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The road to anomie: the rise and decline of public service unions in France

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ABSTRACT

This article attempts to demonstrate that public service industrial relations in France are closely linked to a historical model that has its roots in the construction of the Republican system as early as 1880. The historical resilience of this model distinguishes it sharply from the one developed in the private sector which is much more related to the defence of the industrial working class. Public service unions emerged as a Left political force in the 1920s and still retain this function in the twenty-first century. Since 1946, civil service unions have developed a representation role of a political nature that challenges the political class. This article argues that the specificity of public service industrial relations is connected in France with a political conception of the employment relationship in the civil service. Therefore, new public management has failed to take root. However, unions are facing a serious crisis because they cannot curb the austerity policies pursued by both Right and Left governments. They have been forced to adopt a defensive strategy while civil servants are turning increasingly to the Far Right.

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1. Introduction

One of the major themes of French political and social life is the divide between civil servants, the majority of whom have a distinct legal status and are subject to public law rules since 1946, and private sector employees who are subject to common law.¹ This divide is especially powerful in France not only because it originates in different legal systems implying a different set of duties, but also because it is based on the idea that public service is not an ordinary job since it involves implementing public policies decided by elected representatives.² From an historical perspective, the civil servant is not an ordinary worker: he or she is the incarnation of political authority. Yet, the issue of public service privatization returns ceaselessly since the establishment of a Republican political system in the 1880s. In 2016 again, some right-wing politicians call for an end to the special civil service status, which guarantees jobs and protects civil servants from economic uncertainties.³ However, these attempts have always failed, due to the hostility of unions and of a large part of the public. If some new public management (NPM) tools have been gradually introduced since 2002 (performance bonuses, annual appraisal and job cuts), they did not affect the fundamental

characteristics of public service: the pervasiveness of public law, the central role of the *corps* in career development as well as in the social ranking of civil servants, a powerful higher civil service serving as a fishpond to recruit a part of the political class or the upper echelons of large firms.⁴

In France, public service industrial relations (IR) have differed from that of the private sector for historical and political reasons. The Republican regime was, and still is, unable to resolve a theoretical, although implicit, conflict around the notion of representation. A historical debate arose after 1879 and the rise of the Third Republic about who is in charge of representing citizens: democratically elected politicians or civil servants allegedly independent from political parties and supposed to defend the 'general interest'? On the one hand, the political class could argue that its strength came from a democratic mandate after years of authoritarianism. On the other hand, civil servants could mobilize a long-term memory of expertise born under the monarchy. Very early on, a social struggle between these two 'elites' emerged around the concept of general interest (Rouban, 2009). Indeed, this interest could be defined in two ways. Either it was the result of the political work done by elected representatives in the organization of the social order, which meant compromise but also the preservation of the social order generated by the market; or it was the result of public policies implemented by qualified officials, imbued with positivist philosophy, seeing in science and technology the new forces at the heart of economic development. An active minority of civil servants began around 1900 to campaign in pro-Socialist journals in favour of equality of citizens, especially within the school system. Simply put, before the First World War, the Third Republic centred on an opposition between a Republican market-oriented political class and a welfare-oriented bureaucracy (Mayeur, 1984; Siwek-Pouydesseau, 1989). This political heritage is still alive in the twenty-first century.

This explains why social conflicts have been so frequent in the French public service, why they have been tinged with political connotations and why they have resulted in strikes in the name of the public service users' interest. Public service unions have often sought to develop strategies based on public opinion against governments.

This article attempts to show that French public service IR are therefore not just the product of a confrontation between employers and employees. They connect the political history of the country with a fairly complex strategic game where union strength depends on the sociology of the public service and its ability to confront the political class.⁵ Unions have long held a representative function that competed with political representation. For the last 10 years, they have faced a deep crisis and hence can no longer channel the social protest of civil servants who vote increasingly for the Far Right. The road is now open to anomie, at least for the mainstream bureaucrat.

2. The historical definition of a new institutional bargaining

The history of the 1946 civil service statute cannot be part of an over-simplifying economist reading of the situation (Dreyfus, 2000, p. 15). The question whether civil servants should have a particular legal status does not depend mechanically on the situation of public finances. It requires taking into account the reality of power relations between actors involved in reform. Administrative history is a political history made of so many approximations, changes and obstinate resistances that the political theory of democracy is unable to assign

a precise place to public administration in the scheme of powers, in France as in most Western countries (Raadschelders, 1998).

The 1879–1920 years were marked by a paradox: a political class endowed with a strong democratic legitimacy was at the service of a fragile Republican regime increasingly dependent on opinion campaigns in the press. During the first 20 years of the regime, the political class was based on a simple theory: the civil service, inherited from the Second Empire, is just a bureaucratic army at the command of the House of Representatives which is the only source of legitimate power. Nobody was willing to consider the social reality of the public service – a fact already criticized in 1846 in *‘L’Écho des employés’*, a professional journal dedicated to civil servants. Careers were very heterogeneous, competitive exams multiplied but recruitment and promotion were closely linked to political patronage despite some progress in 1911 and 1912 with the establishment of professional charts. The legal formulation of the social and occupational status of state employees was vague. In 1909, in its Winkell decision, the State Council characterizes it as a ‘public service contract’, which means nothing and is ambiguous.

