

Original Article

The French debate over the Bolkestein directive

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Abstract Why did the services directive proposed by Internal Market Commissioner Frits Bolkestein lead to such virulent reactions in France? This article examines several potential explanations focusing on political economy, public opinion and the timing of events. While all of these elements contribute to the difficult political context, they are insufficient to explain the importance of the backlash against the directive in France. We therefore focus on party politics and argue that political elites had an interest in exploiting the directive in the context of a leadership crisis within the French socialist party. The case study bears lessons about the domestic potency of European policy issues: they can pose a real challenge to centrist parties, which have insufficiently addressed them in their party platforms.

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Introduction

Nobody foresaw the political storm it was going to trigger. The ‘Directive on services in the internal market’, known by the name of the former European Commissioner for the Internal Market, Frits Bolkestein, was one of the first initiatives to start off the Lisbon Agenda, launched in 2000. In order to transform the European Union (EU) into the world’s most dynamic economy, the Bolkestein directive aimed to reduce barriers to cross-border trade in services, which continued to impede the free movement of services. Despite the fact that the freedom to provide services across Europe was enshrined in the Treaty of Rome, had been an essential ambition of the internal market programme of 1992 and was a consensual element of the Lisbon Council’s



strategy, the draft directive proved to be a highly contested proposal. Crystallizing many fears about economic liberalization, it led to vehement protest in countries such as Sweden, Belgium, Germany and Italy. In France, opposition was particularly consequential, because the debate over the Bolkestein directive galvanized public opinion and contributed to the rejection of the Constitutional Treaty in the referendum of 29 May 2005, which – jointly with the Dutch no-vote – threw the European project into crisis.

What explains the French reactions to the services draft? While countries such as the United Kingdom found few flaws with the Commission proposal, opposition in France went much beyond the directive and put into question European economic integration after enlargement in much more general terms. Why did the proposal create such vehement opposition? This article surveys the French debate in a comparative perspective to understand the unusually high degree of politicization of the proposal.¹ Three explanations are most commonly put forward from a variety of analysts to which we add a fourth. First, political economists have underlined that economic consequences of services liberalization are unevenly distributed across countries and sectors. Opposition needs to be understood as the mobilization of potential losers: in particular service sector workers employed in countries with rigid labour markets will be vulnerable to liberalization. Second, public commentators suggest that the French are particularly anti-liberal. In this cultural perspective, attitudes against neo-liberal policy proposals are part of national frames and all proposals linked to free markets are likely to run into opposition. The outcry against the services directive in France would thus need to be understood as fear of globalization more generally. Third, public officials in the European Institutions and politicians elsewhere have blamed bad timing for the failure of the service draft in France. Proposed only months after Europe's biggest enlargement and discussed in the immediate period leading up to the French referendum, the draft was debated in a particularly hostile context that can explain its high politicization.

We argue that all of these elements contribute to the explosive mix, but that they are insufficient for explaining the full consequences of the draft directive. Without a leadership struggle in the French socialist party, the *Parti Socialiste* (PS), the service directive would not have led to a larger crisis. Studying the battles within the PS clarifies why individual political actors had an interest in exploiting and contesting European integration, even from the middle of the political spectrum, which had traditionally been supportive of the EU. National party politics thus provided the trigger for the failure of an already difficult debate.

We contribute to the nascent body of literature on the interaction between parties and public opinion with regard to European integration.



Methodologically, we reason by evaluating a case-study narrative from a comparative viewpoint. This is necessary to unfold the process that led to the comparatively strong politicization of the issue in France. Our perspective contrasts with the large-*n* comparative studies that dominate the work on public opinion and European integration, but is essential to provide insights into the political dynamics. While large-*n* studies are necessary to isolate and test explanatory mechanisms, they often underestimate the interdependence of separate dimensions, which can turn out to be momentous in individual cases, as we will demonstrate.

Moreover, the case study illustrates the importance of political leadership in institutional development: not just for studying change, but also for understanding resistance. Vivien Schmidt (2008) has called attention to the role of political discourse in what she labels ‘discursive institutionalism’ and the Bolkestein debate in France can be analysed from this perspective (Schmidt, 2007; Crespy, 2010). Our analysis diverges slightly from these accounts, because we do not consider French elites to be trapped in an anti-liberal discourse. Rather, we argue that leaders within the French socialist party sacrificed a matter of European integration during the struggle over party leadership. In other words, political resistance to a European policy proposal can occur as a side effect of a domestic electoral strategy.

In the following, we present the history of the services directive and of opposition in France before discussing each of the four explanations in turn: economic consequences, cultural differences, bad timing and party politics. The conclusion comments in more general terms on the politicization of European politics.

History of Events

The evolution of the services directive

After a first strategy paper for services, which the Commission proposed on 29 December 2000 at the request of the Lisbon European Council, and a comprehensive analysis of existing barriers, the Commission published a draft directive on 13 January 2004, which had previously been discussed with the Council, the European Parliament and a number of interest groups (European Commission, 2000, 2002, 2004; see De Witte, 2007). The draft aimed to reduce national regulation of services, unless they were non-discriminatory, justified with respect to public interest and proportionate. In particular, it provided a framework for two modes of service trade: permanent and temporary service provision in a foreign country. The first objective was the freedom of establishment, which would ensure that foreign service



providers can set up a business in another member state with little administrative restrictions. Through the country of origin rule, the draft aimed secondly at facilitating the free movement of service providers on a temporary basis by allowing them to operate under the regulation of their home country.

