



# An open contribution to the understanding of the OMC: changing the conventions supporting national policies

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*An open contribution to the understanding of the OMC: changing the conventions supporting national policies<sup>1</sup>*

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Contribution to the Seminar on Democratic Legitimacy and Social Europe, Leuven (Be),  
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**Introduction**

In my contribution I will consider that, properly speaking, the OMC is not a new political methodology, but rather a (innovative indeed) application of the now well-established New Public Management to the field of European social policies; which is not exactly the same. One should never forget this origin of the OMC when analysing how it works, what it does or does not and what are its relevant features, especially as applied to European matters. It should be acknowledged by social scientists that the repertoire of the OMC is mostly borrowed and adapted from the tools of new public management (and the remote inspiration it takes on corporate management<sup>2</sup>): monitoring through guidelines, targeting by using key performance indicators, benchmarking techniques, peer reviews, exchange of good practices, and so on. Whatever the feelings and expectations of those who invent (or import or both) the OMC have been, whatever the extent to which the European “touch” modifies or refreshes this old bottle, one can wonder whether the content of this bottle has been substantially altered. The following developments are part of a reflection on what the diffusion of NPM means today<sup>3</sup>.

To take distance from conventional approaches (and, by the way, to become closer to the object) implies to view the OMC as a social technology of knowledge. For, in the case of

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<sup>1</sup> This contribution builds upon two recent papers, one already published in *Archiv für Sozialgeschichte*, 2007, 47 and the other forthcoming in *Raisons pratiques*, March 2008, 18. English not yet revised.

<sup>2</sup> A classic book is Kaplan and Norton, 1996

<sup>3</sup> See, for example, Suleiman 2003.

employment policies in Europe, the key example on which I will rely, the implementation of the OMC, as I will demonstrate, intends to modify the social cognitive conventions about what has to be considered (and measured) as being employed or unemployed. So analysed, the main effect of the OMC is to create incentives for the Member States to change their cognitive conventions as embedded into their national policies and institutions, and, by this way, to begin to reform them.

In each country conventions on employment and unemployment are to be found in public statistics (surveys, censuses, administrative data, their categories, questionnaires and methodologies), but also in a series of other social technologies. Amongst them we must include not only public statistics, but all forms of public and private accounting, law for its instrumental purpose, organisation and management techniques, models for structuring and preparing decision (for example, for investment purposes, for appraising options or for public expenditure). Last but not least, we must include the informational bases which, in social welfare institutions, determine who has rights to which benefits. For instance, the set of criteria and rules which give access to pensions or to unemployment benefits must be considered as a technology of knowledge; it asks every claimant (and the corresponding institutions) to look at the description of his personal situation and to find the what, how and when his claim could be met. Amartya Sen and more generally works on social choice procedures<sup>4</sup> develop the right idea that such informational bases, not only back national social policies, but are also a major stake for public deliberation when implementing concerns of social justice in political communities. For, when these bases become politically accepted and common knowledge in a community, they tell to everybody, not only what is just, but also what the social reality is.

Cognitive tools such as employed by the OMC are thus not only descriptive. They are at the same time evaluative, hence normative. It is essential to apprehend that these are not simply technical tools. They are not merely registering a pre-existing social reality: they are also shaping this reality, they tend to influence the ways people think about it and act

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<sup>4</sup> Among other papers from him, Sen, 1990; also Rowley, 1993.

on and within it. The description of the social state of affairs, for example, of a particular person or group of people in terms of employment or poverty, is never just a simple factual description. It is a construction process that creates approval to a certain way of describing things. When this description succeeds in being universally accepted, it is legitimised and becomes commonly accepted as fact. In other words, it becomes common knowledge which is not put into question any more<sup>5</sup>. To make visible what is for actors ordinarily invisible, research must shift what is taking place backstage to centre stage because it provides the setting for the play.

Part I applies the concept of social technology of knowledge to the specificities of the OMC. Part II demonstrates how far implementing the OMC can be seen as politically acting through statistical tables. It focuses on some of its unexpected potential or existing effects, in particular the development of self-referential policies, the creation of material (and not only discursive) justifications, the return of the social towards the private sphere. Part III comes to accountability and its rational targeting. It raises several questions with regards to democratic deliberation. We confront different views, mostly the so-called democratic experimentalism with the works on deliberative democracy. Until now, the main focus of this literature has been the search for optimal procedures that are able to achieve political consensus. A step beyond should be undertaken. In a context of pervasive disagreement about values and policies, is-it still possible for a community to achieve by democratic means, if not political consensus, at least agreements on what social realities to grasp with are?

## **I. The OMC as social technology of knowledge**

To consider the OMC as a social technology of knowledge means to focus, above all, on its technical tools. These tools are cognitive: statistical tables, indicators, even the guidelines should be understood as descriptors which define the domain on which to act

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<sup>5</sup> The theoretical framework of the economics of conventions is well fitted to deal with such issues. It defines convention as a system of mutual expectations backed by common knowledge which allows individuals and actors to coordinate in the economic and social spheres. See, among others, Revue économique, 1989; Eymard-Duvernay, 2006.

and which format what has to be considered as the relevant information. For instance, the 2006 EES Guideline “Ensure inclusive labour markets” asks the Member States to develop “active and preventive measures including early identification of needs, job search assistance, guidance and training as part of personalised action plans, provision of necessary social services to support the inclusion of those furthest away from the labour market and contribute to the eradication of poverty”. I have underlined what should be the domain on which information is required. Furthermore the wording of the Guideline builds an implicit causality between the means (identification of needs and so on) and the searched ends (inclusion of the furthest away). The whole and its political meaning are made explicit by the recourse to statistical indicators that all Member states are required to fill and to send the corresponding data in national Reports back to the Commission each year. This guideline relates to the monitoring indicator ‘NEW START’: “Share of young/adults unemployed becoming unemployed in month X, still unemployed in month X+6/12, and not having been offered a new start in the form of training, retraining, work experience, a job or other employability measure (target value 0%= full compliance)”. Such indicators format what has to be built and acknowledged as being the relevant information.

