

Europeanisation through elective affinities: Active social policy model and national control policies of the unemployed.

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Abstract:

The increasing control of the unemployed observed since the late 1990s in Western countries raises two questions. How did control, both a long-time practice and a marginal one in employment policies, become a major issue? Why do national policies on employment benefits converge on the issue, even though the EU has no direct competences in the matter? Three levels of analysis are explored in order to answer these questions. First, the historical evolutions that have affected unemployment and its public treatment are studied, and specifically the process of desobjectivation of unemployment and the development of increasingly unfavourable socio-political power relations for the unemployed. Then, the focus is placed on the establishment of elective affinities, in Max Weber's meaning, between the active social state model promoted at supranational level and the rigorist orientations of the management of the unemployed at national level. Eventually, using the French case, the analysis of the uses of international comparisons shows how policies underpinned by national logics can have European tendencies that in return, they contribute to fulfil.

Keywords: Europeanisation, active social state, unemployment, European Employment Strategy, elective affinities.

Résumé :

Le renforcement du contrôle des chômeurs observable depuis la fin des années 1990 dans les pays d'Europe occidentale soulève deux questions. Comment le contrôle, à la fois ancien et traditionnellement marginal dans les politiques du chômage, a-t-il été promu comme un enjeu majeur? Pourquoi des politiques nationales d'indemnisation du chômage différenciées convergent-elles à cet égard, alors même que l'Union européenne n'a en la matière pas de compétence directe? Trois niveaux d'analyse sont esquissés pour répondre à ces questions. Tout d'abord, la mise en évidence des évolutions historiques qui ont affecté le chômage et son traitement public, avec en particulier le processus de désobjectivation du chômage et l'instauration de rapports de force socio-politiques défavorables aux chômeurs, que l'on retrouve largement à l'échelle européenne. Ensuite l'établissement d'affinités électives, au sens de Max Weber, entre le modèle de l'Etat social actif promu au plan supranational, et les orientations rigoristes du traitement des chômeurs au plan national. Enfin l'analyse, à partir du cas français, des usages du comparatisme international, montre comment des politiques obéissant à des logiques nationales peuvent s'autoriser de tendances européennes qu'elles contribuent en retour à réaliser.

Mots-clés : Européanisation, Etat social actif, Chômage, Contrôle, Stratégie européenne pour l'emploi, Affinités électives.

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Introduction

Control of unemployed people can be defined as the set of institutional practices for checking their condition, especially their actual “willingness” to find or return to work. Generally linked to unemployment benefits procedures, these practices lead to punitive measures being taken against those whose behaviour is considered to be fraudulent, abusive and more generally at variance with the variable-system, the social responsibilities expected from them. This test is as old as the unemployment benefits “invention” as a category of public action. In late nineteenth century France, trade union unemployment funds were already subjecting unemployed workers to close scrutiny in order to determine if they “deserved” assistance and, if need be, eliminate the “parasites” perceived as deviant elements (mostly alcoholics) or whose efforts at finding jobs were judged to be insufficient (Salais et al. 1986; Daniel and Tuchsirer 1999). During the 1930s in England, the means tests consisted in systematic surveillance of the living conditions of people receiving unemployed benefits. Georges Orwell provides an example of this painful phenomenon (Orwell 1989). Additional examples can be found in other European countries from as early as before the Second World War and the gradual unification of national unemployment benefits systems.

Control practices are therefore anything but new. Their importance and significance have however increased considerably all over Europe since the mid-nineteen-nineties, first, in Great Britain following the 1996 Job Seeker’s Act, then in the Netherlands especially, in Belgium, Germany, Greece and France. Of course, imprecations against “fake unemployed people” have always been routine features of political and media debates as well as of ordinary conversations on the subject of unemployment and attendant benefits. However, it is only from this period that the control of “fake unemployed people” became the subject of public controversy both in the media (where there are countless articles and reports on the subject) and in political arenas. Although the concerned bodies have for a long time mounted surveillance that is sometimes simply coercive, these practices had hitherto not attracted the investments that made them the axis of a “policy” – intellectual investments in the production of legal, economic or managerial expertise; technical investments in computer systems; human investments in training controllers; political and institutional investments in drawing up new rules, creation of new arrangements or the reorganisation of inter-actor relations. Although the punitive measures that may result from the controls had already constituted an “adjustment variable” that helped to artificially reduce “unemployment figures” (Mathiot 2001;

Pierru 2003), they had never been designed and considered (not even in its tone-down “monitoring” form or “support” for unemployed people) as an instrument of these policies. More than mere bureaucratic scrutiny of the compliance of dossiers or the management checks on the regularity of payments, control has in fact emerged as a means of influencing the personal behaviour of unemployed people, which is now known to be one of the major causes of unemployment.

