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## **SOCIAL AND ECONOMIC DIMENSIONS OF AN AGING POPULATION**

**The Politics of Protest Avoidance: Policy  
Windows, Labor Mobilization, and  
Pension Reform in France**

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**SEDAP Research Paper No. 114**

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**THE POLITICS OF PROTEST AVOIDANCE:  
POLICY WINDOWS, LABOR MOBILIZATION,  
AND PENSION REFORM IN FRANCE**

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# **The Politics of Protest Avoidance: Policy Windows, Labor Mobilization, and Pension Reform in France**

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## **Abstract**

According to Paul Pierson and R. Kent Weaver, the “new politics of the welfare state” is about escaping the popular blame generated by cutbacks affecting a significant portion of the population. Although the concept of blame avoidance helps to explain the political logic of welfare state retrenchment, one can argue that a careful analysis of social policy reform should take into account a largely understudied phenomenon: protest avoidance. Especially present in countries with single party governments and politically active labor unions, protest avoidance is analytically distinct from blame avoidance because it occurs when policy-makers, facing direct and nearly inescapable blame, attempt to reduce the scope of social mobilization triggered by unpopular reforms. In recent decades, successive French governments have successfully introduced major—and unpopular—reforms in the field of pensions, despite the difficulties to frame blame avoidance strategies in the context of France's strong concentration of state power. Focusing on the 1993, 1995, and 2003 pension reform episodes, this paper seeks to demonstrate that right wing governments have generally tried to avoid protest rather than escape blame. We claim that the key element has been avoiding disruptive strike activities by the labor movement, which are highly political in France. We argue that right wing governments have attempted to divide the fragmented labor movement and overload the reform agenda while enacting its most controversial reforms during the summer holiday season. Protest avoidance thus represents a key political variable worthy of study in the literature on welfare state retrenchment. In the future, the concept of protest avoidance could be applied to other countries and policy areas in which elected officials attempt to impose unpopular reforms that trigger social mobilization.

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# **The Politics of Protest Avoidance: Policy Windows, Labor Mobilization, and Pension Reform in France**

## **Introduction**

Since the 1980s, students of social policy, like Paul Pierson and Kent Weaver, have depicted welfare state retrenchment as a “politics of blame avoidance” (Weaver, 1986; Pierson, 1994; Pierson, 2001). When implementing cutbacks and restructuring social programs, policy-makers from the right and the left attempt to reduce political risks associated with the reform process. Distinct from the logic of credit claiming that was dominant in the post war era, the “new politics of the welfare state” is about escaping the popular blame generated by painful measures that affect the life of a significant portion of the population. Although the concept of blame avoidance is a useful one to explain the political logic of welfare state retrenchment, one can argue that a careful analysis of social policy reform should take into account a largely understudied phenomenon: protest avoidance. Especially present in countries with single party governments and politically active labor unions, protest avoidance is analytically distinct from blame avoidance because it occurs when policy-makers, facing direct and nearly inescapable blame, attempt to reduce the scope of social mobilization triggered by unpopular social policy reforms.<sup>1</sup> Since these painful reforms generally turn unions against elected officials pursuing them, the need to reduce labor’s mobilization capacity can be instrumental to the enactment and the successful implementation of such unpopular measures. In part because mobilization capacity varies over time, timing and “policy windows” are crucial variables in the politics of protest avoidance. Knowledge about timing and social mobilization is the outcome of strategic learning processes distinct from the more technocratic type of “social learning” commonly discussed in the institutionalist literature.

In recent decades, successive French governments have successfully introduced major—and generally unpopular—reforms in the field of pensions, despite the difficulties to put forward blame avoidance strategies in the context of France's strong concentration of state power. This paper seeks to demonstrate that the strategies utilized by governments have been to avoid protest rather than escape blame—the latter being extremely complicated in a country where state power is so centralized. We claim that the key element has been avoiding disruptive strike activities by the labor movement, which are highly political in France. We argue that governments have attempted to divide the fragmented labor movement while enacting its most controversial reforms during the summer holidays.<sup>2</sup> These strategies have permitted some right wing governments to impose their will upon a pension system officially managed by employers and labor unions, commonly referred to as “social partners.” The empirical findings are based on the analysis of successes and failures to reform the French pension system since the late 1960s, with a specific focus on the 1993, 1995, and 2003 reform attempts. The story of contemporary French pension reform since the 1960s shows how protest avoidance can emerge as a significant aspect of modern welfare state politics.

## **Labor Unions and Welfare State Retrenchment**

Retrenchment is a far more difficult political enterprise than expanding social rights and benefits. According to Paul Pierson, social policy retrenchment is indeed a highly problematic task for policy-makers who face strong opposition from new interest groups tied to existing social programs. For Pierson, these groups emerge as “feedback effects” of welfare state development itself. During the post-war era, the creation of new social measures, as well as the enlargement of existing ones, favored the emergence of large constituencies interested in the

preservation of social security entitlements: “With these massive programs have come dense interest-group networks and strong popular attachments to particular policies, which present considerable obstacles to reform” (Pierson 1996: 146). Facing potential opposition from these growing constituencies, politicians pursuing a retrenchment agenda have frequently mobilized blame avoidance strategies in order to reduce the risk of electoral backlash related to the enactment of potentially unpopular reforms (Weaver, 1986).

A key problem with this historical and theoretical narrative concerns the status of labor unions in pension politics. In his 1996 article, Pierson argues that beneficiaries and their organizations (for example, the American Association for Retired Persons) play a greater role in today’s pension politics than labor unions, which are more associated with post-war welfare state expansion. Pierson goes further by dismissing the importance and utility of the power resource theory elaborated on the basis that unions and left wing parties have lost considerable power, while the welfare state has remained largely frozen (150-1). From this perspective, the study of labor mobilization does not constitute a crucial aspect of the politics of retrenchment.

Against this view, scholars working on pension reform—including Pierson himself—have recently shown that “labor still matters” (Béland, 2001; Bonoli, 2000; Marier, 2002; Myles and Pierson, 2001; Natali and Rhodes, 2003; Palier and Miura, 2003). This is particularly true in Bismarckian countries, especially if labor unions are directly involved in trust funds management. As the state integrated social partners to the public pension system, unions identified themselves with it while framing ideological “property claims” over retirement benefits. Related to the modest development of private benefits, this identification to public pensions means that unions can mobilize more easily against potential cutbacks, which are perceived as a direct attack against unions’ managerial role (Béland, 2001; Bonoli, 2000; Marier,

2002). In such an institutional context, labor unions still play a major role in the contemporary politics of pension reform as mass mobilization and general strikes represent enduring political threats that may force the government in power to abandon retrenchment initiatives. The 1994 strikes in Italy and the events of December 1995 in France provide ground to this claim (Pitruzzello, 1997; Natali and Rhodes, 2003). Using massive strikes as a political weapon against politicians attempting to “impose pain” through retrenchment efforts, unions can thus act as “ideological veto players” in the politics of pension reform. Ideological representations tied to the integration of social partners with the public pension system can politically offset decline in union membership. In pension politics as elsewhere, unions’ political influence is loosely tied to membership rates as institutional and ideological factors potentially compensate for low membership (Béland, 2001).<sup>3</sup>

Even in the case where labor is not represented in the formal managerial functions of pension schemes, unions can still exercise influence on the decisions of policy-makers via their ties with social democratic parties. Levy (1999) has argued that left wing parties have generated different kinds of retrenchment measures, while Korpi and Palme (2003) claim that “risk for major cuts has been significantly lower with left wing representation in cabinet, while the opposite holds true for secular conservative-centrist governments” (17). Even though the labor movement has lost most of its power and connections within New Labor in the UK, this is not the case in other European countries such as Sweden. The Swedish social democrats consulted the unions on a regular basis in the enactment of retrenchment measures in unemployment insurance and pension benefits (Andersen, 2001). However, this linkage does not guarantee a strong presence within the process leading up to policy change, and the entitlement principle is weaker because unions do not have the duty of managing the pension system. For example, it is

difficult to attach strong powers to unions when key aspects of the 1998 pension reform were negotiated among the five largest political parties, without union representation, and in the span of two weeks during the 1993 Christmas holidays. Swedish unions were left with a finished product difficult to alter because changes required the approval of the five political parties (Marier, 2002). The real alternative for unions was to force the social democrats to refute the negotiated agreement, which nearly happened during the 1997 congress of the party (Lundberg, 2001).

