

## *Decentralisation in France: The »Jacobin« State Stuck between Continuity and Transformation*

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France has traditionally been regarded as having one of the most centralised public administrations in the world. The consequences of decentralisation at the local level in France (*départements, communes*) are analysed and contrasted with the pursued reform objectives. After a brief review of the most important characteristics of the »tamed Jacobinism«, the motives, political debates, and expectations associated with the reforms and their major elements are extrapolated upon by concentrating on the second round of decentralisation, which began in 2003 (*Acte II*). The impacts and effects of decentralisation are scrutinised by distinguishing between operational results and far-reaching system effects. In order to reveal the former, it is asked if the objective of the French government, *faire mieux avec*

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*moins* (doing better with less), has been obtained. Exploring the latter, the changes in the system with regard to vertical power sharing, coordination practices between local and state actors, and actual decision-making in an inter-governmental setting are analysed.

*Key words:* decentralisation – France, »Jacobin« state, local government, state and administrative reform, vertical power sharing, better with less

## 1. Introduction

Decentralisation of public functions and competencies to the lower levels of government has become one of the most prominent trends of modernisation in both young democracies and countries with longstanding democratic traditions (see Goldsmith, 2003: 117; Goldsmith and Page, 2010; Denters and Rose, 2005; Hoffmann-Martinot, 2006: 231; Brusis, 2010; Swianiewicz, 2010). Furthermore, decentralisation policies are evidence of an international trend in political and administrative reform.<sup>1</sup> France, when compared with other European countries, has traditionally been considered a highly centralised state. Thus, the reforms that began in the 1980s offer a particularly persuasive example of decentralisation policy (Le Lidec, 2007; Thoenig, 2005; Cole, 2006; Kuhlmann, 2009a, 2009b). The following contribution will assess the effects and impacts of this process focusing on the two decentralisation acts (*Acte I* and *Acte II*). This analytical perspective is justified by the fact that the effects and impacts of institutional reforms are still largely understudied in comparative public administration. In general public administration theory, the hypothesised outcomes of decentralisation policies are twofold. Firstly, they are expected to promote efficiency and effectiveness in the fulfilment of public tasks; and secondly, they are assumed to increase the democratic accountability of public services (Pollitt and Bouckaert, 2004: 105–106; Lockwood, 2008: 33). Yet, as we have hardly any empirical knowledge about the impact of decentralisation on the actual functioning of local institutions and the achieved performance changes (Wollmann and Bouck-

<sup>1</sup> The exception to the rule is Great Britain. Here, the process of de-concentrating central government administration through agencies had the reverse effect on local government. Goldsmith, 2003: 118; Kuhlmann et al., 2011.

aert, 2006), premature generalisations should be avoided. Against this backdrop, the paper aims at adopting an analytical perspective that moves away from the predominant approach of explaining institutional changes (what shapes institutions?) and will rather emphasise the effects of institutional reforms (how and why do institutions / institutional policies matter?). The findings can help to address some of the pressing concerns of decentralisation policies in France and thereby contribute to filling a research lacuna that has hitherto existed in public administration. The following questions will form the central part of the analysis:

- (1) How can we approach the question of reform impacts analytically, from an evaluative perspective?
- (2) What have been the starting conditions of the reforms and which institutional changes have taken place over the course of two waves of decentralisation in France?
- (3) What impact has decentralisation had on the performance of local governments (performance effects: input and output changes) and on the coordination and decision-making in the inter-governmental system (system changes)?
- (4) In light of the changes that have occurred in the French politico-administrative system, can we speak of a real »transformation« or even of an »end of the indivisible Republic«?<sup>2</sup>

## 2. Analytical Framework: Decentralisation as Institutional Policy

When assessing the effects of institutional changes the relevant studies on public sector reform offer an appropriate conceptual starting point. The paper draws on an analytical framework that was suggested for the evaluation of institutional reforms resulting from the international New Public Management (NPM) movement (Pollitt and Bouckaert, 2004; Kuhlmann et al., 2008). According to this evaluative framework, the impacts of institutional reforms must be analysed in three steps:

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<sup>2</sup> The paper will focus on local self-government at the municipal level (*communes*) and at the level of departments (*départements*). The regions are left aside to a large extent.

- (1) First, the initial conditions before the reforms and institutional changes that occur within the politico-administrative system must be analysed. This is referred to as institutional evaluation.
- (2) The second step will look at the effects of these institutional changes on the performance of institutions, which can be labelled as performance evaluation. Here, an analytical distinction must be made between input effects on the one hand (use of resources, costs and savings) and output effects on the other (scope of services, service quality etc.)<sup>3</sup> Accordingly, performance effects can be measured by increases in efficiency and reduction of costs and also by the range and quality of services provided.
- (3) In the third step, the broader effects of institutional policies on coordination, steering, and multi-level decision-making are taken into consideration (system changes). Here, the analytical emphasis is placed on the changes in interaction between the different administrative levels and on the new balancing of intergovernmental relations between the central state and the local governments. The capacities of vertical and horizontal coordination, on the one hand, and democratic control and political accountability, on the other, will all be measured as variables of system changes.

### 3. Initial Conditions Prior to Reform and Institutional Changes

According to the analytical framework, the first step is to consider the initial conditions of decentralisation reform and the institutional changes that occurred due to decentralisation policies, which will provide a benchmark for the subsequent evaluation.

