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French Civil Society : Historical Background, Present position and Major issues

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Introduction

The French and most of European civil society date back to the Middle Ages. The French Monarchy unified early the nation by joining regions through wars and marriages to the early centre and this is why France was, and still is despite two Decentralization Acts (1983 and 2003) a centralized state while most European countries are decentralized where most of the decisions on education, social and cultural fields are the local governments responsibility

The article highlights first the historical background: two long-term trends have most strongly influenced the development of the non-profit sector¹ throughout its millennial history:

- the systematic restrictions on non-profit organizations imposed by a centralized and interventionist state during the 1791-1901 period;

- the early secularization of the non-profit sector in an old Catholic country

Then it outlines the evolution of civil society after WW2 to match its position now.

Then an analysis the French Civil society nowadays is made using the most recent statistics on this sector ignored by the statistical system two decades ago. The number, size and human resources of civil society organizations (CSOs) come first, then their financial resources by public and private origin and their economic contribution and social impact

The third part deals with recent trends and issues. The evolution of the French non-profit sector during the Millennium decade is outlined. Then the impact of the financial, economic and social crisis on the French third sector is highlighted.

1. The Historical Background

1.1. The first long-term trend: Statism, centralization and the non-profit sector.

Statism, state control is no doubt the most important feature in French history. For a millennium the central State has fought against any form of local power. The kings fought against feudal order and against urban citizens' organizations during the Middle Ages, then they fought against regional governments and religious minorities such as Protestants and Jews during the 17th and 18th centuries. The French Revolution is the great break in the history of the non-profit sector. It suppressed the guilds, and their social subsidiaries, the brotherhoods, as brake to free enterprise and fair competition in the *Loi Le Chapelier* (1791) that stipulates "No one shall be allowed to arouse in any citizen any kind of intermediate interest and to separate him from the public weal through the medium of so-called common interests". The struggle of the new Republic against the Church and its congregations had important consequences on their charitable organizations, hospitals, and schools mainly, which were either closed or nationalized while the Church's property and real estate was seized. During the 19th century the successive monarchs and republics authorized some non-

¹ In this article, the term of civil society and non-profit sector are used with the same meaning. They include all private organizations, with a free access and exit, non distributing their profit (if any) and self-governing (SNA 2008)

profit organizations but they fought against the emerging labor movement, the Opposition's political clubs and the authorised organizations that were supposed to hide them.

The liberal laws at the end of the 19th were the end of these restrictions to the freedom of association that existed earlier in most European countries : labor unions were authorized in 1884, mutual societies in 1898 and all types of associations in 1901. The 1901 Act is the legal consecration of the freedom of association. It defines an association as a "convention according to which two or more individuals permanently put in a common knowledge or activity with another aim than sharing profit". When it has been created, an association may be declared but it is not compulsory. Undeclared associations have no legal rights. Declared associations have only limited legal rights: they are not allowed to own real estate except for their operation or to receive legacies. "State-approved" associations have a full legal capacity and can own real estate and receive legacies. They have to be acknowledged by the *Conseil d'Etat*² after a rather long and restrictive procedure.

The beginning of the 20th century marks a turning point: the non-profit sector is no longer illegal. New forms of social or economic concerns are becoming public interest. A corporatist social security inspired by the German one began later, in the inter-war period while a more extended welfare state emerged after WWII in France; as in many European countries. and many non-profit institutions delivering health or social services to the elderly, the disabled and the poor received grants or third party payments from the state, the local governments or the social security.

Since the 1960s, many non-profit institutions delivering health or social services to the elderly, the disabled and the poor created before began to receive grants or third party payments from the state, the local governments or the social security. This is the beginning of a government/civil society partnership in contrast with the historical fight of the state against all intermediaries. The trend is also to less state control and more attention has being paid to the tradition of decentralization of most European continental countries. The first Decentralization Act (1983) is a way to strive towards a more European political structure; decentralization is recent but it seems to have been a strong incentive to the non-profit sector development. Reducing the prerogatives of the central government to the benefit of regions, departments and local communities, decentralization have given way to a new kind of partnership between non-profit organizations and local authorities.