## **Understanding Protest Avoidance**

Recognizing the enduring role of labor unions in pension politics in many OECD countries, it is possible to study how policy-makers attempt to avoid massive social mobilization against their pension proposals. In his work on pension reform, Giuliano Bonoli (1997; 2000) argues that in France, as in other European countries, policy-makers have bargained compromises (*quid pro quos*) with labor officials in order to guarantee the enactment of pension retrenchment while also reducing the potential scope of union protest. In Italy, the 1995 “Dini reform” was grounded in a similar bargaining logic between elected officials and union representatives (Natali and Rhodes, forthcoming). This bargaining strategy is only a specific example of a much broader political logic present in contemporary pension politics: protest avoidance. Especially common in countries in which massive strikes are both common and politically threatening for policy-makers, protest avoidance refers to the strategies where the central goal is to reduce the level of social mobilization in the context of potentially unpopular economic and social reforms. While blame avoidance defines strategies that deflect blame and reduce the possibility of future electoral backlash (Weaver, 1986), protest avoidance refers to a



distinct set of strategies that aim at reducing the possibility of social protest, which generally takes the form of massive strikes. Although blame avoidance and protest avoidance strategies frequently converge or even aggregate,<sup>4</sup> clear distinctions exist. On one hand, blame avoidance is about preventing, deflecting, or delaying blame.<sup>5</sup> On the other hand, protest avoidance exclusively concerns strategies that militate against labor mobilization and mass protest. In some contexts, for example, policy-makers could accept to face direct political blame for unpopular measures while taking actions to limit the scope of street protest that may degenerate and complicate reform. Protest avoidance is thus analytically distinct from blame avoidance.

Although the concept of protest avoidance is not present in the current literature on social policy reform, the fact that social mobilization can affect the behavior of elected officials and impact welfare state politics has been underlined elsewhere.<sup>6</sup> Generally, authors focusing on the relationship between social mobilization and public policy imply that those in power take the potential consequences of social disruption seriously. For instance, when Piven and Cloward argue that the power of the poor lies in their capacity to mobilize and disrupt, it follows that policy-makers attempt to deny them the resources they need to protest effectively (Piven and Cloward, 1971). In a sense, the concept of protest avoidance gives a name to and clarifies the analytical contours of something essential that has largely remained implicit in the existing literature on welfare state politics.

Protest avoidance largely results from the fact that policy-makers are strategic actors that draw lessons from previous policy episodes. In the institutionalist literature, the concept of social learning traditionally defines how the evaluation of existing policy legacies influences future policy development. Criticizing the technocratic model of learning put forward by Hugh Heclo,<sup>7</sup> political scientists Randall Hansen and Desmond King argue that learning processes are

inherently ideological and political (Hansen and King, 1999). But if drawing lessons from existing policies is a contentious process, officials in power seek to facilitate the enactment of their potentially controversial proposals based on *strategic* learning. This concept is analytically distinct from social learning. On the one hand, social learning occurs when “policy builds on policy.” From this perspective, the evaluation of a program’s economic and social consequences shapes subsequent policy decisions. On the other hand, strategic learning exists when elected officials constantly learn about political risks and opportunities related to timing, institutional structures, and the anticipated behavior of other social and political actors. Strategic learning thus enhances officials’ “awareness of structures and the constraints/opportunities they impose, providing the basis from which subsequent strategy might be formulated and perhaps prove more successful.” (Hay, 1995: 201)

Underlying the learning and institutional mechanisms that shape political strategies, the concept of protest avoidance also emphasizes the importance of policy windows. As underlined by Kingdon (2003), policy entrepreneurs have a short window of opportunity to implement the policy alternatives they support. If they fail to grab the occasion granted by events such as the arrival of a new political coalition in power, external shock, and/or a shift in the national mood, they may end up waiting a long time before having another opportunity to advance their agenda.

Due to the strong emphasis placed on the institutional inertia of social policies, Pierson’s “new politics of the welfare state” approach does not really consider policy change, and even fewer windows of opportunity in its analysis. The key elements behind the resilience of the welfare state are the fear of electoral backlash, institutional inertia, and path dependency (Pierson, 1994). None of these tools appropriately considers the timing of policy change.<sup>8</sup>

While political scientist John Kingdon largely bases his agenda setting theory analysis on the US, where it is rare to find compromise when the institutional setting creates a decentralized political system, his analysis is still pertinent to the study of policy-making in other countries such as France. In this case, the windows of opportunity in a protest avoidance strategy include many cyclical windows. Firstly, the aftermath of an election, commonly called the “honeymoon period,” provides governments effective opportunities to introduce unpopular measures. A government can claim that it has just received the mandate to perform these changes. Adding to this strength, the parties in the opposition are often disorganized following an electoral defeat as they question their party leadership and the policies they advocate. The new government can also make use of the electoral cycle. It can hope that the electorate will forget the introduction of unpopular measures in three or four years and remember only the good policies introduced prior to the elections. As underlined in a recent test of the electoral cycle in Canada, governments systematically cut public spending in non-electoral periods. However, spending is then increased near the time of elections (Petry et al., 1999). The focus on spending can be applied to public programs as well. For example, Levitt (1997) demonstrates that police hiring is disproportionately concentrated in election years.

In the French case, the electoral cycle is slightly more difficult to consider. The possible presence of a political “cohabitation” between a President and a Prime Minister from different parties adds a twist to this dynamic. Mostly concerned with foreign affairs, the jurisdiction of a French President in domestic affairs during a period of cohabitation is extremely limited, which nullifies any potential presidential “veto point” (Immergut, 1992).<sup>9</sup> Nonetheless, this fragmentation of power has some influence when a Prime Minister seeks to challenge the President in an upcoming election. For example, Prime Ministers Edouard Balladur (1993-1995)

and Lionel Jospin (1997-2002) had been criticized for their inaction in the year preceding a Presidential election as it became evident that they were going to run for the Presidency. However, the electoral reform enacted in 2000 now ensures that the parliamentary and presidential elections coincide, meaning that the French electoral cycle should not be that different than the Canadian or British one.<sup>10</sup>

Secondly, even though it is somewhat of a French (and to a lesser extent Italian) specificity, unions use strikes as both a political tool to react against state policies and as a bargaining tool to obtain better benefits from their employers (see below). A series of unpopular measures can bring disastrous results for the government, as it was in France in December 1995. Thus, in countries like France and Italy, a government seeking to introduce change that is opposed by unions must consider a high potential for strike activities. Few political strategies—such as *quid pro quo* bargaining—are available to government officials looking to reduce labor opposition. Unions, aware of the political cycle and the political harm strike action may cause, are more likely to be cooperative when elections are looming. Strengthening this power is the fact that most strikes in France receive strong support from the population, as evidenced in opinion polls where opposing union mobilization is the exception rather than the rule (see below).

Thirdly, the literature on welfare retrenchment shows that one-party governments find it very difficult to escape blame (see Pierson and Weaver, 1993; Vail, 1999). This follows from a majoritarian vision that emphasizes a concentration of power and policy-making capabilities (see Powell, 2000). In most countries with one-party governments, the executive is strong, visible, and highly centralized. For example, the thesis of blame avoidance is rather difficult to apply to pension reforms in the UK considering that Thatcher never hid her preferences for a greater role

for the private sector and maintained a weakened income-related public pension program (State Earnings Related Pension Scheme—SERPS) as a result of criticism from her own supporters. One way to escape protest is to practice a strategy of “reform overload.” By discussing a wide range of reforms, citizens, union officials, and interest groups come to expect the worst. With the aggregation of many reform objectives, the oppositions centers on a package reducing the number of times groups may mobilize. Moreover, reform packages can also “spread the pain” by making an individual’s protest appear as less legitimate. By retrieving a few of these reforms the government is seen as cooperative and responsive to the criticism made to reform projects. Nonetheless, some reform objectives are met. In this vein, the presentation of a Green paper advocating the abolition of SERPS, and the adoption of personal pensions and the reduction in SERPS benefit made the latter seem far less radical, which has the effect of reducing the scope of protest against the reform.<sup>11</sup> To a certain extent, what has been said about one-party governments applies to stable coalition governments such as those elected under France’s Fifth Republic (1958-). Avoiding blame proves difficult for these governments, and “reform overload” constitutes a known practice in France (see below).