In 1912, there were already one million civil servants, one tenth of the entire electorate of the time (Rouban, 2014, p. 20). After the First World War, the social question (wages are low, the clerks’ standard of living is comparable to that of private sector blue-collar workers despite a much higher educational capital, unions and strikes are prohibited) is at the centre of a power issue: who should represent the state permanently? The political class has to control this new professional environment that is quantitatively impressive and very rebellious. Most civil servants come from the lower middle-classes, are graduates, and a militant minority of them shares anarchist or proto-anarchist convictions. The first great public service strikes occur in 1905. They are illegal and harshly repressed. Unions are prohibited but there are powerful professional associations (especially the Civil Servants General Federation), more or less close to the Socialist Left, whose representatives frontally attack ‘l’Etat-patron’ (the state as a boss, in a pejorative sense), as a tutelary figure of the ruling classes, and condemn favouritism in careers in a democracy. For a large part of conservative lawyers and members of the higher civil service, the state is not a boss like any other, arbitrariness and favouritism are acceptable since they are just side-effects of electoral changes (Lefas, 1913, p. 67). A professional statute for civil servants could be considered only under the umbrella of the 1901 law which confers the right to create associations. For them, a civil service statute would be necessarily a public law statute differentiating civil servants, with reduced social rights, from private sector wage-earners.

In contrast, union representatives claim the application of private law and want civil servants to be treated as private sector employees who have the right to strike since 1884. It is on this ground that the first unions attacked the ‘State of classes’ (*‘L’Etat de classes’*). For many of them, inspired by Proudhon’s federalism, civil servants in their authoritative role must disappear and give way to ‘the management of things’ and to public service federations more or less co-managed with public service users. Objective management of public action has to replace implementation of political decisions. The official ‘state servant’ must give way to the management specialist. One perceives in this theory, largely inspired by the positivist philosophy of scientific progress, how early on was formed the idea that government is a set of interrelated businesses within the social fabric. Simultaneously, the new centre of gravity of political life is rationality. From this perspective, the civil servant is no longer ‘committed’ to the service of a sovereign but works as an autonomous professional who can

innovate. For Maxime Leroy, one of the main leaders of the labour movement, '... unionisation requires private law, that is to say the application to relations between the State and civil servants of all rules that are applicable between employees, workers and employers' (Leroy, 1907).⁶ For a long time, this thesis was radically opposed by 'reformers', MPs who sought to save the omnipotence of the political class on behalf of parliamentarianism. They argued for a law that would give a legal status to civil servants but forbidding them the right to organize as private workers do and the right to strike. For them, a public law statute is regarded simply as a tool to protect the state. The civil servants professional associations therefore opposed categorically any notion of statute.

Several factors initiated a process of change, starting in the 1920s, which led to a new 'institutional bargaining' under the 1936 Popular Front with the electoral victory of the Socialists.

First, the purely technical need to unify the legal status of civil servants called for a legislative framework. State Council and administrative courts' decisions had improved, case-by-case, career rules in an effort to limit the effects of politicization on recruitment or promotion; but the legal situation was still quite confused. In the 1920s, civil service associations were looking to establish a professional system of social dialogue within ministerial departments modelled on the Whitley Councils created in Britain (Siwek-Pouydesseau, 2001, p. 195).⁷

Second, the social world of civil servants was defined more precisely. A hard core of 'true civil servants', increasingly recruited through competitive exams, emerges progressively, distinguishing itself from a 'periphery' of contractual agents who are kept away by the professional associations until 1936. Similarly, labour divisions increase, professional occupations become more precisely delineated and feed into corporatism. The civil service fragments into multiple corps, looking for social recognition and eager to draw borders against challengers. The question, then, was how to define a whole organizational architecture with collective rules (for example, for teachers or state engineers) and not just for individual situations. Therefore, private law was not deemed necessary by civil servants any more.

Last but not least, political ideas changed completely. The relationship between the Left and the state is transformed between the two World Wars: with the Bolshevik example in mind, Marxist or Socialist militants think that the aim is no longer to make the state disappear but to use it in the class struggle. This political U-turn comes along with the emergence of the welfare-state ideal supported by the new 'technocrats' coming from the Polytechnique school. Thus, public law, which was characterized in the nineteenth century as an expression of hierarchical authority, is turned into a public tool allowing the control of economic activity. Both the state and civil servants are seen increasingly as means of social progress through regulation and market supervision. From this perspective, civil servants are no longer workers, *they are* the state and they can also represent private sector workers in the conquest of new social rights. The civil service turns into a social showroom. Civil servants obtain new rights of retirement pension and sick leave that private sector workers do not yet enjoy.