#### 3.1. Initial Conditions of Decentralisation

Traditionally, the local authorities (*collectivités locales*) – regions, *départements* and municipalities – are regarded as being part of the »indivisible

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<sup>3</sup> In their analysis of *operational results*, Pollitt and Bouckaert (2004) included the measurements of *productivity ratios* and *outcome/impact*. The latter concept will be examined in this paper under system changes.

republic« in France (*une et indivisible*). The central state, according to the constitution, has the sovereignty (Hoffmann-Martinot, 2006: 231 f.) and can autonomously decide on the form and functions of the sub-national levels. Rooted in the Jacobin-Napoleonic tradition of »executive centralism« (Wollmann, 1999: 193–198) that dates back to the nineteenth century, the French local government system remained under the aegis of the governmental *prefects* who exercised a rigid a priori supervisory and legal control (*tutelle*) until the 1980s. Due to lack of institutional resources, local governments transferred many of their tasks to the state level and took on a rather marginal role in the administrative system. Although some changes and refining of the Jacobin state had taken place before the 1980s, the responsibilities of local governments remained restricted because the small size of the territorial municipalities (37,000 councils with an average of 1,600 citizens) proved to be a hindrance to their functional strengths. The traditional French administrative system can be characterized as a »state-administrative integrated model«, in the sense that local self-government responsibilities and state-administered tasks were both organised and arranged within the (de-concentrated) field offices of the central state (Wollmann, 1999: 196).

The French system paints a picture of a powerful central state that has control over the entire institutional system at the sub-national level. In practice, however, the »tamed Jacobinism« (*jacobinisme apprivoisé*; Grémi-on, 1976) has long since pointed toward a system of »informal decentralisation« (Mabileau, 1996: 25 ff.). Due to widespread practice of holding multiple offices (*cumul des mandats*), which allowed »local notables« to extend and exercise their power beyond the realm of local policy, local executives have had considerable influence on the higher levels of government and, to a large extent, on the national level. This is not only made apparent by the policy-making of the national legislator, where 50 per cent of the members of parliament are mayors (Hoffmann-Martinot, 2003: 166 ff.), but also by the actual veto power wielded by the *Sénat*, which primarily represents those who are against modernisation and the conservative interests of local executives. These aspects of formal and informal decentralisation ensure that national laws that are against the will of local authorities cannot normally be adopted. Furthermore, policy implementation at the local level is conducted through a tight collaboration between the state (through *prefects* and special de-concentrated state agencies) and local government actors. In this sense, decisions are made on the basis of consensus and through negotiations, rather than through a hierarchical chain of command. Even before the wave of decentralisation,

the traditionally strict state supervision under the *prefects* had been mollified and reduced to such a degree that it was solely symbolic (Mabileau, 1996; Thoenig, 2005). Moreover, many of the field offices of the central state, in practice, had actually advocated local interests and projects in lieu of national policy interest (Thoenig, 2005). An additional catalyst in the movement towards decentralisation was a lack of personnel in the Parisian ministerial government. Thus, the government in Paris found itself increasingly strained and poorly positioned to coordinate and control the multiple decentralised field offices of the central state spread out all over the country, which resulted in the questioning of institutional effectiveness of the latter. Integration of the central and local powers, which has been referred to as the »colonialisation« of the centre by local actors (Hesse and Sharpe, 1991), has paved the way for decentralised and localised policy-making, whereby local actors can influence the national agenda through the process of »uplifting«. Due to the fact that sub-national and local actors are able to influence, if not determine, the extent and breadth of policy, particularly with regard to locally important institutional matters, the chance of implementing nationally defined reform programs in a top-down manner remains limited. For this purpose, the politics of decentralisation in France offers a perfect illustration of this pattern.

### 3.2. Institutional Changes: The Two Waves of Decentralisation

The decentralisation movement in France can be divided into two stages. *Acte I* began in the 1980s under the socialist government of *Lois Defferre* (Balligand and Zeller, 2006; Schmidt, 1990; Kuhlmann, 2009a, 2009b). The second wave (*Acte II*) took place in the 1990s and was finalized by the constitutional reform in March 2003. It will be the focal point of the analysis throughout this paper. Article 1 of the French constitution states that »the organisation of the republic is decentralised«<sup>4</sup> and it is precisely this that shows the important constitutional status that decentralisation is given as a high order national policy. The introduction of a kind of subsidiary principle creates a new trend unfamiliar to the »indivisible republic«.

The same can also be said for the introduction of so-called experimental policy. This new type of policy is yet another characteristic of the trend of

<sup>4</sup> »... son organisation est décentralisée« (Lois constitutionnelle no. 2003–276 du 28 mars 2003 relative à l'organisation décentralisée de la République).

moving away from the idea that the republic is united and indivisible to the one where the state is variable and vertically fragmented. However, the *Acte II* reform primarily brought in new competencies and resources solely for the *départements* and regions; whereas municipalities and inter-municipal cooperation bodies (*établissements de coopération intercommunale* – *EPCI*) were largely neglected (at least until the *Sarkozy's* presidency; particularly the Balladur report of 2009; Comité Balladur, 2009; Kuhlmann, 2010). In the 1990s and again in 2008 (Rapport Attali, 2008) the future of the *départements* was speculated about, and the idea of abolishing this level of local government was put forward, even though their functional role and responsibilities were significantly expanded under *Acte II*. The institutional level of the *départements* appears to be secure, at least for the foreseeable future. With this in mind, lobby groups for the municipalities and larger cities have criticised *Acte II*, charging that it has resulted in departmental and regional re-centralisation (Portier, 2003: 62).