Drawing on the above discussion, one can distinguish three main forms of protest avoidance. Firstly, policy-makers can attempt to divide the labor movement by securing the support of more moderate labor unions. This strategy can prove especially successful in countries like France where the labor movement is already highly fragmented among organizational and ideological lines. Secondly, “reform overload” becomes another way to reduce social mobilization by simultaneously putting forward many policy proposals on the table. By later removing some of them from the reform agenda, governments may reduce the scope of protest by presenting this gesture as a compromise. Finally, policy-makers may decide to enact

contentious proposals at a time when labor unions are not in a good position to fully mobilize their members and supporters. For example, they may enact a reform as the labor movement is facing strong internal divisions or when many workers are on vacation and away from the cities where major protests take place. A little studied phenomenon, this third protest avoidance strategy has been used in France for three of the most important changes to the pension systems enacted since the 1960s, and all of them were at first strongly opposed by unions.

When underlining this third protest avoidance strategy, this article suggests that reform timing matters, especially in countries where blame avoidance strategies are difficult to introduce. In such a context, political actors can benefit from launching the reform at a moment when opponents (such as labor unions and other organized interests) would find it difficult to mobilize. Before studying specific pension reform attempts, the next section briefly reconstructs their historical and institutional background through a general discussion about labor politics and pension reform in France.

## **Labor Politics and Pension Reform in France**

Divided and politically frail unions tend to oppose collaboration with strong states (Marks 1989; Lipset 1983). Since the 19<sup>th</sup> century, the French labor movement has remained highly fragmented among organizational and political lines (Karila-Cohen and Wilfert, 1998). Moreover, state building in France has involved a stark centralization of power (Rokkan, 1999) and most unions have thus adopted a pugnacious attitude towards the state. As a consequence of a strikingly asymmetrical distribution of power between divided unions and a centralized state, modern corporatism and social democracy never became dominant patterns in France (Jobert and Muller 1987; Keeler 1985). As opposed to the situation prevailing in Sweden or in Germany,

confrontation between the state and labor unions, rather than collaboration, is the most common practice, and the strike represents one of the only *political* tools in the hands of weak unions paradoxically seeking state protection *and* institutional autonomy from the state. The *political* strike has thus become the most central element of French labor's "repertoire of contention."<sup>12</sup> According to Birnbaum, "The working class has always been excluded from the state; it always had to act conflictively." (Birnbaum, 1988: 123) This is the reason why unions have supported the constitution of a social insurance system "outside the state" (Ashford, 1986).

Before discussing the features of the French social insurance system, one should note that this apparent weakness of the French labor movement essentially concerns the private sector, where unionization rates are generally inferior to 10 percent. Furthermore, private workers are largely represented in one union, the CFDT (*Confédération Française Démocratique du Travail*). Ironically, because of the weight of the state in French society, public employees tend to dominate the labor movement as unionization rates are higher in the public sector than in the private one (approximately 20 percent on average versus only 5-6 percent).<sup>13</sup> Moreover, the public sector is perceived as a crucial component of French society rooted in a universalistic model of state sovereignty. As the following quotation suggests, universalistic claims paradoxically justify occupational privileges:

The notion of a *service public* is introduced to guarantee the universality and non-arbitrariness of the state's relation to the individual by a double mechanism. On the one hand, the *service public* refers to the civil servants whose devotion to the common good is ensured by such mechanisms as the meritocratic form of recruitment, the guarantee of job security, and a rational-bureaucratic execution of its tasks as mandated by laws voted by the political representatives of the nation

as a whole. On the other hand, the *service public* refers to those domains of social life which are the concern of all the citizens (Howard, 1998).

Traditionally perceived as the elite of a nation attached to state-sponsored universalism, civil servants enjoy much prestige in France, and attacks against their occupational status is generally understood as a threat against the *service public* itself and the integrity of the nation as a whole. Forming the “cream of the crop” of the labor movement, public sector employees have access to more organizational and symbolic resources to mobilize politically against the powerful state for which they work. Paradoxically, the mobilization of civil servants can be understood as a societal *contre-poids* to elected officials who would choose to undermine the status of the state and its employees, who depict themselves as the agents of universalism and equal citizenship.

As the two paragraphs above show, French strikes, especially public sector ones, have an immediate political significance and are not imagined as mere tools of collective bargaining, as it is the case in North America, for example. But, explicitly or implicitly, French strikes inevitably deal with the specific interests of occupational groups, particularly civil servants and employees of public enterprises such as *Electricité de France* (EDF) and the *Société Nationale des Chemins de Fer* (SNCF). Many strikes also deal with pension-related issues, because union officials and their allies have depicted them as an “indirect wage” (*salaire différé*) related to specific occupational status. This perception is linked to the fact that the French pension system is fragmented among occupational lines, and those specific professional categories—including civil servants—have their own public pension scheme (Palier 1999: 240). Such a fragmentation remains an obstacle to the emergence of organizations representing French retirees as a whole (Viriot Durandal, 2003).



Some historical background is necessary to understand better labor's identification with public pensions. In France, the history of public sector and private sector workers diverge strongly. Public sector workers are entitled to a pension that is itemized as a wage in the budget of the Republic. During interviews with policy-makers, many pointed out that they had traditionally waited for the diffusion of the budget in order to know how much was spent on pensions and how many public servants were actually retired (Marier, 2002). This situation results from a series of conflict in the mid 1800s between politicians and bureaucrats following the abolition of discretionary treatments in 1790. As underlined by the French specialist of public sector pensions, Guy Thuillier, the law of 1853 eliminated the notion of insurance in the system by making pensions a sort of continuous pay if necessary conditions were fulfilled (cited from Friot, 1994: 80). Pensions gradually became considered as a right and were included in the definition of a civil servant in 1909 (Friot, 1995: 50).<sup>14</sup>

The existing public pension system for private sector workers was established immediately after the *Libération*. Although the founders of post-war Social Security attempted to create a more universalistic pension system, it proved impossible to transcend the opposition of occupational groups (farmers, civil servants, railroad workers, white collars) rooted in the fragmented institutional logic of the previous public pension system established in 1930 (Saint-Jours, 1982; Baldwin, 1990). As underlined by both Ashford (1986) and Baldwin (1990) the creation of a universal scheme proved too ambitious, and the redistribution of risks in favor of blue-collar workers was far too visible to succeed. Thus, the *régime général* does not cover all private sector workers. Specific professional categories gained coverage under *régimes spéciaux* (separate public pension schemes) that generally reflected pre-1945 pension divisions.

Between 1945 and 1967, only labor unions were authorized to participate in the management process of the French public pension system. This reality reflects the growing strength of labor unions in the immediate post-war era and, perhaps more importantly, the fact that the collaboration between some enterprises and the pro-Nazi Vichy regime had discredited business representatives (Guillemard, 1986: 50). The right was thus forced into a defensive position. However, the left was only able to secure a majority in the fragmented Fourth Republic during the first year following its proclamation. This had dire consequences. The amalgamation of occupational plans into a universal pension scheme for private sector workers advocated in the Larocque Plan and legislated in 1945 never took place. The status quo was reinforced with the creation of a complementary pension regime for white-collar workers in 1947 and, two decades later, the advent of a special scheme for self-employed workers (Baldwin, 1990: 170-2).

Following the creation of the Fifth Republic in 1958, the tables turned. The political power of the Left declined drastically compared to the aftermath of World War II. The management of pensions by unions became a point of contention. Already in the early 1960s, the state became more involved in the administration of pensions. Three new conditions were introduced. Firstly, the government sought to restrain accessibility to the board by mandating the elections of union representatives from a pre-selected list approved by the ministry of social affairs. Secondly, 80 percent of the candidates had to come from the newly created *Centre national d'études supérieures de la Sécurité Sociale*.<sup>15</sup> Finally, each new director had to receive the approval of the ministry before beginning his/her term (Join-Lambert, 1997: 450-1).