Viewing, in addition, the OMC implementation as an evolutionary process reveals key internal feedback effects; the main of them, as we will see, being the confusions between means and ends and between qualitative improvements of social situations and the rising of quantitative performance.

### 1.1. Transforming politics into a process of maximising performance

As social technology of knowledge, the OMC is a very specific one, for it transforms politics into a process of maximising quantitative performance.

The political logic becomes quantitative performance, precisely performing quantitatively better (in the sense of higher or lower, depending of the case) than the other Member states. Improving performance, thus efficiency, is a good thing as far as it does not play

against the basic official objectives. Inclusion for instance is indeed a fair and very valuable objective, as long as one considers that the aim is to provide the people concerned (“those furthest away”) with the best as possible future on the labour market. However the addition of quantitative targets, in addition with the scoring and ranking of the Member states, signals to them that what truly counts is not to effectively improve individual situations, but to have the highest as possible rate (and if not, to increase it by *all* means). Such rational learning cannot but raise along the years when feedback effects become the major thing, for instance comparing performances of the current year to the preceding ones or looking at the shift of positions in the overall ranking. Whatever his or her will to truly help people and to make fair policies would be, even the best value-oriented policy maker or public officer knows that the less costly by recipient is the implemented scheme, the more quantitative effect it has. As, more and more, the budget has to be bargained with the Treasury or the Ministry of Budget with regards to indicators of performance, it is easy to understand that proposing expansive and badly performing schemes put you in a weak bargaining position. The whole constitutes a strong incentive to reorient public schemes, not towards improving life and work situations, but towards increasing quantitative performance. This is all the more effective that indicators of performance are, as told in European language, “monitoring indicators”, that is, play a role in the political process (at the difference of “analysing indicators”). Such targeting opens the door to a divorce between expected outcomes valuable for the recipients and better quantitative performances of the schemes.

The paradox is that there is nothing abnormal in such evolution, only the product of the implanted organizational scheme. Remember the security controls in airports. What, primarily, counts for the gate-keepers is not that you are truly safe, but whether you are ringing or not when passing under the electronic arch. If not, you are considered as safe. But is it the case?

One could argue that there is no fatality in such a divorce between expectation and realization, but only bad or irrelevant indicators. For instance, in the above case, the selected indicator is an instantaneous one (without any consideration of the durability of

inclusion itself in a job or in whatsoever). Choosing to consider as included only those who, say after three months are still employed would correct data and be fairer, because it would impede the most aggressive instrumentalisation of schemes. The importance of debating on the fair indicators to choose, or efforts to create better suited data should not be underestimated. And some aspects of the process (for instance the exchange on good practices) carry qualitative features and interest on them which, to some extent, can run against the chase for performance. However this is not the end of the story. Four statements have to be reminded.

First ask why the first type of indicators (global and instantaneous) has been chosen (and not the second one, dynamic and in-process) and the standard answers come: simplicity, availability of comparable data for all Member states. To be simplistic and biased becomes a political advantage, very hard to bypass in such a process. Secondly, try to make public communication and claims with data hard to understand (by you and the audience): you risk losing the expected political benefits. Thirdly, compare with the use of benchmarking into corporate management (these are the same tools and procedures) and you will discover aggravating circumstances when transposed into politics and the selection of public policies. Every firm is confronted to market sanctions, whatever remote they are and whatever intense are its efforts to bypass them. A firm may claim that, due to its better management, it succeeds to lower the price of its products or services without degrading its quality. But if, by the same time, the users (especially the other firms in case of components, intermediary products and so on which constitute the major part of the markets today) discover it is not the case, they will stop to buy them and the firm will be in great pain and difficulty. All players in that case have the ability to test the veracity of the claims; they know by their practice what is going on and they know that the others know. So the fear of credible sanctions by final markets helps firms to use corporate management tools in a rather balanced and controlled way. Quality continues to matter, to a more or less large extent depending of the product and of its complexity. No such mechanisms exist into political markets in which governments are playing. These markets are, by contrast, fed with data the truthfulness of which is uncontrollable by citizens with the only help of their individual and local experience and knowledge.

Fourthly, ask whether the OMC process is “open” or not and you must answer that it is mostly a closed process<sup>6</sup>, restricted to few high-rank players from the Commission, European bodies and national administrations. Due to the absence of effective external sanctions – which would force actors to care with them – outside circumstances and people disappear from the scene of the play. External circumstances and people cannot, except marginally in the best cases, influence its course, neither the selection of the tools, nor the official interpretation of outcomes. The game becomes self-referential. I will come back later to these last and most important points, for they question the democratic dimension of the process.

## **II. Acting through tables or changing the cognitive conventions**

In earlier papers<sup>7</sup> I have shown how far the selection of a given set of indicators frames the normative background of the political decision-making process. It is neither malignity nor political cunning. It is the mere consequence of the fact that any indicator (or guideline) selects what is worth to be known or not and, so doing, basically builds the reality that is relevant both for the deliberative process preceding the decision and for the action to be undertaken. In other words, contrary to many radical critics who, for instance, denounce the European Employment Strategy for its liberal ideology, the basic issue with the OMC in the EES is not strategic action, or ideology. The basic issue is about the cognitive conventions which are selected to drive the political process.

One should pay attention to what is ordinarily taking for granted, hence invisible, that is the collection of statistical tables that, for each yearly report, national administrations are required to fulfil in the areas using the OMC. One must suspect that, to a large extent, these tables are the driving forces “behind” the formal. So let us look at a statistical table and at what it does.

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<sup>6</sup> As remarked by Zeitlin, 2005.

<sup>7</sup> Salais, 2004, 2006a and b.