The 19 October 1946 civil service general statute was enacted in a political context dominated by the Communist Party and the *Confédération générale du travail* (CGT), benefitting from a strong legitimacy after the Second World War since they had been actively involved in the activities of the Resistance (Chevallier, 1996). This statute grants civil servants the right to assemble within labour unions but does not say a word about the right to strike which is nonetheless clearly asserted in the Fourth Republic Constitution.⁸ It also helps to break with the strict application of hierarchical logic by setting up joint committees in each ministry

where union representatives meet management to negotiate a number of individual measures such as promotions. A Civil Service High Council, putting together representatives coming in equal numbers from the management and from unions ('paritarisme' principle), is devoted to working conditions and salary bargaining at the national level, but the word 'bargaining' is nowhere to be found in the law. The first statute only applies to the state civil service with many exceptions concerning the 'grands corps' such as the State Council which is to be treated separately with special rules giving greater protections. Local authorities' officials have their first statute in 1952 and public hospitals agents in 1955. The right to strike is clearly recognized by the 13 July 1983 reform of the general statute which extends further unions' rights. Unlike many countries (including the U.S.), the statute became the symbol of a particular social protection.

3. The public service defence strategy

Historically, the huge majority of civil servants' unions have based their action, clearly anchored on the left side of French politics, upon the defence of the *service public* (public service as a philosophical quest for social justice). In France, the idea of public service is at the heart of the republican construction because it is based upon the notion of social progress, related to the intervention of the state or local authorities, on the idea of equal treatment of users (users as citizens) and the idea of secularism, that is to say a complete neutrality of public authorities with regard to religious beliefs. The ethos of public service in France has a philosophical dimension and a legal one. Philosophically, the public service is the expression of the 'solidarism' thematic developed by Léon Bourgeois under the Third Republic (Bourgeois, 1896).⁹ This philosophy is also reflected in the work of Émile Durkheim and Léon Duguit. These convergent works gave birth to the 'public service doctrine' within French public law. In many ways, Duguit's legal work establishes a connection between the positivist and 'solidaristic' philosophy of the Republicans and the legal theory by which it is possible to legitimize state intervention in a market-oriented economy (Chevallier, 2012, pp. 9–25). Civil service unions have always used the 'public service defence' argument when in conflict with the government. They have used it to highlight, for instance, the consequences that a reduced number of teachers or, more recently during the last 26 January 2016 strike, the humanities programme reform, could have on the quality of education provided to all children; or the consequences of public hospitals closures for equal access to high quality health care. This means that public service labour conflicts, originally rooted in wages or staffing conflicts, have often, if not systematically, been associated by trade unions with more central values anchored in the country's political memory.

Most unions, seeking to protect the public service from reforms developed in the name of NPM, have clearly developed a global narrative in this users' defence strategy. For instance, the civil servants *Force ouvrière* (FO) federation opposes the new institutional environment which could facilitate NPM: the decentralization process is an open door to privatization; budget contracting within public administrations can lead to budget mechanisms independent from democratic and political choices; the 2007 'Public Policies General Review' (RGPP) is a direct threat to the public service which is the only protection against the economic crisis. For its part, the CGT has developed a whole narrative connecting the public service with citizenship: performance indicators and budgets are transforming users into customers, they destroy the civil service statute rationale which is a quality guarantee, the

state, local and public hospitals' civil services should be more integrated, a new state reform should be introduced to promote the public service with 'public service committees' associating users and civil servants (Siwek-Pouydesseau, 2009).

Civil service unions are made up of professional federations belonging to national union confederations. Overall, six major unions share the votes of civil servants in professional elections which serve to assess the representativeness of each union and to establish the number of delegates they will have in national and local IR committees. In 2014, the CGT obtained, on average, in the three civil services, 23.1% of votes, the *Confédération française démocratique du travail* (CFDT) 19.2%, FO 18.6%, the *Fédération syndicale unitaire* (FSU) 8%, the *Union nationale des syndicats autonomes* (UNSA) 10.3% and '*Solidaires*' 6.8%. All these unions are clearly at the left of the French political spectrum. Right or Centrist unions, such as the *Confédération française des travailleurs chrétiens* (CFTC) or the *Confédération générale des cadres* (CGC), get much more modest results (3.3% for the CFTC, 2.9% for the CGC). These average national results can sometimes differ quite strongly from one ministry to another and from one department to another because unions are not all located in the same way in all sectors. For example, the CGT, the oldest traditional 'blue-collar' union, has a strong presence in the local government service or in the hospital service, where there is a large proportion of category C clerks (it won 29.5% of the local civil servants' votes and 32.1% of the public hospitals agents' votes) while the FSU, which is the leading union among teachers since 1993, got 35.5% of votes in the National Education ministry. But the union landscape is even more complex since some unions may defend different corps within the same ministry. For instance, within the police, the 'Unité SGP Police – FO' union won 39% of lower level policemen' votes while the 'Syndicat des cadres de la sécurité intérieure (SCSI)', which is affiliated to the CFDT, won 51.5% of police officers' votes. Thus, unionization as well as the unions' political orientation are narrowly connected with the corps structure of the French civil service.

Since the 1980s, one generally distinguishes, on the one hand, between 'protesting' unions, close to the Communist Party or the Far Left, which includes the CGT, FO (close to the Left but not to the Communist Party), the FSU and *Solidaires* unions, and, on the other hand, 'reformist' unions such as the CFDT or UNSA (close to the Socialist Party), which have accepted, more or less reluctantly, the principle of negotiating NPM with various governments. This divide within the trade union world has largely subsided since 2007 when President Sarkozy launched the RGPP reform aimed at downsizing the state bureaucracy as well as operating budgets. The political will to merge the civil servants legal regime with that of private sector employees casts a shadow on the fate of the civil service statute. The unions made common front even if they did not share the same views about social dialogue or technical reforms concerning corps, careers or human resources management. This united front was maintained after the victory of Francois Hollande when unions understood that the electoral victory of a Socialist president would not change the strategy of cutback management or allow an increase in salaries which were frozen since 2010.