Reform activities would not stop there. Many reports underlined large deficits with social security in 1965 and the government opted to pay closer attention to this issue. The year 1967 began with a key debate concerning the inclusion of farmers and other independent workers into

the general scheme. Georges Pompidou, then France's Prime Minister, waited until mid-August to re-organize social security despite protest from union officials, who could hardly mobilize their members during summer vacation. The "summer strategy" proved successful. Although retrenchment was not an issue at stake, this reform restructured the managerial system of the French pension in a most significant manner and removed the monopoly enjoyed by unions. The French social security system was split into three different boards: sickness, old age, and family. Further, business representatives gained seats on public pension boards, holding 50 percent of the appointments. Called *paritarisme*,<sup>16</sup> this system has never been entirely acknowledged by the more radical unions (*Confédération Générale du Travail*—CGT, *Force Ouvrière*—FO), who have claimed to be the only true defenders of *acquis sociaux* ("conquered rights") (Béland, 2001). Finally, restricting the legitimacy of these boards was the governmental decision to abolish elections and replace them by nominations by each of the social partners.

### **Three Reform Episodes**

This section presents three key attempts made by successive governments in France since 1993. Most of the emphasis is placed on the 2003 attempt, but the earlier ones (1993, 1995) add to the empirical case because they help to emphasize the theoretical attributes outlined above. An interesting point of this analysis is the presence of two successful cases and one failure. The latter case proves to be extremely valuable in explaining the roots of success behind the other three cases. We complete this section with a systematic discussion about the application of the concept of protest avoidance on pension reform in France.

## *The Balladur Government and Pension Retrenchment*

The 1993 French pension reform supports the concept of protest avoidance, especially as it is related to the timing of policy reforms. During the 1980s and early 1990s, various official reports framed the apparent “need to reform” the French pension system.<sup>17</sup> Like in other advanced industrial countries, the rise of neo-liberalism, short-term financial concerns, and also growing demographic fears increasingly transformed massive pension retrenchment into a serious, if unpopular and risky, option for policy-makers (Renard, 1999). In France, like elsewhere, the “new politics of the welfare state” favored a shift from policy expansion to retrenchment. Throughout the 1980s, politicians were very hesitant to tackle this issue as demonstrated by the heavy reliance on commissions and external committees. Following an impressive electoral victory in April 1993, where 81.8 percent of all seats belonged to the right, the Balladur government wasted no time in tackling the issue of pension retrenchment. A few weeks into its mandate, the government convened the social partners to discuss the issue. After the meeting, the social partners were surprised by the clarity of the government's intentions. Other meetings followed in May between the social partners and the Minister of Social Affairs, Simone Veil. According to a student of French social policy (Vail, 1999), Prime Minister Balladur wanted to give the illusion of creating consensus, and this reality did not dupe union officials. Blondel, leader of FO, stated that “in a soft, mild way, the Prime Minister is trying to impose an austerity plan on us.” (Vail, 1999: 321) The measures were presented in mid-May and they were based on the *Livre blanc sur les retraites* (White Book on Pensions) prepared by the Cabinet of the Former Socialist Prime Minister, Michel Rocard. This reference and the complete disarray of the Left after the elections of 1993 silenced the parliamentary opposition.

The government opted first to send flowers to the social partners by introducing a good will measure in June, which was followed by the vase in mid-August during the summer holiday season. The *Fonds de solidarité vieillesse* (FSV) would come to life in early June to finance solidarity measures for the *régime général*, which would be raised by the increase in the special health care tax (Contribution Sociale Généralisée) (from 1,1 percent to 2,4 percent) and a new tax on alcoholic and non-alcoholic beverages. A fraction of contributions would also be re-directed to this fund (Ruellan, 1993: 917). This plan had long been supported by unions, which demanded a clearer separation between contributive and non-contributive aspects of the *régime général*. This recognized the role of social partners in the management of social security, and can be considered as part of a non-confrontational stance vis-à-vis the unions (Bonoli, 2000: 138). Even though this measure did nothing to reduce the costs of pensions, it nonetheless provided new sources of financing. A few days later, social partners convened and met with the Minister of Social Affairs in June and were then received individually by Balladur at the end of the month. The outcome of these meetings received strong public reactions from the three main unions (FO, CGT, CFDT), who claimed that there were no real consultations (Vail, 1999: 321).

The government would go ahead with other aspects of its plan and introduced the first retrenchment measures on pensions. First, along with the legislation creating the FSV, the government included a legislation indexing pensions on price, a measure that would have to be renewed in five years by decree.<sup>18</sup> This made law a practice that had occurred since 1987 (Ruellan, 1993: 919). A decree (No 93-1023) adopted later (August 27), would set an increase in the amount granted to pensioners based on the expected inflation (average price increase excluding tobacco products). Any discrepancies between the expected and real inflation would be corrected the following year.

Second, two other measures would be instituted via Decree No. 93-1024 (August, 27). The length of the contribution required in order to obtain a full pension was increased from 150 quarters (37.5 years) to 160 quarters (40 years) progressively starting in 1994. The reform will be implemented over a period of 10 years, by adding a quarter every year until 2003. The other measure tackled the period under which the pension is calculated, which was based under the 10 best years. The number of years was increased to 25 very progressively, by adding a year starting in 1994 for the next 15 years (or until 2008).

Contrary to many expectations, the reform did not generate a widespread backlash against the government, or a strong negative reaction from the social partners besides the CGT, which could not mobilize its members at this specific time of the year. The timing of the reform reduced the scope of potential protest against retrenchment measures. Even though the government shied away from criticism that it introduced a reform in the middle of the holiday season, Balladur surely used the strategic lesson from his days as *conseiller social* (social advisor) to Pompidou in 1967 when the major management reform of the pension system was introduced successfully. Like that, the feared pension reform passed without much opposition. This was a far cry from Rocard's 1991 statement that this issue “could break a government” (Marier, 2002).

### *The Juppé Plan and the 1995 Strikes*

The election of right-winger Jacques Chirac as President in 1995 marked the end of the “cohabitation” between the left and the right. In order to distance himself from Balladur (a right wing Prime Minister and presidential candidate), Chirac’s campaign geared itself towards the middle of the political spectrum by promising to repair the apparent “social fracture” that France

had been experiencing. He even went as far as to argue that economic growth could ensure a freeze on social security cuts (Bonoli, 2000: 142). President Chirac's first action was to replace Balladur with one of his staunchest supporter, Alain Juppé. This resulted in something rather similar to a change of government with President Chirac being firmly in control of national and international affairs. Some ministers of the previous government returned, but the entire Cabinet at Matignon was made up of new faces.

Seven months following the Presidential election, France entered into a severe economic recession resulting in speculative attacks on the Franc and public doubts that it could join the Economic and Monetary Union (EMU) (Pitruzzello, 1997). During the summer of 1995, the Juppé government admitted that it was studying proposals to reform the social security system. However, Juppé stressed that he would have broader consultations than previous French governments. He met the social partners in September and underlined the unfairness of the pension system with civil servants having to contribute "only" 37.5 years for a full pension as opposed to 40 years for private sector workers. The Briet report, commissioned by Balladur but concluded under Juppé, presented a bleaker picture than earlier reports on pensions claiming that an increase in contribution of 2.4 percent was necessary. It was also quite critical of the disparities between the regular civil servant schemes and the so-called *régimes spéciaux* (Briet, 1995).<sup>19</sup>

Following the announcement of a wage freeze in the public service, the seven major labor unions agreed on a day of strikes on October 10, thus sending a serious warning to the government in the midst of rumors that it was considering increasing the length of contributions for public sector workers to reach 40 years as in the private sector.<sup>20</sup> Following a meeting with Chirac on November 12, the social partners were positive about the prospects of maintaining the

status quo (Marier, 2002: 92). Further, unions were informed on a non-official basis that the pension reform was left off the agenda (Bonoli, 2000: 143). Surprisingly, even to some of his own ministers, Juppé announced the most drastic changes to the whole security system on November 15. The Juppé Plan tackled pensions, health, and family benefits. The key feature of the reform was the universalization of health insurance by increasing the reliance on taxation for its financing while eliminating the social contributions and the various health schemes.