This trend is generally observed in the European Union (EU) and in most Western countries (Dufour et al. 2003). However, the seeming convergence is by no means obvious, first, because unemployment benefit systems remain very differentiated at the national level, both in terms of their institutional organisation and their financing and benefits payment conditions. Also, as far Europe is concerned, the modalities for paying unemployment benefits and *a fortiori* for controlling unemployed people are strictly national jurisdictions not subject to direct Community intervention. Although there are clear similarities, they are not comparable to “Europeanisation” understood as the effect of supranational injunctions.

Consequently, this article raises two issues: how did control, an old and traditionally marginal element of unemployment policies, become a major stake? Why do differentiated and independent national unemployment benefits policies converge in this respect? In order to provide answers to these questions, we would first of all take a second look at the major historic changes that shaped unemployment and the conditions of its public treatment. The process of disobjectivating unemployment and the establishment of a socio-political balance of power unfavourable to unemployed people, both of which are observed on the European scale, provide inkling to the rise of control policies; in

these conditions, political orientations conceived at the supranational level, which are conducive to the strengthening of control without necessarily enjoining it directly, found an echo as we shall see later. Finally, the case of France will help show how drawing up a control policy conform above all to national logics, concretises the European trends to whose definition it thereby contributes.

I - Control in the socio-historical transformations of unemployment and its public treatment.

To begin, we would like to advance a few general hypotheses in relation to the stakes involved in control practices and the changes which may have led, at least during the last decade, to it being accorded unusual importance in terms of unemployment policies. We are thus initiating an analysis of the convergence of national unemployment policies which explore the history of national structural transformations of this phenomenon and the conditions of its public treatment¹ before possibly imputing it, as is often the case, to the dissemination of norms enacted at the European level or for purposes of “learning” and “imitation” following the intensification of horizontal trade among national governments.²

The meaning(s) of control

In order to better grasp the scope of control in unemployment policies, and to provide a first historical and international basis for this comparison, we might try identifying the major stakes which confer sociological

¹ Here, one must draw from a comparative social and political history of unemployment in order to go beyond these policy proposals, which is clearly outside the purview of this article.

² From a very abundant literature, cf. Featherstone and Radaelli 2003.

significance on these practices. There are six in all.³

a. Control is not limited to a formal procedure for checking (identity and length of contribution). It also includes deciding on the personal situations in relation to employment. Even before the issue of benefits the stake of control hinges on the recognition, or otherwise, of the status of the unemployed person. It therefore constitutes a moment of crystallisation and actualisation for a historically variable and eminently complex social definition of the unemployed person. Beyond their technical aspects, the changes and incertitude of control thus reflects those of the definition of the unemployed person, a persistent issue since the beginning of unemployment history.

b. Similarly, control is a form of “institution rite” (Bourdieu 1982), understood as a relationship of domination during which nomination power is exercised – the officials mandated by the institutions and given the prerogative of sanction grant (or refuse) the status of unemployed person to individuals (who are most often impoverished) thus authorising them to (or not to) define themselves based on this status. In this regard, mechanisms of control contribute to the practical operation of “the institution of unemployed people” (Salais et al. 1986), that is, the application of an abstract notion to real situations and persons, which generally leads to the individual interiorisation of a social definition (believing oneself to be unemployed) and the exteriorisation of one’s defining characteristics (behaving as such).

c. It is thus clear why control practices shape the behaviours which

define the condition of the unemployed person especially as they consist in face-to-face relations in which institutional injunctions are expressed. More importantly, to the extent that the official definition of actualised in control procedures carry “institutionalised anticipations”,⁴ based on a balance of power which helps confer a certain level of efficiency to these prescriptions, control and any possible punitive measures constitute an instrument of “government of conducts” of unemployed people (Foucault 1994).⁵

d. Reciprocally, given that control is most often linked to the awarding of public assistance to unemployed people by way of benefits and assistance for placing (Daniel and Tuchsirer 1999), it is about society’s obligations to unemployed people. A meeting point between “rights and responsibilities”, it touches on a moral issue not only from the perspective of the unemployed people’s obligations but also from the angle of legitimate motives which push people to come to their aid: facilitate mobility, help the impoverished, encourage job search, incentivise or compel return to work, etc. these value systems are actually debated, (re)affirmed, objectivated or at least implicitly captured in control policies, including even the most technical aspects. Finally, in a context of mass unemployment, control is about pragmatic stakes which are much more immediately perceptible.

e. Because it renders operational the distinction between “true” and “fake” unemployed people, thus drawing up the list of those officially recognised as such and repudiating those are not, excluding more or less severely those whose situation is considered to at variance with

³ This ideal-typical and necessarily rapid presentation does not presuppose identical modes of fighting unemployment, which must obviously be distinguished according to historical and national situations, especially according whether the benefits system is more or less insurancial or assistancial.