1.2. Another long-term trend impacting Civil society : the rivalry between State and the Catholic church

France has always been a Catholic country: The beginning of France as a nation is considered to date back to the conversion of Clovis, the leader of the Franks, to the Roman catholic faith at the end of the 5th century. As the "eldest daughter of the Church", the kingdom of France adopted Catholicism as the State religion. Parishes and congregations were at the origin of the most ancient charities: relief to the poor families and orphan defence and support, sick and elderly people care; schools and other education institutions. However, unlike Germany, Belgium or Netherlands, France did not develop a long lasting tradition of private action in spite of the strong influence of the Church. Instead, we observe that very early, especially during and after the 1789 Revolution, the State replaced the Church in hospitals and asylums and later in schools.

² Conseil d'Etat is the highest court for public law conflicts

The "eldest daughter of the Church" was indeed also the first to emancipate. Since the Enlightenment period, atheism or free thinking grew more quickly than anywhere. Throughout the past, other religions were either tolerated or banned. The emigration of most Protestants after the *Edit de Nantes Revocation* (1685), the nearly permanent restrictions imposed to the Jews and the WWII genocide have led to the quasi-monopoly of Catholicism. The dominant religion was threatened, not by other religions, but by a growing atheism and by a widespread indifference toward religions in general. Even the recent rise of Islam due to the recent waves of immigration has challenged the French society more than the Church. The competition among Catholic and Protestant religions has not been an incentive to the development of the non-profit sector, as it has been in most European countries

However, the competition between the Catholic church and an active atheism or anticlericalism was an essential feature throughout the 19th century and still has an impact on the non-profit sector. The "school war" between Catholic and "without God" schools has indeed been constant in France throughout the 19th and the 20th centuries. Though declining since the 1980s, it contrasts with the peaceful relationship between the Church and the state in the field of health and social welfare. Since the Disestablishment of the Church in 1905, religion is a private concern. This is why the French non-profit sector is secular, except for religious schools, in contrast with the more religious system of Germany, Belgium or Netherlands.

1.3. The evolution of the French civil society since WW2

After the 1945-50 period of reconstruction the non-profit sector was booming catching up his historical gap in the millennium decade. In the 1960s, this associative boom was mainly a development of organizations born in the interwar period: the non-profits created in the interwar period to advocate the rights of civil handicapped persons to benefit the same rights than the disabled by war became providers of the quasi totality of health and welfare services and residential facilities. In the same way, "social tourism" associations who provide holidays establishments and camps for the working class, created when the first paid holidays were voted in 1936, took off after the WW2. During the 1960s other non-profits enhancing the democratization of sports and culture were encouraged by the government as well as multipurpose associations disseminating a popular culture to those who had not a first opportunity at school because they had worked early : these *Maisons de la Culture, Maisons des Jeunes et de la Culture* were promoted by André Malraux, a novelist who was the first Minister of Culture. Before and after the cultural break of 1968 and its criticism of "consumption society", new concerns appeared and gave rise to new fields of advocacy non-profits run by the baby-boom generation: feminism, birth control, environment defence, aid to Third world countries, Human Rights defence.

The 1980 and 1990 decades are earmarked by the growing unemployment and especially the beginning of long-term unemployment. So many new WISE (work integration social enterprises) were created to cope the major social issue of social exclusion and to give insertion through work to the unemployed. Other CSOs advocated against racism and all kind of kind of gender, sexual orientation or ethnic discrimination. During these decades many professions created a "without border" associations oriented towards international emergency and development, following the pattern of *Medecins sans frontieres*, the famous "French doctors" awarded by the Peace Nobel Price..

During the beginning 2000 decade, cultural and sports associations mushroomed, especially those oriented towards performing arts or music and other oriented towards integration of young drop-outs or long-term unemployed through sport and culture. The ageing of the population joint to

specific tax exemptions or subsidies gave rise to many home care services provided mainly by the non-profit sector. The Millenium decade ended with the 2008 great recession that we will examine in the last part of this article.

