The transformations of local government in France: towards a co-administration model between local authorities and state field services

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Abstract:

France has been historically characterised by a strong centralisation and a voluntarist state represented by some prestigious top civil servants. In this context, locally, politicians did not have a real power to produce or implement their own public policies.

In the 80’s, important institutional reforms and ideological changes have questioned this statist pattern and have set up a new balance of power between the state and the local authorities. Nevertheless, the state is always an important actor in the French political administrative system. The current relations between local politicians and state field services are various according to the territory they take place. And, whereas local government in France is not yet stabilised, a model of co-administration seems to emerge.
Introduction:

These last months, many debates concerning, the state reform and the evolution of French politico-administrative system are emerging:
- Projects of laws concerning the evolution of the territorial organisation of the state are discussed. They extend the decentralisation -competencies transferred to the state from the elected local authorities- and the déconcentration – competencies transferred to the central state from the local state - reforms and question the French centralism¹.
- A reflection develops about the evolution of the recruitment of political and administrative elite within some prestigious top civil servants bodies.².
- At last, there is also a debate about the reform of the local authorities to take into account some new territorial levels (intercommunality³, regions⁴, and cities) that “jostle” the traditional French territorial organisation – communes and départements.. The limitation of the plurality of mandates – that is to say, the simultaneous holding of political offices by the same politician – is the political dimension of this debate.

All these reform projects come up against difficulties, but it is important to note that they challenge the territorial public administrative system and that they initiate a reorganisation of the two parts of French local government:
- On the one hand, state field services, directed by civil servants,
- On the other hand, local authorities, directed by elected politicians.

The “rules of the game” concerning the relations between bureaucrats and politicians, well known in the 70’s, for the French case, through the concept of “cross regulation” and “peripheral power”, have changed. To comparatively stable relations seems to succeed a game more open, which rules are not fixed.

¹ Especially the Voynet’s project law. D. Voynet is the minister for territory planning and environment.
² See: Pour un modèle européen d’enseignement supérieur. The report of the commission presided by J.Attali was put back to Claude Allègre, the ministry for Education, research and technology. Stock, May 1998.
³ The Chevènement’s project law for the development of the intercommunality. J.P. Chevènement is the minister for the Home office.
⁴ See for the promotion of the regional level : Plus de région et mieux d’Etat, By J. Chérèque, ex- minister of territory planning, put back in May 1998 to D. Voynet.
This paper will try to present the axes of current mutations in France. The analysis is based on the study of traditional segment of French state: the ministry of équipement. In comparison with the theme of the workshop, this ministry presents interesting characteristics:

- The top civil servants of this ministry are originating from prestigious bodies, recruited to the go out of the Polytechnic school, or Ecole Nationale des Ponts et Chaussées. Historically, this ministry is characterised by the very homogenous culture of these engineers.

- This ministry is in charge of numerous public policies (transport, urbanism, infrastructure, territory planning, tourism, lodging), most often in partnership with the elected local politicians since the decentralisation. Moreover, services of this ministry are at the disposal of the elected local authorities. This is the reason why the ministry of the équipement is a state administration, which works, essentially for the local authorities -communes and départements-.

- The civil servants of this “traditional” ministry are massively invested in the policy of modernisation of the administration. In consequences, the ministry of the équipement is considered in France as a model of modernisation of the state.

By focussing the study on this segment of the French State, we want to insist on the transformations of its relations with the local politicians and show how new rules are emerging about the notion of co-administration. For this, the exposition will be divided in three axes:

- How the stable relations that prevailed between the engineers of the équipement and the politicians were structured until the 70’s. How they were, in the 80’s, denounced and broken in a context of neo-liberalism and of decentralisation.

- What is the nature of the recomposed relations between civil servants and politicians? Behind their variety, what are the variables that can explain, at least partially, the nature of these relations? It seems that the territory plays an important role: urban or rural, intercommunal. Current administrative reforms go to this direction by questioning the political and administrative uniformity.

- The co-administration and the consensus exist and, in France, the politico-administrative system is always essentially structured around the state and the politicians. Nevertheless, in a co-administration context, how stable the couple politicians/bureaucrats could be? Despite administrative reforms, are there more global mutations that impeach the direction of the public affairs by these two only categories of actors?