The complete »departmentalisation« of the RMI (*revenue minimum d'insertion*), which is a minimal income scheme designed to reintegrate those who have been unemployed for a long time back into the labour market, contributed to a significant functional strengthening of the general councils. The transfer of RMI and the bundling of labour-marked related sub-national functions can be regarded as an important step towards a territorially integrated local welfare policy at the *department* level. They are not only responsible for designing, coordinating and implementing measures to reintegrate the unemployed into the labour market but also for financing the relevant services and payments. Yet, on the flipside lies a growing financial burden on the *départements* and an increased involvement in the execution of nationally defined policies, which leaves less room for the execution of local and voluntary self-governmental tasks. Further important elements of the decentralisation package have taken place more recently, e.g. in the education sector, in the services for disabled people, in port, airport and road management (for details see Fonrojet, 2005: 17 ff; Kuhlmann et al., 2011). In 2010, the creation of unitary *métropoles* (Comité Balladur, 2009; Kuhlmann, 2010) and of a new type of unitary territorial councils (*conseils territoriaux*) was introduced through the integration of regional and *département* councils, whereas the respective functions of regions and *départements* were separated more clearly. The new territorial councils will be directly elected in 2014.

## 4. The Effects of Decentralisation

By assessing the performance effects (input and output changes) of decentralisation on the one hand and system changes on the other, the following paragraphs correspond to steps two and three of the analytical framework.

### 4.1. The Effects on the Performance

#### 4.1.1. *Input Changes*

One of the easily observable effects of decentralisation is an enormous expansion of local resource expenditures (i.e. outlays, personnel) caused by the increase of responsibilities imparted on the local authorities. As a consequence of the transfer of state civil servants to sub-national levels of government and the recruitment of new staff, the number of public employees in local government doubled within twenty years. In comparison, the number of personnel employed by the central government administration grew by only 12 per cent between 1980 and 2003 (Table 1). Likewise, the public employment »density«, measured by the number of public employees per 1,000 inhabitants, at the local level (with an increase of 6 civil servants per 1,000 inhabitants since 1980) has clearly outpaced the increase in central government recruitment, which actually remained at two civil servants per 1,000 inhabitants between 1980 and 2003. Incredible 55 per cent of the newly employed personnel between 1984 and 2004 were recruited by the local authorities (Richard, 2006: 2). Therefore, there is strong evidence to support the claim that the local level has developed at a much wider rate than the central government.

As a result of the 1999 law (*Loi Chevènement*), which provided the legal foundation for significant strengthening of inter-municipal cooperation, the cooperation bodies (*établissements publics à coopération intercommunale – EPCI*) experienced an enormous increase in their personnel by roughly 12 per cent in the period 2002 – 2003 alone (Kuhlmann, 2010). Public employees working at the inter-municipal level represent over a tenth of the total number of local government employees (including regions and *départements*). The inter-municipal public employment has – statistically – »overtaken« regional government (0.7 per cent of the total number employed by the local government) and is catching up with the *départements* (16 per cent). Due to the expansion of responsibilities and tasks,

Table 1: Public Employment in France by Government Levels 1980–2003

Level	1980			1990			2003			Increase/Decrease 1980-2003		
	in 1,000	in %	per 1,000 inh.	in 1,000	in %	per 1,000 inh.	in 1,000	in %	per 1,000 inh.	in 1,000	in %	per 1,000 inh.
	Central government	2,273	56.2	39.1	2,308	54.2	39.7	2,543	50.5	41.1	270	11.9
Local authorities*	1,021	26.4	18.4	1,166	27.4	20.1	1,522	30.3	24.6	501	49.1	6.2
Hospital sector	671	17.4	12.1	783	18.4	13.5	966	19.2	15.6	295	44.0	3.5
Total of public sector personnel	3,865	100	69.5	4,258	100	73.3	5,031	100.0	81.2	1,166	30.2	11.7

\* Regions, *départements*, municipalities

Source: Direction Générale des collectivités locales/DESL 2006, Observatoire de l'emploi public, DGAFP 2005 and author's calculations.

the revenue of local governments increased six fold over a twenty year period (from €32 billion in 1980 to €186 billion in 2005; INSEE, 2005). According to the reform agenda put forward by *Sarkozy* in 2007/08, further strengthening of the inter-municipal cooperation bodies as major institutions for sub-national service provision can be expected, although the traditional principle of voluntary territorial amalgamation (*volontariat*) has been retained (Comité Balladur, 2009; Kuhlmann, 2010).

At first sight, the statistics seem to paint a rather rosy picture of the changes that occurred at the local level over the past twenty years. However, at a closer look, many critical cracks are visible in this portrait. Firstly, the majority of public servants are still employed by the central state. Opposed to 25 employees per 1,000 citizens in local government, the state administration is almost double that size, having 41 employees per 1,000 citizens. Secondly, decentralisation has had neither a lasting nor significant effect on the number of employees in the numerous small and rural municipalities. This is apparent from the fact that more than 30,000 local governments (54 per cent) employ less than five employees and only about 300 local governments (0.5 per cent) have more than 1,000 employees (Direction Générale des collectivités locales/DESL, 2006: 107).