⁴ Involving behavioural and/or moral expectations (Herzlich 1970).

⁵ It is in this regard that control and (in institutional terms) “social control” (in sociological terms) assume the same meaning.

institutional expectations, control goes hand in glove with the official count of unemployed people. As the main statistical source provided by employment administrations (National Employment Office and the Ministry of Labour in France), it is particularly sensitive to administrative practices and their changes. Thus control of unemployed people participates in the production of an element on which public attention is focused, namely the unemployment rate.

f. Finally, the more or less greater severity of control undoubtedly has major financial implications not only for the interested parties but also for the management of benefits funds, given that exclusion from the status of unemployed person brings about the withdrawal of related benefits. It is a particularly sensitive issue at a time when, as is the case now, unemployment insurance funds are significantly in deficit. Arguments based on morality (references to the duties of the unemployed, punishing the “bad” in order to better help the “good”), pragmatism (encourage job creation) or politics (maintain the citizens’ support to the insurance system) are very often articulated together, and are also combined with managerial approaches, which consider control and punishment for “borderline” cases or “abusive practices” as a way of cutting benefits expenditure.

Although control is at the crossroads of multiple stakes, its intensity and modalities are dictated by the transformations occurring in unemployment policies.

Historically variable significance and scope

Three features corresponding to three major phases are observed. The issue of control assumed particular importance from the late nineteenth century to the wake of the Second World War, a period over which the category of unemployed

persons was defined in correlation with the institution of unemployment benefits. Control, a sign of the narrowing definition of unemployment, contributed to the non-linear objectivation of this category (Salais et al. 1986: 115; Topalov 1994). It also constituted an important point of focus of the debates on the building of a system of assistance to unemployed people. The fear of fraud, the consequence of difficulties in identifying “true” unemployed people, led to the reflections on desirable modalities for fighting unemployment being structured - Assistance through work, aid in cash and in kind and later unemployment benefits through public aid (Guitton 1994). The issue was all the more pressing as, as in 1930, the rising number of unemployed people was seen as a “threat” to be averted (Pierru 2003).

On the other hand, control tends to be confined to a problem of administrative organisation when, as in the mid-1970s, improvements in the job market not only brought about a fall in unemployment but also stabilises its definition and benefits modes. In that case, unemployment becomes less of a stake, given that in any case it is viewed as a condition of workers mobility. The objective situations of unemployed people also easily correspond with the “workers who are involuntarily and temporarily deprived of work” definition, thus brushing aside the uncertainties of classification and suspicion of abuse or fraud.

Control gradually became a “sensitive issue” triggering “debates on principles” with the stabilisation of mass unemployment from the mid-1970s. Since then, there has been increasing pressure to intensify controls. This trend is the result of three major distinct but interdependent factors. The combined effect of these factors, particularly clear from the early 1990s, helped to understand how control of unemployed people, confined to a technical or subsidiary level in other configurations, has since become an issue

central to employment policies. The fact that the phenomenon is found in European countries provides preliminary insight as to the reasons of their convergence. At the same time, the reasons accounting for the differences in the policies of the various nations are explained, in the first analysis, by variations in the rhythm, chronology and the intensity of these changes.

In the first place, the degradation of the employment market coupled with the diversification of “modes of employment” (such as temporary work or part-time work) has increased the intermediary situations between employment and unemployment. The collapse of the notion of employment, which underlies the definition of unemployment, renders the latter hazy or even leads to its “dislocation” (Demazière 2003: 77; Maruani 2002: 31). The consequences of the objective transformations of employment on the crumbling of unemployment⁶ were worsened by the growing influence of certain scholarly representations of work economy which operated a veritable “deconstruction” of unemployment (Gautié 2002). The success of notions such as “unemployability”, disseminated and promoted internationally as the bedrock of employment policies (Ebersold 2001) and, last but not least, the increasing modes of unemployment benefits fall under this process. If control of unemployed people has come to be considered as increasingly “necessary”, it is mostly because of growing doubts as to the definition of who an unemployed person really is.

⁶ Here are some examples in France: differentiation of the benefits sector in 1982, separation of insurance and solidarity regimes in 1984, introduction of minimum welfare payment in 1988 – which quickly became an alternative form of paying unemployment benefits – increase (from five to eight) in the number of categories of end-of-month job-seekers (from five to eight) in May 1994.