4. The complex game of politicization

Any discussion of the French civil service unions' politicization has to take into account three levels of analysis: the tactical level when unions develop the 'users' argument' to defend the interests of a specific professional sector (the case of teachers is particularly significant); the

strategic level when they decide to join or not in a global protest against the government when common interests are shared (the salary question); and, finally, the ideological level rooted in political history. The latter point explains why each union has its own action style.

Historically, unions were authorized in 1884 by the Republican government to de-politicize IR. In 1906, in the 'Amiens Charter', the CGT, which was created in 1895, proclaimed the independence of the labour movement from political parties. In fact, especially after 1945, the CGT is in the hands of management teams belonging to the Communist Party even though the distance between the CGT and the Communist Party has changed over time depending on the personality of its leaders. For years, the CGT enrolled in the perspective of class struggle and opposition to all governments, including left-wing governments after 1981, using classical Marxist arguments. After the fall of the USSR, the CGT completely changed its strategy declaring in 1999 that it wanted to develop a 'unionism of proposals' ('un syndicalisme de propositions') through participation in many negotiations within public services.

A similar political dimension explains the creation of FO in 1947. After the Second World War, FO takes on all the anti-communists who want to leave the CGT. The FO official doctrine is union independence but FO federations are not politically neutral since some are rather socialist, while others are anarchists or even influenced by Trotskyists. The FO action style is very different from that of CGT since its leaders have always sought to develop a contractual policy with governments. Its doctrine is that of pragmatic bargaining. However, after 1981, FO undergoes a radicalization process and develops a 'protest unionism' opposing the Left governments. In 1995, it joins the CGT in harsh strikes against the reform of the pension system in public enterprises. It is also in 1995 that the CGT and FO public service federations develop the thesis of 'strike by proxy' meaning that, since private sector employees cannot strike for economic reasons, civil servants are striking in their place to represent their demands for greater equality and social justice.

The CFDT belongs to a very different political tradition, that of social Catholicism which was the basic doctrine of the CFTC, its mother organization. It was born in 1964 of a split with the CFTC and is built from that date on a secular basis. The doctrine of the CFDT is that of self-management. The CFDT regards unions as countervailing powers acting locally within each ministry or local authority to concretely improve the situation of civil servants. After its 1979 congress, the CFDT defends the thesis of a non-political and pragmatic reformism. It supported the austerity policy of the left government after 1983 and, as a consequence, lost half its members between 1977 and 1988. Since 1980, the CFDT has defended the market economy and opposed the 1988 strike in the postal service. In 2003, its leader, François Chérèque, supported the civil service pension reform, creating a new internal crisis and the CFDT lost 20% of its members. Its favourable position to managerial reforms produced a split in 1981 that gave birth to SUD ('Solidaires, Unitaires, Démocratiques' which becomes 'Solidaires' in 2004), much closer of leftist theses, defending public service against capitalism and the independence of each of its affiliated unions.

Other unions defend professional and corps interests. But they are also highly politicized. For example, the FSU, which is the largest union in the state civil service with 120,000 members, was born in 1992 of a split with the FEN ('Federation of National Education'). The FEN was mostly led by Socialists teachers who organized a form of joint management of the Ministry of Education with the government. In 1992, the majority of the FEN excludes internal

opponents who criticized the excessive proximity of the union with the Socialist government and sought a more radical transformation of the school system.

These few examples illustrate three central elements in French public service IR. First, the history of unions is a political history even if unions have always strongly affirmed that they are independent of political parties in defining their strategy. Then, unions are often subjected to internal strong tensions of a political nature because their federations share different values. Third, union action is of a dual nature. National confederations, at the top, develop political arguments involving social justice, protection of the civil service statute or equal treatment for users. At the bottom, within services, union federations defend corps interests and negotiate career paths or working conditions with legal or professional arguments. Politicization is then the art of transforming a legal or budget affair into a 'political' one which deserves the attention of the minister's cabinet or the Prime minister's cabinet in developing a global argument (for instance, the need to comply with the policy priorities of the government) and looking for support from other unions.

This strong relationship between unions and politics can have downsides. It has often prevented a united action of all unions, especially when Socialist governments were in power. After the victory of François Mitterrand in 1981, the first Socialist president of the Fifth Republic, the CFDT thus found itself split between the government's defence and the protection of civil servants' professional interests, conflicting with the CGT and FO. There was no united strike between 15 May 2014 and 26 January 2016. The most important obstacle to the unity of the labour movement comes from the fact that corps and ministerial divisions often overlap with political divisions since 1920 when the Communists and the Socialists separated (Siwek-Pouydesseau, 1989, p. 19).