In 2 per cent of the French local municipalities (758 cases), there is no administrative staff at all. Decentralisation has thus not led to a straightforward balancing of resource distribution in France. It has rather tended to strengthen the disparities already present in France of »two speeds« (*France à deux vitesses*). While a small number of larger cities, where the majority of the French population lives, prosper in their administrative and functional responsibilities, the smaller and more rural municipalities that encompass only a small minority of the entire population remain untouched by decentralisation movements.

Despite these imbalances in resource allocation and development, it becomes apparent that the central government's reform concept, which emphasises cost savings without infringement of the quality of service delivery (*faire mieux avec moins*), has yet to take effect. If one measures the success of decentralisation by »input« savings, then conclusions to the contrary can be drawn. The increase of resources, especially in the rate of recruitment and local public employment, could be a case of doing more by using more (*faire mieux avec plus*). Critics of the movement argue that decentralisation has not only made public action in France less transparent and more complicated, but that it has also increased the costs by a considerable amount.

»... la décentralisation n'a abouti qu'à la constitution d'un système semi-centralisé ... et probablement plus couteux qu'on ne le croit« (Balligand and Zeller, 2006: 8).

»... decentralization has only lead to the creation of a semi-centralised system ... and one that is probably more costly than we believed it to be.«

»Le nombre élevé de nos échelons d'administration locale entraîne des surcoûts qu'il faut maîtriser« (Richard, 2006: 2).

»The increased number of our echelons in local administration leads to additional costs that must be controlled.«

Another reason for failed efficiency gains can be found in the strong institutional weight of the state administration. Against this, the recent Sarkozy-reforms (*révision générale des politiques publiques – RGPP*) launched in 2007/08 envisage streamlining of the state administration in order to save money and to achieve significant cost reductions. An example of this strategy of cutting back resources and downsizing state offices is the creation of a new tax administration (*direction générale des finances publiques – DGFIP*) in 2008 by fusing two previously separate big state of-

fices and reducing their personnel by 10 per cent, which is expected to produce the savings of roughly €225 million in 2011 (DGFIP, 2008).

#### 4.1.2. Output Changes

Local government expenditures can give a useful insight into the output changes because they reflect the range and scope of duties carried out by the local governments. Thus, they are a reliable indicator of whether decentralisation has made a substantial impact on the amount of local public services. Since the 1980s, local government expenditures have increased enormously, by almost 50 per cent between 1985 and 1990 alone, which can be compared to the total increase in public expenditure during this same period that amounted to approximately 30 per cent. Since local expenditures roughly quintupled from 1980 to 2005, it is obvious that the local authorities in France have dramatically increased their functional value. This is true in both absolute and, when compared to the other governmental levels, relative terms. Another indicator of the increased functional responsibilities can be seen in the figures that show the local authorities' enlarged share of the gross domestic product from 8.5 per cent (1982) to 11 per cent (2005)<sup>5</sup> and their share in total public spending which has meanwhile grown from 16 per cent (1985) to more than 20 per cent. The increased number of tasks and responsibilities discharged by local governments has also led to significant changes in administrative organisation and personnel (Borraz, 1998). The level of professionalism and specialisation as well as the number of local government professions and functionally specialised administrative units increased as a result of the enlarged scope of responsibilities and a higher degree of internal organisational differentiation. The range of professional positions and available career paths in the local government, which demand a formal qualification along with the necessary *concour*, has grown accordingly. At the time of writing, there are ten municipal career paths (*filières*) and each has its own programme of study and legal prescriptions in addition to a total of 59 professional municipal groups, each of which has between two and five grades of employment (Kuhlmann and Bogumil, 2007). The organisational changes in service delivery since the 1980s are far from negligible, and public, private and mixed forms of local service production and provision are being increasingly merged together. As a result, local government is

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<sup>5</sup> The central government's proportion of gross domestic product increased, but in comparison more moderately (by 1.4% 1982–2005). Richard, 2006: 2.

being reshaped into a far more varied »structure of governance« (Kuhlmann and Fedele, 2010).

According to the research, decentralisation in France has undoubtedly led to a larger and more diverse service portfolio for the municipalities and *départements*. Since *Acte I*, the push within municipal government to take on more responsibility in planning is a prime example of this movement. Accordingly, the number of land-use plans has more than doubled since the 1980s (from 6,764 to 15,500; Jacquot and Priet, 2004). As a consequence, over one half of the French municipalities have plans that have effect on approximately 50 per cent of the total French territory and on three-quarters of the population. However, when considering administrative performance in urban planning and development, it is important to differentiate the larger and averaged sized cities (50,000 inhabitants and more) from the smaller municipalities, which represent by far the majority of French local governments. While the larger cities with over 50,000 inhabitants are in the position to manage planning with a more professional and well-trained administrative staff and are thus capable of taking on an autonomous role in urban planning and development (Mouton, 1994: 141), smaller municipalities remain dependent on the (initially free) assistance of the state administration (*direction départementale d'équipement – DDE*). Only in the wake of an »inter-municipal revolution« (Borraz and Le Galès, 2005; Kuhlmann, 2010) was it possible to make the changes in the traditional »symbiosis« between the rural municipalities and the de-concentrated field offices of the central state.<sup>6</sup> The laws on inter-municipal cooperation (the 1999 *Loi Chevènement*) and on urban development (the 2000 *Loi SRU*) transferred wider responsibilities for land-use planning to the inter-municipal level, which therefore tends to replace the individual municipalities (as well as the field offices of the central state) as planning and development actors. Consequently, the »single purpose« state administration, which has until now operated at the grassroots level, could turn out to be redundant. This has already been confirmed by the recent fusion of the time-honoured State Offices for Infrastructure (*directions départementales d'équipement – DDE*) with the Offices for Agriculture and Forests (*directions départementales de l'agriculture et de la forêt – DDAF*) in the course of the aforementioned new reform agenda (*RGPP*). Thus, a