Secondly, the prioritisation of unemployment can be understood only in the light of the modifications made to the logics and constraints guiding employment policies. We would recall here two key aspects which, once again, are largely shared in Europe for some fifteen years now. The first has to do with the urgent need to keep the lid on public expenditure which translated to a near-continuous reduction in unemployment benefits started in the early 1980s and accelerated the following decade (Barbier et Théret 2004; Daniel and Tuchsirer 1999). The stiffening of the conditions for obtaining allocations, the introduction of more requirements to be met by recipients and, in the same vein, more stringent checks on their situation and practices were the by-products of the policy of expenditure control as the corner-stone of employment and social policies. Limited unemployment cover is by the way linked to the transformation in unemployment policies increasingly aimed at return to work. In this regard, the tightening of control, like the reduction in benefits, was viewed as “incentive to employment”. In other words, it is a means of curbing the supposedly “disincentivising” effects of an “overgenerous” benefits scheme (DARES, 2003). Cuts in expenditure and “activation” policy obviously do not exhaust the recent orientations of employment policies although they constitute their salient dimensions. By encouraging cuts in public expenditure and dissemination of normative frameworks (the active social state, by linking more closely link social protection and work and in return requiring a firmer commitment to return to work), undeniably, European integration is one of the factors that facilitated these trends and therefore (indirectly) the promotion of control. However, it is only one among many factors.

Indeed, - and this is the third point – changes in the balance of power at the

national level have undoubtedly gained influence given that national socio-political configurations have favoured greater “rigour” in the processing of unemployed people. It should be recalled that “social” trends have lost ground to “liberal” orientations among the political elite who are critical of the “unwanted effects” of the Welfare State, as exemplified by the changes undergone by socialist and social-democrat parties. A counterpart movement is found at the peak of administrations, which benefits “managers” (Hassenteufel et al. 1999; Mathiot 2001). It is equally worth noting that negotiations between “management and labour” tend to favour employers – who are generally minded to pay lower unemployment benefits - to the detriment of workers’ unions, which incidentally have shown little commitment to the cause of unemployed people (Pierru 2003). All these elements are conducive to the dissemination of negative representations of unemployed people and the execution of policies aimed at reducing their benefits while at the same time increasing the number of constraints working against them. The tightening of control is the direct result of such political representations and orientations.

Consequently, one understands that today, this tightening is not merely a return to the time when institutional checks on the situations and behaviours of aspirants to the status of unemployed persons was an integral part of the gradual stabilisation of the unemployment category and the paying of its benefits. One can even advance the hypothesis that the current prominence of the issue falls within an inverse process. Indeed, while the importance granted to control during the first two thirds of the 20th century was part of the process of objectivating unemployment as a collective category, and the institution of aide to unemployed people, it corresponds on the contrary, in recent times, to the disobjectivation of the unemployment

category and to the re-assessment of benefits systems.

II - The elective affinities between “active social state” and control policies

These historic landmarks must be kept in mind in order to grasp the scope of models disseminated internationally, especially in the European Union. In the case in point, this scope cannot be reduced to merely transposing onto national policies normative frameworks formed at the supranational level: the latter do not constitute direct constraints and above all do not include explicit prescriptions in terms of control. That is why it seems more judicious that we draw inspiration from the notion of “elective affinity” coined by Max Weber (Weber 1994), to account for the processes whereby two meaning and practices systems meet, converge and reinforce each other. In the case in point, the “active social State” model promoted widely by organisations like the OECD and constituted with reference to the harmonisation of social and employment policies in the European Union – mainly through the European Employment Strategy - shows certain characteristics which prepare the political and intellectual ground for control-enhancing mechanisms. National policies cannot be considered merely as applications of this model or even simply assimilated to the effects of its dissemination. They can be inspired from them but they have sometimes preceded its adoption by the EU (as is the case of Great Britain or Belgium). On the other hand, there are elements in this model which help refer control policies to desirable objectives, give meaning to the resulting practices and legitimise highly controversial orientations such that control of unemployed people is no longer “hunting down poor people” but fighting

the “unwanted effects” of the “Classic State” and working for the “return to employment” by “supporting unemployed people”.