The country of origin rule provoked intense debates in various member countries. On 21 March 2005, almost 100 000 people marched through Brussels to protest against the directive, which was discussed in the European Council. Led by France, European governments agreed to far-reaching revisions of the directive. Despite the UK presidency, which aimed to preserve the liberalizing aspects of the directive, little headway was made on the difficult dossier until early 2006. On 16 February, the European Parliament voted in favour of a substantially revised directive. In particular, the country of origin rule was modified, but not replaced, which implies that it will be up to the European Court of Justice to interpret individual cases, as it had previously done through case law (De Witte, 2007). Nicolaïdis and Schmidt (2007, p. 730) refer to the new regime as 'managed recognition'. On 5 April 2006, the Commission presented a new version of the directive to the Council of Ministers based on the modifications suggested by the European Parliament. The new proposal was approved by the Council on 29 May 2006 and resubmitted to the European Parliament for a second reading. The final directive was adopted jointly on 12 December 2006 (Directive 2006/123/EC).

From technical debate to political crisis

During most of 2004, the directive remained an essentially technocratic issue that triggered little political debate. European trade unions, most notably the European Trade Union Congress, and social NGOs in Brussels commented on the Commission's proposal and raised their concerns, but this activity initially remained within the confines of the European capital. In June 2004, Belgian trade unions were the first to hold a demonstration on the directive (Parks, 2006). Despite these protests and some coverage by the French communist newspaper *L'Humanité*, service liberalization was a non-issue for the European election in June 2004. As part of the proposals finalized by the outgoing Prodi Commission, the draft probably benefitted from complicated internal bargaining between social-democratic Commissioners sceptical of some of the more provocative elements and staunch neo-liberals.² In any case, there was little public debate about its political stakes, despite a provision on services of 'general interest', which the European Parliament had been debating for years.

By the end of the year and against the backdrop of discussions on the Treaty establishing a Constitution for Europe (TCE), things had changed. In October 2004,



200 French political leaders, activists and intellectuals signed the ‘Appel des 200’ against the Constitutional Treaty. European trade union demonstrations continued in November 2004 and were increasingly relayed to the national level. The French campaign against the Constitutional Treaty quickly focused on the perceived dangers of the service directive and made it a highly politicized issue (Crespy, 2008a).

While Frits Bolkestein affirmed having received no negative feedback on his draft proposal from the French government until the time he left office on 22 November 2004, the tide had turned against the proposal in early 2005 (Stoobants, 2005). In public debates and demonstrations, French commentators portrayed the directive as a threat to the country’s social standards. In February 2005, President Jacques Chirac spoke out publically against the proposal and the government began campaigning in Brussels against the ‘inacceptable’ directive. French protestors – together with Belgian, German and Italian ones – played key roles during the demonstrations in Brussels around the European Summit on 21–22 March 2005, while the French government pushed for a revised Council position. In public debates, the idea that a ‘Polish plumber’ could take a French job became the symbol for the unease, a slogan popularized by the Philippe de Villiers, the head of the right-wing party *Mouvement pour la France*, in a speech against the Bolkestein proposal in March.³

To explain himself and to avoid having the negative reactions spill into the French debate over the Constitutional Treaty, Frits Bolkestein came to Paris in early April, gave television and radio interviews, travelling ‘*un petit peu à contrecœur*’ and at his own expense. Indeed, the reception of the former commissioner in France was less than welcoming. French politicians decided that it was better not to be associated with the author of the disputed draft and declared that his directive was off the table since the European Council meeting. Frits Bolkestein was not only exposed to hostile questions in his interviews, he even had the electricity in his house in the North of France cut on 13 April 2005 by members of the French trade union *Confédération générale du travail* (CGT) and the mayor of his town send him a list of qualified local plumbers to signal that there was no need for foreign competition (Agence France Presse, 2005).

For many, the French ‘No’ vote against the constitutional treaty would not have happened without the virulent campaign against the Bolkestein directive. To be sure, leading figures in the ‘Yes’ camp, from French President Jacques Chirac to the socialist party leader François Hollande, tried their best to declare their opposition to the initial Bolkestein draft. By doing so, they sought to separate the two debates and to reassure French citizens that European integration was not equivalent to ever more integrated markets without attention to the social costs of the rapid expansion (L’Humanité, 2005). And yet the mix of Europe’s largest enlargement, discussion about an eventual



accession of Turkey and a directive that created uncertainty about the concrete consequences of these enlargements proved to be too difficult to sell to the French voters, despite an alleged media bias in favour of the constitutional treaty (Aboura, 2005).⁴ By contributing to the French ‘No’ vote on the constitutional treaty, the Bolkestein directive thus indirectly threw the EU into a considerable legitimacy crisis. In a survey among high ranking politicians and public servants in the EU and the member states, many cite the Bolkestein directive as one of the biggest failures of the European integration process in recent years (Ross, 2008).

Explaining the French Outrage

The services directive did not just stir a debate in France. In Belgium, Italy and Germany trade unions also contributed significantly to the European campaign against the directive. But none of the public debates reached the level it had reached in France and created such an unprecedented country-wide front against a single directive. A comparison between French and German press coverage indicates the sheer number of articles dedicated to the issue in the spring of 2005, many more than in February 2006 at the time of the actual break-through vote in the European Parliament (see Figure 1).

