

# Theorising French neoliberalism: The technocratic elite, decentralised collective bargaining and France's 'passive neoliberal revolution'

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## Abstract

Despite experiencing an early and protracted neoliberal transformation, France has exhibited an acutely ambiguous stance towards neoliberal practice. This is illustrated by, for example, regular nationwide protests opposed to policies with an overtly neoliberal flavour, or the coexistence of heavy taxation and a profound financialisation of its economy. This article seeks to explain why neoliberalism successfully developed in France, despite such an ambiguity. The focus will be placed on the transformation of labour relations, which will reveal the important role played by both the technocratic elite and firm-level negotiations in legitimating neoliberal practice. It will be argued that while several relevant sociological explanations offer some valuable insights for making sense of neoliberalism's successful development in France, Antonio Gramsci's concept of 'passive revolution' provides a very fruitful basis upon which to capture the singularity of the French case.

## Keywords

Collective bargaining, France, legitimation, neoliberalism, passive revolution, technocracy

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## Introduction

France often conjures up images of angry protesters, striking workers, heavy taxation, large public expenditures and a rigid labour legislation. But, despite those images, cultivated by notable and enduring bursts of resistance like the Yellow Vest movement, France has been subjected to a profound transformation of its economy along neoliberal lines, starting as early as the so-called neoliberal pioneers, the United Kingdom and United States. For example, successive French governments have privatised publicly owned assets as early as the first half of the 1980s (Amable, 2017; Fourcade-Gourinchas & Babb, 2002; Kus, 2006; Prasad, 2005). The French social protection system was gradually transformed into an ‘instrument of competitiveness’ (Askenazy & Palier, 2018; Palier, 2006) and the world of work was reorganised around the principle of flexibility (Amable, 2017; Baccaro & Howell, 2011; Botanski & Chiapello, 2005). In fact, despite lacking mass support (Fourcade-Gourinchas & Babb, 2002; Hall, 2006; Schmidt, 2016), neoliberalism was able to develop early, widely and deeply.

In the present article, I set out to explain this state of affairs, while recognising that, because ‘real-world programs of neoliberal restructuring are never unfurled across a tabula rasa’ (Peck et al., 2018, p. 5), there is not one but many ‘actually existing neoliberalisms’ and, consequently, potentially as many theories of neoliberalism. As such, it recognises that, in France, neoliberalism was shaped by ‘context-specific crises, struggles, and experiments’ (Peck et al., 2018, p. 3), paving the way for a distinctively French neoliberal variant. In turn, successfully explaining the French case, that is, explaining why neoliberalism could successfully unfold in France despite the country’s acute ambiguity towards neoliberal practice, requires an approach that is particularly attentive to the specificities of the French context. Given labour reforms’ centrality to the neoliberal project and labour laws’ historical role in making France so ‘French’, the emphasis will be placed on policies aimed at reforming the French labour market. The article begins with a review of key stages in the transformation of French labour relations. It is followed by a discussion of a range of sociological explanations that could potentially help explain how neoliberal practice came to be successfully legitimated. It will be shown that each falls short of offering the requisite conceptual tools for making sense of the French neoliberal transformation. An alternative explanation, applying Antonio Gramsci’s concept of ‘passive revolution’, will instead be provided and presented as an approach particularly appropriate for making sense of the spread of neoliberalism in France. I conclude by reflecting on some broad implications of this approach to resistance against neoliberalism in France.

### *Decentralised collective bargaining and neoliberalism in France*

The term ‘neoliberalism’ has been used to refer to a very diverse range of phenomena, from the privatisation of publicly own assets to monetarist policy orientations, like inflation-bursting interest rate hikes. In this piece, the concept will be used to refer to a ‘political economy which furthers the reach of capitalism by injecting market dynamics, and in particular principles of competition, into the basic fabric of social life and culture’ (Gane, 2012, p. 72). It presupposes that neoliberalism is driven by both a set

of policies and a discourse underpinned by a ‘system of values that promotes competition’ (Amable, 2011, p. 27). Neoliberalism will therefore be understood as a political-economic, cultural and ‘moral order’ (Amable, 2010). What, then, makes the French neoliberal transformation a particularly interesting one to study?

Despite the fact that France ‘is one of the developed countries where financialization and liberalization of controls on foreign investment have gone further’ (Krishnan & Thomas, 2008, p. 298), it has ‘never really been won over to capitalism’ (Braudel cited in Prasad, 2005, p. 381). In fact, many accounts depict France as having ‘mixed feelings about market liberalization’ (Hall, 2006, p. 17) or as being marked by ‘widespread scepticism about the free-market economy’ (Krishnan & Thomas, 2008, p. 298). So, while France exhibits a fully fledged neoliberal political economy (Amable, 2017; Baccaro & Howell, 2011; Howell, 2009), its relationship to neoliberal values and ideas, including those promoting competition, has been, to say the least, rather ambiguous. It lacked the kind of neoliberal ‘moral order’ that could be found in other countries like the United States and United Kingdom. In fact, as Schmidt (2016, p. 622) observed, France ‘has engaged in major reform efforts without having succeeded in legitimating them sufficiently or satisfactorily [ . . . ] with the French public’. Successive governments have implemented ‘neoliberal policies without admitting it’ (Schmidt, 2016, p. 607). Thus, despite lacking overt political support and ‘strong organizational bases in French society’ (Fourcade-Gourinchas & Babb, 2002, p. 567), neoliberalism was successfully implemented in France, making it a rather intriguing case, especially for understanding institutional change and, more specifically, conceptualising the transition towards neoliberalism. One might therefore ask what, given the apparent lack of support for neoliberal ideas in France, were successive French governments’ reasons for choosing to move down the path of neoliberalism? What, too, were the mechanisms instrumental for the neoliberal transformation of France? As indicated in the introduction, these questions will be answered by focusing on the transformation of the French labour market and industrial relations. In what follows, I review some of the main stages of labour market reform in France, with the intention of identifying the core issues an explanatory approach to the neoliberal transformation of France ought to address.