Some characteristics of an international social policy and employment model

The oft-repeated precepts in countless reports, resolutions and other institutional productions tracing the contours of this model can be categorised according to three main points. The first is the development of work. “Making work pay” has thus been one of the slogans of the OECD since the mid-1980s as shown by the frequency of editorials devoted to this theme in the *Employment Outlook* series published annually by the organisation: “Activity for all in tomorrow’s society” (1987); “Steps towards an active society” (1988); “The path to full employment: structural adjustment for an active society” (1989); “Rewarding work” (2000) (see Mc Bride and Williams 2001). The same leitmotiv is found in European Commission documents, particularly since the creation of the European Employment Strategy (EES) in 1997.⁷ If the slogan *making work pay* helps “to strengthen the incentives to work”, it also encourages, on the downside, to render less “attractive” the mechanisms of assistance and social protection by tightening the conditions for access, reducing the benefits period, demanding commitment in return and tightening of controls. All these measures constitute practical “solutions” which logically extend the principle of “rewarding work”.

The result is criticism levelled against the so-called “passive” expenditures. Indeed, it is in this framework that the relationship between labour market policies and social policies are defined (OECD, 1991, 1992,

⁷ For an overall view, cf. Barbier and Sylla 2004; de la Porte and Pochet 2004 and the contribution of Bernard Conter in this edition.

1993, 1994, 1995). Among many other similar positions taken, a Communication from the European Commission in July 1999, taken up by the Conclusions of the Council in December 1999, underscored on its part that “the new labour market called for more than simply providing traditional forms of protection like the guarantee of a replacement income” and drew attention to the “need for a new balance between flexibility and security, as well as between rights and responsibilities”.⁸

The accusations of “laxity” and “abuses” levelled against the grant allocation system should be seen from the viewpoint of this legitimisation, thereby conferring, once again, (positive) value to the tightening of control. More explicitly, a communication from the European Commission on December 23 cited unemployment insurance benefits as one of the “obstacles to integration on the labour market”, arguing that “unemployment benefits can create counter-incentives to work since they are paid over a long period and are neither monitored nor controlled adequately through clear requirements in terms of active job search, professional tests and participation in active measurements on the labour market”.⁹

The discourse on the presumed dead-end in which the “passive Social State” finds itself hinges in fact on a utilitarian concept of the behaviour of “assisted persons”. Proceeding from the axiom of a rational unemployed person who calculates their work utility function, “eliminating inactivity” is one of the “major challenges” to “mobilising

⁸ The Social Protection Committee, *Key Issues on Social Protection and Employment*, 1999 (Revised Version - June 2003).

⁹ Communication from the Commission to Council, the European parliament, to the European Economic and Social Committee and the Committee of the Regions, *Modernising social protection for more quality jobs: A general strategy for making work pay*, 2003

manpower” (OECD, 2003). Joint action is therefore desirable in terms of the amount of money, the duration and access conditions but also tightening of control given that the form of reasoning that portrays unemployed persons as seeking to maximise their interest logically depicts them as potential “profiteers” (Cordonnier 2000). These institutional prescriptions¹⁰ echo a set of economic theories which tend to highlight the “incentivising virtues” of control and sanctions on return to employment.¹¹

The three characteristic principles recapped above were widely disseminated internationally. They served especially as the basis for discussing employment policies in the EU and drew up a set of proposals defining what a model is. Clearly, the latter help consider the tightening of control as a desirable practice in terms of national employment policies.

The ambiguous role of the European Employment Strategy

The European Employment Strategy (EES) is undoubtedly one of the major occasions for encounter between this European “model” and national policies. The now numerous analyses have brought to the fore the specificities of the Europeanisation of national policies in the framework of the Open Method of Coordination (OMC) of which EES was the first major application (de la Porte and Pochet 2004). Based on benchmarking practices that presupposed the definition of shared indicators for identifying “good practices” (Salais 2004) whose harmonisation lays the groundwork for “guidelines” serving as reference to

“national employment action plans” drawn up by member States and subsequently synthesised by the European Commission and the Commissioner for Social Affairs and employment, this strategy is contrary to the usual module of “vertical” and “horizontal” process of Europeanisation. We would like to show here, in the specific case of control of unemployed persons, a general orientation defined through multiple European exchanges was combined with reform projects with pronounced national undertones.

Undeniably, the EES is an important vector of Europeanisation given that employment policies, which are traditionally conceived and debated in national frameworks, are now placed in a European perspective. This is at the same time an opportunity to define common orientations (guidelines) and make comparisons and exchanges among member States, which, incidentally, is how the OMC works. The National Action Plans for Employment (NAPE, later known as NAP) drawn up every year thus constituted both reference documents at the national level and crucial elements for linking national policies to European orientations.

Control of job seekers does feature implicitly neither in the EES guidelines nor in the recommendations of Council and Commission to national governments. However, everything is done as though all parties – to which must be added less visible pressures among representatives of member States (Barbier and Sylla, 2001: 93) – espoused principles whose application, left to the responsibility of States, resulted in control policies. Reciprocity is equally true. For, although the logics underlying national employment policies envision new control policies, the latter find expression in the principles defined in European recommendations and guidelines.