It is difficult to disentangle the destiny of the service directive in France from the French ‘No’ vote on the Constitutional Treaty, which much has been written about (for example Brouard and Tiberj, 2006; Taggart, 2006; Sauger *et al.*, 2007). Yet in both popular and academic analysis, three potential explanations for the severity of the political storm in France over the services directive stand out. The first has to do with the economic consequences of the directive; the second with anti-market sentiments and the protest culture in France; the third with the bad timing of the directive, which might have passed more quietly if it had not coincided with a popular referendum on the EU’s future. While all of these explanations have merits and help to explain the explosive mixture, they are insufficient to explain the entire course of events in France. We therefore point to a fourth condition necessary to trigger the unusually high politicization: domestic party politics and in particular leadership battles within the French socialist party.⁵ Let us consider each of these explanations in turn.

Economic consequences

The Polish plumber controversy seems to indicate that resistance to the directive was essentially motivated by concerns about foreign competition in

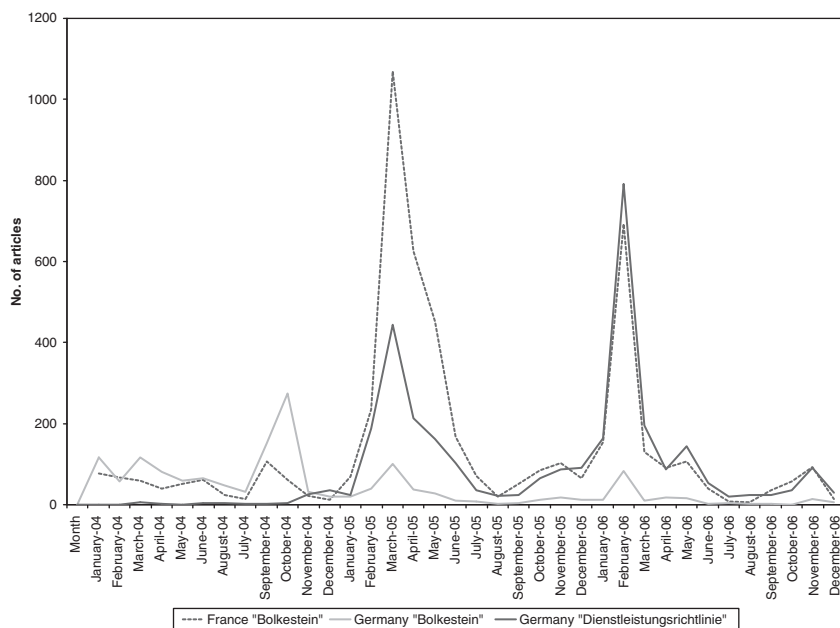


Figure 1: The service directive in the French and German press.

Note: Lines refer to number of articles that included the search term listed in the legend.

Source: Assembled by the authors from Factiva.

low-skilled employment and the consequences of such competition for the social protection system. Indeed, economic gains or losses have traditionally been central hypotheses in the literature on political attitudes towards Europe (for recent surveys, cf. Marks and Steenbergen, 2004; Hooghe and Marks, 2005; Eichenberg and Dalton, 2007). Those that stand to gain from the integration of European markets will support it and those that risk losing benefits will speak out against it (Eichenberg and Dalton, 1993). Just like international trade liberalization, European market integration increases competition and puts pressure on economic actors that cannot keep up or that cannot re-deploy their skills in a different region or activity.⁶ Matthew Gabel's work in particular has illustrated how economic interests and comparative advantage may structure attitudes towards European integration (Gabel, 1998; Gabel and Anderson, 2002).

With regard to services liberalization, Gilles Saint-Paul (2007) has argued that segmented labour markets in continental Europe may explain 'Bolkestein bashing'. Service sector workers in France cannot easily move into a different sector of activity. Furthermore, the relative importance of the service sector in the French economy may explain the extent of the backlash. By contrast,

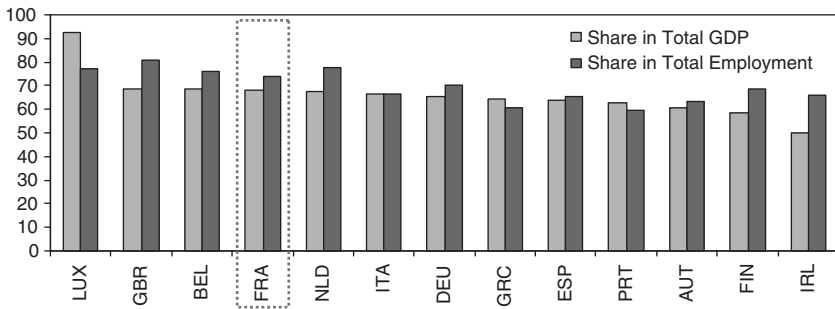


Figure 2: The role of services in national economies.
Source: OECD National Accounts and Vogt (2005).

countries with an important manufacturing base might be less sensitive to calls for protection from service sectors.

Empirically, however, France does not stand out in a cross-country comparison in ways that would suffice to explain the different degree of public mobilization. The role of services in the French economy is lower than in Luxembourg and comparable to the United Kingdom, where the directive stirred almost no debate whatsoever (Figure 2). Employment protection costs are high, but comparable to Germany or Belgium. Finally, the regulation of service industries (excluding public services) and the barriers to entrepreneurship in France are close to EU average.⁷ In fact, the government repeatedly underlined that France is an important exporter of services and therefore stood to gain from the directive (Crespy, 2009).