The strategy of public service unions, however, is not only based upon political arguments. The implementation of the 1946 general statute, and the extension of social rights in its 1983 revision, have created a conflicting partnership between government and unions. IR in ministerial departments or state agencies are institutionalized through arrangements, including ministerial administrative committees that negotiate civil servants' careers (but not salaries that are determined at the national level) and serve as disciplinary bodies, and technical committees that deal with the general operation of services. Since 1946, unions have always claimed that they reject any kind of 'co-management' of public services because they did not want to be trapped by government decisions. Co-management has been rejected by governments too in the name of the hierarchical principle ('the state does not negotiate with itself') but, nevertheless, exists in some way *de facto*. A 'contractual policy' has been developed since the 1980s resulting in agreements about salaries, career paths or working conditions generally opposed by the CGT, FO or the FSU and signed by the CFDT. These contracts have no legal basis, as governments are not legally bound by these agreements, but they have a political force creating a real constraint from media scrutiny. Each year, the salary agreement turns into a dramatic 'great Mass' since the overall cost of the civil service represents about 40% of the annual national budget. Relations between employers and union representatives are highly ritualized, organizing social dialogue and channelling conflicts with an unequal success. This institutionalization of conflicts is useful both for the government and for unions which fear being overwhelmed by uncontrolled demands coming from frontline staff as in 1986–1988 when public hospital nurses decided to set up local 'insurrectionary' committees to protest against poor career prospects without advice and

consent from unions' representatives. NPM reforms have not changed this typical French style of public service IR that reinforces unions at the top of the state apparatus.

5. Theorizing civil service unions' role: unions as representatives

The action of the civil service unions in France cannot be reduced to a simple class antagonism between low rank agents and higher civil servants. The two sectors that accumulated the largest number of strike days in the 2000s are the educational sector and the financial departments. In 2013, official data show that 261,067 strike days were recorded in all state departments (Direction générale de l'administration et de la fonction publique [DGAFP], 2015). The number of strike days in all ministries of the educational sector is 188,522, or 72% of the total, and the number of days of strike in all departments involved in public finances and in the budget is 36,324 or about 14% of the total. Globally, 86% of the strikes were triggered in two sectors which are not particularly made of low-paid officials. It is quite the opposite as teachers belong to Category A (managers). The 2012–2013 social report of the Education Ministry shows that the average net monthly salary of teachers is € 2470 (Ministère de l'Éducation nationale, 2014). Additionally, officials working in the Finance Ministry benefit from the most important bonuses in the entire state civil service. Thus, if the salary question is a claims' detonator, it is not always central. In the National Education sector, strikes were triggered by various reform plans aiming at teachers' training, poor human resources management or the need to get additional staff to provide quality education even in disadvantaged suburbs. In the Finance Ministry, strikes have often been related to discontented officials having to cope with reforms merging corps or cutting field offices services.

In the vast majority, civil service unions have always denounced the policy of 'modernization' of public administration (between the 1990s and 2007) or the policy of 'state reform' (after 2007). These policies were supposed to introduce management practices from the business private sector and were often disseminated by consultants working closely, in the period 2007–2012, with the President of the Republic or the Prime Minister cabinets (Gervais, 2012; Rouban, 2010). In this struggle, union federations have always sought the support of public opinion and it seems that they still have it in the 2010s.¹⁰ They have made themselves the users' spokesperson to defend the welfare state. The users' support is crucial because a strike in public services that are in a monopoly or dominant position (this is the case of Education) has a very direct impact on users while the management is less affected. School directors are much less bothered by the closure of a school than parents. Therein, lies the difference with the private sector: a strike in public services does not directly harm managers but 'customers'. When public services are quantitatively important as is the case in France (there employ more than 5 million employees or 20% of the national workforce) and play a central role in citizens' lives, civil service unions are not mere corporatist pressure groups. They turn into political representatives of users and agents, especially of all the agents in frequent and direct contact with users. In their representative role, unions work as transmission belts, escalating working conditions or other professional issues up to senior managers or to the political level when there is room for politicization. This is especially the case of pay negotiations when they imply many corps or professional categories.

Within services, unions also play a very important role in informing civil servants about their remuneration, their social rights or even their daily professional life. The unionization rate in the public service varies from one department to another depending on the role that

unions play concretely for members. On average, the rate of unionization in the public service is around 15% against 5% in the private sector, according to estimates always difficult to establish precisely (Amossé & Pignoni, 2006; Labbé & Andolfatto, 2011). This average rate rises to 25% in the Ministry of Finance, 30% in the Ministry of Education and 80% in the police. Within the educational sector or in the police, unions have always played a role of mediator between the management and members, providing a middle management function for members facing difficult professional situations. Unions have also an intellectual role in providing the ideological training of unions' representatives, allowing a unity of representation among civil servants working in separate administrations or scattered over various government's field offices or local authorities across the country. This 'representative' model worked pretty well between 1950 and 1981. Paradoxically, the arrival of the Left to power in 1981 was the starting point of a deep crisis, which has resulted in a de-unionization movement which also affected the private sector at the same time.

6. Crisis of the Representative Model and Union Decline

Since the 1980s, the IR public service representative model has deteriorated, paving the way not for a new model of coherent governance around a clearly market-oriented philosophy but rather to many measures aimed at reducing the budget cost of the civil service (wage freeze in 1983 and in 2012, pension reform in 2010) or at introducing more common law into the legal environment of the civil service as a result of European Union market-oriented directives (Rouban, 2008, pp. 140–143).