Among French neoliberalism’s chief features is that much of the transformation of France’s political economy was accomplished ‘through the uncoordinated action of individual economic actors’ (Culpepper, 2006, p. 29) under the guise of socialist governments (Amable, 2017; Hall, 2006; Howell, 2009).<sup>1</sup> Many of the measures responsible for catalysing the development of neoliberalism in France were introduced in the early 1980s, under socialist president Francois Mitterrand’s first mandate. Partly drawing his inspiration from the principle of *autogestion* lying at the core of the *Programme Commun*, Mitterrand’s Minister of Labour (Jean Auroux) set out to rewrite the French Labour Code and transform industrial relations by giving workers the right to self-expression (Howell, 1992). *Autogestion*, translated in English as ‘self-management’, is a principle of economic organisation firmly entrenched in the French libertarian socialist tradition dating back to Joseph Proudhon, among others. Its original aim was to transform the economy in such a way as to give workers full collective control of decisions made within the firm. But, instead of a radical reorganisation of the economy, the Auroux laws mainly set out to adapt the French firms to new economic realities, while consolidating

workers' rights.<sup>2</sup> More concretely, the reforms made a minimum of one annual consultation with elected works council mandatory for such issues as work organisation, hiring and firing, the introduction of new technology and working conditions (Auroux, 1981; Howell, 2009; Tchobanian, 1995). Auroux (1981) himself made it clear in his report that flexibility was a 'necessity' for firms. The laws, then, encouraged 'the emergence of firm-level collective bargaining, which was achieved by extending legal protection for union delegates to all firms (previously union protection existed only in larger firms)' (Howell, 2009, p. 238).

The laws, it could be argued, aimed to secure a "negotiated modernization" of the production system' (Tchobanian, 1995, p. 147) through the actions of state and non-state actors. Here, the role of the French state consisted in

reform[ing] institutions in such a way as to encourage different practices on the part of class actors. These actors enjoy greater autonomy in the organization of work, but how they use that autonomy remains heavily shaped by the industrial relations institutions for whose emergence the state has acted as midwife. (Howell, 2009, p. 251)

The reforms resulted in a rapid proliferation of firm-level agreements (Baccarro & Howell, 2011; Howell, 2009) to the point that they had become the most favoured 'mode of social regulation' (Howell, 2009, p. 238). Non-state actors like workers, their representatives and employers were thus charged with the task of negotiating, collectively, the terms of flexibility. But, while unions were for the first time given negotiating power at the level of the firm, the union movement was 'ideologically fractured' (Bogg, 2006, p. 19), and union density was among the lowest in Europe (Baccarro & Howell, 2011; Tchobanian, 1995). The Auroux laws aimed to give workers the right to self-expression without, at the same time, increasing the power of unions (Howell, 1992). 'Paradoxically', then, 'unions [were] at their weakest at a time when they [had] more opportunity than ever to intervene directly at the workplace' (Tchobanian, 1995, p. 140). Consequently, firm-level agreements turned out to work in favour of employers, who had a much stronger bargaining power at the level of the firm. In a rather unexpected twist of fate, then, employers were in a position to secure agreements favouring 'casualization and individualization of working conditions' (Boltanski & Chiapello, 2005, p. 196). As Moss (1988, p. 75) put it:

Employers took advantage of market conditions and worker passivity in plants to impose wage settlements that were below the projected rate of inflation as well as derogatory accords allowing for the modulation of hours. Union branches were obliged to settle for the bare minimum in order to retain a voice in the administration of the contract.

For employers, then, firm-level bargaining provided an opportunity to achieve flexibility by bypassing labour market regulations (Howell, 2009, p. 239).<sup>3</sup> But in the process, collective bargaining of that kind also turned into a way to 'have employees accept flexibility and "wage moderation"' (Amable, 2017, p. 242). The Auroux reforms, then, not only transformed French industrial relations by facilitating their de-regulation,

they also marked an important stage in the transformation of the French economy as a partly ‘firm-led’ (Hancké, 2001, p. 333) and ‘uncoordinated’ (Culpepper, 2006) process.

A second growth in firm-level agreements could be observed following the ‘cohabitation’ between Jacques Chirac (President) and Lionel Jospin (Prime Minister) in the late 1990s (Baccarro & Howell, 2011; Howell, 2009). In an attempt to boost employment, socialist Minister of Social Affairs, Martine Aubry, introduced a set of laws aimed at reducing working time, otherwise known as the 35-hour workweek laws. The reforms were introduced in two stages, between 1998 and 2002. Initially, the reduction of working time would be implemented on a voluntary basis, through negotiations between employers and employees at enterprise level. In the second phase, working time reductions would be imposed by the state on firms that had failed to reach an agreement. But the state did not need to intervene much, for 64.5 per cent of the 63,000 enterprises that have implemented the 35-hour week ‘did it through agreements’ (Lallement, 2006, p. 59). The Aubry laws, like the Auroux laws in the 1980s, played an essential role in decentralising collective bargaining (Culpepper, 2006). While, in 1983, ‘approximately two million French workers were covered by firm-level agreements, by 2002 that number had doubled’ (Howell, 2009, p. 247). Equally significant, however, is the fact that non-union representatives were authorised to sign collective agreements (Howell, 2009). Indeed, union representation in France was still weak and particularly so in small and medium enterprises. As a result, many employees had to rely on non-union representatives who, without the bargaining power afforded by the organised labour, were less likely to contradict the interests of employers. The laws, therefore, had the effect of further weakening the representative power of employees and further entrenching flexibility in the labour market. In sum, while workers might have benefitted from a shorter working week, they had to pay the price of ‘increased flexibility in work organization that followed from the way in which bargaining took place inside the firm’ (Howell, 2009, pp. 245–246). Both the Auroux and Aubry laws, it seems, gave with one hand and took away with another.

The remit of firm-level negotiations under the Aubry law of 1998 was nevertheless limited to issues relating to working-time, which had become a key socialist ideal since the presidential campaign of 1981. But under Francois Hollande’s presidency, the remit of firm-level bargaining was significantly extended. Motivated by a concern to modernise and simplify what was increasingly regarded by political and economic elites as an immensely constraining and cumbersome labour legislation, Hollande set out to ‘adapt the regulatory environment to the firm’s situation’ (Amable, 2017, p. 231). More concretely, his labour market reforms were aimed at adapting employment practices to the needs of the firm or, put differently, to increase employment flexibility. This would be achieved by making it less costly, and therefore easier, for firms to dismiss workers by limiting the ‘possibility of intervention by a judge’ (Amable, 2017, p. 232).

