentialization, remains closely related to the presidency. On the other hand, in the case of the Senate, there are no such connections between presidential elections and senatorial renewals. This was confirmed by the two partial elections to the second chamber in 2017 and 2020. Its current political composition still reflects the dominance of traditional parties, while the LREM does not have the potential to change this in a short time.

MIXED PARITY COMMISSIONS AND THE LAST WORD PROCEDURE IN THE
AFTERMATH OF THE 2017 TURNOVER OF POWER

The above-described features of the French party system seen through the prism of both houses of parliament should be discussed by reference to specific parliamentary procedures used during the presidency of Emmanuel Macron. In particular, it concerns those aspects of the legislative proceedings which are based on the relationship between the two parts of the legislature. In such a case, possible political differences between the National Assembly and the Senate may, to some extent, complicate the course of the parliamentary law-making process, and in extreme cases may even lead to a deadlock in relations between the chambers. The solution to the latter problem has been ensured at the constitutional level. In the light of Art. 45 of the 1958 Constitution, the relationship between the National Assembly and the Senate presupposes, at least in the initial phase, the egalitarianism of both chambers in legislative proceedings. If they cannot adopt a law in a uniform wording, there is a basis for convening a mixed parity commission (*commission mixte paritaire*) composed of representatives of the National Assembly and the Senate, which still allows the chambers to maintain an equal position in the process of adopting laws. Nevertheless, if the differences between the chambers persist, the prime minister may decide (as a last resort) that a given act will be adopted by the National Assembly itself, that is, without taking into account the position of the Senate (*dernier mot*). The latter proves that, as a last resort, the Senate cannot effectively oppose the National Assembly, although a specific condition has to be met: the executive must intervene in the relations between the chambers. Only under this condition is it permissible to depart from the principle of equality of chambers in the process of adopting laws.

Due to the fact that French bicameralism is not congruent, since the entry into force of the 1958 Constitution, there have been both periods of political convergence of majorities in both chambers and situations in which they were significantly different. This has an impact on the course of the legislative process, including the percentage of cases where agreement cannot be reached and the last word procedure is applied. Although sometimes the percentage of bills adopted independently by the National Assembly is significant, taking into account past sessions of parliament separately, it turns out that in almost every case more bills were adopted by agreement between the chambers than as a result of the last word procedure. The only exception was the year 1985. The latter mechanism was applied to over 55% of adopted laws [*Les Cinquante-neufans...*]. The first chamber's growing role in legislative proceedings was revealed mainly during the rule of left-wing parties, which resulted from a stronger position of the centre-right opposition in the Senate. For example, during the third cohabitation period (1997–2002), the percentage of bills adopted independently by the first chamber oscillated between less than 23 and almost 43% [*Les Cinquante-neufans...*]. Under such conditions, the activity of

mixed parity commissions grows considerably because the last word procedure may be applied only as a consequence of their ineffective work.

When examining relations between the chambers after the 2017 parliamentary election, it may be said that due to a weak position of President Macron's political formation in the Senate, a similar tendency emerged. During the first full session of parliament, which took place after the election of Emmanuel Macron as President of the Republic (data for the period from October 1, 2017 to September 30, 2018), 69 governmental or parliamentary bills were adopted, of which in 12 cases it was necessary to apply the last word procedure, and in 18 cases, the convening of a mixed parity commission was sufficient [*Statistiques sur l'activité de l'Assemblée nationale, XV^e législature, Session 2017–2018...*]. This means that in 17.4% of cases the equality of chambers had to be abolished. In 2018–2019, this percentage was 16.67 (12 cases of using the last word procedure out of 72 adopted laws). It can be added that the work of mixed parity commissions was sufficient to adopt 17 bills [*Statistiques sur l'activité de l'Assemblée nationale, XV^e législature, Session 2018–2019...*]. Fifty-eight acts were passed in the following annual period, 9 of which were carried out under the last word procedure (15.52%). In 19 cases, the equal position of the National Assembly and the Senate was maintained but this required the convening of mixed parity commissions [*Statistiques sur l'activité de l'Assemblée nationale, XV^e législature, Session 2019–2020...*]. In turn, in the years 2020–2021, 9 out of 54 laws passed required a final decision made by the first chamber (16.67%). In 17 cases, mixed parity commissions proved to be sufficient [*Statistiques sur l'activité de l'Assemblée nationale, XV^e législature, Session 2020–2021...*].

It is worth noting that over the entire period under study (2017–2021), the percentage of bills whose adoption required resignation from equality both chambers was very similar and ranged from 15.5 to nearly 17.5%. The application of legislative proceedings with equal participation of both chambers never dropped below 80% and was not higher than 90%. Taking into account almost six decades of the Fifth Republic (1959–2017), it turns out that the role of the last word procedure in 2017–2021 was only a few percentage points higher than in the entire period indicated above (about 12%), which means that approximately one out of nine laws coming into force is adopted in this manner [see *Les Cinquante-neufans...*]. Hence, the departure from an equal position of both chambers in 2017–2021 was not as significant as during the rule of left-wing parties (and the centre-right opposition in the Senate) in the 1980s and 1990s. Nevertheless, the political configuration at the parliamentary level that came into existence after the 2017 elections is also very different from the congruence of chambers during the neo-Gaullist party's domination after the 2002 presidential and parliamentary elections. Suffice it to say that in the years 2002–2011, when the French party system was dominated by the UMP, the effectiveness of symmetrical bicameralism was 100%. The only exception was the session from 2009–2010, when this percentage was 98.3 [see *Les Cinquante-neufans...*]. All this confirms that majoritarian fact functioning during Macron's term of office is far from the model shaped during the rule of the neo-Gaullist

formation, when both the National Assembly and the Senate were politically identical (especially after the 2002 presidential and parliamentary elections). The use of the last word procedure after 2017 indicates that majoritarian fact began to be applied in its weaker version, that is, in a form that requires increased governmental activity in influencing both incongruent chambers. From this point of view, the configuration of the French political scene after Macron's electoral victory seems to be much more like the exercise of power by left-wing parties outside periods of cohabitation. With the exception of 2011–2014, the Senate of the Fifth Republic was dominated by centrist or centre-right parties, which meant that left-wing governments were forced to use the tools provided by Art. 45 more intensively. This served, as during Macron's term of office, a faster and more effective implementation of legislation promoted by both the president and the government subordinate to him.