A good example of this is France in the early 2000s. Recommendation No. 2 of the

¹⁰ Of course, one should identify differences of time and nuance in terms of approach – OCDE and European Commission orientation cannot entirely be identical – and better analyse the representation system and the reasoning at work.

¹¹ For examples of this, see our aforementioned report (Dubois 2006).

2002 NAP urges all “building on recent tax-benefit reforms, continue implementing and monitoring the impact of policy measures designed to encourage workers to seek and remain in work, particularly measures with an effect on low-skilled and low-paid workers” notably by exploiting the unemployment benefits payment modes. The French solution is the following:

“The effective elimination of factors contributing to the reluctance to resume employment for economic reasons has been a constant concern during recent years [...]. The incentive to go back to work or continue working, particularly in the case of low-paid jobs, is being reinforced by the combination of several mechanisms that help to reduce ‘unemployment traps’ and maximise income when individuals find a job again. These measures are complementary to, and inseparable from, the more quality-oriented return-to-employment support programmes.” (NAP 2002).

The problem, though, is that these “quality-oriented support programmes” are a double-edged sword, the other side being job search assistance and greater control of the effectiveness of this action. On its part, the third recommendation specifically recommends to “pursue implementation of personalised and early intervention schemes for the unemployed; examine the effectiveness of and report on the implementation of the Personalised Action Plans for a New Start initiative”. The 2003 French Government document directly reiterates this orientation, adding reform of the public employment service. A year later, it reported the creation of a reformed control and penalty system.

These measures have long been on the drawing board in France and have been the subject of long-drawn efforts on the part of MEDEF, the French employers’ association. This resulted in the creation of

the Return-to-work Assistance Action Plan provided for in the UNEDIC convention on unemployment insurance funds which took effect from 1st July 2001. The tightening of control of unemployed persons, at the behest of MEDEF and the trade union CFDT was originally subordinated to the abolition of the degressive unemployment benefits system: unemployed people are paid better benefits provided their “efforts” are better controlled. This proposal became one of the major stumbling blocks to ministerial approval and finally had to be abandoned because of opposition from Martine Aubury, the then Minister of Labour (Dubois 2006). The emergence some months later of various projects aimed at “enhancing the efficiency” with a view to “supporting” unemployed persons to return to work – and their subsequent realisation with the Social Cohesion Plan in 2004 – are more of a return to envisaged reforms abandoned in the past in tandem with strictly national balances of power than the consequence of the dissemination of European intervention principles.

Similar observations can be made concerning the redefinition of “suitable employment”, a notion that is both uncertain and strategic in terms of employment policy. Coined by the International Labour Organisation in 1948, “suitable employment” is variously defined depending on the country (Freyssinet 2000). Its wide and extensive application has long been claimed employers’ bodies (i.e. MEDEF in France) and is in tune with the desire for greater European harmonisation/standardisation within the EES, which emulates the most flexible national legislations in the matter and, by extension, the most unfriendly to unemployed persons.¹² Indeed, recognition

¹² See the website of the European employment Observatory, which proposes summaries of national policies with a view to identifying “best practices”: <http://www.eu-employment-observatory.net>

of unemployed persons' ability to refuse employment is based on this category. The salary gap in terms of previous employment, appropriateness to qualification and distance from home are generally considered as legitimate reasons for refusal. Expanding these criteria is tantamount to creating more occasions to punish unemployed persons, whose freedom of choice in terms of return to employment is thus restricted. It also means, as suggested earlier, that control is no longer a means of checking only but also an instrument for constraining unemployed persons.

III - "Others have done it" – double comparatist evidence, or legitimation through Europeanisation

Let us reconsider the hypothesis of elective affinity between employment policies disseminated at the European level and national policies which tend to tighten control of unemployed persons by proceeding, this time around, from the formulation and legitimisation of these policies. The case of France shows that these processes, although shaped by national logics, draw from European references – in terms of the following illustrations and examples – thus helping to consider control as a constitutive element of "modern" employment policies and thus justifying the reforms which can subsequently be presented as arising from necessity and evidence.

In France, these orientations were realised notably in the provision of the Social Cohesion Plan – precision and greater number of requirements to be met by job-seekers receiving benefits, more possible grounds for withholding benefits, hierarchise penalties, modification of control among the departmental directorates of employment, ANPE and

ASSEDIC, easy access to personal information necessary for control.¹³ Added to these is the introduction of monthly follow-up of unemployed persons by ANPE as well as measures taken by UNEDIC to fight fraud and, more generally, detect unemployed persons who are not sufficiently active in their search for employment (Dubois 2006).