But it also involved a shift ‘away from legal to collectively agreed regulation of work’ (Milner, 2017, p. 438). Indeed, one of the key elements of Hollande’s labour reforms, which eventually materialised into the El Khomri law (*loi travail*), was that firm-level agreements ‘should have precedence over labour law’ (Amable, 2017, p. 220). While the measure was presented as a means for guaranteeing consensus through social dialogue, it further weakened the bargaining power of employees who would now be forced to reach

agreements with the more powerful employers on most issues concerning labour and social protection. As Amable (2017, p. 228) noted, Hollande ‘went far beyond what the right governments had even simply envisaged doing over the past four decades’. Unsurprisingly, then, the reforms were supported by the Medef (French equivalent of the CBI) and criticised by Jean Auroux (Le Parisien, 2016), Martine Aubry and several *Parti Socialiste* backbenchers (Amable, 2017), who thought the reforms would give far too much power to firms. It also prompted the emergence of a fairly short-lived but not-insignificant social movement known as *Nuit Debout*, which severely condemned the precarisation of work, among other things. The El Khomri law effectively laid the groundwork for Emmanuel Macron’s own labour market reforms, which strengthened the regulatory role of firm-level bargaining and further relaxed legal protections concerning redundancy (Milner, 2017).

The different stages of firm-level bargaining entrenchment reviewed above, then, could be regarded as stepping stones in the flexibilisation of the French labour market, culminating with Emmanuel Macron’s ‘UK-style neoliberal model of labour market regulation’ (Milner, 2017, p. 439). Particularly striking, though, is the active role played by left-wing governments in the neoliberalisation of the French economy. But what distinguishes the French case is that the ‘intrusion of market values’ (Lallement, 2006, p. 56) in labour relations was mediated, not by a politically engineered consensus like the Australian ‘Accord’<sup>4</sup> (Humphrys & Cahill, 2017) or by an ideologically driven attack on collectivist values and institutions like in the United Kingdom (Baccaro & Howell, 2011; Hall, 2011), but by negotiations between non-state actors. Because the transformation of labour relations in France rested on such a process of *micro-corporatist legitimation*, it was both *uncoordinated* and ‘*contractualised*’ (Lallement, 2006 – my emphasis). An explanatory approach to neoliberalism’s success in France must therefore be attentive to both the role of socialist governments and private actors, like the firms, in transforming the French labour market and industrial relations. But because of the state’s role in facilitating the spread of firm-level agreements, it must, too, be in a position to explain how and why socialist governments came to regard neoliberal political–economic principles as legitimate in the first place. Finally, it must clarify the dual character, and illuminate the role, of policies like the Auroux and Aubry reforms in the development of French neoliberalism.

### *Explaining the legitimation of neoliberal practice in France: A critical review*

A rather diverse range of theories of neoliberalism have surfaced over the years. While some tackle the French case head on, others provide conceptual tools that could, in principle, help make sense of France’s neoliberal revolution. Since successful reforms presuppose successful legitimation, explanations providing an insight into the institutionalisation of neoliberal values as legitimate norms of behaviour will be the core focus of the following discussion. In other words, I am here interested in approaches that can explain how neoliberal practice and ideas became acceptable and justifiable in France, despite the absence of political support for neoliberal values.

I begin the discussion with what Larner (2000) identified as the ‘policy’ approach, as exemplified by Fourcade-Gourinchas and Babb’s (2002, p. 536) sociological concern

with the way ‘new policy norms get institutionalized’. This approach, Lerner (2000, p. 6) claims, understands neoliberalism as a ‘policy response to the exigencies of the global economy’. Francois Mitterand’s monetarist turn in 1983 is here treated as a response to an economic crisis and ‘by-product of European integration’ (Fourcade-Gourinchas & Babb, 2002, p. 536). France’s adoption of neoliberal values and ideas was, we are told, less driven by ideological conviction than by a ‘pragmatic’ response to external challenges. But, while depicting the institutionalisation of neoliberal policy norms in such terms does have a degree of explanatory purchase, it is guilty of what Lerner (2000, p. 8) regards as a key limitation of the policy approach: it raises more questions than it answers. Most problematically, one is left wondering how and why a socialist government elected with the help of the French Communist Party came to treat, soon after its election victory, the liberalisation of the economy as an entirely legitimate course of action. For, to act pragmatically, governments must first regard the actions in question as legitimate. Put differently, the mere fact of depicting actions as pragmatic does not eliminate the need to understand how they came to be regarded by political actors on the Left as acceptable and justifiable. Thus, what this approach lacks is an account of the way labour market flexibility – a key demand of employers – could garner legitimacy beyond the narrow confines of the entrepreneurial class (Amable, 2017).

An alternative to the above policy approach that is capable of filling the aforementioned gap can be found in the work of classical Marxists, such as Duménil and Lévy (2004), Harvey (2005) and Davidson (2018), among others. Three core and interrelated elements characterise this type of explanation: the economic crisis as driver of change, the treatment of neoliberalism as a class project and the role of ideology in legitimating neoliberal practice. Under its reading, the turn to inflation-bursting interest rate hikes of the late 1970s and early 1980s, is understood as a response by the upper classes to a sharp decline of asset values (Harvey, 2005, p. 15). This decision is regarded as highly significant, for it was ‘a deliberate policy’ (Duménil & Lévy, 2004, p. 69) that would lead to ‘the restoration of the domination of finance’ (Duménil & Lévy, 2004, p. 68), in countries like the United States, United Kingdom and France. In sum, neoliberalism is a class project, whose major achievement consisted in ‘*transferring wealth and resources* to the ruling class and its hangers-on’ (Davidson, 2018, p. 64 – emphasis in the original). Neoliberalism has in this sense entailed a ‘restoration of class power’ (Davidson, 2018; Duménil & Lévy, 2004; Harvey, 2005).