Comparatively, there is thus no reason why the issue should have triggered a higher level of public outrage in France than in Germany, Austria or the Netherlands, for example. One might object that those that stood to lose most, artisans or low-skill service providers, were more numerous or better organized. But can the crash course of the services directive simply be explained by the ‘dominant losers’ (Padoa Schioppa, 2007)? Why did the concerned parties succeed in creating a country-wide following in France? Or more importantly, why were trade unions in other European countries with equally segmented labour markets not able to raise public awareness and debate to the same level?

To be sure, the most vocal opponents of the directive were trade union representatives, as the economic hypothesis would lead us to expect. Moreover, the political attitudes of those with specific skills are more negative towards the EU than those of other categories. However, as Figure 3 illustrates, French manual workers and other low-skilled workers are not fundamentally more eurosceptic than those in other countries. Net support is below the EU mean, but close to Germany and above the United Kingdom.

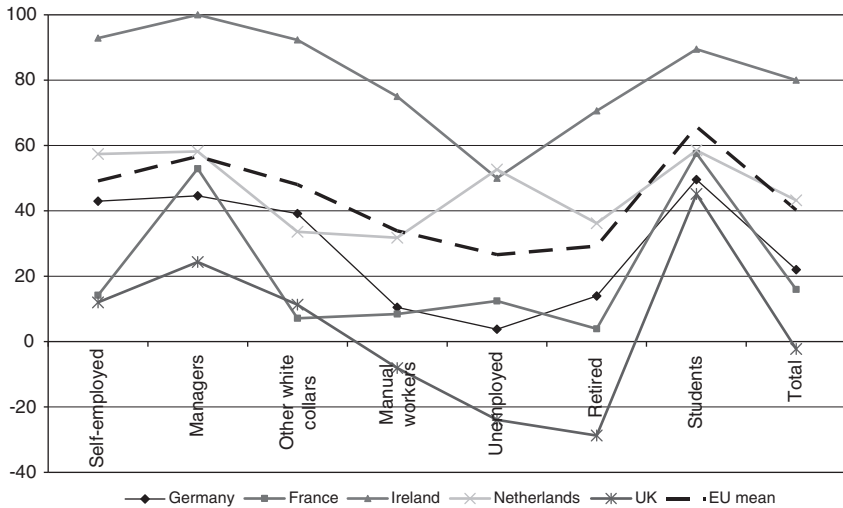


Figure 3: EU support according to professional category. Source: Eurobarometer, May 2005.

All in all, then, the link between the interests of economic groups and public opinion is far from obvious. Yes, some parts of society perceived themselves as threatened, but not decisively more than in several other member states. The course of the Polish plumber polemic is particular telling: it was waged not just by French workers employed in the concerned sectors, but more broadly by citizens who felt that increased immigration might be a threat to French jobs in general. What might have triggered the emotional reaction in France is therefore an additional cognitive element that many foreign newspapers like to highlight: a distaste for market integration that is supposed to be characteristic of the French.

The fearful French?

Nobody is surprised to hear French commentators warn against the dangers of globalization and the importance of governmental control over economic activity (Gordon and Meunier, 2001). The benefits of the free market advocated by supporters of trade liberalization and European integration never echoed as much in France as it did in countries like the United Kingdom or Germany. Indeed, the anti-globalization movement and many of its constitutive organizations – the Association pour la taxation des transactions financières et pour l'action citoyenne (ATTAC), most notably – have a



particularly strong foothold in France (cf. Ancelovici, 2002). This sentiment is furthermore amplified by the protest culture in France (Nam, 2007). Did the anti-globalization sentiment in France provide a particularly hostile ground for the service liberalization proposal? Or put differently, is France simply culturally predisposed to oppose initiatives that appear to be driven by the ideological pursuit of greater integration of service markets?⁸ Can the fear of uncontrolled market liberalization in French society explain the success of the discourse against the Bolkestein directive? In sum, to which extent can France's public opinion be said to be particularly protectionist or even anti-capitalist?

One way of looking at this concerns political and economic fears among the EU members' population. Dennis Quinn and Mary Toyoda (2007) have elaborated an indicator of 'anti-capitalism'. Looking at party manifesto data (Budge *et al.*, 2001), the authors evaluate the relative strength of anti-capitalist discourse for individual parties. They then go on to analyse the relative electoral strength of the resulting anti-capitalist parties. And indeed, France figures prominently among those countries, where such parties are relatively successful. But other studies have yielded less straightforward results. Most work underlines that attitudes towards globalization, liberalization or protectionism depend on many interdependent variables (Kaltenthaler *et al.*, 2004; Mayda and Rodrik, 2005; Hellwig, 2007). For the purpose of this article, we have constructed indicators that combine the averages of different types of political and economic fears⁹ (Figure 4).

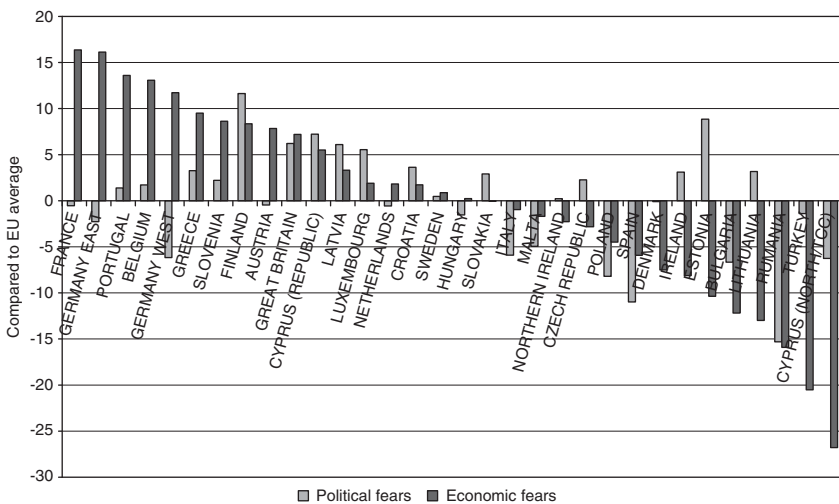


Figure 4: Political and economic fears.