## 2.1. Conventions of equivalence as political resources

Contrary to the standard view, a table is not only a collection of figures (one in each box, for instance, as in a double-entry table), some being higher and others lower, from which one can draw conclusions like “the female rate of employment in 2005 is higher in the UK than in France”. A table is, above all, a procedure for aggregating individual situations, for instance relating to employment and the person’s position in the labour market. All situations compiled in the table which are considered as identical are placed in the one box, as if they were equivalent according to a given criterion or property (characteristic). By this logic, all women assigned by the compiler to the box of those “who have employment” will be considered equivalent in terms of the “having employment”. In other words, filling a table by combining individual data requires conventions of equivalence, which decide about what should be considered as similar (or, in other words, equivalent). The putting into equivalence is a powerful operation. On the one hand, one might find a 25 year-old woman with a poorly paid part-time job next to another who is 40 years old in full-time senior management at a bank in the same box. On the other hand, the exercise involves declaring irrelevant all those (admittedly highly diverse) characteristics which do not match the general description “woman in work”. But where does the description of what constitutes a “woman in work” start or, for that matter, end? These conventions of equivalence govern what we select, what we exclude and what we construct. Thus, the requested description becomes not far removed from a normative evaluation of the situation under review.

If we want to understand what a table means and does, we need to analyse the underlying methodology, i.e. the conventions of equivalence which have been used and the context in which a table is involved. Generally speaking, conventions of equivalence are ignored or misunderstood by the ordinary users. Usually, users take figures as, *a prima facie*, they seem to be, which means they interpret them with their own categories.<sup>8</sup> From the above statement on female rates, they will spontaneously conclude that “women work less in France than in the United Kingdom”. But this conclusion is valid only if the legal,

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<sup>8</sup> See the website of the European Union, URL: <<http://www.epp.eurostat.ec.europa.eu>

statistical and social definitions of what should be considered as a “job” are identical in the two countries. It is not the case, for the UK is using a “softer” definition of partial-time work, which leads to consider women with very few hours worked a week as having a job and to push them into such jobs. Part at least of these women would not be considered as such in France. To obtain an objective judgment and truly compare what is comparable, one needs to correct the figures and to take into account the unequal distribution of work time between France and the UK. Adjusted from this unequal distribution, the female employment rates become equal. However such adjustment can only be made by statisticians and is widely ignored by ordinary citizens, not to speak of more sophisticated treatments.

By setting the frames of the tables, the cognitive conventions and the set of indicators and guidelines prior to public democratic deliberation, the European authorities have, by the same token, decided of what should be taken by the actors of an OMC process as the relevant description of the situation (what I would call “the table of the situation”) upon which to base and to develop their understanding, their bargaining and their solutions. As initial conditions are decisive in evolutionary processes, the European authorities have widely constrained the future of the EES since the beginning. They did that by using conventions of equivalence as political resources. One will see, in the EES case (2.3.3), that the final judgment on rates and their evolution is widely dependent of the chosen conventions.

Again one could argue there has been some deliberation between the European authorities and the Member states to select the relevant indicators. It seems not for the core set of indicators of the EES which remains mostly the same since the beginning. The setting of a technical group on Indicators close to the Employment Committee has improved the situation. Nevertheless, available studies I have read suggest that what occurs between the national members and the Commission is not a deliberation intended to progress toward the truth, but political bargaining with regards to the implicit norms underlying the proposed indicators. Moreover, there is some invisible, though operative barrier beyond which the national representatives are reluctant to reveal more of their

process of producing data (in fact their “production secrets”, the very details which would be necessary to understand what national data precisely mean with regards to the Commission demands). The mechanism works like a system of mutual expectations in which everybody agrees not to say too much and carefully avoids asking embarrassing questions to other members. Hence nobody precisely knows what is truly processed, when interpreting the tables<sup>9</sup>.

## 2.2. The case of the employment rate

Take for instance the global rate of employment which has become the pivotal indicator for the European Employment Strategy (and, through the Integrated Approach, for monetary and macroeconomic policies). The statistical convention the Member states are asked to apply in the tables they have to send back to the Commission is the following one: “Employed persons consist of those persons who during the reference week did any work for pay or profit for at least one hour, or were not working but had jobs from which they were temporarily absent.”<sup>10</sup> Statistically speaking, applying this definition means to simply follow the ILO definition. Translated into political convention and action, it takes another meaning. It means that, whatever the task is in terms of quality (wage, working conditions, duration, type of labour contract), it can be considered a job if it lasts at least one hour a week. One should call it “the convention of employment without quality”. This convention is far from trivial. Formulated in social terms, employment without quality is a task stripped of all legislative guarantees (in terms of recruitment, protection against unfair dismissal, minimum starting wage) and social provisions (social and economic rights). All these unique characteristics are deemed irrelevant when creating the tables. By removing quality features when comparing and placing in direct competition the Member States (their employment and labour administrations and governments) with regards to other national social systems by means of a single quantitative scale, the MS are encouraged to water down the quality of their employment

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<sup>9</sup> See Thedvall, 2006. I had the same feeling, when I participated in 2004 to a small working group in the French Ministry of labour on indicators, in which there were representatives of 5 Member States.

<sup>10</sup> See note in tables in the above quoted Europa website.

conventions<sup>11</sup> in order to improve their quantitative performance and to be better rated. They are provided with incentives - not directly and publicly, but through the overall process and its implementation and development – to adopt “the convention of employment without quality” as the reference for benchmarking the structural reforms of their labour markets.