With regards to pensions, Juppé announced that the parliament would have a larger role in budgetary decisions related to social security. Further, a new fund (*caisse*) was introduced to cover public sector workers so that its finances would no longer be lost in the general budget of the state. The most controversial aspect of the plan was the lengthening of contributions for public sectors workers from 37.5 years to 40 years. Despite the way the plan was introduced and the severity of the changes, the opposition and the social partners were very slow to react. Unions divided rapidly with the announcement that the CFDT supported the direction of the reforms. With a high stakes in the administration of health schemes and a strong membership within the civil service, FO asked for the immediate removal of these measures. The CGT shared similar views. While the CFDT remained in favor of the changes in health, it would eventually present its opposition to the pension reform creating the opportunity for a strong common front among the unions. The business lobby (*Conseil National du Patronat Français*) underlined the courage of the government and the necessity to reform the pension system (Marier, 2002).

Starting with railway workers and followed closely by subway workers, a strike movement gathered momentum at the end of November.<sup>21</sup> By December 5, hundreds of thousands of protesters were in the street and the Juppé government defeated a motion of non-confidence. In a television address, Juppé proposed that he was willing to meet the social



partners and create a special commission to discuss the pension reform. Despite the above-mentioned split in the union movement, the protest wave grew larger with the addition of teachers on December 7 and a strong support from the population. On the 10<sup>th</sup>, Juppé surrendered on the pension front by suspending the newly created commission and stating that he never meant to dismantle the *régimes spéciaux*. The unions received a letter stating that reforming public sector pensions was now off the agenda. The strikes would continue for another week concerning the other aspects of the plan, reaching a climax on December 12 with between one and two million protesters in the streets.

Although these massive strikes heavily affected everyday life, especially public transportation, surveys made in December 1995 show that a majority of the French population supported the strikers (Mouriaux and Subileau, 1996: 303). This reality probably reflects the fact that radical unions and their supporters framed this defense of occupational rights as a defense of the *service public* and the *droits acquis* (earned rights) derived from past labor struggles (Blondel, 1995; 1996). Although intellectuals associated with the journal *Esprit* signed a petition against the strikes, many prominent left wing figures (for example sociologist Pierre Bourdieu) openly supported what they described as a battle against neo-liberalism and for the preservation of the public sector and the universalistic values attached to it (Le Monde, December 15, 1995).

Even though the pension reform was stopped, it is important to note that elements of the Juppé Plan passed. This is especially true of its health-related component (Palier, 1999). Nonetheless, it is worthwhile noting the reasons why the pension elements of the Juppé Plan failed. Firstly, the timing of the government could not have been worse in terms of cutting social benefits to civil servants, especially those employed by the railway (SNCF) and public transit systems (notably the *Régie autonome des transports parisiens*—RATP). The government was

already struggling to negotiate with the unions for a new strategic plan to reduce the deficits of these public enterprises. This bargaining appeared as essential since, in recent years, labor unions in these two public companies launched 80 percent of all strikes. Further, by announcing the plan in November, it was easy for union officials to mobilize the workforce and cause chaos in Paris. Reports from *Le Monde* indicated that it took four to five hours for people to reach their workplace (Marier, 2002: 95).

Secondly, as underlined by Bonoli (2000), the approach undertaken by Juppé helped the unions since they could claim that they were not consulted in a domain where they have formal management powers. Further, adding to public support for the strikers, Chirac's endorsement of the Plan apparently contradicted his 1995 campaign pledge to aggressively fight the "social fracture."

At this point, it is worthwhile studying the causes behind Juppé's actions. His timing was awful and he even led unions to believe that pension reform was not going to be on the agenda. As discussed above, these two elements were key reasons behind the failure of the pension reform for public sector workers. Right after the announcement, one center-right deputy, Jean-Louis Borloo, had even predicted that 'this will end up in the street with a kick in the butt' (*Le Monde*, 21 December 1995).<sup>22</sup> As underscored by Vail (1999) who claimed that his plan represented a case of welfare Bonapartism, Juppé adopted a very confrontational attitude by simultaneously attacking different aspects of social security and organized groups while refusing to negotiate. This action was further enhanced (not to say triggered) by his 'paternalistic arrogance' (322). Not only did Juppé ignore the realities of France's social contract, he even made strong efforts to ensure secrecy for the development of his proposals. According to Bourget (1998), only four social advisors and high-level civil servants, the Prime Minister, and

the President had been involved in the preparation of the so-called Juppé plan (169). Further, an interview with a former social advisor to Balladur confirmed that no one from his team had been contacted on this project despite their previous experience and (relatively) close political connection (interview with Patrik Marier, December 2001). Thus, the lack of strategic learning in this case has a lot to do with the personality of the Prime Minister and his cabinet. If anything, this reform reinforced the need to (at the very least) consult unions prior to undertaking reform activities. This was at the heart of the Balladur approach taken in 1993. It also reinforces the argument that timing matters.

### *The 2003 Pension Reform*

In the aftermath of the 1995 pension protest and the 1997 legislative elections, the Socialists came back to power under the leadership of Lionel Jospin. This launched a new era of “cohabitation” between the left and the right as President Chirac did not face reelection until 2002. In this context, the Socialist government was very cautious in its actions.<sup>23</sup> The government opted to appoint a special commission headed by Jean-Michel Charpin the head of the *Commissariat Général du Plan*, an influential planning agency associated with the office of the Prime Minister. Instead of appeasing the field, the report generated further controversy by advocating a lengthening contribution period for both public and private sector regimes while stressing that efforts needed to be made to maintain cohesiveness between the public and private sectors (Charpin, 1999). The report was applauded by employers and heavily criticized by unions. An alternative plan, presented less than a year later by René Teulade at the *Conseil économique et social*, challenged the validity of the Charpin report as it argued that high economic growth alone could resolve anticipated financial programs related to demographic

aging. Thus, according to this report, the government should adopt a strategy of favoring good jobs for younger generations instead of seeking to reform pensions. The unions endorsed this report while employers and economists criticized it. Feeling the political pressure of an upcoming election, Jospin opted to create a broader pension committee (*Conseil d'orientation des retraites*—COR) to consider pension reform in greater perspective. The first report published at the end of 2001 advocated a wide range of options and served as the “new” basis of discussion (COR, 2001). However, with elections coming in the spring of 2003, the Jospin government opted to remain idle on this issue. If some of the pension reports published under Jospin increased the apparent “need to reform,” the maintenance of the left wing coalition appeared to be more important than reforming the pension system in a comprehensive manner.

Already in the electoral campaign, political parties stated that pensions needed to be reformed on the basis of the recent work of COR, but refused to be too specific. Early in 2003, the new right wing government of Jean-Pierre Raffarin hinted that it was studying reform scenarios. In mid-April, the Civil Service and Social Affairs Ministers (Jean-Paul Delevoye and François Fillon, respectively), met the social partners to open discussions on the subject of pension reforms.<sup>24</sup> They presented a text that contained a draft of possible reforms to the pension system. Interestingly, the so-called *régime spéciaux* were absent from the discussions.<sup>25</sup> Among the key proposals presented were an extension of the contribution period in the public sector scheme so that a contribution period of 40 years would be required in both private and public sectors by 2008. The government also planned to abolish the measure granting full pensions to women that have fifteen years of contributions and three children. Still, with regards to public sector workers, in order to discourage early retirement the government was planning to add a 3 percent penalty per non-contributed year and add up to 2-3 percent for each supplementary year

worked after the age of 60.<sup>26</sup> As compromises, the government presented a plan to reduce the 10 percent penalty for each year retired prior to 60 in order to harmonize the penalties. Further, the government planned to promote individual savings, raise the level of the minimal pensions for those who have consistently contributed with a low wage, and grant full pensions to individuals that have met the contribution requirement prior to age 60 under specific conditions (workers with careers that began at age 14 or 15). The latter measure was seen as a way to obtain the support of the CFDT since it had been one of their key demands in the past 15 years. The two ministers also argued that these propositions could still be altered *in theory* prior to their presentation to the ministerial cabinet at the end of May.

The response from the unions was swift and decisive. Not surprisingly, more radical unions such as FO, CGT, UNSA (*Union Nationale des Syndicats Autonomes*), and FSU (*Fédération Syndicale Unitaire*) stressed the social regression apparent in the measures and quickly condemned them as being purely financially motivated. The CGT claimed that the measures would result in a 20 percent of lost retirement income while FO's leader stated that this kind of proposal necessitated an immediate strike. More surprising, however, was the opposition of the CFDT, which had approved the orientations of the governmental policy on retirement in March. It argued that the counter measures (*quid pro quo*) were insufficient and that most of these measures represented short-term solutions. Its leader stated that "the total does not add up" (Le Monde, April 18, 2003).<sup>27</sup> The increasingly powerful new employers' lobby created in 1998 (*Mouvement des Employeurs de France*) was happy with the orientations of the reform since it avoided contribution hikes. Its President suggested that the government acted quickly because it had a large majority and elections were not forthcoming (Le Monde, April 23, 2003).