But how could a system geared towards the interests of owners of capital succeed in gaining legitimacy? The Marxist answer lies in phenomena captured by their concept of ideology. Here neoliberalism is not merely understood as a set of policies favouring the interests of a class, but also as an ideological project, whereby a system of ideas serves to conceal reality. Neoliberal theory and, more specifically, the value of individual freedom, is treated as both ‘express[ing] class objectives’ (Dumenil & Levy, 2011, p. 18) and successfully ‘disguis[ing] the reality of class domination’ (Choat, 2019, p. 419). According to Harvey (2005, p. 40), neoliberalism was a ‘programmatically attempt to advance the cause of individual freedoms [that] could appeal to a mass base and so disguise the drive to restore class power’. Neoliberalism, in France and elsewhere, could therefore draw its legitimacy from a discourse that reflects the interests of owners of capital, justifies the

policies and practices they promote and successfully conceals a ‘reality of unfreedom and inequality’ (Larrain, 1991, p. 26)

But this classical Marxist approach suffers from some non-negligible limitations. A first one regards the difficulty of classical Marxism to recognise ‘significant differences of ideological formation within the so-called dominant classes’ (Hall, 1988, p. 41). ‘Collectivities’, Hall (1988a, p. 45) argues, ‘have more than one set of interests’. But, by presupposing that, as Marx famously put it, ‘the ruling ideas are the ideas of the ruling class’, it runs the risk of over-stating the intellectual uniformity of the ruling class. For example, Thatcherite conservatism was far from an orthodox and widely accepted vision among Conservatives in the 1970s (Hall, 1988a). Crucially, though, despite being an ‘important minority position, with exponents in the highest reaches of the French state’, neoliberalism was far from hegemonic in the late 1970s and early 1980s (Prasad, 2005, p. 376). It had to battle with powerful statist political–economic approaches. Consequently, an approach capable of recognising such a struggle and accounting for the conditions of neoliberal ideas’ rise to prominence within the ruling class is required.

A second limitation concerns the concept’s incapacity to account for the complex mechanisms through which individuals outside the dominant class both participate in their submission to neoliberal practice (Hall, 1988) and influenced the ‘new capitalist spirit’ (Boltanski & Chiapello, 2005). While the classical Marxist approach is in a position to ‘underline [ . . . ] the reality of unfreedom and inequality [neoliberalism] has created but tries to conceal’ (Larrain, 1991, p. 11), it is far too vulnerable to an interpretation of domination whereby ‘popular classes have been ideologically duped by the dominant classes’ (Hall, 1988a, p. 43). The problem, here, is the simplistic treatment of dominated classes as mere victims rather than agents, thereby failing to appreciate the range of historically distinctive and complex mechanisms through which neoliberalism can legitimate itself (Boltanski & Chiapello, 2005; Dardot & Laval, 2014; Hall, 1988a). The highly visible and large-scale mobilisation against such measures as labour market and pension reforms in France sit rather uneasily with the idea that workers are ideologically duped and hint at a legitimation process that is rather more complex and subtle.

Dissatisfied with the distinctively Marxian claim that ideology acts as a ‘mask or mirror’, and keen to show that people have ‘genuine critical capacities’ with an ‘impact on the world’, Boltanski and Chiapello (2005, pp. xix–xx) chose the work of Max Weber as one of their key sources of inspiration for their explanation of neoliberalism’s development. The aim of their influential book is to show how a ‘new spirit of capitalism’ could develop successfully in France. Here neoliberalism is said to emerge in response to an ‘artistic critique’ condemning the lack of authenticity, creativity and autonomy of a heavily regimented and bureaucratised capitalist form:

it was by opposing a social capitalism planned and supervised by the state – treated as obsolete, cramped and constraining – and leaning on the artistic critique (autonomy and creativity) that the new spirit of capitalism gradually took shape at the end of the crisis of the 1960s and 1970s, and undertook to restore the prestige of capitalism. Turning its back on the social demands that had dominated the first half of the 1970s, the new spirit was receptive to the critiques of the period that denounced the mechanization of the world [ . . . ] and stressed the intolerable character of the modes of oppression which, without necessarily deriving

directly from historical capitalism, had been exploited by capitalist mechanisms for organizing work. (Boltanski & Chiapello, 2005, p. 201)

Thus, rather than being superimposed on society, the new spirit of capitalism, whose contours Boltanski and Chiapello (2005) drew based on an analysis of the 1990s management literature, is thought to share an elective affinity with concerns and demands expressed by the 1968 countercultural movements. In a manner echoing Weber's claim that the Protestant ethic cultivated a personality type suitable for capitalist practice, the demands embodied in the artistic critique corresponded to personality traits on which capitalism could 'lean' for its renewal. In fact, if capitalism could renew itself in the 1970s and 1980s it is because it succeeded in 'offering – in practice – reasons for accepting its discourse' (Boltanski & Chiapello, 2005, p. xx) that were 'receptive' to the artistic critique. Flexibility's successful spread throughout the economy, then, can be explained by the fact that its implementation through 'measures directed towards relaxing hierarchical control and taking account of individual "potential"' was compatible with, for example, social movements' demand for greater autonomy (Boltanski & Chiapello, 2005, p. 190).

So, while Marxist approaches claim that neoliberalism is legitimated through an ideology that reflects the interests of owners of capital, justifies neoliberal practices and conceals a reality of toil, Boltanski and Chiapello insist that the (neoliberal) spirit of capitalism was in a position to legitimate capital accumulation by offering 'powerful moral reasons for rallying to capitalism' (2005, p. 9). More specifically, the legitimacy of capitalist relations could be restored due to the fact that the artistic critique's own rejection of statism as repressive was echoed in the new spirit of capitalism in the form of neoliberals' own critique of bureaucracy.

In addition to those insights, they provide a short but important explanation for the way neoliberal ideas came to dominate the French political class, including socialist-led governments. This political elite, they argue, came to embrace neoliberal ideas like flexibility as a result of their socialisation in elite higher education institutions, operating under the direct influence of Anglo-American economic expertise (Boltanski & Chiapello, 2005, pp. 195–199). I call this process elite *legitimation*. What it does not tell us much about, though, is the role of firm-level bargaining in legitimation. Much might be said about the critiques of the 1968 social movements and their affinity with the managerial literature of the 1990s. However, very little is said about the role of firms themselves in legitimating flexibility or of the relationship between elite legitimation and its micro-corporatist counterpart. Finally, Boltanski and Chiapello 'tend to accept the new capitalism's claims about itself in the managerial literature of the 1990s as valid currency' (Dardot & Laval, 2014, p. 262). As a result, they were able 'to stress only the seductive, strictly rhetorical aspect of the new modes of power' (Dardot & Laval, 2014, p. 262) and unable to appreciate fully what Marxists emphatically sought to show, that is, the uglier side of legitimation. For Dardot and Laval (2014, p. 262), consequently, the main limitation of their work is its incapacity to capture 'the more disciplinary aspect of managerial discourse'.