<sup>6</sup> In 2004, 82 per cent of the total population and 86 per cent of all municipalities in France were covered by inter-municipal communities (EPCI) with their own tax revenues. The »coverage« in some of the leading regions for decentralization, is currently conducted by nearly all the communes. Kuhlmann 2009a: 91 with further references.

new state administration of the territories has been established (*direction départementale des territoires*).

As a consequence of decentralisation, *départements* have become increasingly restricted to carrying out local welfare policies and being predominantly responsible for »social action« (*action sociale*). One concern is that the multi-purpose portfolio of the *départements* will be reduced to the large social assistance agencies (*transformer les départements en vastes bureaux d'aide sociale*, Portier, 2003: 64), which will be responsible for the tasks delegated to them by the state, and will simultaneously lose political autonomy in deciding on their »own« self-administrative functions and voluntary tasks. In fact, a large part of the tasks performed by the *départements* are related to social policy, and according to the complaints of the local authorities, the increase in the volume of tasks, especially those in the social policy area, does not correspond to the available resources. This negative feedback to the financial overburdening through *Acte II* is widespread among the general councils despite the state compensations paid by the national government in order to absorb outstanding costs. These compensations amounted to €11.5 billion (€3 billion for the regions, €8 billion for the *départements*). Yet, local authorities have already appealed for increased compensation, arguing that current payments will not cover the extra costs of the *départements*. Moreover, since the 1990s, financial autonomy of the local governments has become severely restricted. Above all, in the smaller, economically weaker and socially more problematic *départements* this development has entailed some precarious consequences. In the social welfare boards at the *département* level, for example, the criteria for approving transfer payments to longterm unemployed individuals (*RMI*) have been made tighter, and the granting of payments has become more restricted. The case studies have revealed that decentralisation of the *RMI*-responsibilities has had different effects on *départements* depending on the latter's resources and economic position. Underlying disparities and financial inequalities have been sharpened by these developments (Kuhlmann et al., 2011).

Regarding the changes in the quality of service delivery; on the one hand, there is a clear trend towards a more direct contact with citizens and problem areas, a more professional local service, and better responsiveness on the side of the local government. As a result of the transfer of responsibilities in the area of »social action«, local administrative organisation has been re-structured and modernised. In some *départements* new »territorial« units (*unités territoriales d'action sociale – UTAS*) have been built up with the idea of closer contact and better availability to the public. As

such, many of the social services have been territorially de-concentrated and bundled together into *one-stop-agencies*. On the other hand, the strategy of »territorialisation« at the *départements* level can be seen as further support to and confirmation of the largely criticised tendency of an »over-institutionalisation« and »institutional thickness« that is characteristic for the French sub-national landscape (see section »system effects« below for further reference). As shown on the example of public transport, the effects of this development are sometimes rather customer-unfriendly. In the city of Rouen, responsibilities for public transport are divided between the city itself (responsible for inner-city bus service), the agglomeration *Communauté d'Agglomération de Rouen – CAR* (responsible for underground transport and some bus routes), and the *département Seine-Maritime* (responsible for bus routes outside of the town). This fragmentation of responsibilities within one policy area consequently lies at the expense of citizens as service consumers.

## 4.2. System changes

There are many diverse perspectives in the literature whether decentralisation policies have led to a system change in France and if yes, to what extent or they have led merely to some incremental adjustments. A unanimous answer has not been found yet.<sup>7</sup> The following chapter concentrates on the coordination of sub-national tasks, focusing on three aspects: (1) multi-purpose vs. single purpose coordination; (2) separation vs. fusion of state and local tasks; (3) steering by hierarchy vs. steering by contract.

### 4.2.1. From single-purpose to multi-purpose coordination?

Decentralisation policies are directed at strengthening the multi-purpose portfolio of the localities, while weakening the position of single-purpose state offices in the territory. There is no doubt that the bigger cities and urban agglomerations have meanwhile developed their position as multi-purpose service providers to such an extent that they are no longer in need of the central government's administrative assistance. Additionally,

<sup>7</sup> »In administrative terms, the French model remains one of the most centralized in the world« (Hoffmann-Martinet, 2003: 159). This perspective can be considered in contrast to: »Over the past 20 years France has moved from one of the most centralized systems in Europe to one of the most decentralized« (OECD, 2003: 71).

in policy areas such as urban planning or local welfare, they also provide a testing ground for policy innovations and new modes of governance, which are then partly adopted by the national legislature.

Even in the French peripheries inter-municipal cooperation has enhanced and fuelled a movement that has increasingly led to a more functionally and territorially viable role of local self-government. As a result of the »inter-municipal revolution« (Borraz and Le Galès, 2005; Kuhlmann, 2010), which appears to mark the end of an era of failed territorial reforms, the *EPCI* could prove themselves to be the dominant level of service provision within the French local government system. The process of decentralisation and »inter-municipal cooperation« thus had a significant part to play in the transformation of the traditionally weak functional role of the French local government system to an increasingly multi-purpose and solid model, in which particularly the *départements* and cities as well as the inter-municipal cooperation bodies enjoy increased administrative strength, resources, and functional responsibilities.