Despite the united opposition to the reform among the unions, the organization of a common action proved difficult. More radical FO and, to a lesser extent, CGT both promoted a hard line by requesting the withdrawal of the reform while the reformist CFDT and the white collar union CFE-CGC (*Confédération Française de l'Encadrement—Confédération Générale des Cadres*) remained optimistic that a compromise could be worked out with the government. As such, the unions agreed to strike on May 13 and presented a common text that included a line on the need to reform pensions at the request of CFDT (Le Monde, April 24, 2003). Two independent opinion polls conducted a few days prior to the May 13 strikes provided them with an additional lift as more than 60% of the population proclaimed their support for the protest activities organized by the unions (Le Monde, May 12, 2003).

In the weeks prior to the strikes, the tone escalated on both sides. The CGT continued to argue that the reform proposal would cut pensions by close to 30 percent and proposed a new tax on profits to finance the shortcomings of the system. The French Prime Minister, Jean-Pierre Raffarin, stated that he was willing to have a constructive dialogue with the unions and that he would not tolerate any labor interruption. One week prior to the strikes of May 13, Raffarin was defiant and even stated publicly that “the street can give its views, but the street does not govern” (Le Monde, May 8, 2003). A publicity agency was even hired to sell the reform to the public. A full-page newspaper add was published and flyers were sent to French homes. Public teachers already in conflict with the government over the issue of decentralization and budget cuts organized a strike day on May 4. Raffarin harsh words combined with accentuated difficulties with a section of the public workforce brought comparison to the strikes of December 1995, when the Juppé plan collided with difficult negotiations in the railway sector. But since teachers’

strikes have more modest, short-term economic consequences than widespread transportation strikes, the situation seemed less politically hazardous than in the fall of 1995.

The strikes of May 13 sent a chilling message to the government. With more than 60 percent of workers on strike (compared to 30 percent in 1995) and one to two million citizens in the street, the opposition to the reform proposals gathered strength (Le Monde, May 14, 2003).<sup>28</sup> Fillon contacted the CFDT and CFE-CGC, and a negotiation session lasting more than 10 hours occurred between the parties (Le Monde, May 14, 2003). Following the promise on the part of the government to increase the minimal pensions for low wages (from the proposed 75 percent of minimum wage to 85 percent), increase pensions beyond inflation, increase pensions for the so-called *pluri-pensionnés* (those who belong to multiple schemes), and solidify the commitment to grant full pensions to those who started contributing at the age of 14, 15, or 16 with a full career,<sup>29</sup> the CFDT and CFE-CGE announced their support to the reform on May 15. The CFTC did not formally endorse the plan, but stopped its (active) opposition (Le Monde, July 23, 2003). This reality illustrates the effectiveness of the first protest avoidance strategy defined above.

More radical unions (FO, CGT, UNSA and FSU) called for continued actions by planning other demonstrations. Despite pressures from within, the CGT did not advise its members to imitate FO and start a general strike.<sup>30</sup> At the end of May, however, teachers launched a general strike. The most significant movement occurred on June 3 when 450,000 to 1.5 million citizens were in the streets. However, the striking rate had decreased by half compared to May 13. Subways and trains continued to operate as a result of weaker mobilization. Another important day of actions was June 19, when demonstrators numbered between 116,000 and 320 900 individuals with little effects on many services such as public transportation. This would be the last significant action by union members to stop the reform (Le

Monde, June 19, 2003). This can be described as the outcome of the third form of protest avoidance: as the time for summer vacations approached, it became more and more difficult for union officials to mobilize their members.

In the meantime, opposition MPs sought to disturb the legislative process by introducing amendments. During the proceedings from June 10 to July 24, the Communists presented nearly 7000 amendments, while the deeply divided Socialists introduced 2900 (Le Monde, July 23, 2003). Ironically, these actions might have helped the government because it delayed the adoption of the bill in Parliament later in the summer. Unions were unable to maintain their opposition as the number of protesters declined continuously throughout the parliamentary procedures. The bill was finally adopted on July 24, a time of the year when a significant portion of potential protesters is vacation. A few days later, however, a group of Socialist deputies and Senators challenged the validity of the reform and sent the bill to the Constitutional Counsel for further examination claiming that it violated the principles of equality enshrined in the Constitution. The Counsel validated the reform on August 14, 2003, and the bill became law on August 22.

## *Discussion*

Although the French government actually makes all the major decisions concerning pension contributions and benefits, labor unions have used massive political strikes as a device to protect their “property claims” over the pension system while defending the social rights of their members. If pension-related protests illustrate the institutional weakness of unions that cannot always have their voice heard within the government, such pension strikes may reinforce the



social and political legitimacy of labor unions as the only genuine defenders of social and economic rights in France.

Facing the threat of massive pension-related protests, French policy-makers have attempted to reduce the mobilization capacity of labor unions using the three protest avoidance strategies defined above: dividing the labor movement, “reform overload,” and enacting contentious proposals when labor unions are not in a favorable position to mobilize their militants. Besides the 1993 and 2003 reforms discussed above, the 1967 pension reform that integrated business representatives within public pension boards is a stunning example of what could be labeled as the “summer strategy” of French policy-makers. This strategy is grounded in the fact that most French workers, especially those of the public sector, take their vacations in July and August, and that union workers seldom mobilize during these two months. As evidenced by Graph 1, there is a sharp decline in the number of days of strike in the summer months, especially in August. During this month, averages of 6,500 days of strike have occurred. This represents less than 1.3% of all days of strike recorded annually. This is in stark contrast with the other months, especially winter ones, when the average is above the 40,000 mark. March dominates with an average of 60,400 days of strike (12.2%). It is also worth noting that the only months below the 40,000 mark are July, August and September. They represent an average of less than 14% of all days of strike.

When policy-makers fail to reduce labor opposition (first protest avoidance strategy), overload the reform agenda (second protest avoidance strategy), and/or pass controversial pension legislation when unions are in a difficult position to mobilize their troops (third protest avoidance strategy), massive strikes can have dramatic consequences and even force elected officials to abandon their proposals. The faith of the 1995 Juppé Plan illustrates how the failure

to adopt the right combination of protest avoidance strategies can turn the street against elected officials in power. It also demonstrates the importance of failing to learn from previous successful strategies adopted to introduce unpopular reforms. Contrary to the 2003 reform, which was enacted during the summer months and after consultations with the unions as in the Balladur reform, Juppé stubbornly and forcefully pushed his plans with apparently disastrous results. By virtue of his arrogance and desire to distance himself from the Balladur administration (Vail, 1999), valuable strategic lessons were lost. However, arrogance does not mean stupidity. As underlined by Pitruzzello (1997), in the mid-1990s, many European governments were struggling to meet the Maastricht criteria. Further, the “threat” of not joining the Euro-zone represented an effective tool to facilitate the enactment of unpopular social and economic reforms in countries such as Belgium and Italy. In this sense, Juppé mobilized this specific strategy to avoid blame while reducing potential protest. It must be stressed, however, that such argument had far less weight in France than in the above-mentioned countries because the creation of a Euro-zone without France was not considered realistic. The defeat of the right wing parties in the snap election called by President Chirac in 1997 only confirmed that the reference to Maastricht proved an ineffective strategy.

From Juppé’s perspective, the harmonization of the public sector schemes with the *régime général* represented a key policy issue because they faced significant financial challenges. In the name of *droits acquis* and the defense of the *service public*, radical labor unions (FO, CGT) opposed this measure, as well as the attempt to increase government's control on health insurance spending. Contrasting with Balladur’s 1993 conciliatory strategy, Juppé kept his contentious proposals secret until he officially submitted them to the French parliament. Immediately after that, all labor unions, except the conciliatory CFDT, demonstrated their anger,

launching the biggest wave of strikes since May 1968. Finally, unable to counter labor mobilization so far away from the summer vacations, Juppé finally moved back concerning the harmonization of public sector pension schemes with the *régime général*. In absence of carefully thought protest avoidance strategies, radical labor unions acted as “ideological veto players” as they defeated the pension component of the Juppé Plan.