To find a detailed analysis of this 'disciplinary aspect', one can turn to approaches inspired by Michel Foucault's own account of neoliberalism. Those approaches, to

which the work of Miller and Rose (1995), Dardot and Laval (2014) and Brown (2005, 2015) belong, insist on the highly distinctive operations of power marked by neoliberalism. As such, they are more willing to emphasise discontinuity with previous mechanisms of legitimation than classical Marxists and the Weberian approach offered by Boltanski and Chiapello (2005).

A first distinctive feature of Foucault's approach to the development of neoliberalism is the fact that it has entailed an entirely new, disciplinary but non-coercive, way of governing individuals, known as 'neoliberal governmentality'. Neoliberalism is here depicted as a 'new art of government' (Foucault, 2008), consisting 'in guiding the possibility of conduct and putting in order the possible outcome' (Foucault, 1980, p. 789). Contrary to classical Marxist accounts, neoliberal norms of behaviour are not superimposed by a group, that is, the ruling class. They are instead regarded as the outcome or effects of diffuse forms of power. Foucault's genealogy of neoliberalism thus traces the genesis of an entrepreneurial subjectivity understood as the outcome of 'competitive mechanisms' that 'play a regulatory role at every moment and every point in society' (Foucault, 2008, p. 145). Neoliberalism marks a historically unique 'extension of market rationality to existence in its entirety through the generalization of the enterprise-form' (Dardot & Laval, 2014, p. 11). As such, it is not so much 'a political project' as a 'a set of techniques for conducting the conduct of subjects' (Choat, 2019, p. 18).

A second key feature of Foucault's account, and one essential for his explanation of neoliberalism's success in legitimating itself, is the centrality of freedom in the operations of the neoliberal art of government (Brown, 2005, 2015; Choat, 2019; Dardot & Laval, 2014; Dean, 2015). With it, 'government acquired a new and complex relationship with freedom' (Brown, 2015, p. 58), whereby '[e]conomic freedom [...] and disciplinary techniques are completely bound up with each other' (Foucault, 2008, p. 67). For, to be successful, neoliberal governmentality 'must produce [freedom], it must organize it' (Foucault, 2008, p. 63). Entrepreneurial subjectivity itself rests on individuals' capacity to enjoy the 'freedom of the market, the freedom to buy and sell, the free exercise of property rights, freedom of discussion, possible freedom of expression' (Foucault, 2008, p. 63). To guide entrepreneurial conducts, then, institutions like the state must first and foremost responsabilise individuals for the choices and decisions they make so that they 'produce something that will be [their] own satisfaction' (Foucault, 2008, p. 226). 'Neoliberal subjects' are effectively 'controlled *through* their freedom' (Brown, 2005, p. 44 – emphasis in original).

Contrary to classical Marxist accounts of neoliberalism freedom is not deployed to conceal a reality of unfreedom. Freedom is not ideological as such. Instead, it is real but actively exploited so that individuals 'end up conforming to certain norms of their own accord' (Dardot & Laval, 2014, p. 11). This means that individuals actively participate in their own subjection to neoliberal norms of behaviour. For this reason, this approach overcomes the limitation of the classical Marxist approach regarding the treatment of individuals as victims of ruling class power. But it also provides insights into the disciplinary dimension of neoliberal power missing in Boltanski and Chiapello's (2005) account. How effective, then, is the Foucault-inspired approach for making sense of the neoliberal transformation of labour relations in France? The short answer is that it is

quite effective but not sufficiently so. The longer answer requires one to assess what exactly those approaches can tell us about the success of labour market reforms in France and, particularly, the role of, and relationship between, both state and non-state actors in subjecting the economy to the rule of flexibility.

Under the guise of neoliberalism construed as an ‘art of government’, decentralised collective bargaining could be regarded as an institutional mechanism adopted by the state in order to guide entrepreneurial conduct. By requiring the participation of workers in decisions of the firm and, as Auroux (1981) himself envisaged, making them ‘agents of change’, firm-level negotiations could be understood as effectively serving the ‘control of individuals through their freedom’. It marks a form of state intervention through which workers are responsabilised for choosing to conform with the norms of labour market flexibility. So, here, flexibility is not, as classical Marxists would have it, so much superimposed by the state as *facilitated* by conditions created by the state.

But neoliberalism’s legitimization success crucially depends on the production of a new subjectivity for French workers. Indeed, the ‘neoliberal art of government’ approach treats the workplace as one of several institutions responsible for guiding the conduct of individuals. In a flexibilised, that is a post-Fordist, regime of production (Harvey, 2005; Jessop, 2002; Kumar, 2005), the workplace is organised in such a way as to ‘accommodate ceaseless change’ (Piore & Sabel, 1984, p. 17). It is a ‘flatter, leaner, more decentralized and more flexible forms of organization’ (Jessop, 2002, p. 100) than its Fordist predecessor. The flexible workplace upholds and indeed relies on a particular worker identity which Miller and Rose (1995) named the ‘enterprising self’. He or she is ‘an entrepreneurial individual seeking to actualize and fulfill him- or herself in work as in all aspects of life’ (Miller & Rose, 1995, p. 454). Decentralised collective bargaining could thus be said to have created the conditions under which the worker engages with their work as an ‘entrepreneur of himself’ (Foucault, 2008, p. 226). It not only encouraged workers to become more responsabilised for the choices they make than they were previously, but also compelled those same workers to develop an ‘active interest in their work and “their” firm’ (Streeck, 1995, p. 331).

However, while Foucault’s concept of governmentality does shed light onto some important institutional and non-coercive mechanisms through which flexibility transformed the French labour market and workplace practices, it can tell us little about the reasons why socialist governments came to accept flexibility as a ‘necessity’ (Auroux, 1981). We are here confronted with the same problem as the one found in the policy approach. But the reason such a limitation can be found in Foucault-inspired accounts is due to their displacement of power away from personal relations of domination. Neoliberal power, we are told, is impersonal, faceless, and by construing neoliberalism as a governing rationality, attention is diverted away from the specific interests neoliberal ideas serve (Choat, 2019). Consequently, they are unable to account for the ‘battle of ideas’ (Miller, 2010) lying behind the successful spread of neoliberal values. Instead of formulating a ‘history of ideas’, those accounts can only tell us ‘how ideas [...] make history’ (Callewaert, 2006, p. 92). Given the necessity to understand how a principle aligned with the interests of owners of capital – flexibility – came to be regarded as a legitimate governing principle of economic life by left-wing governments in France, it is fair to say that, like each of the approaches discussed so far, Foucault-inspired

explanations have limited explanatory purchase when confronted with the French neo-liberal case.