Notwithstanding this remarkable shift from single-purpose to multi-purpose coordination of public task fulfilment, the French »executive centralism« shows an incredible institutional inertia. This is highlighted by the fact that 50 per cent of total public employment in France encompasses central government civil servants (*Fonction Publique d'Etat – FPE*), of which 95 per cent serve outside the Parisian ministries in de-concentrated field offices (*services extérieurs*; Thoenig, 2005: 689). Thus, the single-purpose logic of locally operating de-concentrated state offices that are competent for specialised tasks remains in force – despite decentralisation and an increasingly multi-purpose local government. It remains to be seen, however, whether the RGPP-reforms launched by Sarkozy will mark a critical juncture in this historically inherited institutional path.

#### 4.2.2. *Separation or fusion of state and local tasks?*

The central-local task separation or fusion is yet another relevant dimension for assessing the system change. The decentralisation movement entailed a growing complexity and intertwining of administrative levels and an increasing institutional competition between various bureaucratic organisations at the sub-national level. This can be explained by the fact that the initially envisaged transfer of separate fields of competence (*blocs de compétences*), which would be clearly divided between de-concentrated state offices and local authorities on the one hand and the different sub-national government bodies on the other, never came into existence. On

the contrary, the different sub-national levels of government as well as the de-concentrated field offices of the central state each have access to all locally relevant policy fields. Against this background, the possibility of replacing the »fused system« of competences with a system based on a vertically divided model that clearly separates the tasks between the central state and local authorities (»separational system«) is not likely in the foreseeable future. Even the attempts made through *Acte II* to reduce the many forms of co-management and co-finance in order to define the competences between the levels of government more clearly had only limited success. Still, the majority of local policy areas, including the »Social Action« programme, are characterised by multi-level institutional arrangements, mixed finances<sup>8</sup> and multi-actor settings (Balligand and Zeller, 2006: 8). Furthermore, the cities tend to define and implement policies outside their legally assigned competences without being punished by the supervisory authorities. Accordingly, they can influence policy areas that are, legally speaking, not in their jurisdiction.<sup>9</sup> The actual influence and power local governments are able to acquire through the described lack of clarity and transparency in the distribution of tasks between the various levels of government is remarkable on the one hand (Thoenig, 2005: 690). On the other hand, this structure has had negative impacts on democratic accountability, institutional transparency and political control, all of which has been criticised by some observers as deliberate political irresponsibility (*déresponsabilisation*). In other words, it gives political actors the opportunity to be less personally responsible for local policy outcomes (Richard, 2006: 3).

The growing problem of political accountability is in part a consequence of the constitutional discrimination of the functionally prospering inter-municipal level of government that can be considered a real lacuna of the *Acte II* legislation (see above). The *EPCI* have retained the legal status of public agencies (*établissements publics*) and thus remained without the status of a fully-fledged local authority (*collectivité locale*). Contrary to »normal« local governments, the representatives of the inter-municipal councils (*conseil communautaire*) are only indirectly elected (through the councillors of the member-municipalities). They are thus often referred to

<sup>8</sup> As such large parts of the regional budgets (in the Nord-Pas-de-Calais and Lorraine on average two-thirds respectively) are reserved for co-financed projects (Gilbert and Thoenig, 1999). In the 1990s, the French regional councils co-financed 1,300 projects.

<sup>9</sup> The city of Le Havre, which founded its own university, offers a clear example of this trend.

as »second degree councillors« (*élus du deuxième degré*, Guéranger, 2004: 6).<sup>10</sup> Given that the inter-municipal administrations have fiscal sovereignty to levy their own taxes and that they discharge an increasingly broad spectrum of duties, debates regarding legitimacy and democratic control of this level of sub-national government play a decisively large role on the political agenda. The reform proposals put forward by the Comité Balladur in 2009 could contribute to remedy this problem – at least to some extent.

Due to the fact that the idea of systematically dismantling de-concentrated state administration and of introducing a hierarchical order between the several levels of sub-national governments was abandoned, the scale and intensity of institutional entanglement and vertical integration increased substantially. Locally operating field offices of the central state (*services extérieurs*) are less able to mark their territory and are increasingly often forced to cooperate with local authorities and new actors such as the inter-municipal councils, numerous quasi-autonomous and »para-municipal« bodies, and private service providers. In the policy field of urban planning and development there are, in extreme cases, up to nine sub-national authorities acting in a single local government jurisdiction (Thoenig, 2005: 688). As a consequence, the distribution of competences has become more fragmented, less transparent, and less coordinated, as there is a tendency to overlap tasks, which creates competing responsibilities. The local level of government is plagued by institutional thickness and over-institutionalisation, both of which result in a situation where coordination, decision-making and policy implementation are only possible with high costs and require a large amount of time and effort.