This being said, although most observers focus on the fact that the pension elements (with the exception of the budget approval by the Parliament) were removed from the Juppé Plan, one must emphasize that virtually all healthcare provisions were enacted. Thus, is the Juppé Plan an complete failure? The streets made Juppé take away more than he wanted (for example, the Balladur (1993) and the Fillon (2003) reforms kept virtually every element of their original plan), but key elements of his reform were implemented beyond the pension domain. This illustrates the logic of “reform overload” that allows policy-makers to enact unpopular measures in spite of labor opposition. As unions concentrate on some elements of a multifaceted reform proposal, political actors can enact lower-profile measures included in the plan after dropping the most controversial proposals. As part of the Juppé Plan, the health measures represented a direct threat to FO, which controlled many managerial boards because the government took these responsibilities. However, diluted into a package with pensions, the latter were considered acceptable by other unions once pension reform was off the table. Thus, in the media the focus of the Juppé Plan concentrated more on pensions and the movement lost momentum once the Prime Minister announced that he would forego reforming pensions.

Although the 1995 strikes illustrate the potential political power of labor unions in French pension politics, their apparent “veto power” is actually fragile because it is grounded in their capacity to mobilize workers over long periods of time. In the absence of a formal parliamentary

“veto point,” union influence is, in fact, vulnerable to protest avoidance strategies such as the ones used in 1993 and 2003. Firstly, dividing unions on pension-related issues is easier to achieve in France where the labor world is more fragmented than in other countries.<sup>31</sup> On the one hand, as the events of fall 1995 show, the CFDT seems more open to bargain with policy-makers. On the other hand, more radical unions such as FO and CGT generally adopt a confrontational attitude that is coherent with the French labor tradition discussed above.<sup>32</sup> Dividing unions could represent an effective protest avoidance strategy, especially if combined with the “summer strategy” used in 1967, 1993, and 2003. This illustrates the second weakness of labor mobilization capacity: as many workers leave Paris and other major cities for their summer vacation in July and August, the government can enact potentially unpopular measures without provoking immediate and widespread labor mobilization. As stated by FO leader Marc Blondel just before the last day of large-scale protest on June 19, 2003: “It’s almost certain that this mobilization will be a protest of activists rather than a [massive] popular protest because paid vacations are approaching, and unions have repeatedly asked workers to mobilize.” (Le Monde, June 19, 2003)

The successful enactment of the 2003 reform shows that strategic learning processes took place within the French right. In an interview with newspaper *Le Monde*, Bernard Accoyé, an influential official from the ruling party (UMP) argued that everyone on the right “remembers 1995. This motivates us to remain cautious.” (Le Monde, May 5, 2003) Excluding Juppé from the government, adopting—at least in public—a conciliatory attitude, and launching the reform at a different time of the year helped the Raffarin government to distinguish itself from the ill-fated Juppé government and its unsuccessful attempt to reform public pensions. Rejecting the

“reform overload” strategy used in 1995, the Raffarin government adopted a far more limited reform agenda that facilitated the enactment of the 2003 pension legislation.

## **Conclusion**

The above analysis demonstrates that successive right wing French governments have succeeded in imposing generally unpopular pension reforms in spite of the difficulties to pursue blame avoidance strategies in the context of the strong concentration of state power that characterizes the French policy. Three protest avoidance strategies have facilitated the enactment of unpopular reforms: dividing the labor camp, “reform overload,” and enacting measures when unions cannot organize massive *political* strikes. In France, elected officials have made systematic efforts to avoid labor’s disruptive strike activities, which have the capacity to paralyze the nation while increasing the political risks associated with retrenchment. Protest avoidance thus constitutes a key aspect of the “new politics of the welfare state” in that country. As demonstrated above, the three most important alterations to the pension system established after World War II (1967, 1993, 2003) have occurred in the middle of summer, a period of the year during which potential strikers take their vacation. Consequently, a cyclical policy window exists in the summer following legislative elections. Similar but more risky opportunities are present each summer as we near the end of the electoral calendar.

While underlining the fact that protest avoidance can emerge as a significant variable in social politics, the analysis of French pension reforms since the 1960s at least partially invalidates Ross’s “Nixon goes to China” thesis (2000). Considering that right wing governments have enacted the three most comprehensive pension retrenchment efforts in France since the 1960s, this argument does not hold sway, at least in the field of pension reform. In fact, the French pension reform experience confirms the thesis of Korpi and Palme (2003) that risks for major cuts lie with right wing governments. Despite being associated with popular measures

such as the establishment of the retirement age at 60, the Left has not played a crucial political role in implementing pension reforms since the early 1990s. As evidenced by the latest 2003 pension reform, a major difficulty has been internal divisions. Key Socialist figures, such as Laurent Fabius and Dominique Strauss-Kahn, supported the Fillon Plan while Socialist deputies were criticizing and delaying the passage of the bill in Parliament. In fact, the right has been able to use the left's divisions to its advantage. The contrast between Balladur's aggressive approach to retrenchment (using a report presented and published by the former Socialist Prime Minister, Michel Rocard), and the purely consultative attitude of the left wing Jospin government also provides ground to this claim. On the one hand, it would have been difficult to introduce reforms since the Jospin government was elected in the aftermath of December 1995. On the other hand, this government could have put its stamp on the issue by reforming pensions in its own way. This could have meant a closer cooperation with the unions. Although the left can indeed pursue protest avoidance strategies, right wing governments seem especially keen on mobilizing them in order to impose unpopular conservative reforms.

Beyond the French case, we hope that this article will contribute to the international debate concerning the nature of the "new politics of the welfare state." Protest avoidance deserves serious attention as it affects policy outcomes while being analytically distinct from blame avoidance. Although scholars have started to systematically analyze the relationship between social mobilization and social security reform, protest avoidance remains an understudied phenomenon that seems present in other countries where widespread social mobilizations, for example, represents a major source of concern for policy-makers. In other countries such as Italy, governments have attempted to divide labor unions, overload the reform agenda, and/or enact measures at a time during which workers seldom mobilize.<sup>33</sup> In the future,

students of social policy could extend the methodic analysis of protest avoidance beyond the French case. In addition to its academic relevance, these new studies could help union officials to frame counter-strategies directed against governments pursuing a conservative social policy agenda.

Yet the concept of protest avoidance could also prove useful beyond the study of labor mobilizations in welfare state politics. Firstly, in the field of social policy, protest avoidance may extend beyond the prevention of labor protest and concern the political neutralization of senior organizations and specific social movements, for example. Secondly, protest avoidance represents a set of strategies that probably extend well beyond the social policy domain. When certain public policies prove unpopular and trigger social unrest, policy-makers may attempt to reduce the mobilization capacities of those labor unions and social movements involved in policy debates. Considering this, future research on protest avoidance could help social scientists to understand better the politics of public policy reform in contemporary societies.