Short of tracing the complex set of actors, their relationships, negotiations and practices which engendered these new control policies, we proceed from a particularly important component of their constitution, that is, the reports that prepared them. These documents constitute a crucial stage in the officialisation of "public problems" and their mode of construction (Lahire 1999: 81-99). They equally constitute a tool for formatting and systemising, if not producing, "official thought" (Lebaron 2001). In connection with this, they provide relevant material for understanding the logics underlying the formulation and legitimation of new policies. In the case in question, it is all the more crucial to study these reports as they play a crucial role in relations between European references and national policies.

Unprecedented prominence of the issue of control

The reports published in France from 2003 are both the manifestation and vector of new public interest, in its form and intensity in control of unemployed persons. The issues generally appear in a diffuse manner. Indeed, it is possible to make many entries under this protean problem –

¹³ Cf. Act n°2005-32 of 18th January 2005 on programming for social cohesion, notably Articles 11 and 12 of Section IV on "return-to-employment assistance for unemployed workers" decrees n°2005-915 of 2nd August 2005 and n°2005-1624 of 22nd December 2005 on follow-up on job search ; circular of the Ministry of Labour of 19th September 2005.

the relations among the various public employment services, to official unemployment figures through the causes of unemployment and even the behaviour of unemployed persons. Although often present, these stakes were for a long were not the subject of unified processing.

As in the area of social benefits and assistance (Dubois 2003), the first traces of significant politico-administrative investment in control dates back to the early nineteen nineties, notably with the report from the Social Affairs Inspection General (1990). This interest subsequently intensified in 2003 as is shown by the publication in a matter of months of at least four official reports. These are, in chronological order, the chapter of the government Accounting Office 2003 report dealing with control of job search and a report on the pooling of employment services (Marimbert 2004) sponsored in anticipation of the “law on employment mobilisation” which is tagged to become one of the aspects of the 2005 law on social cohesion. A few months later in October 2004, it was the turn of a committee, presided by the governor of the Bank of France and former Managing Director of the International Monetary Fund Michel Camdessus, to tackle the same subject, incorporating the future “great economic choices for France”.¹⁴ In December of the same year, two Economists submitted a report to the ministers of Economy and of Employment a report on “professional social security” which also mentioned personalised follow-up and control of unemployed persons in terms similar to the Marimbert Report (Cahuc and Kramartz 2004: 45-47, 61-66).

Although it is difficult to assess the actual impact of such reports – which

cannot be reduced to the question of whether their recommendations are directly implemented or not – it is nonetheless obvious that their publication over a short period of time turned control into a public problem. By referring (positively) to one another, they converge on the need to reconsider the place of control and enhance its efficiency in employment policies.

The first two reports were released at two weeks interval (mid-January and early February 2004), which attracted vast media coverage and public interest given the clearly controversial nature of the issues. These works provided less answers to pre-existing debates than they engendered interventions regarding the tightening of control, which is now an orientation of employment policies. In this regard, they play an important role in the formulation and legitimation of any such orientation. The Marimbert Report, which was explicitly intended as groundwork for policy and public employment service reforms, brought “observations” (inefficiency of the existing control system), practical arguments and orientations (gradation of sanctions, for example), which partly provided a basis for future measures. The Government Accounting Office’s report played a double role by virtue of the publicity it received, and by placing control, if necessary, on the agenda of concerned bodies (UNEDIC, ANPE and the Ministry of Labour).

Legitimation through Europeanisation

What these reports had in common was the importance attached to the “European dimension”. Although there is nothing original about this, it helps in the case in point to reinforce control and sanctions with a generally favourable orientation. In fact, it seems that references to EU provisions in terms of employment are quite evasive although this cannot be said to be surprising given the nature of these

¹⁴ Indeed, this “sheds light on” [...] future economic and budgetary choices aimed at growth to quote the mission statement of Nicolas Sarkozy the then Minister for Economic Affairs, dated 17th May 2004.

policies. The European reference, and to a greater extent the international reference is much more marked by the process of compiling the reports, like those submitted by M. Camdessus and J. Marimbert. The team that participated in the writing of the first document was also helped by a “group of European experts” mostly drawn from the Commission. As to the second document, it was the occasion for an encounter with “personalities”, including four European civil servants from DG Employment and no less than ten experts and representatives of bodies from the Netherlands.¹⁵ An essential proportion of information provided in this report was sourced from the OECD surveys.