#### 4.2.3. *From Hierarchy to Partnerships and Contracts?*

One of the clear outcomes of decentralisation policy is the fact that a form of negotiation based on decision-making and bargaining has taken the place of a traditionally centralised-hierarchical organisation in which the government (at least formally) had the upper hand in dictating policy. On

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<sup>10</sup> To the present day, the president of an *EPCI* is usually the mayor of the largest member-municipality and his formal election follows in accordance with a previous informal agreement between the municipalities concerned. The inter-municipal executive is institutionally supported by an inter-municipal administration (*administration communautaire*), whose size and personnel weight vary according to the population of member-municipalities and the range of tasks assigned.

the one hand, local authorities have gained in importance as institutional actors, and service providers have become increasingly independent of the central state assistance. On the other hand, the central government has failed to withdraw itself from the local institutional sphere. While remaining institutionally present at the local level and administratively active throughout the country at the grassroots level (Thoenig, 2005: 689), the state actors have notably lost the power to influence concrete local affairs and actual political processes at the local level (Borraz and Le Galès, 2005: 21). As the locally operating state offices experienced *de facto* losses in functional influence, the power relationship between cities/agglomerations and central government actors partly reversed. The latter have thus become more dependent on being included into local projects and activities, which has provided them with a *raison d'être*. The justification of their position increasingly relies on their capability to create and develop state-local partnerships (*partenariat*). These cooperative arrangements and partnerships provide an appropriate forum for local executives to get immediate access to and influence on important decision-making actors and processes at higher levels of government. State civil servants from their corresponding fields of expertise thus render an important »service« to the municipal executives as leasers, brokers and speakers of local interests, and as such allow a bottom up territorial influence to take effect on higher decision-making levels. Moreover, from the perspective of the mayors and general/regional council presidents, technical and administrative guidance from the de-concentrated field offices of the state provides more than just politically neutral expertise in the areas that would otherwise be subject to local political debate and would succumb to inter-local institutional competition. Indeed, the deliberate inclusion of prefects in the local policy processes (whose control over local authorities' decision-making is legally reduced to *a posteriori* control) allows the mayors to act more independently from other competing local authorities such as the general council, larger cities or even regions.<sup>11</sup> The rapidly decreasing functional role of de-concentrated field offices of the central state and the parallel expansion in resources and institutional equipment at the local level has allowed the cities' executives to gain an even more powerful position than the *prefects* and heads of locally operating field offices of the central state.

<sup>11</sup> This is illustrated by various examples of contract policies in »urban planning and development« (*contrats de ville*), which led to strategic coalitions between central government and municipal actors against regional authorities (for example, Lille).

»One of the key consequences is that the mayor or the president of a territorial council becomes a much stronger actor than before within his own territorial jurisdiction, stronger even than the prefect and the state representatives« (Thoenig, 2005: 700).

Consequently, the need for compromise and negotiation between the various actors and levels of government has risen significantly. Local policy-making today is dependent on either the success or failure of bargaining and contracting between the central and local actors as well as between the various »players« at the sub-national level of government. Therefore, contract management (*contractualisation*), partnerships (*partenariat*) and other instruments of non-hierarchical, horizontal governance have been implemented in order to address the severe problems of control and coordination within this highly fragmented and over-institutionalised decision-making system. The policy of urban planning and development (*politique de la ville*) provides a good example for this inter-governmental negotiation necessity. *Politique de la ville* is considered the classical area for local contract policy and it has been viewed by many local actors as having failed to produce effective policy outcomes within reasonable time. Indeed, it is criticised as having helped to lengthen the duration of decision-making processes and to decrease the efficiency of task fulfilment due to complicated negotiations and multi-level contract procedures.

»Do you know that with all the laws, criteria, and complicated funding rules I need much more time to prepare a project. ... I have to send an ever increasing amount of officials to meetings in order for them to negotiate with other municipalities and other partners and to deal with funding issues, etc. Here, for example, I have a project with ten financiers, ten! ... It's incredibly complicated. One loses so much time ... With all the projects that I am currently in charge of, everybody is co-financed by everybody. There we have the problems of urban policy« (Directeur Général Adjoint »Famille et Politique de la Ville«, Rouen, Interview, 7. 4. 2005).

## 5. Conclusion: impacts of decentralisation – a transformation of the Jacobin state?

The aim of this paper is to assess the effects and impacts of decentralisation in France and thus fill in a research lacuna existing in public administration because empirical knowledge about the actual changes in the functioning of local institutions and their performances has been difficult

to obtain. Drawing on the analytical distinction between performance changes (input and output changes) and system changes (coordination in the intergovernmental system), the following can be concluded:

Concerning the changes in inputs (costs, resources, employment), what has been observable is an enormous expansion of local government outlays and personnel that caused by their increased responsibilities. More recently, the inter-municipal cooperation bodies (*EPCI*) have experienced a particular increase in their personnel and expenditures due to their widened task portfolio. Yet, the central state and its numerous de-concentrated field offices continue to be the predominant level of public employment in France. Furthermore, the problem of *France à deux vitesses* has been reinforced further because few larger cities prosper in terms of public employment and resources, whereas the myriad of rural municipalities remain an administrative wasteland. All in all, the reform concept of achieving cost savings without infringing on service delivery (*faire mieux avec moins*) has yet to become a reality. However, it is also due to the lasting institutional presence of (functionally hollowed out) de-concentrated state administrations next to local governments (so called *dualisme*). It remains to be seen, however, whether the more recent *Sarkozy*-reforms that are directed at fusing or even abolishing the state offices in the field will mark a rupture with the costly administrative dualism.