CONCLUSIONS

The 2017 presidential election turned out to be a test for the systemic mechanisms created to petrify majoritarian fact as a relatively permanent relocation of French semi-presidentialism in relation to its constitutional structure. The victory of a candidate from outside the two dominant political formations had a major impact on the reconstruction of the French party system at the parliamentary level. This refers to the National Assembly, in which the emergence of a completely new presidential party has caused the two political formations – serving as the core of presidential majorities prior to 2017 – to be politically marginalized. A strong link between presidential and parliamentary elections confirms that it is still an effective mechanism to weaken the chances of obtaining parliamentary seats by the parties whose candidates did not win the presidency. The effects of such a deliberately designed electoral calendar affect even well-established formations. As the 2017 election showed, situational factors (such as the victory of a given candidate in a presidential election) can very easily modify the parliamentary dimension of political competition, as long as the wider institutional context (the need to maintain majoritarian fact in order to avoid cohabitation) favours them. However, all this does not apply to the Senate, which – as in previous decades – remains largely immune to sudden and rather unexpected political changes generated by presidential elections. It seems that only a long-term relocation of the party system through the consolidation of a large centrist formation at the expense of both the left and centre-right (and assuming further difficulties of Marine Len Pen's party in entering the political mainstream) would eventually be reflected in the Senate's political composition.

As indicated above, the 2017 presidential and parliamentary elections did not prove to be a breakthrough for the Senate, even after the 2020 renewal. The existing situation is even somewhat similar to that at the beginning of the Fifth Republic's political regime. The second chamber became then a bastion of politicians belong-

ing to the Fourth Republic's major political parties [Portelli 1987: 40–41], and the Gaullist formation could not gain a comparable position for quite a long time. Consequently, the political composition of the National Assembly after the 2017 election demonstrates a sharp and profound break with the earlier linear development of the party system at the parliamentary level, while the political structure of the Senate still follow, even after the 2020 renewal, the trends disclosed at the beginning of the 21st century. The latter proves its resistance to the process of presidentialization. Potential changes in the political structure of the second chamber could take place only in the long run and only after the consolidation of the new party's strong position at the local and regional level. Nevertheless, the creation of such political convergence with regard to the Senate is not necessary to ensure the efficient functioning of the Fifth Republic's political institutions. This may be explained by the availability of significant legal instruments (like the last word procedure regulated in Art. 45 of the 1958 Constitution) to neutralize the Senate, if only the body strives to inhibit legislation promoted by executive bodies included in a truly functioning, stronger version of French semi-presidentialism.

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CZĘŚCIOWO SPREZYDENCJALIZOWANY FRANCUSKI PARLAMENT DWUIZBOWY I JEGO WPLYW NA PRZEBIEG POSTĘPOWANIA USTAWODAWCZEGO PODCZAS KADENCJI EMMANUELA MACRONA W ŚWIETLE LOGIKI INSTYTUCJONALNEJ V REPUBLIKI

Streszczenie: Artykuł dotyka wpływu bliskości wyborów prezydenckich i parlamentarnych na skład polityczny izb francuskiego parlamentu, jak również na ich funkcjonowanie w ramach parlamentaryzmu zrationalizowanego. Wybory z 2017 roku stanowiły, ze względu na zwycięstwo Emmanuela Macrona – kandydata spoza dwóch głównych obozów politycznych, szczególny test dla tzw. efektu większościowego, który może być definiowany jako przeciwieństwo koabitacji. Autor wskazuje na utrzymanie, nawet po wyborach z 2017 roku, opartej na dominacji prezydenckiej logiki instytucjonalnej V Republiki. Jej częścią jest także fakt, że Senat, francuska izba druga, nie musi być włączony w strukturę efektu większościowego. Może to skutkować, pomimo silnej pozycji obozu prezydenta, wystąpieniem bikameralizmu niekongruentnego. Taka konfiguracja może być traktowana jako wskaźnik częściowej prezydencjalizacji francuskiego parlamentu dwuizbowego. Z tej racji autor dowodzi, że obie częściowe elekcje senackie z lat 2017 i 2020 wzmocniły słabszą wersję efektu większościowego stosowanego w ramach francuskiego semiprezydenckiego systemu rządów. Wszystko to ma wpływ na stosowanie niektórych procedur parlamentarnych odnoszących się do przebiegu postępowania ustawodawczego (takie jak mieszane komisje parytetowe oraz tzw. ostatnie słowo Zgromadzenia Narodowego), które to procedury zostały wpisane w ramy parlamentaryzmu zrationalizowanego V Republiki.

Słowa kluczowe: Francja, efekt większościowy, dwuizbowość niekongruentna, prezydencjalizacja, procedura ustawodawcza, mieszane komisje parytetowe, procedura ostatniego słowa

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