All in all, to be in a position to explain adequately the institutionalisation of neoliberal values as legitimate norms of behaviour in French labour relations, a theory of neoliberal transformation must first be able to account for the role of both state/technocratic and private actors in legitimating flexibility. But it must also account for the battle of ideas that led socialist governments to adopt flexibility, while recognising the interests it serves, the active role of workers in their subjection to its rule and the dual character of neoliberal power, as both seductive and disciplinary. This rather challenging task, I will now show, can be successfully undertaken by adopting the conceptual tools devised by Gramsci (1971).

### *The French ‘passive neoliberal revolution’*

Struck by capitalism’s extraordinary capacity to adapt, and to do so without force, Antonio Gramsci sought to unveil the non-coercive mechanisms with which power is exercised. Given his work’s focus on Fordism, his ideas do not at first glance appear to bear direct relevance to the study of post-Fordist flexibility. Followers of Gramsci like Stuart Hall, however, have applied his concepts to explain Thatcherism’s success (Hall, 1988a, 1988b, 2011). In what follows, I also demonstrate that the applicability of the Gramscian framework can be extended to explain the successful advance of post-Fordist ideas in France. First, though let me review some of Gramsci’s central concepts.

Gramsci’s interest in Fordism lies in the fact that it not only paved the way for new methods of production and workplace management but also for new methods of consent. Guided by Taylorist principles of ‘scientific management’ upholding a rigid separation between conception and execution (Braverman, 1974), the Fordist workplace set out to reduce ‘productive operations exclusively to the mechanical, physical aspect’ (Gramsci, 1971, p. 302). With this ‘new type of man’, in which are developed ‘to the highest degree automatic and mechanical attitudes’ (Gramsci, 1971, p. 302), Fordism led to a ‘new form of toil’ (Gramsci, 1971, p. 310). But the worker ‘remains a man’, one that ‘thinks’ (Gramsci, 1971, p. 310). For those reasons, Henry Ford had to devise ways to retain workers and secure the legitimacy of a rather repressive workplace. What came to fascinate Gramsci was that workers’ retention was secured through a form of ‘coercion’ that was ‘ingeniously combined with persuasion and consent’ (Gramsci, 1971, p. 310) and where the workplace would play an essential role in ‘manufacturing workers’ consent’ (Burawoy, 1979).

Indeed, Ford set up a ‘whole series of cautionary measures and “educative” initiatives’ (Gramsci, 1971, p. 310) which, combined with ‘higher remuneration such as to permit a particular living standard’ (Gramsci, 1971, p. 310), would facilitate the ‘adaptation to the new methods of production and work’ (Gramsci, 1971, p. 310). Employers, therefore, devised ways to make work in their factories appealing or, put differently, to secure the consent of their workers, by giving them concessions. Fordism could, consequently, be regarded as a ‘mode of regulation’ (Harvey, 1990; Jessop, 2002) instrumental in quietly universalising the interests of employers and the ruling class or, as Gramsci (1971) put it, in securing the ‘hegemony’ of the bourgeoisie. For Gramsci, both the

activities making up the workplace and the measures introduced by the state contributed to this rule by consent. In fact, Gramsci (1971, p. 285) understood the ‘State [as] the entire complex of practical and theoretical activities with which the ruling class not only justifies and maintains its dominance, but manages to win the active consent of those over whom it rules’. Recognising that ‘[h]egemony is born in the factory’ (Gramsci, 1971, p. 285) but secured by the activities of both public and private actors across a range of spheres including culture and education, the Italian philosopher looked both within and beyond the state’s own activities to explain how the bourgeois state could successfully operate as an organ of class domination. Under this reading, the hegemony of the ‘capitalist entrepreneur’ can only be secured and sustained by creating ‘alongside himself the industrial technician, the specialist in political economy, the organisers of a new culture, of a new legal system’ (Gramsci, 1971, p. 5). Indeed, ‘[w]hat [was] striking about Thatcherism is precisely its capacity to [...] use trenches and fortifications of civil society as the means of forging a considerable ideological and intellectual authority outside the realm of the state proper’ (Hall, 1988a, p. 47). But, along with Gramsci, Hall (1988a, p. 53) insists that hegemony is ‘not given’ but is instead ‘constructed, through a complex series or process of struggle’. Thatcherism, like any worldview becoming hegemonic, had to win consent among the class whose interests it represented before engaging in struggles to win it among the popular classes. It had to win the ‘battle of ideas’ (Miller, 2010). Hegemonic rule, then, results from a series of struggles and diverse mechanisms of consent, secured both inside and outside the firm and the state. It has both a disciplinary and seductive character.

Furthermore, hegemonic legitimation can be secured following two strikingly different paths: one that is active, overt and ideologically driven and one that is more silent and passive. A perfect illustration of the former is the entrenchment of neoliberalism in the United Kingdom under Thatcherism. Here, the Conservative Party, led by Margaret Thatcher, transformed Britain through ‘a complete repudiation of the entire postwar British social contract’ (Fourcade-Gourinchas & Babb, 2002, p. 549) and ‘drew strength from a number of powerful institutional bases in society and politics’ (Leruth, 2017, p. 549). For the Conservative prime minister, ‘the old had to be destroyed before the new could take its place’ (Hall, 2011, p. 712). It could succeed in doing so not only by repressing the minors’ strikes, multiplying law and order initiatives and going to war – disciplinary character – but also through the promotion of a ‘popular capitalism’ (Larner & Walters, 2000), impelling people to ‘become self-employed or a share-holder, buy [their] council house, invest in the property owning democracy’ (Hall, 2011, p. 712) – the seductive character of legitimation. The flexibilisation of the labour market could thus be achieved by an ideologically driven attack on trade unions and multiple labour rights and collective principles such as those associated with the welfare state (Kus, 2006), alongside the cultivation of an investor identity revolving around individual responsibility and ownership (Larner & Walters, 2000). Here an overt and extensive ‘de-collectivisation’ could be observed, paving the way for a ‘flexible, minimally regulated labor market with a significant low-wage, low-skill sector’ (Baccaro & Howell, 2011, pp. 537–538). Thatcher, therefore, was responsible for leading a ‘neoliberal revolution’ (Hall, 2011) resulting from the ‘molecular accumulation of elements destined to produce an “explosion”’ (Gramsci, 1971, p. 280).