### 2.3. An emerging process, its properties and political efficiency

The political efficiency of the OMC when applied in a given domain, relies on three factors which are not yet truly grasped with by the available literature (in my perhaps limited view of it). The OMC develops around it an atmosphere of cognitive ambiguity (1.3.2). The process at work fabricates, not only discursive justifications but more in-depth material justifications; it endogenously creates the proofs of its efficiency (1.3.3). By disqualifying what I will call the “not known”, it tends to create a cognitive hegemony - meaning by this an increasing difficulty for challengers to establish and legitimate a different understanding of the situation (1.3.4). Before coming to these points, it is necessary to raise some methodological warnings (1.3.1).

#### 2.3.1. Methodological warnings

Two methodologies warnings deserve to be made, first what happens along the process has not been predicted by the Commission, second, there is long and full of traps way from manoeuvring cognitive conventions toward in-depth shifting of daily expectations and practices.

a. What happens, first, has not been in any case planned or even predicted by the European Commission. There were of course political strategies at the heart and origin of the method. One can discover them for instance in Telo (2002) or in the White Book on

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<sup>11</sup> In social policies and law, as well as, indirectly, favouring their dissemination into management practices.

European Governance. When launching the OMC, the overarching concern for the European authorities was to find some strategic way to enter into fields in which they have, in their views, insufficient or even no competencies. In practice, objectives were far from modest, especially as the Commission was clearly aware of entering “into fields of activity that are far more political and go closer to the heart of national sovereignty.” Some formula reveal its ambition, for example: “The OMC is a flexible instrument that leaves it to the Member States to implement coordination defined at European level. Hence, it respects the diversity of national systems whilst introducing some degree of continuity between Community and national arrangements.”<sup>12</sup> And, of course, there is nothing illegitimate in that the European Union, precisely to become a Union, encroaches upon national prerogatives. However it undertakes this in such a way that the qualitative diversity among countries – which has deep roots in national history and identity – is mostly reduced to a ranking along a series of quantitative scales (the monitoring indicators of performance). In practice, qualitative diversity is not only denied, but basically put into hard strain by a process which, through internal competition, was intended to select the best performing model.

From the strict point of view of interfering in national affairs, it works, more or less, so are the overall conclusion of existing studies<sup>13</sup>. But, in case of the EES, the initial intentions were not at all to promote bad jobs and precariousness (the main ways by which the official global rate of employment increases in Europe since 1997 – I come to this point in the next paragraphs). The objectives, following the Lisbon Strategy, were simply to create jobs, if possible good ones, and to improve the functioning of national labour markets and administrations. Hence the best way to describe what happens is to speak of an emerging process which has evaded from the initial intentions of the OMC’s propagandists and, today, is probably out of any control (except by cancelling all the process).

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<sup>12</sup> European Commission, 2001

<sup>13</sup> Zeitlin and Pochet, 2005

b. There exists, secondly, a long and full of traps way between manoeuvring statistical conventions from the top and in-depth changing administrative rules and, even more, social conventions and expectations at the bottom in daily practices. I have not enough room to develop this very important point and will only pick some points. One can observe in the Member states some moves which become more congruent with the new promoted conventions. For example, public employment agencies are progressively reformed according to management by performance. More and more at local levels agents are rated and sometimes part of their remuneration is linked to performance (number of individual activation plans concluded in one month, number of applicants received, etc.); the means devoted to local agencies become to be linked with their past performance. Activation logic, of course, goes in the same direction. A carrot and stick approach appears, like shortening the duration of unemployment benefits, redefining what is a convenient job offer impossible to refuse, or stricter regulations to remove people from the register (or not to include in it), and so on. This probably explains a non negligible part of the decrease of the number of registered unemployed people in some, if not many MS. Potentially marketable activities are defined and subsidized (like personal services); undeclared work is made, to some extent, declarable – that, everything being equal, tends to statistically raise the global rate of employment. A growing trend to soften legal and social guarantees can be observed, for these guarantees are considered as rigidities impeding quick market adjustment. Admittedly such moves could have occurred without the European Employment Strategy; national administrations on the continent are discovering by themselves public management tools, which are widely used in the UK since more than 20 years. However that Europe, through the OMC process, is blessing such moves cannot but accelerate them.

To far extent will the Europeans make theirs these no quality conventions (i.e. will use them as the basis for their life and work expectations) is another question, whose answer is much more demanding. Historical works on the emergence of social categories and

policies<sup>14</sup> suggest a rather hard, long and conflicting process. Moreover, as shown by social history, such a collective learning process is not mainly a matter of rationally curving expectations of people. It would require the emergence of an adequate environment with regards to material and organisational investments in firms, as well as an adequate language and the formation of common knowledge about it. If it is not the case, even the best carefully designed institutions remain ineffective. If it is the case, persons and actors develop systems of mutual expectations which allow them a convergence of the meanings attributed to the category, and, as a consequence, a spontaneous coordination of their expectations and actions. In other terms, they begin to belong to a system of common knowledge, backed by institutions, organisational reforms and technologies. These issues are all the more acute as the new conventions on employment imply for a major part of the population, maybe, a risk of loss on welfare and life security. They can at the end have some doubts about the benefits these no quality conventions would provide.

However this European procedure can be labelled as belonging to a constructivist approach to curve the rational expectations of people towards pre-designed formats. People should learn that their advantage now is to adapt themselves to the new conventions about what is the job and to take an active stance on the labour market. What factors are nevertheless likely to provide some political efficiency? What outcomes could be achieved?

### 2.3.2. Creating a situation of cognitive ambiguity

A shift on conventions of equivalence harbours a potential shift into public policies because, as I said before, cognitive conventions and categories provide the informational bases upon which these policies are built. The political innovation nested in the OMC use is that shift could be undertaken without provoking collective awareness, nor protest. The veil of ignorance which surrounds the conventions of equivalence that give meanings to

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<sup>14</sup> For instance Desrosières and Thévenot, 1988 ; especially Desrosières, 1993 (also available now in English and German).

data and trends creates a situation of cognitive ambiguity, in the shelter of which a shift of conventions could take place. If, for example, the employment rate increases, the ordinary citizen would conclude that his/her chances to find a job (in accordance with what are his/her expectations about a good job) are improving. But it could be – and it is the case – that the European authorities are attributing totally different meaning and content to the notion of employment, in accordance with the policies of labour market deregulation they pursue. Such policies play against the citizen's expectations. As it is difficult to test general categories with only individual and local experience, such a situation of cognitive ambiguity can persist.