Source: Eurobarometer No. 64.2, October 2005.



France has consistently scored highest on economic fears since the early 2000s. Moreover, other countries that have experienced a virulent political debate on the Bolkestein directive, such as Belgium or Germany, also score highly. Fears seem to reinforce existing perceptions of relative vulnerability. Economic fears explain reactions in societal terms rather than through occupational status. In fact, as recent research on economic voting has shown, individual pocketbook voting is rather the exception. Individuals take their decision in context and their opinion is more determined by the general economic situation than their individual well-being (van der Brug *et al.*, 2007, pp. 131–134). This is quite reasonable, in fact, as declining economic conditions may not have a negative impact on the personal situation immediately, but may do so in future.

Yet, a country-wide measure of economic fear is clearly too general to determine differences across countries and the timing of mobilization. Although it may help to answer the question ‘Why France?’, it does not help to answer ‘Why the Bolkestein directive?’. Other European initiatives that might have been equally disconcerting for those afraid of further liberalization have almost gone unnoticed in France. One may think in particular of the European Court of Justice rulings in the cases Laval, Viking and Ruffert, which have been likened to the Bolkestein initiative by members of the European Parliament, analysts and many trade union leaders across European countries (see Höpner, 2008; Joerges and Rödl, 2009; Scharpf, 2009). Despite comparable social implications, these issues have stirred almost no general political debate in France, and even less social mobilization.

Bad timing

It is therefore necessary to consider the circumstantial elements that affected the political context. Indeed, both newspaper analyses and politicians repeatedly explained the backlash against the Bolkestein directive with ‘bad timing’ (cf. Jacques Pelkmans, 2007). The year 2004 was dominated by discussions about the massive Eastern enlargement, the impact of free movement in such an uneven economic area and the potential accession of Turkey. Indeed, to critics who had been wary about the 2004 enlargement, the revival of talks with Turkey were an outright scandal and considerably reduced support for European integration. The liberalization of services and the ensuing movement of workers in such a context provided a focal point for those who sought to rally opinion against the advances of European integration. But the most crucial contingency was the upcoming referendum on the Constitutional Treaty. The public debates in preparation of the referendum opened the floor for all concerns linked to the EU, even if they did



not address the changes directly proposed in the Constitutional Treaty, and the Bolkestein directive became the symbol of the most important concerns.

In this context, the Barroso Commission's insistence to push through the Bolkestein directive in the midst of the referendum campaign certainly appears as a sign of particular political clumsiness.¹⁰ Only 4 months before the French referendum, José Durao Barroso presented the working programme for his term as Commission president on 26 January 2005. The services directive was presented as one of the major immediate objectives. Given the hostile reactions in France and elsewhere, the Commission announced that it would review the project. Yet, the proposal that was finally submitted to the European Parliament in March still contained the controversial principle of home-country control.

Clearly, there was a lack of understanding of how important the issue had become to French citizens. The French opinion survey centre *Institut français d'opinion publique* (IFOP) regularly releases the most important political topics in French public opinion. European issues, even when they actually appear as 'top headlines', never gain the salience of comparable national political stakes. Only in the months leading up to May 2005 did European topics rise steadily and even top the importance of national issues at the moment of the referendum, before quickly falling into irrelevance again (Figure 5).

The failure to grasp the concerns of European citizens communicate on the proposal in a convincing manner and avoid an escalation of the issue that has been an important impetus behind a revised communication strategy of the

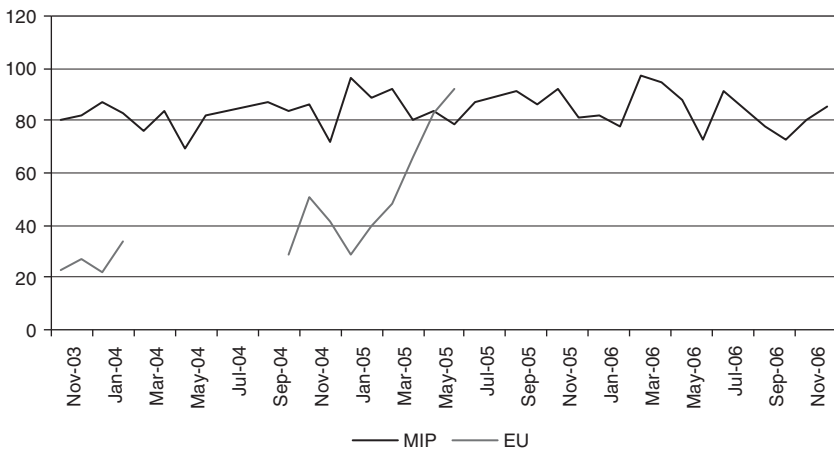


Figure 5: EU topics in French public opinion.

Source: IFOP.



European Commission (2006). A string of clumsy political declarations and the attempt to deal with service trade as a technical matter clearly contributed to making the directive unpopular.