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6 Traditional in the same sense that in B. Guy Peters and Jon Pierre’s communication, page 16, Civil servants and
The end of a stable relational model between elected representatives and bureaucrats

Centralisation, *dirigisme* and cross regulation

Historically, the French State has always played a key role in managing the economy, supported by strong bureaucratic institutions and prestigious civil service corps.

In Parisian institutions, such that the *Commissariat Général au Plan*, the *Datar* or, the *ministry of équipement*, senior civil servants and senior managers of big business agreed in planning sessions to the goals, plans and policies initiated and implemented by civil servants, bypassing politicians. Their decisions were uniformly implemented on the territory.

Nevertheless, locally, the centralisation is tempered, by a complex system of interrelations between politicians and civil servants. *The Sociology of organisations Centre* have elaborated the cross regulation model in which strategies of conflict-avoidance, mechanisms of interdependence in decision making and low vertical communication in the political and administrative channels interacting at different levels of government create a unique model of regulation. Policy-making is monopolised by the central state and the power of local political elite, -the power of the periphery-, lies in their capacity to influence or adapt central policies.

Neo-liberalism, decentralisation: the end of a statist pattern in the 80’s

*Neo-liberalism:*

During the Mitterrand years, successive government’s policies of deregulation and privatisation have progressively deprived the state of many of its traditional interventionist instruments. As a result of this, as well as of the internationalisation of world trade and the economic integration of Europe, have come concomitant transformations in French policy-making process.

Planning becomes less effective, less ambitious and more politicised. Ministries have become partners rather than leaders of industry. The enterprises become more independent from the Central State and develop direct relations with the elected local authorities.

Behind these economical changes, one attends more widely to disrupt the centrality of the state. The neo-liberal ideology questions the effectiveness and the legitimacy of the state and public

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*politicians, the changing balance.*


services. Administration is considered as an aged tool that it is necessary to reform. This is to this era that appears the first policies of modernisation of the public service. The “public” concept no longer except from the values of the private sector because of a superior general interest: evaluation, efficiency, optimum, the new public management and the modernisation of public services are presented as necessary conditions of adaptation of the public action.

In the same way, in 1982-1983, the decentralisation reforms altered a statist pattern of policymaking that had been characterised by formal state centralisation in the formulation of policy and informal accommodation in the implementation.

**Decentralisation:**
The political elite, that is, the local *notables* who were also often-national political figures -as a result of the *cumul des mandats*- has benefited from the decentralisation reform.

When executive power was shifted from the prefect to the presidents or regional or general councils and the *tutelle*, or a priori review power, over the mayors was abolished, the relationship between the prefect, as the representative of central government, and local elected officials changed. The prefect has become more a partner of local governments than a commander, and elected officials have become much more independent from the central government. In short, co-operative relations continued, but with local government leading and the state following.

But, the retreat of the state, although highly significant in its transformation of government policies has not led to a concomitant change in the players, and has therefore not meant the end of the state influence, whereas it has diminished its dirigist manifestations: leadership has been transferred from state officials to their long-standing privileged interlocutors, leaving the same elites of top state civil servants and national politicians.

In sum, the decentralisation, because of the transfers of competencies it induced, was interpreted as “the end of the state”. Then, during a decade, the researches and the debates have essentially concerned the territorial authorities as if they were all the territorial administration of France. We want to show that the decentralisation laws did not put an end to the duality of the French territorial administration, based on a strong interrelation between the elected local authorities and state field services of the state; they only modified the balances.
The end of the monopoly of the technical expertise held by the technocrats through the example of the ministry of the équipement

From the technocrats era...  

This is force of territorial inscription that the ministry of the équipement obtained his legitimacy. This one was incarnate by the engineer that worked in the territorial filler of the ministry of the equipment.

The narrow relations between the politicians and “their” engineer, permanently on the territory to the scale of three or four cantons, attenuate the centralisation principle. In other words, the strong territorial inscription of the equipment permits to temper the jacobinism of the State. J.C. Thoenig used the term "tame jacobinism" to describe this relational system between politicians and engineers which existence allows to reply to the double requirement of the integration and differentiation.

The integration is assured by the engineers recruited in the same big technical body. This allows a strong homogeneity of the local representatives of this ministry on the territory.

The differentiation according to the local scenes is possible owing to the territorial infradépartemental presence constituted by the subdivisions, and owing to a wide autonomy for the engineers in the direction of this structure.

Thus, this relational system between politicians and state representatives -although hierarchical: the small mayor facing the engineer holding the monopoly of the expertise- allows the local adjustments of national policies defined in Paris.