2. The French civil society nowadays

2.1 Number, size and human resources of French Civil Society

The French non-profit sector is large and growing. It has caught up its historical gap and is now in a high rank among other European countries. In 2017, there are 1.5 million civil society organizations, operating mainly in two unequal legal status: **1.500.000 associations and 2300 foundations**. Most associations are grassroots organizations run by volunteers active in the field of culture, sports and recreation mainly but advocacy and social services as well. Only 160.000 associations are managed by a professional staff. 2.000 associations have been granted by the government the "*Reconnue d'Utilité Publique*" label, but many other associations are public interest without having this label. Foundations are obviously a very small part of the French non-profit sector but it is growing quickly since a favourable law in 2003.

The French civil society is a major employer, with **8% of the total full-time equivalent employment (FTE)**³. Of course **associations** are from far the main employer: their 185 000 establishments **hire 1 852 000 employes (1 600 000 FTE)**, while the staff of the **2300 foundations is 86 000 (78 000 FTE)**. Non-profit employment is higher than the employment in construction or transport. Most of CSOs are small-sized: more than half of them hire only one or two employees and 70% hire less than five. However 11% hire 20 employees or more and the largest organizations may have several establishments to cover many regions.

The first field where non-profits are active is **social services with nearly half of non-profit employment and 60% of total employment of this activity** (Table 1) For social services, according to the subsidiarity principle, government does not provide a service if a NPI nearer the beneficiary can provide it, but government affords the bulk of the NPI's income. Conversely the non-profit sector provides a little percentage of health and education services (10% and 18%) because the largest part of these services is public. In the culture sports and recreation field, 40% of total employment in the non-profit sector.

Tableau 1 Non-profit employment by activity, 31/12/2015

Activity	Employees	FTE Employees	% of total FTE salaried employment
Health	160 000	137 000	9.6%
Social services	950 000	781 000	60.2%
Culture and recreation	124 000	106 000	40.1%
Education, and research	341 000	319 000	18.5%
Other	363 000	330 000	
TOTAL	1 869 000	1 533 000	8.0%

³ Part time jobs are more frequent in CSOs than in standard companies or public agencies. So FTE employment is used here for comparison

Employees are mainly women (69%) in the whole civil society sector, that reflects the predominance of social, health and education services where women are the major part of the staff. The percentage of part-time, seasonal and other forms of odds jobs is higher than elsewhere and CSOs welcome the greatest part of the “helped jobs” created to cope with the high long-term unemployment of the youth. The level of qualification of non-profit employees is higher than in the private business sector. Despite this fact the average monthly wage is 1650 euros, that is 20% less than the average wage of private sector. This lower wage is due to multiple factors:

- the relative weight of part-time employees and of women,
- the high part of social services in the non-profit sector, a field among the less paid industries, especially home care services
- the fact that employees accept a lower wage in exchange of more flexibility in working hours and a job that makes sense to their lives when the employee agrees with the aim of the non-profit institution.

Besides paid employment, **volunteering is a main human resource for the civil society**. The official statistical system ran two specific population surveys on participation and volunteering for or through associations, in 2002 and 2010 with the same questionnaire and recently Lionel Prouteau conducted another one with the same questionnaire in 2017. These comparable surveys show a rapid increase of volunteering in the last decades from 12 million in 2002 up to 22 million volunteers in 2017 (43% of adult population). **These 22 million volunteers work 2.1 billion hours, that is 1 275 000 FTE jobs**, one fifth less than paid employees, but of the same order of magnitude. Volunteering is an important workforce for the CSOs with staff where the tasks of employees and volunteer are different and complementary. It is a vital workforce for the CSOs without staff that disappear if volunteers give no longer their work time. In France, as in most European countries, the main destination of volunteering is the field of culture, sports and recreation (43% of volunteer time. Then come social services (28%), advocacy organizations (16%), education and training (5%)..