But the transformation of an economy and society along neoliberal lines need not entail such an ‘explosion’. It could, too, involve what Gramsci (1971) called a ‘passive revolution’, that is, a transformation entailing

the necessity for the “thesis” to achieve its full development, up to the point where it would even succeed in incorporating a part of the antithesis itself – in order, that is, not to allow itself to be “transcended” in the dialectical opposition. The thesis alone in fact develops to the full its potential for struggle, up to the point where it absorbs even the so-called representatives of the antithesis: it is precisely in this that the passive revolution or revolution/restoration consists. (Gramsci, 1971, p. 110)

Thus, a ‘passive revolution’ is said to unfold if the ruling class (thesis) succeeds in restoring ‘the fundamental social relations of production on a more stable basis for the future’ (Hall, 1988b, p. 114) by accommodating workers’ demands (antithesis). Here, the concessions made by Henry Ford to his workers – the higher wages – could be regarded as (seductive) changes necessary for securing the legitimacy of capitalist relations of production and, more broadly, the power of the bourgeoisie over society at large (disciplinary). In short, it constitutes a revolution ‘installed from above, in order to forestall a threat from below, but in which the popular masses did not take or win the political initiative’ (Hall, 1988b, p. 114). With Gramsci’s concepts of ‘hegemony’ and ‘passive revolution’, then, one is in a position to understand how changes in the regime of production facilitate the assimilation of the working class within bourgeois culture. Through a range of mechanisms directly affecting the workplace, itself understood as an extension of the state and a key institution assisting class domination, the bourgeoisie is able to shape a ‘new type of man’ with a worldview compatible with its interests. How, then, does such a conceptualisation of power and consent resonate with the development of neoliberalism in France? How can it explain the role of decentralised collective bargaining in the transformation of labour relations? Let me answer these questions by tackling, first, the process of micro-corporatist legitimation.

In France, ‘[f]lexibility and industrial relations reform were intimately connected’ (Howell, 2009, p. 248). Consent for flexibility was secured through negotiations in elected works councils and/or ‘management-led quality programmes and shop-floor teams’ (Hancké, 2001: 326). While the former often comprised trade union representatives, especially in larger firms, the latter, which proliferated following the Auroux reforms (Hancké, 2001) did not, and were in fact ‘less threatening to managerial prerogative’ (Bogg, 2006, p. 19). This decentralised, negotiated and uncoordinated consent for flexibility, therefore, often resulted from a power imbalance between strong employers and weak employees. It was effectively a consent for the restoration of the power of capital (Howell, 2009; Howell & Baccaro, 2011). Both the Auroux and Aubry laws led to a significant rise in such firm-level agreements and, for this reason, were stepping-stones in the liberalisation of the French market (Baccaro & Howell, 2011; Howell, 2009).

However, both reform projects involved concessions made to workers, either in the form of greater rights to self-expression (Auroux) or a shorter working week (Aubry). Consent for the reforms and for the eventual individualisation of rights and casualisation of work (flexibility) could, it seems, be secured by fostering a participatory decision-

making culture within the firm and giving the reforms a distinctively collectivist flavour. This is because, in France, successive socialist governments seemed to treat flexibility as an inescapable driver of modernisation compatible with the interests of organised labour (Amable, 2017). In fact, it could be suggested that the Auroux and Aubry reforms were essential for the bourgeoisie's success in securing its hegemony and relying on both the seductive and disciplinary character of power. For, just like Ford decided to increase his workers' wages in order to secure their retention, French socialist governments chose to secure workers' consent for greater flexibility by giving them such concessions as greater rights to self-expression and a shorter working week.

But how did socialist governments come to treat flexibility as a necessity in the first place? To answer this question, it is essential to understand what drives policy innovation in France or, to use Gramscian terminology, the battle of ideas lying behind the implementation of new policies. In countries like the United Kingdom and the United States, it is driven by 'intense political competition' (Prasad, 2005, p. 363). In France, though, one finds 'less intense political competition, strong parties, weak interest groups, professional bureaucracies, and [...] centralized state' (Prasad, 2005, p. 365). This means that policy innovation is significantly driven by the technocratic elite, in addition to lobby groups and think tanks actively seeking to forge a unity with political parties around their ideas (Miller, 2010). Here, policy innovations are 'tightly coupled to innovations in the academic world' (Prasad, 2005, p. 396) and to the actions of a technocratic 'state nobility' (Bourdieu, 1996) capable of exerting its influence through various administrative channels, such as government ministries. Thus, before entering the sphere of labour relations, the anti-state and individualist rhetoric of neoliberalism had to confront and win the battle of ideas with, for example, the long-standing tradition of state-centred economic management known as *dirigisme* (Prasad, 2005, p. 374) among the technocratic elite socialised in the *Grandes Ecoles* and destined to 'colonise the centres of power' (Jobert & Theret, 1994, p. 80).<sup>5</sup> While neoliberal ideas fell short of being hegemonic among the *Grandes Ecoles* in the late 1970s (Prasad, 2005), by 1983 the ENA, which has played a major role in 'disciplining the minds' (Bourdieu, 1996, p. 11) of high-rank civil servants and the political executive class, had converted to neoliberalism (Jobert & Theret, 1994). Moreover, the *Parti Socialiste* rose to power in 1981 as a rather fragmented organisation, made up of diverse ideological movements,<sup>6</sup> whose unity was mainly secured by Mitterand's charisma rather than by a coherently structured set of ideas (Jobert & Theret, 1994). This made the party particularly vulnerable to a technocratic 'state nobility', whose members

believe themselves to be the necessary agents of a necessary policy [...] and feel just as keenly the need to [...] conduct themselves as agents of the State more than as businessmen, and to base their decisions on the "neutrality" of "expertise" and the ethics of "public service." (Bourdieu, 1996, p. 383)