But why was the bad timing so particularly relevant in the French case only? As we have seen, not all countries were equally concerned about the directive, even among those that had an equally important share in service markets and also faced a referendum, such as Luxembourg. In comparison, in the Netherlands, which rejected the Constitutional Treaty at about the same time, the Bolkestein directive was much less central to the 'No' campaigners (see for example Lubbers, 2008). So while it is true that the proximity of the Bolkestein discussions to the referendum was decisive in creating the political backlash in France, we have to explain how these elements became linked together. This is what our argument will centre on.

The importance of political cues: Leadership quarrels in the French Socialist Party

All of the above explanations provide only partial accounts of the way things happened, because they focus on the context only. The one explanation that ties these elements together, we argue, is the political instrumentalization of the issue within French national politics.

In particular, we propose to study the role of parties in communicating on the Bolkestein directive and highlight the importance of party cueing. Cue theory argues that voters face time constraints and have limited knowledge: they therefore resort to cognitive short-cuts to form opinions on political issues (Downs, 1957; Zaller, 1992). These short-cuts rely on cues, which are provided by political elites, and in particular by political parties in the European context (Hobolt, 2007; Hobolt, 2009). We follow Hooghe and Marks, who argue that the 'permissive consensus' that characterized EU attitudes for most of the first three or four decades of European integration has come to an end. It has given way to a 'constraining dissensus' (Hooghe and Marks, 2005, p. 426) or 'post-Maastricht blues' (Eichenberg and Dalton, 2007). In this context, contradictory cues, due to disagreement among the political elites, are likely to increase opposition to European integration significantly.

Parsons and Weber have further specified this argument. They show that not only consensus between parties, but also consensus *within* each party is decisive (Parsons and Weber, 2008). As EU issues often cut across the classical left-right cleavage in most party systems (van der Eijk and Franklin, 2004), centrist parties try to keep it off the agenda in order to avoid dividing their electorate (cf. Kriesi, 2008). Inside such parties, internal contenders can in turn exploit cross-cutting issues to divide the party and shift coalitions in their favour.



Strong party leadership thus entails keeping such contenders from putting EU issues on the agenda. Hence, Parson and Weber argue that leadership crises are likely to increase the salience of the EU and to reveal a previously silent fraction of Euro-sceptics within the party. Moreover, ‘the closeness to elections increases intra-party dissent under weak leadership’ while it has the opposite effect under strong leadership (Parsons and Weber, 2008, p. 26).

This explanation best explains French mobilization against the Bolkestein directive and the particularly high salience of the issue. At least two distinct elements converged to make this episode particularly important: the leadership crisis, on the one hand, reinforced by the ideological legacy and internal dissonance of the PS.

A third aspect concerns the other mainstream party’s strategy. One may indeed suspect that Jacques Chirac called for a referendum because he knew that the EU issue would be difficult to deal with for the Socialist Party in France, while his own camp would be able to control dissenting voices.¹¹ This would indeed fit recent research on mainstream parties’ strategies with regard to niche-party success (Meguid, 2005), but goes beyond the scope of this article. Anti-EU voices have also been strong in the conservative camp in the past, but this was less the case in 2005. The two most prominent anti-EU leaders had either exited the political scene (Charles Pasqua) or were politically marginalized (Philippe de Villiers). New contenders, such as the conservative Nicolas Dupont-Aignan, were politically too weak to represent a real threat. Finally and fundamentally, the presidential party *Union pour un mouvement populaire* (UMP) was in power and had been re-elected 3 years earlier under Chirac’s leadership, silencing potential dissenters.

Things were a lot more complicated in the PS which was undergoing a serious leadership crisis with an unpopular First Secretary, François Hollande, and several potential candidates for the upcoming presidential primaries. The tensions were further complicated by the continued attraction of the French global justice movement and the success of ATTAC. In the contention for PS party leadership, politicizing the EU became a promising opportunity. After Lionel Jospin announced the end of his political career on the evening of his historical defeat on 21 April 2002, the PS was left without a clear leader. Interestingly, in the immediate aftermath of the double electoral defeat – presidential *and* legislative – this did not appear as an urgent problem. The fact that First Secretary François Hollande stayed on after the defeat initially appeared as a temporary solution to the looming leadership crisis. In the absence of a natural successor to Lionel Jospin, François Hollande could manage the transition. Yet it soon appeared that François Hollande was developing aspirations of his own. In several declarations during the summer of 2004, he indicated that he would be a willing contender for the presidential race. The discussion on the referendum thus appeared primarily as an



opportunity for contending leaders, such as Laurent Fabius, to challenge François Hollande's leadership qualities and thereby weaken a nascent rival. Laurent Fabius has historically appeared as rather pro-EU, as he is said to be the person who convinced former President François Mitterrand to stay in the European Monetary System 20 years earlier (for example Parsons, 2003, p. 173). By heralding the 'No' to the Constitutional Treaty, he had to buy into a political campaign that others had started and that had become quickly dominated by 'anti-liberal cognitive frames' (Crespy, 2008a, p. 34). This had the doubtful advantage of pushing aside other contenders, such as Dominique Strauss-Kahn, but portrayed Laurent Fabius as very close to the party's left.