The characteristics of volunteers are steady in the successive population surveys. Table 2 shows the main results of the 2010 survey. Men volunteer more often than women as usually in Europe. Men volunteer mainly in sports and professional associations while women volunteer preferably in health, social services and education, highly professionalized fields. Table 2 shows nearly one half of adult population volunteer between 55 and 75 years; it is lower after 75 for evident health reasons. According to familial status, volunteering is less for single persons single and the presence in the

Tableau 2 Main results on volunteering, Population survey 2017

Characteristics of volunteers	Volunteering ratio
	43% of the population of 18 and over
Gender	Men : 45% ; Women : 41.5%
Age	18-24 : 43% ; 25-34 : 42% ; 35-44 : 43% ; 45-54 :43% ; 55-64 :48% ; 65-74 : 48% ; 75 et plus :34%
Personal situation	Single :41% ; Couple : 45%

Number and age of children less than 18	None : 43% ; one or several children <3 :37% ; 1 child >3 : 42% ; 2 children>3: 50% ; At least 3 children >3 ans : 48%
Level of education	None, VI or V :36% ; IV :33% ; III :46% ; II or I :55%
Net income of the household	Lower quartile : 37% ; 2 ^d Q : 42% ; 3 ^d Q: 45% , Upper Q: 50%
Size of the residence city	Rural zone : 41% ; 2000-20 000 : 37% ; 20 000-100 000 : 39% ; more than 100 000 : 47%
Religious belonging and practice	Belonging and regular practice : 57% Belonging with no or irregular practice : 42% No religion, no practice : 41%
Parents influence	At least one parent was volunteer : 62% No parents was volunteer : 39%

Source : Lionel Prouteau : Enquête CRA/CSA 2017

household of children over 3 is an incentive to volunteering (volunteering in sports, parents-teacher, recreation, disabled children, social tourism CSOs...). Conversely children under 3 are an obstacle to volunteering, especially for their mother. Volunteering grows quickly with the highest level of diploma of the interviewed person; when French diploma are classified according to the international levels of education . The income of the household is significant as well and correlated with education highest diploma : volunteering increases with the income of the household but even in the lower quartile of income distribution it is not so far the average ratio. Volunteering is obviously correlated with the sense of belonging to a religion – the main one, Catholicism, or the minority religions, by declining order : Islam, Protestantism or Jew – and more with the degree of practice of this religion. A regular practice of religion is the most significative variable; it enhances not only volunteering for religious CSOs but for any kind of CSO. The example of their parents' volunteering influences teenagers as well, since volunteer work of the interviewed is nearly double when one parent at least was a volunteer when s/he was 18. Finally Volunteering is widespread in rural areas and large cities more than in small and middle-sized towns.

2.2. Resources, economic contribution and social impact of the French non-profit sector

The resources of CSOs employing a staff come firstly from public funding, up to 56%, while CSOs without staff are less dependent on public money (26% of their income). Public funding comes mainly from the State, the 101 *departements*, the 36 000 municipalities and the Social security. However this public funding whatever its form – subsidies, contracts, competitive bids - is concentrated on education, health and social services, the industries near the welfare state. Fees and dues afford 40% of the CSOs with staff and more than half of total resources for the other industries than the three cited above. **The income of grassroots CSOs without staff comes firstly from fees and dues** but they receive some subsidies from local authorities. Giving (households donations and corporate grants) is a minor but symbolic resource for both kind of CSOs, up to 5% of total resource in average, but some large charities rely mainly on donations.

The average budget of CSOs with staff exceeds €400 000. **The total output of the French non-profit sector is about €120 billion, that is a contribution to GDP of 3.5%..** The value added by the non-profit sector exceeds that of the hotels and restaurants (2,6%) and utilities

(2.5%) industries and is of the same level than the sum of agriculture and manufacture of food products and beverages industries (3.4%).