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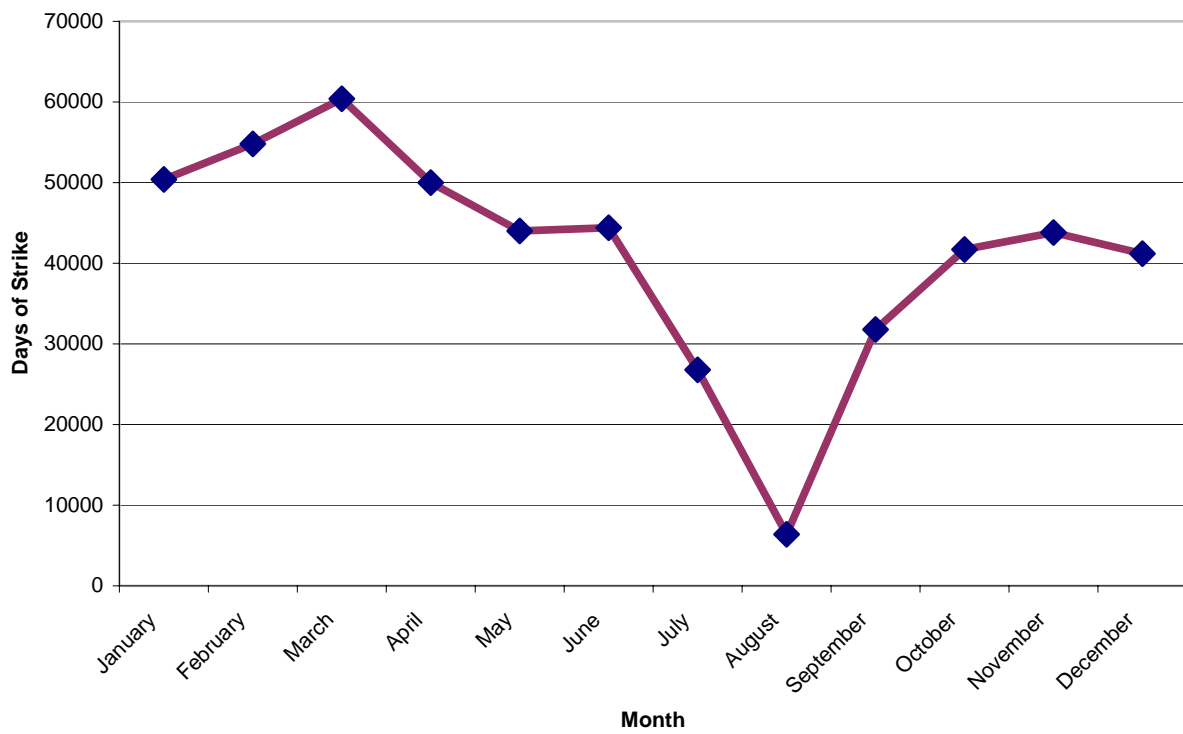
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Graph 1. Average number of days of strike recorded in France 1997-2001



Source: Estimates from DARES (French Government).

## Endnotes

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<sup>1</sup> In this article, social mobilization is understood as dialogically tied to the behaviour of state actors, whose decisions represent potential “threats” that may stimulate collective action. On the concept of threat, see Tilly, 1978.

<sup>2</sup> One must note that massive strike activities are not impossible in France, as they occurred in August 1953 (Shorter and Tilly, 1974: 139-140). At the time, however, paid summer vacations were significantly shorter than today, and labor unions were exceptionally politicized.

<sup>3</sup> A comparison between Japan and France provides further ground to that claim (Miura and Palier, 2003).

<sup>4</sup> In a way, elected officials facing the threat of massive strikes pursue both blame and protest avoidance strategies as massive strikes constitute potential blame generating situations.

<sup>5</sup> In his 1986 article, Weaver distinguishes between eight specific blame-avoiding strategies: 1) agenda limitation (avoiding potentially costly policy alternatives); 2) redefining the issue (framing less costly policy options); 3) throw good money after bad (preventing key constituencies from suffering losses); 4) pass the buck (forcing other political actors to take the potentially costly decisions); 5) find a scapegoat (blaming others for unpopular measures); 6) jump on the bandwagon (support politically popular options); 7) circle the wagons (diffusing blame among many different actors); 8) finally, “stop me before I kill again” (policy-makers act against their own policy preferences in order to prevent blame generation situations) (Weaver, 1986: 385).

<sup>6</sup> For example, the “power resource approach” is grounded on the assumption that labor mobilization shapes social policy outcomes (Korpi, 1983; Esping-Andersen, 1985).

<sup>7</sup> See Heclo (1974).

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<sup>8</sup> Despite tackling electoral issues, Pierson (1994) does not consider that implementing cutbacks at the beginning of a mandate can reduce the risk of the electoral backlash.

<sup>9</sup> However, the President is highly influential when his party controls the National Assembly and, thus, forms the government. The President then becomes some sort of a Prime Minister since he really leads the cabinet.

<sup>10</sup> In a referendum held on September 24, 2000, 73 percent of the French voters supported a reduction in the President's term from 7 to 5 years. Consequently, the existence of a long gap between presidential and legislative elections now appears impossible.

<sup>11</sup> In the footsteps of Powell's (2000) analysis on electoral systems, a key element of the argument is that, in a majoritarian system, voting is post-ante (i.e. electors cast their vote on the basis of their evaluation of the government's performance while in a PR (proportional representation) system, electors elect representatives to defend their interests; (elections are pre-ante).

<sup>12</sup> On the concept of "repertoire of contention," see Tilly, 1978 and 1986. See also Tarrow, 1994.

<sup>13</sup> French labor unions are not keen on providing scholars with detailed membership data. We would like to thank labor researcher Jean-Marie Pernot for sharing this sensitive data with us.

<sup>14</sup> Civil servants were define as "all those qualified as agent or assistant agent working permanently within a public service of the State, compensated by a monthly pay or by the allocation of bonuses and leading to the eventual benefit of a retirement pension" (cited in Friot, 1994: 50).

<sup>15</sup> This would the English equivalent of a National Center for (Graduate) Studies on Social Security.

<sup>16</sup> On *paritarisme*, see Dufourcq, 1995; Friot 1998; Guillemard 1986; *Revue de l'IRES* 1997.



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<sup>17</sup> On the necessity for policy-makers to construct the “need to reform” in a systematic manner, see Cox, 2001.

<sup>18</sup> Which the Socialists did in 1998.

<sup>19</sup> As mentioned above, certain categories of civil servants have special schemes due to the type of profession they exercise and historical particularities. Train, subway, and opera workers are three well-known categories of professions that benefit from these pension schemes. In many cases, full pension rights are granted prior to 60 years old, which is the legal age of retirement in France.

<sup>20</sup> Such a common front had not been seen since 1978 (Pitruzzelli, 1997).

<sup>21</sup> Considering its broad sectoral and geographic diffusion, this strike movement appeared as a brief “cycle of protest.” On this concept, see Tarrow, 1994.

<sup>22</sup> This influential politician is now a minister in the Raffarin Government.

<sup>23</sup> Until recently, French presidents were elected for seven years (as opposed to five years for deputies).

<sup>24</sup> The political climate surrounding the issue was already confrontational. The *Cour des comptes* (French Audit institutions) had a few days earlier brought pension reform to the forefront of the political agenda by criticizing what it called the “favor regime” (*régime de faveur*) held by specific employees in the public sector. As an example, it underlines the policy that gives full retirement benefits for women working in the civil service after only 15 years of service if she has three children.

<sup>25</sup> The government stated that it plans to reform them on an individual basis in the upcoming years.

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<sup>26</sup> Over the past two decades, the participation of older workers in the French labor market has been rapidly declining and, with countries like Belgium and Italy, France has one of the lowest employment activities in Europe for the 55-65 age group (Guillamard, 2001).

<sup>27</sup> For a discussion of *quid pro quo* logic during the 2003 pension debate, see Natali and Rhodes, forthcoming.

<sup>28</sup> Few federations even continued their actions onto May 14.

<sup>29</sup> The CFDT also ‘obtained’ the assurance that the penalty of 10 percent applied to those who retire before 60 years old without a full career would be reduced to 5 percent, and the so-called *primes* (added wages to the official rank granted to many civil servants, which does not carry benefits) would be taken into account for the calculation of pension benefits.

<sup>30</sup> According to *Le Monde*, the CGT was torn between seeking genuine negotiations and its wish to extend social protests. The leadership of the union proved unable to present a coherent plan (*Le Monde*, July 23, 2003).

<sup>31</sup> Since the late 1990s, France’s business lobby has also gained much ideological visibility, which seems detrimental to union power. The *Movement des Entreprises de France* (MEDEF), which replaced the *Conseil National du Patronat Français* (CNPF) as the most powerful French business organization in 1998, has proved surprisingly successful in launching its “Social Refoundation” platform. This conservative platform aims at convincing French policy-makers and labor officials to accept a comprehensive reform of social policy and labor relations oriented towards flexibility and market principles. Although labor unions have protested loudly against MEDEF proposals, the advent of a right wing government in 2002 has further increased the influence of the MEDEF on French politics.

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<sup>32</sup> The *quid pro quo* of 1993 mentioned above applies to CFDT, since granting retirement benefits prior to age 60 for those who started working full time at age 14-15 had been a known CFDT demand for the past 15 years.

<sup>33</sup> For a comparison between pension reform in France and Italy, see Natali and Rhodes, forthcoming.

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