In such a situation, the major task for political authorities is to maintain a discursive compatibility, for the same category or concept, between the old established meaning and the new one. It is all the more easy that most of the central actors of the process are convinced they detain the truth of the situation and, for some at least, presumably have not yet fully understood that the employment regime has been modified. Under this respect, it would be interesting to put to the test the flow of European discourse on these issues with regards to effective results. Referring to Austin, 1972, one could say that, while stabilising its discourse, the European Commission actively plays for changing the set of possible worlds in which the convention of language (“having a job”) is valid. While persuaded to remain in the same world, people looking for a job by reference to the categories and concepts at work in “their” world are suddenly confronted to a world where, below the same words, other (and alien to them) interpretations and actions are mobilised.

### 2.3.3. Fabricating material justifications

If, as many signs suggest, shifting the rules of public policies is targeted towards increasing the scores on indicators of performance more than towards improving social situations, public policies become self-referring. For they take as their targets the maximisation of the set of indicators by which they are evaluated. Indeed, the management of public agencies, from the top to the bottom, is reorganised along the logic



of maximising performance. It follows that these policies not only develop discursive justifications (the standard way), but moreover tend to fabricate material justifications which can be exhibited as empirical proofs. It could be that situations become better for some people. But globally speaking, one assists to the drift towards short-term and less costly public schemes which tend to be badly fitted to the problems to solve. As data (especially the monitoring ones) are internally produced by the apparatus of management and operational rules, they tend to improve through the rational pressure towards exhibiting better performances. They can be used as proofs of the truthfulness of the political argumentation. In other terms, even if it was not their initial objective, political and organisational reforms directly link management purposes and the fabrication of proofs in a self-fulfilling process.

A sign of such fabrication is that the evolution of the global rate of employment since 1997 to 2005 is widely dependent of the conventions to which one accords the political priority. Take the case of Belgium, France, Germany, Sweden and the UK (Table 1 in Annex). The monitoring global rate of employment (pivotal for the Commission) has increased from 1997 to 2005 for all (from a minimum of 1.4 points for Germany to a maximum of 4.3 points for Belgium). This rate takes for one any job even if it lasts one hour a week. In economic terms, a better convention would be to correct the data from the number of hours effectively worked a year by person<sup>15</sup>. With such a convention, the global rate of employment increases only if the total number of working hours offered by the economy is growing. Indeed, how to recover significant economic growth if the amount of hours effectively worked is stagnant and if moreover, as short term, precarious and bad jobs are favoured, quality is degrading? These conventions would also be closer to the current expectations of the citizens (working more to earn more). With them, the global rate is now roughly flat between 1997 and 2005 for each of these countries, except maybe for Belgium and France. One can understand why, among others things, European authorities are so eager to defend the first computation. The first computation offers a proof which validates the discourse of the Commission, not the second one.

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<sup>15</sup> I have been able to make the best possible computation, thanks to Odile Chagny. The data available in Eurostat are insufficient and non adequate.

#### 2.3.4. Disqualifying the “not known”: toward cognitive hegemony and a-democracy?

Perhaps the more worrying aspect of procedures like OMC adapted from NPM technologies is that, by creating an environment of procedures of information and of evaluation adequate to predefined political goals (ultimately, a system self-producing proofs), it leads to growing difficulties to articulate legitimate alternative claims. As figures and procedures are seen by most of the people as guaranteeing truth by their mere existence, they allow endorsing political credibility. Even if the public debate begins to be fed with such fabricated data (without any professional or democratic control of their process of production), it nevertheless means for people that the “facts” are already there. As already existing evidence, these “facts” format the public debate. So it becomes harder to set claims which have not been the object, not only of cognitive elaboration, but more deeply of common knowledge. For to be heard, claims need to be backed by “facts”; these facts must also be understood, which means that they can constitute the basis for shared understanding within the political community.

Self-fulfilling procedures like the OMC should a minima be open to external voices, those of the citizens or to those of collective actors not invited to participate to them. But they are not; even the invited collective actors that could have a say are far from being able to make the voice of their constituents truly heard. Because the scenario of the play is already written without their participation except at the margins; some improvisation remains possible, but it has to be compatible with the scenario. How to claim for better quality jobs, if in practice no monitoring indicators or guidelines are following them? Or if there is no room to seriously influence the process of building and selecting data?

At the end, this means that, the practical experience and knowledge of people, coming from their life, their work or from their participation to political life are potentially disqualified. They risk losing any access to what one can call a social process of generalisation. It would become difficult to transform practical knowledge into general claims. If true, the path for democratic expression would be cut, even if, formally,

democracy remains. The social foundations for active political participation and of citizenship would be undermined, the value of them disappearing for part of the population. It is the reason why one should speak of a-democracy as the ultimate step of the diffusion of such political methods.

### **III. Accountability, deliberation and the formation of new understandings**

Quoting Dawn Oliver, 1991, p. 22, I would say that accountability is “being liable to be required to give an account or explanations of actions and, where appropriate, to suffer the consequences, take the blame or undertake to put matters right if it should appear that errors have been made”. As she says, accountability is closely related to responsibility, transparency, answerability and responsiveness (terms often used interchangeably).

One will consider, successively, the rational targeting of accountability (3.1), what issues it raises in terms of deliberative democracy (3.2), the emergence of cognitive systems of political representation (3.3), the relevance of practical knowledge of citizens (3.4) and how to jointly create publics and new understandings (3.5).