The impact of CSOs on their members or beneficiaries and on their environment is difficult to measure and partially not measurable. However CSOs provide nearly all residential facilities for emergency cases, three quarters of the private residential care, with a quasi-monopole for the disabled that they help to find a fitted job as well. Their share in residential care for the elderly is less, but they provide the bulk of home care services for this part of the population. They run also one hospital bed on ten and half of day care for children under 3⁴. CSOs provide one fifth of primary and secondary education, mainly in Catholic schools and the main part of post-school culture and sports activities, holydays and summer camps, nature class-rooms...

250 000 sports clubs, ten of thousands of social and affinity clubs , thousands of theatres, museums, concert halls, performing arts or music groups, cine-clubs, libraries and multipurpose cultural facilities mushroomed in the last three decades and it is mainly through them that culture, sports and active recreation have been spread in the French population and become more democratic. CSOs run also tourist offices, transport services and social tourism facilities. They provide vocational training and reintegration and following-up of long-term unemployed and recent immigrants. The impact of the advocacy CSOs is difficult to seize but no doubt that a great part of the change of the mentality and society is partly due to them, especially tolerance attitudes towards the disabled, the sexual minorities and the immigrants.

3 – Recent trends and issues

3-1 The evolution of the French non-profit sector during the Millennium decade

The period from 1997 to 2007 was a time of slow economic growth with growing income inequalities and high level of unemployment (between 8 and 10%). These inequalities were attenuated by the redistribution of income through the large system of social protection and targeted public policies often using CSOs as providers of social services according to the subsidiarity principle. During this period, there was a **tendency to contract out health and social services to CSOs or for-profit companies, through tenders.** Therefore, competition among CSOs and standard companies was increasing.

New associations declared each year mushroomed, during this decade and after, as table 3 shows it. Even if half of these new associations die during the first five years, the other half survive, increasing the number of associations and the competition for getting public money and attract volunteers. The foundations historically rare in France have a new trend since 2003, when a law increased dramatically the tax incentives to donations⁵ : foundations created by the rich are still few however corporate foundations have multiplied since 2003, as have three new forms of foundations initiated by this Law (scientific cooperation, university and community foundations).

Tableau 3 Annual creations of associations

⁴ After 3 all French children are at school (*école maternelle* from 3 to 6). These *écoles maternelles* , free of charge, are mainly public. Few of them are private kindergarten.

⁵ 50% of donations to CSOs in 1996, then 60% in 2003 and 66% in 2006 were deducible from tax (and not from taxable income as it was the case before this date), with a cap that increased from 1.25% in 1996 to 20% of taxable income in 2003. The donation over the cap can be reported on the following 5 years .

For corporations and other companies the tax deduction increased from 33% up to 66% in 2003.

2000	60 808
2005	67 854
2006	67 297
2007	69 647
2008	71 556
2009	69 486
2010	64 971
2011	65 829
2012	65 408
2013	66 413
2014	72 734
2015	71 031
2016	71 068
2017	70 721

Source : *Ministère de l'Intérieur ; Journal officiel*

During this Millenium decade employment in the non-profit sector continues to grow twice faster than in the public and business sector. Employment progressed especially in social services, culture and advocacy CSOs. **Volunteering went up continuously :** Table 4 shows that the number of volunteers doubled within 20 years and more hereafter. So the increase of wage-earners did not crowd out volunteers and both became more professional. Young volunteers prefer new associations where they have more power than in the older; Therefore the largest CSOs have some difficulties to replace their board members and, in a less measure, their operational volunteers

Table 4. The Evolution of Volunteering in France

	1990	1993	1996	2002	2010	2017
Volunteers/ million	7.9	9.0	10.4	12	16,1	22
volunteers/adult population	19%	21%	23.%	26%	32%	43%

Sources: France – 3 Surveys LES/ISL/JHCNP for 1990, 1993 and 1996; INSEE 2002; DREES-BVA for 2010; CRA/BVA 2017

Competition for attracting and retaining volunteers coupled with a competition for public grants and contracts. The partnerships with public powers have multiplied but the bidding competition as well. The share of public funding in non-profit sector resources has increased slowly during the first part of the decade, and was stagnating at the end of the period with a shift from central to local governments. Membership dues, fees and other commercial resources increased while individual and corporate giving stayed at the same level despite the generous tax incentives.