However, it is undoubtedly by the mention of ‘experience in EU countries that the European framing¹⁶ is most clearly distinguished. As in many other sectors, employment policies for some years now were subjected to double comparatist evidence. First, reference to what “our European neighbours” are doing is now inevitable. Secondly, this spontaneously comparatist look very often based on very incomplete knowledge of situations in other countries, and on the partial use of information and the “lessons” they teach all provide “evidence” of choices to which is attributed the “successes” they could have brought about in other countries. In this regard, the Marimbert Report highlights the “best practices” – a notion currently in vogue – implemented in Britain, Italy, and the Netherlands or in Sweden. It also provides in annex the “foreign experiences” which constitute proof that many countries have already

resorted to measures aimed at tightening the rules concerning unemployed persons, thus leading to better results in terms of employment. An instructive example of this is provided by the Camdessus Report. In a chapter meaningfully titled “Others have done it”, public policies implemented by various countries were identified as “good practices” to be emulated in France; this is the case of Denmark where positive results were obtained thanks to the tightening of conditions for accessing the unemployment insurance fund hand in hand with reduction of the payment period and the obligation on unemployed persons to join return-to-work programs (p. 45). The same holds for the British “mode”. Falling unemployment in Britain is not only undisputed¹⁷ but is also attributed to “strong policy choices by successive governments who laid emphasis on the indispensable role of work” (p. 46). The report emphasised that this led to major changes in the public employment service. Thus, “the reform of the unemployment insurance fund undertaken in 1996 (jobseeker’s allowances) led to the *tightening of control and genuine search for employment* beyond six months. Payments *depend on this search* and on the resource situation of the household. Benefits tend to fall once income begins to rise. The rights and obligation in terms of training and job acceptance are marked by various stages corresponding to objective criteria varying with length the period of unemployment” (p. 46).

Without going into the details of an increment based on very different registers (technical, moral, legal and sound

¹⁵ This country was not chosen by coincidence. It is one of the first two countries to privatise placement of unemployed persons and intensify their control.

¹⁶ In contrast, very little mention is made of the United States or Canada. On the other hand a few references are made to Australia where one of the earliest “profiling” mechanisms was invented by the Ingeus and imported into France as part of the measures to “support” job-seekers.

¹⁷ While it is a known fact that “acknowledgement” of this fall was based on questionable data (increased severity of exclusions, which at the same time removed unemployed persons from the statistical base and the list of beneficiaries) and that it was not related to other parameters such as the shrinking workforce – which expanded in France over the same period – or even the high increase in part-time employment.

judgment as well as economic expertise and “matter of society”), it is obvious that it these European situations that provide the basis for re-using the slogans of the active Social State (preference to work over assistance, elimination of obstacles to integration on the job market, making work pay, etc.). These referents – both hazy and hard to contest *a priori* – help to conceive and present the tightening of control as a desirable option – also related to the balance of power at national level. This supposedly is one of the means of “rebalancing” the rights and responsibilities of unemployed persons as well as a channel for improving a placement system that is “considerably inefficient in providing assistance and overly indulgent to unemployed persons.

Conclusion

One now understands better the tendency to tighten control of unemployed persons and the logics underpinning its spread. In the first place, widely shared structural transformations have brought about convergent movements. Disobjectivation of the unemployed category in a context of pronounced economic crisis, new constraints on employment policy and national socio-political configurations hostile to the “cause” of unemployed persons all combined in different countries to usher in tougher requirements vis-à-vis unemployed persons. More stringent control and penalty procedures constitute one of the dimensions of these policies.

Secondly, it was possible to base such policies on the creation and

dissemination of an employment policy “model” at the European level known as the Active Social State. The procedures whereby such a model is promoted – comparison and “coordination” – and the absence at this level of explicit recommendations in terms of control help dismiss the hypothesis of the European Union exerting unilateral influence on national governments as the reason for their convergent orientations. The relationship between this European orientation and control policy at national level are rather to be analysed as “elective affinities”, that is, as the encounter and mutual reinforcement by two political/policy objects each with own logics. Thus, when control policies find meaning and legitimacy in the European “model”, this model in turn is more than just an abstract incantation.

Thirdly, it is clear from the case of France that tightening policies aimed at controlling unemployed persons could proceed from the dissemination of comparatist evidence made easy by Community-level intervention in employment policies. “One can no longer” define a policy without taking into account those pertaining in comparable countries. And once “others did it successfully”, it is imperative to apply the similar provisions. The application of this double comparatist evidence is still mostly dependent on local strategies aimed at imposing policy choices as being inevitable.

Beyond the specific case of control, we dare suggest that linking these three levels of analysis could serve as a basis for a wider sociology of the Europeanisation of employment policies.

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