On 1 December 2004, the members of the PS cast an internal referendum on the TCE: 58.6 per cent were in favour and 83.2 per cent participated in the poll (Wagner, 2008). The attention to the Bolkestein directive can thus be seen as a side effect to the struggle within the PS.¹² To be sure, mobilization was initiated by much more radical movements through the *Collectifs pour le Non*, but the PS' ideological legacy certainly aggravated things. Given the rapid successes of the 'No' campaign in imposing an 'anti-liberal frame', all those defending the 'No' on the left or on the right sided with this frame. In fact, these frames resonated with ideological stances within the Socialist Party. This confirms the 'defensive nature of PS ideology', which had become 'fearful and pessimistic [...] since the advent of globalization' (Hanley, 2008, p. 86). Growing euroscepticism was but a natural consequence of increasingly anti-liberal positions within the party, according to some observers (Grunberg and Laïdi, 2007). In sum, in this particular context, the PS' platform had no substantial message to oppose the radicalization of leftist and anti-European discourse.

Given the pro-European turn that the party had taken under Mitterrand, party leadership was still attached to pro-European stances. And under 'normal' circumstances, EU issues would have been played down and the party leadership would have succeeded in controlling dissenting voices, as during the 1992 referendum on the Maastricht Treaty. This attitude of PS party leaders is more or less openly acknowledged. A 2003 report to the Dijon Congress of the Socialist Party by two Members of the European Parliament criticized the party's tendency to keep EU issues 'under embargo', leaving leadership discourse often in strong dissonance with lower level militants' convictions (quoted in Olivier, 2005, p. 169).

Against the background of this dissonance, the Bolkestein phenomenon becomes all the more understandable. Struggling over party leadership, elites within the PS proved unable to provide a clear common stance on service liberalization. The debate on Bolkestein, as Figure 1 shows, peaked in March and April 2005 and faded before the final run-up to the referendum. In those



months, the major figures of the PS taking position on Bolkestein are clearly the ‘No’ campaigners such as Laurent Fabius, but also Henri Emmanuelli. In particular, Laurent Fabius has become (in)famous at the time for a declaration on the ‘Polish plumber’ in early May 2005. This expression had been used earlier by the sovereignist Philippe de Villiers, and it had become a regular figure of public arguments on so-called ‘social dumping’ and the effects of European integration on the French welfare state. Laurent Fabius picked it up in a speech in front of members of the PS in Marseille and again before a national audience during the TV news of the major broadcasting network TF1 on 8 May (Lévy, 2005), arguing that he understood the fears of many French concerning disloyal competition from Eastern service providers.

This declaration practically put an end to open debates on the Bolkestein directive. Paradoxically, and even though all parties in the centre of the political spectrum strongly fought the xenophobic turn, Laurent Fabius declaration had locked in a full circle of arguments against the Bolkestein Directive. In a nutshell, he had succeeded in binding together arguments on the ‘lack of social Europe’, the main argument of leftist ‘No’ campaigners, and on the threat to the French identity, used by the far right. Mixing the two may explain the origins of the apparent consensus *against* the Bolkestein Directive. For the Socialist Party leadership, the directive became suddenly very difficult to deal with: it could not support the xenophobic undertone of de Villiers’ discourse, but had to support the criticism of social dumping.

On 1 December 2004, the members of the PS cast an internal referendum on the Constitutional Treaty: 58.6 per cent were in favour and 83.2 per cent participated in the poll (Wagner, 2008). Yet, Laurent Fabius and the heads of left-wing factions such as *Nouveau Monde* and *Nouveau Parti Socialiste* did not feel bound by the internal referendum and continued to campaign for the ‘No’. And indeed the ‘Yes’ vote in 2004 proved to be a ‘false dawn’. In the end, ‘PS supporters, 56 per cent of whom voted “No” in the 2005 referendum, made up almost 30 per cent of the total “No” votes’ (Marthaler, 2005, pp. 230–234; Sauger *et al.*, 2007).

The European issue thus helped Laurent Fabius to challenge party leadership and he hoped to be the main beneficiary. Yet, in the socialist primaries 2 years later, the EU was practically absent. This confirms the general idea about EU issues in national politics put forth earlier: they are divisive and may thus trigger or deepen leadership crisis, but they will not last as political markers because centrist leaders have to avoid them. This is precisely the strategy the three contenders in the socialist primaries ended up pursuing: they avoided any reference to the EU.

The consequences of this episode were manifold. First, for the Constitutional Treaty the Bolkestein directive had become lethal. In mid-March, at the peak of the debate, the ‘No’ became majoritarian in the polls and the ‘Yes’ camp



could never recover the ground it had lost. In essence, one could say that Bolkestein and its instrumentalization for party-internal struggles made a very prominent victim: the Constitutional Treaty. Second, all major players and agenda-setters within the Socialist Party ended up losing ground during the later presidential primaries campaign: Laurent Fabius, of course, but also Henri Emmanuelli or Jean-Luc Mélenchon.¹³ In addition, one may speculate about the long-term consequences of this episode for the Socialist Party, which never quite rebuilt its internal unity, but this would go beyond the scope of this article. In sum, contested leadership within the PS and the context of the referendum campaign combined to make this issue particularly salient in the French case. A more legitimate leadership would have been necessary to control the issue and to limit internal tensions.

Conclusion: Beyond the French Case

To summarize, the virulence of the opposition to the Bolkestein directive in France is the result of a leadership crisis in the Socialist Party, where internal contestants tried to exploit anti-liberal sentiments in France and the upcoming referendum. However, this case study is more than a simple anecdote about European politics, because it bears lessons about EU issues, their salience and their place in national politics.