The first crisis factor emerged from the fact that Socialist governments in 1983, as well as between 2012 and 2017, have not fundamentally altered the civil service policy led by right-wing governments. Unions lost much of their influence within the ranks of civil servants as they proved unable to get substantial salary or career improvements from friendly Left governments officially eager to defend the public service. Civil servants expected (too?) much of the election of Francois Hollande in 2012. In the second round of the presidential election, up to 64% of state civil servants voted for him, up to 60% of local civil servants and up to 58% of public hospital staff (Rouban, 2013). Unfortunately, if the government decided to slightly increase staffing in a number of priority areas such as education or the defence and security forces after the terrorist attacks of 2015, it also decided to freeze wages at least until 2016 (Institut national de la statistique et des études économiques [INSEE], 2015).¹¹ The salary issue completely blocked the social dialogue between 2012 and 2016 and led the most resistant unions like the CGT to reject professional technical agreements with the Civil Service ministry related to work conditions or career development. For many employees, the unions have lost much of their usefulness. In December 2015, the Cevipof Political Trust Barometer shows that only 36% of civil servants (30% of private sector employees) more or less trust unions (Centre de recherches politiques de Sciences Po [CEVIPOF], 2016). Similarly, civil service professional elections in 2014 were a failure for both the government and unions. These elections offered an opportunity to test whether civil servants would adhere to the new principles of social dialogue. Indeed, the elections came after the vote of the 5 July 2010 law dealing with the representativeness of public service unions on the sole basis of their results in professional elections. This law establishes a majority rule for labour agreements and extends the principle of negotiation to all working conditions. The Civil Service Minister, Marylise Lebranchu, had called for high voter mobilization. Participation ultimately proved

even lower in 2014 than in 2011 in the state civil service (54.6% as compared to 52.9% but 70% in 2008). In the local government civil service, this decline was even more pronounced with a participation rate of 54.5% against 59.1% in 2008, while this rate remains stable in the public hospital service (51%).

The salary freeze as well as reduction-in-force policies (by not replacing a proportion of retiring agents) have put labour unions in a defensive strategic position as is the case also in most Western countries having tasted NPM reforms (Thompson, 2014, p. 132, 133). They were forced to adopt what might be called a peripheral strategy by obtaining compensation for this austerity. Negotiation issues changed, focusing on more technical aspects of professional life: the transformation of fixed-term contracts into permanent employment contracts for contractual agents; the integration of contractual agents within the ranks of tenured civil servants enjoying the statute; pay and career equality between women and men; payment of compensatory bonuses in the local civil service (Gautié, 2015, pp. 224–226). Unions have been trapped by their historical strategy of ‘bargaining at the top’ and are confronted with the fragmentation of issues and the individualization of remuneration since a growing part of the overall salary is made up of bonuses that are decided freely by managers. A major risk for unions is now that the global defence of the public service turns into multiple highly technical and corporatist negotiations at the bottom of the bureaucracy, where unions are relatively weak.

Several sociological and political factors play also a central role in the weakening of unions. A first factor is that unions themselves have become bureaucratized. The 1983 civil service statute revision gave them more bargaining power but gave also union representatives specific advantages such as ‘service discharges’ or ‘leave of absence’ so they could spend more time on union activity. The budgetary cost of state aid to civil service unions is estimated at €670 million – 1.2 billion a year. Official reports evaluating the use of such means, and in particular the service discharges, showed that the government had no precise information about it. In 2005, a Court of Accounts report found that service discharges, in the National Education ministry alone, represented the equivalent of 97,000 jobs and that 32,000 teachers were dedicated full time to union activity without teaching (Cour des Comptes, 2005). In times of budget shortages and organizational reform, union representatives may have appeared as privileged agents, talking with managers in meetings and escaping daily job constraints. Moreover, many analyses converge to show that unions have been progressively run since the 1980s by true professionals, often graduates, who rarely come from the most humble ranks of the public service as was the case in the 1970s (Siwek-Pouydesseau, 1989b, p. 19; Labbé & Andolfatto, 2011, p. 58, 59). This professionalization of the union leadership has produced a social distance between the union hierarchy and mainstream agents especially because the intermediary level of unions has become weaker.

Low investment in union organization at the intermediate level (e.g. at the service or department level) is itself linked to the strong feminization of the public service. While the average proportion of women in the three civil services was 61% in 2012, women are generally underrepresented in unions. In 2010, women comprised 34% of the membership at the CGT and the FSU, 46% at the CFDT (Labbé & Andolfatto, 2011). Women, seeking to balance work and family life, have not invested in union militancy that takes a long time and which has long been dominated by a very masculine cultural model (Siwek-Pouydesseau, 1989).

A key point of debate is to know whether the decline of militancy could be explained by a change in civil servants’ values. In other words, are civil servants of the 2010s more

interested than their older colleagues in management practices and individual recognition? NPM is not only a reform seeking to develop private sector management methods in public administration. It is also a cultural interpretation of professional worlds that focuses on the development of individualistic values (Rouban, 2013b, pp. 168–171). For example, a general trend is to give a greater part to performance bonuses in the total remuneration or to organize more personalized career paths associated with vocational training. The assumption underlying NPM, as explicitly advocated by right-wing politicians, is that young officials no longer share the egalitarian and corporate values of the 1946 model and that they would seek to maximize their individual interest in professional markets which could make their know-how bankable. NPM, as a global ideological package, is basically interrelated with a pro-market political orientation and self-interested professional behaviour.