#### **3.1. Rationally targeting accountability and cognitive hegemony**

Again, we are facing an intriguing paradox. The OMC is designed for exhibiting a perfect accountability. However, if one follows the above analysis, one can have strong worries of a divorce between increasing quantitative performance and the effective realisation of basic objectives like: durable and fair inclusion on the labour markets; creation of good, more than of bad jobs; democratic concerns with regards to citizens’ voices truly influencing the decision-making process; and so on. In brief, the search of efficiency (rising of performance) seems to subsume the search of effectiveness (the meeting of needs). The apparently excellent accountability of the process leads to a misleading view of the realisation of the basic objectives of the EU (the meeting of needs of its citizens, as expressed, for instance, in part I on the Treaty). Bad money chases good money away.

The explanation of such a paradox lies in that political methods like the OMC (at least again in the case of the EES) rationally target accountability. They want to offer to those interested by its outcomes a perfect surface reflecting a rising optimality (but no real access to what lies behind). If so, one would be in a case very similar to that of audit methods, as developed by Michael Power (1997). Auditing and evaluation become internal parts of self-fulfilling processes. The most important driving forces are to be able to provide non contestable proofs of efficiency, because the credibility (hence the political legitimacy) relies not on the very truthfulness of the reports and data with regards to reality, but on the shared belief that everything works correctly. Such belief only needs to be regularly maintained not only by discursive justifications but also by material and empirical ones. In both cases (auditing, OMC), the so-called proofs are mostly internally processed and rely on the reporting and data provided by those actors (here, national administrations) who are precisely the object of scrutiny. There is not much external and independent observation. Some European surveys exist with (almost) common questionnaire and methods: in social matters, above all, the Labour Force Surveys and the European Household Panels; but outcomes are mainly used for analysing indicators, not for those who matter, the monitoring ones.

From above, it follows that public accountability risks vanishing by the same process by which it is rationally targeted. Moreover this process develops a regime of cognitive hegemony which, even against their will, the involved actors help to implement in a kind of evolutionary process. Cognitive hegemony mobilises experts, networks, committees, technical and professional knowledge, theories as discourses of justification. The technicalities at work derive from a specific set of sciences (mostly statistics, law, public and private management). They go beyond mere expertise (or justification) and address operational objectives: producing statistics, devising or revising the rules of law, implementing management rules, evaluating strategies and policies. They become indispensable parts of the administrative and organisational machinery leading to private and public decision. Admittedly, any public decision always harbours a degree of dissension. But as the issues, variables and informational bases considered legitimate in the public debate already have their structures in such political methods, any dissent has

to construct its legitimacy. If it is to be perceived and deemed appropriate, if it is to replace the current regime, it must structure itself not only as contestation or even as alternative narrative. It must structure itself as a new way of understanding the ongoing social and economic realities. In other words, it must lay the foundations for a new cognitive regime based on its own instruments, categories and social procedures of knowledge. All of this leads to revisit research about deliberative democracy.

### 3.2. Issues in the field of deliberative democracy

Put in general terms, the OMC and, more generally, the development of NPM technologies are (ultimate?) metamorphoses of holistic states, as they have been conceived and implemented along the 20<sup>th</sup> century. As we develop in Storper and Salais, 1997, the common good is defined in such states by referring to a global doctrine external to the society; its description and justification can be made, prior to effective coordination. They have the status of a non disputable truth. The common good is not, properly speaking, imposed on citizens; as non disputable truth, it is a priori considered to be object of consensus between them. Such holistic constructions of the common good do not necessarily oppose the individual freedom and autonomy. They only deny their capacity to be committed to the realisation of the common good. Individual freedom cannot be but strictly private and opportunistic. Hence public policies should directly implement the common good, with neither mediation, nor active participation of the citizens and, even, they should be ready to counteract the pernicious effect of opportunism (understood as the only manifestation of individual freedom). One can recognize here the basic orientation, for instance, of the European competition and monetary policies: to make the optimal good with no democratic control (and even, if necessary, against the will of the majority).

A step forward is accomplished by NPM methods and, more generally, by rational governance. Their underlying conviction is that, in a world of persistent disagreement between people (on principles, values, objectives or strategies) and of potential conflicts with regards to public policies, the search of a true collective agreement on their rules and

content is no more possible. However some controllable variety should be allowed with regards to the effective and local implementation of policies. In that case too, one cannot leave true room to individual freedom and autonomy. The best political strategy is to monitor the democratic process towards global outcomes whose terms and contents have been a priori set up at the very beginning of it and, through more or less sophisticated regulation machineries, to let it implement these outcomes. The functioning of democracy is not eliminated; it is only externally constrained and piloted. Systematic inquiries would be today necessary for an in-depth evaluation of the outcomes of such political methods, their paradoxical and counter-productive effects, on how far outcomes conform to the announced intentions.

Contrary to some maybe premature expectations<sup>16</sup>, NPM methods run against the basic concerns of research, both normative and empirical, on deliberative democracy. However these methods shift what should be the main concern of deliberative democracy: from the search of optimal procedures to reach a political consensus to the search of democratic procedures leading to *an objective and shared judgment on the collective problem to deal with*. The latter one could be said a search for second-range optimum. One should accept pervasive disagreement. What continues to politically matter is to be sure that, at least, actors come to agree on the description of the problem to deal with. At the end of the process of reaching such an agreement, they could continue to disagree on the relative importance of the facts, with regards to policies to develop, they could even disagree on the solutions. However they could no more dismiss alternative policies on the ground that they are dealing with non-existent or biased empirical issues. Achieving such second-best objective would found the future controversies upon the same informational basis. It would transform during the deliberative process, and on objective bases, “the figure of the enemy into that of the adversary” (Mouffe, 2000). One tries to eliminate an enemy or to come to some precarious truce with him; one tries to achieve a true (even if provisional) compromise with an adversary –because in that case one can no more disqualify its claims for the motive they have no objective foundation. Why there could

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<sup>16</sup> Nanz and De la Porte, 2003. Note the interesting effort to appreciate the democratic quality in Nanz and Steffen, 2005.

be something to search in that direction? Because, as we will see now, the rising of NPM methods raises two issues, that there are two, and not only one, systems of political representation (3.3) and that to maintain democratic concerns in the new context, one must rely on the practical knowledge citizens own, due to their life and work experience (3.4).