With regard to output changes, local government expenditures, which can be used as a relevant indicator of the quantity of local governments' service production, have increased enormously during the last decades. Along with other more general economic and social developments, this is also a consequence of decentralisation policy in France. Due to the increased number of responsibilities discharged by local governments, the administrative organisation has been modernised and the level of professionalism and specialisation within local administrative units increased significantly. Service and customer-orientation have been enhanced – as indicators of the quality of service delivery – and local planning activities have been intensified. Yet, again, administrative output-performance depends on local governments' size and viability. Whereas larger cities are in the position to manage important local tasks with more professional staff, smaller municipalities remain dependent on the assistance of the de-concentrated state administration. Only the future will show whether the strengthening of inter-municipal cooperation in combination with the abolishment or reduction of de-concentrated field offices of the central state will lead to a real break in this traditional symbiosis between the rural municipalities and the »territorialised« state.

Finally and importantly, there is the question of system changes. With respect to the changes in the French multi-level system that are revealed in this paper, is it possible to speak of a transformation or even of an end of the indivisible Republic? On the one hand, it is true that even before the process of decentralisation began there had been informal structures of negotiation, partnership-based decision-making, and non-hierarchical inter-governmental relations. These taken together can be seen as visible signs of the »tamed jacobinism«. On the other hand, an important outcome of decentralisation is that these patterns of coordination have become more generalised and the number of actors with *de facto* veto power in the multi-level system increased. There has emerged an administrative model in which the actors can come to policy solutions only if they coordinate and bundle the resources of different institutional levels and functional jurisdictions in a convoluted system of contract politics (*contractualisation*) and concerted action (*concertation*). This generalised form of contracting, concerted action and multi-level negotiation stands in the way of a more effective, efficient and immediate local policy making.

Searching for a conclusion as to whether France faces the end of the indivisible republic, one possible place to end could be with the argument of Hoffmann-Martinot (2003): *one, yet divisible*. Legally, the unity of the nation (*Etat-Nation*) continues to be in force. Nevertheless, with the process of decentralisation, the power of the central state has been severely cut, with the latter experiencing weakening in its functional influences at the sub-national levels of government. The principles of territoriality and of multi-purpose coordination at the sub-national level of government have gained in importance and the legitimacy of inter-local variance has been reaffirmed. The institutional variability at the local level has been increased and local authorities have gained more autonomy. That resulted in growing inter-local differences and even disparities, which conspicuously contradicts the traditional principle of *égalité*. Although France continues to retain its formal characteristic of a unitary state, the actual system of multi-level governance increasingly acquires the properties (and steering problems) of a semi-sovereign state (Katzenstein, 1987). This is shown by the inter-governmental joint decision-making structures as well as by the remarkable *de facto* influence of sub-national players on the national policy-making process and on the regional variability of policy implementation (Kuhlmann et al., 2011). Thus, despite the constitutional prevalence of an indivisible state, the decentralised republic acts *de facto* as a fairly divisible system with strengthened local actors and an increasingly differentiated sub-national polity.

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DECENTRALISATION IN FRANCE:  
THE »JACOBIN« STATE STUCK BETWEEN CONTINUITY  
AND TRANSFORMATION

*Summary*

*France has traditionally been regarded as having one of the most centralised public administrations in the world. The consequences of decentralisation at the local level in France (départements, communes) are analysed and contrasted with the pursued reform objectives. After a brief review of the most important characteristics of the »tamed Jacobinism«, the motives, political debates, and expectations associated with the reforms and their major elements are extrapolated upon by concentrating on the second round of decentralisation, which began in 2003 (Acte II). The impacts and effects of decentralisation are scrutinised by distinguishing between operational results and far-reaching system effects. In order to reveal the former, it is asked if the objective of the French government, faire mieux avec moins (doing better with less), has been obtained. Exploring the latter, the changes in the system with regard to vertical power sharing, coordination practices between local and state actors, and actual decision-making in an intergovernmental setting are analysed.*

*Key words: decentralisation – France, »Jacobin« state, local government, state and administrative reform, vertical power sharing, better with less*

DECENTRALIZACIJA U FRANCUSKOJ:  
JAKOBINSKA DRŽAVA IZMEĐU KONTINUITETA  
I TRANSFORMACIJE

Sažetak

*Za Francusku se tradicionalno smatra da ima jednu od najcentraliziranijih javnih uprava na svijetu. Analiziraju se posljedice decentralizacije na lokalnoj razini u Francuskoj (departmani, općine) te uspoređuju s ciljevima reforme. Nakon kratkog pregleda najvažnijih značajki »pripitomljenog jakobinizma«, izlažu se motivi, političke rasprave te očekivanja povezana s reformama i njihovim glavnim elementima, s naglaskom na drugi krug decentralizacije koji je započeo 2003. (Acte II). Analiziraju se učinci i posljedice decentralizacije činjnjem razlike između operativnih rezultata i dalekosežnijih sistemskih učinaka. Kako bi se učinilo prvo, postavlja se pitanje je li cilj francuske vlade učiniti više s manje sredstava (faire mieux avec moins) doista postignut. Pri analizi potonjeg, raščlanjuju se promjene u sustavu s obzirom na vertikalnu diobu vlasti, koordinacijsku praksu lokalnih i državnih aktera te na stvarni proces odlučivanja u okružju isprepletenosti različitih razina vlasti.*

*Ključne riječi: decentralizacija – Francuska, »jakobinska« država, lokalna vlast, državna i upravna reforma, vertikalna dioba vlasti, činiti više s manje*