3.2. The impact of the financial, economic and social crisis on the French third sector

The financial crisis of course began in early 2008 in the USA and its destroying effects, especially on employment, stretched out over the years 2008 and 2009. France, along with the whole of Europe followed six months later. The crisis has created numbers of new poor

because of job cuts unseen at such levels since World War II. However the high level of social protection in France played as a security net for most of them. The residual new poor are lengthening lines in front of *Restaurants du Cœur* and other free meals providers. CSOs dealing directly with these problems, as well as many others are facing a **scissor effect** in coping with such new issues: resources are decreasing, because raising fees is not a solution when faced with insolvent people. The cut of European provision of food surpluses to these CSOs in 2010 provoked a strong reaction and the European Community went backward. . Competition among CSOs to attract donations is becoming harder with the increasing costs and decreasing returns of fund-raising. For the French civil society the hardest part of the crisis is no doubt due to the retrenchment of public money owing to its high level of dependence to this resource. The reduction of subsidies and contracts paid by the State is no longer being compensated by the local communities because most of them also have deficits.

During the early stages of the crisis, public grants or reimbursements were delayed and sometimes suppressed, provoking at best cash flow difficulties, and at worst bankruptcies along with the dismissal of employees. It has been the case for some home care services and culture CSOs. Some associations have merged with other organizations working in the same field or area, or are pooling their infrastructure, equipment or human resources. There is no doubt that the French CSOs are too small and too numerous, and will have to concentrate in the near future. A 2014 law on social and solidarity economy gives them some support for merging and changing the legal statute. The more counter-cyclical nature of French CSOs, along with the lag with which France is responding to the crisis explain why employment in the non-profit sector continued to grow during 2008 and 2009, while it was decreasing in the rest of the economy. But, for the first time that it is measured, employment in the non-profit sector was decreasing slightly in 2010 and since this date it is increasing but slower than during the three preceding decades..

Structural differences remain and make sense: There are still about 2300 foundations in France, even if they have multiplied since the 2003 Law, and if the new legal status of “endowment fund” (created in 2008) may make a difference in the future, as it has been successful so far. However, the assets of French foundations are low comparing to their European counterparts and associations have restrictions on their capacity to own interest-bearing capital., excepting those associations that are *reconnues d'utilité publique*, some 2000 only but the largest ones. This limited legal capacity prevents the bulk of CSOs to smooth their financial difficulties by selling a part of their assets. Foundations have to be more selective in the choice of the projects they fund if they are grant-making. Foundations and associations have to merge, compress their overhead costs and reduce or suppress their programs if they are service providing to the less privileged part of the population. If their services are intended to the population at large (culture, sports, social tourism, training, environment...) they can raise their fees, but by this way they become more middle-class oriented, they lose their capacity to mix all categories of the society by eliminating the population with less purchasing power and they lose a part of their *raison d'être*.

Conclusion

The sharing of educational; health and social services provision between the state, the local governments and the civil society obviously depends on functions that have been devolved to local governments as well as on the level of externalization or subcontracting which authorities consider to be relevant. Recourse to the non-profit sector makes it possible to reduce public employment, which is very high in France. Grassroots associations provide local services adapted to the local population through voluntary work. That is the reason why

the central and local governments and social security affords an almost total financing to the welfare CSOs and a partial financing to the others while the public sector regulates the CSOs and guarantees universal access to the services provided as well as the equal treatment of all users.

Associations are presently dynamic institutions in France and much appreciated by the public, whereas political institutions, unions and religious organizations are subject to mistrust or indifference. Foundations are less popular and have been discredited for a long time but they experience a spectacular growth since 2003. The whole civil society sector is currently looking for its place in the public sphere – either in close partnership with public authorities, or within the social and solidarity economy with the cooperatives and the mutual societies – Civil society organizations have demonstrated their ability to answer to the new needs of a more diverse population and they have proved their resilience during less favourable times

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