The EU continues to be a sleeping giant in national politics: the electoral potential of European issues is real and can turn out to be decisive. And yet, we do not see a fundamental reorientation of the platforms of political parties (van der Eijk and Franklin, 2004). The EU can be very divisive, but since it represents a cleavage cutting across classical partisan conflict in many member states, parties prefer not to take it up, unless they are forced to do so. Hence, so far everybody prefers to let the giant sleep because nobody appears to know exactly how to capitalize on its potential. Only parties on the margin of the political spectrum have systematically sought to position themselves with respect to European integration to distinguish themselves from the political mainstream. For everybody else, politicizing the EU is extremely risky and at times politically suicidal. The French case illustrates rather precisely how difficult it is for centrist parties to venture onto these grounds.

The Dutch case largely matches the French experience. While the Bolkestein directive appears to have been less salient in the Netherlands, it was replaced by the protection of other national specificities. The content of elite criticism varied on the right and on the left, but political elites were similarly divided and the lack of a coherent message was also striking (Harmsen, 2008). So even if the precise motivations and chronology of events differed (Aarts and



van der Kolk, 2006; Binnema and Crum, 2007), the Dutch case also highlights difficulty parties face when dealing with the EU in national politics.

Many recent analyses of the evolution of political cleavages indicate that some variation of the universalist/anti-universalist cleavage is slowly replacing the classical left–right divide (see for example Kriesi, 2008). The French mobilization on the Bolkestein directive shows that this divide remains far from determinant when it comes to winning elections or party leadership. It took the combination of a series of favourable conditions – a context of growing anti-liberal sentiment, an upcoming EU-related referendum, a leadership crisis in one of the two biggest parties and a clumsy European Commission – to make this issue salient.

Those who believe in the prevalence of the status quo could thus consider that France simply had a far more favourable ground than most of its neighbours. But this would be short-sighted. The strength of the mobilization on the Bolkestein directive may also be seen as the forerunner of future political battles. Moreover, in the past, other EU issues such as the takeover directive, the chemical regulation directive REACH or the directive on software patents have reached some degree of notoriety, albeit less than the Bolkestein directive. This underscores that European transformations crucially hinge on the ways in which European stakes are incorporated in the political strategies of national actors (Woll and Jacquot, 2010). The potential effect of such strategies has increased over time and similar issues are bound to come back soon (for example Höpner and Schäfer, 2008).

In France, like elsewhere, European integration is contributing to a larger transformation of political cleavages (Belot and Cautrès, 2004). Parties will thus have to respond to cross-cutting issues and they have essentially two choices. First, they can try to keep the issue off the agenda, but this option will always be more difficult to realize for opposition parties. For obvious reasons, this is not a viable solution in the middle and long term. The second solution is potentially more costly. It implies facing the cross-cutting cleavages and actively trying to accommodate them. This in turn may require a rather substantial ideological renewal. The French Socialist Party has so far not made a choice, but the extremely bad results at the last European elections on 7 June 2009 may force it to reconsider its ideological constitution.

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Notes

- 1 We define 'politicization' as the process by which an issue moves from technical or bureaucratic treatment to open and public debate, with an increasing number of people becoming active and expressing their views on the issue. Inversely, an issue becomes 'depoliticized' when it is moved out of the public sphere and into the realms of a technical authority, who consult with an increasingly restricted number of stakeholders.
- 2 We thank one of our anonymous reviewers for pointing this out.
- 3 The figure of the Polish plumber became subsequently known well beyond the borders of France, although Nicolaïdis and Schmidt (2007, p. 726) note that the Germans were more concerned about competition from Eastern European butchers rather than plumbers. The Polish government even launched a tourism ad campaign, displaying a good-looking Polish plumber and a Polish nurse to entice French travellers to visit their home country (Sciolino, 2005).
- 4 Aboura (2005) analyses the time granted to the proponents and the opponents of the treaty during the 12 days leading up to the vote and shows that proponents benefited from 10 hours more airtime than opponents. In addition, only one out of nine French daily newspapers openly campaigned against the Treaty: *Humanité*, which is closely connected to the French Communist Party. All weekly news magazines, be they from the left or from the right, came out in favour of the Treaty.
- 5 The importance of divisions within the PS have been highlighted by several analysts of the French campaign against the constitutional treaty, for example Crum (2007), Wagner (2008) and Crespy (2008b).



- 6 Cf. Frieden (1991), Hiscox (2001) furthermore underlines the importance of factor mobility in predicting whether we should expect to see protest to liberalization according to class or industry fault lines.
- 7 All references are based on OECD National Accounts and the OECD STAN Database for Structural Analysis (OECD, 2005; Vogt, 2005).
- 8 A discussion of the motivations for the services directive is beyond the scope of this article. For a critical view, see Hay (2007).
- 9 For political fears, the indicator contains the fear of the loss national sovereignty, national identity, the use of the national language, and the fear of increased drugs and organized crime. Economic fears contain a question concerning one's country having to pay more, the loss of social benefits, the fear of economic crisis and of job transfers to other countries.
- 10 Avril (2005). In fact there were a series of clumsy declarations by new commissioners. Concerning regional policy, Commissioner Danita Hübner declared, for example, that she wanted to 'encourage delocalisation'. This series led to hostile reactions among French political leaders. See « Le gouvernement « choqué » par les propos de Bruxelles » (2005).
- 11 These stakes were probably reversed in 1992, when Socialist president François Mitterrand put up the Maastricht Treaty for popular vote.
- 12 On this point, see a longer development by Sauger and colleagues (2007).
- 13 Jean-Luc Mélenchon, nevertheless, experienced something of a political rebirth, recently, when he ran for European elections for the list 'Front de gauche', which combined the left-wing PS members and Communists. The list reached 6.3 per cent, well beyond initial expectations.

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