### 3.3. Towards cognitive systems of political representation

Our analysis sheds light on a widely ignored phenomenon with regards to technologies of governance: that there are two registers for political representation, and not only one. Besides the classical representation of interests (through collective organisations, associations, political parties), the cognitive representation (i.e. formatting categories and providing data for collective decision) is taking a politically growing importance. Remember what we said before on the informational bases with support public policies. To be or not to be included in such bases (via some variables which apprehend at least a bit of your situation) has wide consequences for people, for instance you will or not receive some help from the community if your situation with regards to the labour market is categorised as unemployment or not. The rate of employment represents each of us as being satisfied by the statement “having a job” or as desiring one, independently of our own wishes or claims. Nobody has truly asked us whether we believe that such cognitive representation is relevant for our situation, though decisions taken upon such bases could have dire consequences. Moreover, the “table of the situation” to deal with in collective decision is downgraded in OMC methods to some “tableau de bord” like those firms managers are using, which means for public policies the disappearance of any social justice or fundamental rights concerns.

Except, to some extent, James Bohman, seminal works on deliberative democracy have not yet taken into account this cognitive register of political representation. Following Rawls and Habermas, they are mostly normative and at search of the optimal procedures of deliberation able to achieve political consensus. What becomes decisive today, by contrats, is the possibility to achieve a collective agreement on the relevant facts to deal

with, in other terms not on procedures, but on the substantial content (the informational bases) which informs the political process. All authors on deliberative democracy would agree that such content should have to be just, *in the double meaning* of being fair and objective<sup>17</sup>. Recent works, for instance Mouffe or Besson, fortunately emphasise disagreement as a creative resource for deliberation. By making explicit for the participants on what specific matters concretely disagreement relies, deliberation can have as a virtue to enrich the competing conceptions, to increase awareness on what information is relevant, to bring more information on the table, to develop reflexivity along its process. Disagreement does not impede to reach partial agreements, especially on some key facts or variables, even if participants would continue to disagree on political measures to take consequently.

For Bohman, processes of deliberation should go further and build “new understandings” of the ongoing social realities, a key concern, as we have seen, to maintain political plurality in an environment of rising cognitive hegemony. Such concern calls for in-depth reflection about what, beyond general knowledge as mobilised by scientists and experts, makes the practical knowledge owned by citizens irreplaceable for democracy, hence what justifies their active participation to the political process. The virtue of the democratic model in itself is no more enough to safeguard its potentialities. One has to invoke the knowledge value that life and work practical experiences have with regards to collective decisions. If practical knowledge has still some values, citizens in their diversity, in order to be heard and “known”, should participate to building of the *cognitive systems of representation* which, now, parallels the standard political representation of interests. In other terms, they should participate to the building of the politically-relevant informational bases.

### 3.4. Democratic experimentalism and the practical knowledge of citizens

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<sup>17</sup> In French, to be just on the double meaning of *justice and justesse*.



Works on democratic experimentalism<sup>18</sup> have understood the importance for citizens to be implied in the provision and processing of information, in case of locally implementing national policies. For instance, Sabel and Dorf, 1997: 76-80, give the example of the joint definition with citizens of the tasks of police local agencies in Chicago. Teams for identifying and solving problems are created at a local level to which residents participate; they deliver information, help to formulate efficient strategies and to evaluate outcomes. To some respect, democratic experimentalism puts in question the separation built, for instance by Habermas in his “two tracks” model, between general knowledge (which should be devoted to general categories, hence to inform public policies) and practical knowledge (reduced to the local, hence supposed inclined to errors of judgment,). In Habermas’ views, practical knowledge animates the informal debates of the civil society and contributes to raise new issues or “themes”. But only the institutional sphere (of which social sciences and law, among other disciplines, belong) can elaborate the knowledge adequate for public decision-making on such themes. Our analysis suggests, on the contrary, that maintaining such barriers and specialisation between the two tracks leaves too much room open to social technologies of knowledge like the OMC and to the development of a-democracy.

Democratic experimentalism is more optimistic. It believes that local communities are able, through local democratic procedures, to self define what problems are, what proper criteria of evaluation, what implementation procedures should be for a given policy. The remaining problem, in my view, is that works on that field aim at justifying the role of the state by directly combining market efficiency and participative democracy. Such orientation, understandable in a context hostile to state intervention, confuses rising quantitative performance and making progress in the achievement of the common good, i.e. they are doing the same confusion than the European authorities in the OMC. For instance, Sabel and Dorf view institutions mostly as procedures for learning by monitoring; so doing they underestimate the risk of rational learning (maximising ratios more than effectively improving situations). The citizen is immediately considered as an “expert of the life of the community” (*id*:76), which makes the impasse on the hard and

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<sup>18</sup> For instance, Sabel, 1994, 1996; Dorf and Sabel, 1997. For a penetrating critics, Joerges, 2006

important problem of transforming practical knowledge into general knowledge. The federal level, like in European OMC, provides individuals and their associations with its own synthesis of the collected information as well as with techniques of benchmarking and of measuring performances. It remains the “master of the techniques”, which is precisely the gap through which cognitive hegemony and a-democracy develop themselves.

### 3.5. Creating publics through deliberative inquiry: a preliminary view

How for deliberation mechanisms to achieve the building of informational bases by democratic means? How to build new understandings? One can only portray some general aspects.