Thus, labour market flexibility is said to have become a dominant idea among the political class and across the left and right, by developing into a matter of technical expertise (value-neutral) rather than as a politically motivated response (value-laden) to new economic challenges. It follows that consent among the technocratic-political elite

preceded consent among negotiating private actors. In fact, by the time of the Auroux reforms, flexibility had, to use socialist Minister of Labour's own words, become a 'necessity' (Auroux, 1981). Elite legitimisation, then, complements or, to be more precise, precedes its micro-corporatist counterpart in the legitimisation of neoliberal values and ideas in France. Successive socialist governments in France seemed, just like Gramsci decades earlier, aware that hegemony is born in the firm. Measures aimed at multiplying firm-level negotiations that served 'to elaborate a new type of man suited to the new type of work and productive process' (Gramsci, 1971, p. 286). Those negotiations complemented the labour of legitimisation realised by the technocratic state nobility whom, drawing on Gramsci's work once again, one could regard as 'the specialist(s) in political economy, the organisers of a new culture, of a new legal system' that the 'capitalist entrepreneur creates alongside himself'. The successful spread of neoliberalism in France, therefore, can be partly explained by the fact that change took the form of a 'passive revolution'. For, what the French case reveals is that neoliberal values (thesis) do not need to be aggressively imposed on society. Instead, they came to dominate French labour relations through a deployment of collectivist institutions (antithesis), such as collective bargaining, and concessions of an ostensibly socialist flavour (antithesis), such as democratising the firm and shortening the working week.

## Concluding remarks

Since Stuart Hall chose to examine Thatcherism from a Gramscian perspective, one would be forgiven to presume that the conceptual tools offered by the Italian philosopher were particularly appropriate for studying 'explosive' neoliberal transformations. But, despite offering some valuable insights into legitimisation processes more or less applicable to the French case, other sociological explanations fall short of accounting for full breadth and depth of legitimisation process marking the development of neoliberalism in French labour relations. Thus, while it was marked by an altogether different kind of revolution from, say, the British one, the successful spread of neoliberal values in France is, too, best understood using Gramsci's conceptual tools. The French neoliberal trajectory comprised two complementary mechanisms of legitimisation, which make up fundamental 'practical and theoretical activities with which the ruling class not only justifies and maintains its dominance': elite and micro-corporatist. Consent for the neoliberalisation of labour relations resulted, first, from a conversion of a loaded economic principle (flexibility) reflecting the interests of employers into an inevitable technical response to a changing global economy, following the victory of Anglo-American ideas over *dirigisme* in the *Grandes Ecoles*. This technocratic-political elite could, in turn, either seek to legitimate ideas like flexibility on or off the political scene. Given the lack of political support for neoliberal ideas, it chose the latter, quieter, avenue and gave workers concessions in return for their responsibility to negotiate the terms of workplace flexibility with employers holding a lot more bargaining power than them.

The French neoliberal transformation is therefore a perfect example of the kind of revolution that can successfully unfold 'when none of the social forces are able to enforce their political will and things go stumbling along in an unresolved way' (Hall & Massey, 2010, p. 58). This opens up a range of possibilities for resistance. For, if the

development of neoliberalism – at least its French variant – is incomplete and uncoordinated, one can reasonably expect it to be contested at any moment. This could explain, at least partly, the repeated surges of resistance that have marked France over the past decades, not least the complex, but highly significant, Yellow Vest movement. But those more or less enduring spontaneous bursts of resistance have failed to lead to large-scale social transformation. What we learn from Gramsci, though, is that hegemony itself must be ‘constantly and ceaselessly renewed, reenacted’ (Hall, 1988a, p. 53). For that reason, it can at any point be interrupted, disrupted and maybe even stopped. Whether it succeeds in doing so nevertheless depends, in the first instance, on one or more movements’ capacity to move ‘from the purely economic (or egoistic-passional) to the ethico-political moment’ (Gramsci, 1971, p. 366). This was in fact attempted by the Yellow Vest movement itself, which first emerged to oppose a petrol tax (economic moment) and eventually developed into a movement with concrete demands articulated within a (moral) narrative condemning social injustice (ethico-political moment). What the choice of leaders by different fractions of the movement demonstrated, however, was the failure to ‘connect together contradictory aspects of their understanding of society’ (Hall & O’Shea, 2013, p. 22). Such a connection is, indeed, essential. It was essential for the successful development of neoliberalism in French labour relations, where collectivist principles (collective bargaining) were instrumental for the institutionalisation of individualist norms of behaviour (flexibility). Political action against neoliberalism must therefore be attentive to, and prevent, the further co-optation of collectivism by individualism, while being equally alert to the potential desirability of inverting it for the purpose of moving beyond the neoliberal political–economic and moral order.

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### **Notes**

1. I am not suggesting here that the intellectual origins of neoliberalism in France are to be found in the actions of the French socialist party in power. Such origins can in fact be traced back to a much earlier period, that is, the Walter Lippmann Colloquium that took place in Paris in the 1930s (Denord, 2001). What I am nevertheless arguing here, along with Baccaro and Howell (2011), is that successive socialist governments were responsible for introducing a range of policies that significantly transformed the French economy along neoliberal lines.
2. Although the term flexi-security first appeared in Denmark, several similar – if not identical – principles could already be observed in the Auroux report.

3. It must nevertheless be noted that employers in France can be quite hesitant regarding their preferred level of negotiation, sometimes, for example, favouring industry-level negotiations over firm-level ones (Amable, 2016).
4. The Australian Labour Party (ALP) joined forces with the Australian Council of Trade Unions (ACTU) to introduce, from 1983 onwards, a set of policies known as ‘the Accord’ and held, by some scholars, as an important phase in the neoliberalisation of Australia – see, for example, Briggs and Buchanan (2010) and Humphrys and Cahill (2017)
5. Martine Aubry, daughter of a key figure of the moderate wing of the *Parti Socialiste* and minister responsible for the Aubry laws, is an ENA graduate herself. Interestingly, not long before this article was written, Macron declared his intention to abolish the ENA, in response to the ‘yellow vest’ movement’s call for greater social justice and democracy.
6. Since 1977, the *Parti Socialiste* comprised an overtly anti-Marxist movement known as the ‘deuxieme gauche’ (‘second left’), led by such figures as Michel Rocard and Jacques Delors. Their values and ideas are akin to those of New Labour in Britain and became the dominant ideological movement within the party from 1983 onwards.

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