Actually, there is no empirical evidence to prove that young French civil servants are more market-oriented than older officials. The analysis of data coming from a large electoral survey conducted in December 2015 shows quite the opposite (CEVIPOF, 2015). A pro-market orientation index has been created from three questions: ‘Do you think that it is necessary to allow business firms to dismiss wage-earners more easily?’; ‘Do you think that the state should trust more business firms when facing economic troubles?’; ‘Do you think that it is necessary to reduce the number of civil servants?’. The answers to these three questions offer a statistical scale measuring the degree of pro-market orientation that goes from 0 to 3 (Cronbach alpha = .5). The average for the entire sample ($N = 24,000$) is 1.13. This average is 1.63 among the self-employed, 1.2 among private sector employees and .92 among public employees. The size of the sample allows a measure of the average value of the scale by age category and professional category (Table 1). We have based the calculus only upon the population of working agents, without the retired ones, for assessing precisely the age influence. The analysis clearly shows that the average level of the index is not higher among young civil servants and that it is still much lower within the ranks of state managers (excluding teachers who work differently and have no responsibility in the development of NPM methods) than that observed among private sector executives. So, it is possible to contend that NPM ideas have been developed on the basis of dubious sociological analyses transferring the observations made in the private sector to the public sector, or at least corresponding to a state of society in the 1980s that no longer exists in the 2010s. This means

Table 1. Civil servants’ market orientation index by professional sector and Age (working agents only).

	Sample	Average	25–34 years old	35–44 years old	45–59 years old	60 years old and over
All three civil services	3610	.85	.84	.82	.85	1.09
State civil service	2040	.87	.88	.84	.85	1.08
State managers only (A category) without teachers	309	.99	.91	.95	1.03	1.16
Private sector managers	1849	1.35	1.33	1.39	1.30	1.49
Local civil service	1004	.81	.79	.80	.79	1.13
Public hospitals civil service	566	.85	.78	.77	.96	1.06

that NPM is more an ideology than a scientific appraisal of social changes allegedly regarded as universal.

7. The weakening of unions and the emergence of an anomic condition

In France, NPM tools have been introduced in a public service that remains largely distanced from the neoliberal philosophy. Reduced budgets, cutback management, decentralization, corps and organization mergers have exacerbated the competition between services to obtain scarce resources. This economic but also social pressure, due to increasing demand from low income users in the 2008 crisis aftermath, tends to lock unions in restricted and professional worlds in order to defend 'their house' against budget cuts. Thus, this crawling NPM reform has indirectly deprived unions of their legitimacy in defending the public service as a social entity sharing common values even if they continue to use their traditional arguments. They are more or less constrained to adopt pressure group strategies defending special interests that the government, whether Right or Left-wing, can oppose to those of private business or taxpayers in the name of economic recovery. In a way, it is indeed a form of privatization but a privatization by default. The weakening of unions and the fragmentation of professions have created a situation of anomie characterized by vanishing social structures and anxious feelings amongst isolated workers (Durkheim, 1904).

Empirically, this is confirmed by the growing rate of sick leave or the agreement that unions have signed with the Civil Service ministry in October 2013 to develop specific programmes to prevent psycho-social risks (Direction de l'animation de la recherche, des études et des statistiques, Direction générale du Travail [DARES], 2013). Many low rank civil servants feel that they pay the costs of globalization while the upper classes of society are the only ones to enjoy it.

This means also a deep rejection of politicians and state elites. This is confirmed politically since the vote of category C agents (clerks) and, in a lower proportion, the vote of a growing minority of managers, is moving increasingly not towards the radical Left but towards the Far Right. The latter has developed, since the 2012 presidential election, a pro-public service argument according to which civil servants are particularly useful to the Nation and to the whole working class who have been left out by pro-Europe elites. During the December 2015 regional elections, the vote for the National Front reached historic peaks that we had never previously observed (32% on average in category C). The younger C category agents are, the more likely they are to vote for the Front National since this is the case for 37% in the 25–34 years old category against 29% in the 60 years old category. This electoral evolution, which has been largely confirmed with the 2017 presidential race, seems to show that unions can no longer channel social protest through the political field. Empirically, this can be demonstrated by the fact that there is a statistical link between the level of trust in unions and the level of the Far Right vote. When civil servants trust unions, they vote for the National Front up to 16% (votes cast) but this proportion rises to 36% when they distrust them (CEVIPOF, 2016). Unions like the CGT and FO have called their members not to vote for the National Front but this appeal has remained apparently ineffective. This is a dramatic and empirical confirmation of the divide between unions' top leaders and their membership base (Table 2).

Table 2. The civil servants' vote at the regional elections, December 2015, first round (votes cast %).