One must avoid two dead-ends. To let citizens directly express their opinion will lead to incoherent informational bases (as usual in opinion polls). To rely upon actors will lead to bases which will be void. Reasons for that are simple. Actors pre-format the reality which surrounds them, with strategic frames driven by the pursuit of their interests. These frames being “partial” in the sense that they cover and shape only part of this reality (furthermore in some specific way), the overlapping between them risks to be void.

Doing differently would, in my view, consist to try to jointly construct by the same process the public interested in the collective issue at stake and the corresponding relevant basis of information. I am using here the notion of “public” in the Dewey’s sense. However the originality of what I have in mind is to use the building of knowledge as a mediating process between the competing interests. One can then speak of deliberative inquiry. People become members of the public by the same process that they are actively participating into inquiries aiming at collectively build knowledge relevant to tackle the issue. As the ultimate objective is to provide some general value to practical knowledge which is otherwise local, individual and dispersed, such deliberative inquiries should include professionals of social inquiry (that are, for instance, researchers, statisticians, lawyers, and so on). But these professionals would not act as experts in the

classical sense of providing information to supposedly ignorant citizens. They would act as mediators, mobilising their methodologies to elaborate questionnaires, categories, nomenclatures, procedures of surveying and to give form to the results. In a word, they would be devoted to create fresh knowledge, backed both by the citizens' practical knowledge and by deontological methodologies of inquiry. They would constitute what I have called before "the table of the situation", understood as the relevant cognitive representation; they would present this table both as mirror and as object of debate to the public in course of creation. Such cognitive reflexive process would favour the awareness within the public that, precisely, they are becoming a public. Hence a public capable, by the same token, of providing the public arena for debating, of building a common knowledge about the issue, of becoming aware of the common good to concretize, of defining and framing what are the stakes.

To be implemented and effective, such deliberative inquiries would require another type of public action than the one provided by holistic forms of state (and of course, by the OMC and NPM technologies). One must speak of a situated state. In our definition<sup>19</sup>, situated states go beyond the setting of general categories and political doctrine; they intend to provide the general good with a substance indexed to the variety of situations. For achieving such objectives, they try to favour the constitution of publics as those described above. Depending of the issues at stake, such publics could develop at different intermediary levels, could be diversified in their organisation or membership as well as in outcomes. This would imply dynamic processes open to the revision of their outcomes, along the discovery of new or refined facts. Instead of being involved into a-democratic processes in which they have no true voice, actors representative of the diverse types of social critics could introduce in the debate, not only discursive arguments, but data which, thanks to their process of formation, cannot be disqualified for their irrelevance. Their voice would be then backed by objective statements. To refuse the political implications of such knowledge is legitimate in democracy. To deny its truth value is provoking the risk for claims to lose any credibility and, at the end, to be excluded to the deliberative process.

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<sup>19</sup> Storper and Salais, *op. quoted*, 1997.

Is there any chance that the European political process will leaves room to such situated public action and to such knowledge-based forms of deliberative democracy? One does not know. However one can guess that, even today in the obscure bushes (or jungle) in which this project tries to go on, one will discover many signs or occurrences of such forms, what would require further inquiry and adequate angles under which to look at.

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**ANNEX.** Table 1: Trends in the overall rate of employment (age 15–64) 1997–2005 in Belgium, France, Germany, Sweden and the UK

	<b>1997</b>	<b>2004</b>	<b>2005</b>	
<b>EUROSTAT Employment rate</b> (from Community Labour Force Surveys)				
<i>Belgium</i>	56.8	60.3	61.1	
<i>France</i>	59.6	63.1	63.1	
<i>Germany</i>	63.7	65.0	65.1	
<i>Sweden</i>	69.5	72.1	72.5	
<i>United Kingdom</i>	69.9	71.6	71.7	
<b>OECD Employment rate<sup>1</sup></b> (from National Accountings)				
<i>Belgium</i>	58.2	61.0	61.2	
<i>France</i>	60.2	63.3	63.1	
<i>Germany</i>	67.3	71.0	71.1	
<i>Sweden</i>	72.5	75.2	75.0	
<i>United Kingdom</i>	70.2	72.3	72.3	
<b>Annual number of hours effectively worked by person<sup>2</sup></b> (from both OECD and Community Labour Force)				
<i>Belgium</i>	1566	1522	1534	
<i>France (corrected from the 35 hours effect – personal estimation)</i>	1559	1531	1542	
<i>Germany (Hartz effect included)</i>	1537	1468	1464	
<i>Sweden</i>	1639	1585	1583	
<i>United Kingdom</i>	1697	1631	1635	
<b>OECD Adjusted rate of employment</b> (corrected from the evolution of the annual number of hours effectively worked by person from 1997)				<b>Total growth rate of GDP from 1997 to 2005</b> (Source OECD)
<i>Belgium</i>	58.2	59.3	59.9	17.5%
<i>France</i>	60.2	62.2	62.4	18.8%
<i>Germany</i>	67.3	67.8	67.7	8.7%
<i>Sweden</i>	72.5	72.7	72.4	26%
<i>United Kingdom</i>	70.2	69.5	69.6	22%

Source: Data collected and compiled by Odile Chagny (Centre d'Analyse Stratégique, Paris).  
This information was kindly provided by the author.

Notes:

1. Employment data is provided by OECD and is calculated per person and not per job. The source of the population data is also the OECD. For Germany, OECD data is provided by the Institut für Arbeitsmarkt- und Berufsforschung and includes mini-jobs; the EUROSTAT data do not include these jobs. Belgium and Sweden OECD data only.
2. For 2004, the annual number of hours effectively worked comes from the table produced by *Bruyère/Chagny/Ulrich et al.*, Comparaisons internationales de la durée du travail pour 7 pays en 2004: la place de la France, in *Données sociales*, Paris 2006, S. 363-370 (see also 2b). The trend has been interpolated from previous OECD series of the annual number of hours worked.