	Sample	Far left	Greens	Socialist party and allies	Les Républicains and allies (Right, conservative)	National Front	Others
Top managers (A category)	2154	7.5	10.2	38	29.4	13.3	1.5
Intermediate managers (B category)	1021	7.3	7.8	31	26.4	25.8	1.6
Clerks (C category)	2308	7	6.6	28	25.6	31.8	1.1
Private sector managers	2634	3.3	7	28	42.5	17.6	1.6
Private sector blue collar workers	2244	7.4	4.7	21.2	22.3	42.4	2

8. Conclusion

In 2017, the most widely shared feeling amongst civil servants, including managers, is not that the old system of social relations born in 1946 with the statute has given way to private management IR. The dominant feeling is that of being abandoned by the political class. When asked whether the politicians 'care what people like them think', 85% of category A managers answer 'not at all' or 'not really' and this proportion reaches 90% within the ranks of category C. The question of the democratization of recruitment and careers has not been resolved either. The major IR problem in the French public service of the 2010s is not of a political nature. Left governments in 1981, 1989 or 2012 have tried to compromise with unions in order to tackle the austerity question without being able to give more than minor compensations concerning working conditions or legal improvements in career paths. But they have not built a social narrative giving civil servants a real *raison d'être* in a world dominated by business elites. Thus, the disappointment with Left governments since 2012 does not come only from the salary question. It also comes from the feeling that the 'Republican meritocracy' is just a word and that all governments step back when facing any reform that could affect the prestigious and elitist 'grands corps' whose members have transformed into a multi-purpose elite making trips through a revolving door between public administrations, ministerial cabinets, private business, cultural adventures or political careers. Under these conditions, unions are weakened and on the defensive, trying to save the old model of public service. The solutions proposed by the conservative Right seduce only a minority of civil servants. Nicolas Sarkozy's presidency proved to be more conservative than market-oriented and his reforms have strengthened the 'grands corps' instead of diversifying recruitment and facilitating careers. The electoral shift to the Far Right, which proposed a strengthening of the state and public services, is a direct consequence of this situation.

Notes

1. The French civil service includes three groups of civil servants: the state civil servants, the local authorities civil servants and the public hospitals civil servants. A majority of them enjoys a professional public law statute. There are also 14% of contractual agents in the state civil service, 20% in the local civil service and 17% in the public hospitals civil service. Contracts are generally public law contracts. These proportions keep on climbing over time.

2. A global comparison of the two legal systems shows that duties are stricter on the civil service side: strikes are forbidden in core state services such as the police, the army or the courts; the right to strike is supervised by the administrative courts and can be limited on the basis of the social or the political situation; the freedom of expression is far more limited for all the civil servants who have to obey a 'discretion' rule; civil servants can be moved from one place to another in the interest of the service while private wage-earners can claim that it is a cause of breach of their employment contract.
3. This can be observed in the 2017 presidential campaign. Almost all the candidates of the Right primaries have developed the idea to reduce the civil service forces and to replace the statute by contracts.
4. A corps is a legal structure organizing the civil servants' career paths with successive grades and pay levels. Corps have been endowed with specific professional rules (about seniority, professional evaluation and so forth), legal rules (for instance about the prevention of interest conflicts) or ethical rules depending on the nature of their professional occupations.
5. Historically, two factors have had a major role: the concentration of technological knowledge in technical corps especially after 1945 which gave the civil service a real power over the economic modernization policy in the aftermath of World War II; and the corporatist homogeneity of each ministerial sector that has often prevented governments from playing on the internal divisions of the public service.
6. He further adds:

The treatment is transformed into wages; the appointment is only a private contract, a contract of service; the Budget Act respects the supply and demand rule; hierarchical authority is subject to discussion (strike to fire top or middle-level managers) ; the civil servant is not any more a public authority trustee but an employee or a worker (Leroy, 1907, p. 250)
7. The creation of Whitley Councils in the British public service had been rapidly noticed in *Le Temps*, a major newspaper of the time (the ancestor of *Le Monde*), in its February 23, 1919 issue.
8. The right for civil servants to strike is legally recognized in the 1950 State Council Dehaene decision. But the State Council adds that this right to strike is exercised 'within the framework of the laws governing it.' Legally, the civil servants' right to strike is thus submitted to exceptions and limitations under the scrutiny of administrative law judges.
9. Influenced by the Durkheim's work, solidarism argues that the 1789 French Revolution has created, with individualism, a false freedom. Man is not an abstraction but a social being having rights and duties, which depends from others (parents, teachers, society as a whole) through social relationship. Everybody must pay his/her 'debt' to his/her social environment and the state has to make this solidarity efficient. Solidarism is a midway between socialism and economic liberalism. It is the forerunner theory of more recent 'care' theories. Léon Bourgeois proposes the instauration of a minimum wage, of social insurances and of the earnings tax.
10. For instance, a poll shows that 43% of interviewees supported the 15 May 2014 strike in the National Education while 40% of them opposed it. http://www.huffingtonpost.fr/2014/05/15/greve-fonctionnaires-mouvement-qui-divise-francais-sondage-yougov_n_5324114.html.
11. Between 2012 and 2013, basic salaries fell in the three civil services. Between these two dates, the average earnings of state civil servants (full time equivalent) had lost .7% in constant euros for an average net salary of 2740 euros net per month in 2013. In the territorial civil service, the decline was .1% in constant euros, for an average net salary of 1850 euros per month, while in public hospitals it was .2%, for an average net monthly salary of 2240 euros. The explanation for this decline is to be found in the salary freeze associated with an increasing pension contribution rate.

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