The problems that proceed from national decisions are solved to the periphery. It exists therefore a marginal regulation that depends on the power of the periphery that is to say on the capacity for the local politician to negotiate with the representative of the local state. Nevertheless, this capacity of adaptation is just a peripheral one: it is the central state that produces all the norms and all the policies.

This territorial organisation of the ministry of the Equipement was a major resource in a rural country, which had some important needs of community facilities, assumed by a Jacobean and voluntarist state.

...to the profesionalisation of local politicians:

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As early as the 70's, real and deep changes are observable in the local authorities. They concern the emergence of a new generation of politicians and, at the same time, the development of new political practices.

Since 15 years, these transformations of the local political representatives have changed the trade of the engineers. Mayors of small communes did not have the capacity to manage policies on their territory: without technical services and not very formed, these mayors did not have other solution that to call on the ministry of équipement. Therefore, the engineer was an essential notable:

“Has the era, it was: I do, you [the mayor] Says yes and I check myself. The decentralisation have questioned this functioning. It have questioned the power of the state. The 'Ponts et Chaussées' engineers have lost their self assurance. I knew mayors that knew hardly to read...Our partners have metamorphosed themselves. On Monday's morning, when I arrived, there were ten seated mayors on a bench that awaited me. I received them one by one”
Departmental Direction of the Equipement, Ille et Vilaine.

The evolution of urban mayors is palpable at the end of the 70’s, notably after the municipal elections of 1977 that marks the arrival of younger leaders, which the themes campaign are to denounce the bad management of the notables. This phenomenon has progressively spread and the profile of rural mayors has followed the same big tendencies.

“The small politicians become major...Be mayor, today, this is more than deposit sheaf of flowers on the funeral monuments.”
Departmental Direction of the Equipement, Ille et Vilaine.

This professionnalisation is very clear since few years in rural areas. It has heavy repercussions on the evolution of the relations between the mayors and the civil servants. The communes are no longer dependent...and the équipement services are no longer in a monopolistic position. The mayors now really manage the local matters, their financial and human resources have increased. The communes have the possibility to entrust the technical tasks to private services, to solicit the technical support of the general counsel and/or to preserve relations with the equipment.

“The mayors are more managers and less 'notables'. That is the force of the decentralisation...and that considerably affects the relations than the 'équipement' services maintain with these mayors. There is no longer any single partner. The communes put our services into competition with private actors. And, in that context, they always mainly work with the DDE.”
Departmental Direction of the Equipement, Ille et Vilaine.

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The DDE have, in comparison with their private competitors, the huge advantage of the historic presence. The mayors always have the reflex to first consult the Equipement services. The rural communes mainly solicit state services, what does not mean that they do not emit any criticisms. On one hand, the mayors are waiting for some changes in the civil servants’ behaviour. The power struggle between politicians and engineers has changed, indeed it is inverted. The mayors can not tolerate the engineers with their self-assurance.

On the other hand, this professionnalisation of rural mayors creates some new needs. The mayors need an intellectual help to decide more than an operational one. They need some neutral diagnostics, according to the economical and financial position of the commune. In that field, they prefer to work with the state field services rather than with the private sector.

In sum, although the communes always mainly work with the DDE, the influence of this last one is eroded. This is completely understandable in comparison with the decentralisation’ shock. The politicians do not reject, on principle, the DDE but they are more demanding and there needs are evolving.

The transformations that affects the local politician’ trade also affects the state, knowing that this last one is not, himself, completely foreigner to the manner that local politicians change. There-again, we note that it exists an strong imbrication between the two elements of the French politico administrative system.

The influence of the local political context in the recomposed relations between the state representatives and local politicians:

It’s now admitted -including by the central state- that the local level is the most appropriate scale to co-ordinate public policies12. This attitude in reflected in the recent law on the Territorial Administration of the Republic (ATR), 6 February 1992, which requires that, wherever possible, the normal method of delivering central government policies should be through regional and local institutions of the state, namely, local government.

This ATR law carries a new conception of the territory: it recognises differences according to the territory and to their socio-economical characteristics, and so it authorises positive discriminations. This constitutes a juridical revolution in the French public law that affects the

equality principle. The specificity of local contexts expresses more and more and the territories casts off the administrative borders of the geometric napoleonian organisation.

The politicians and the state field services think at the evolution of their territorial establishment. The territorial public action needs administrative adaptability, needs a differentiation of the territorial organisation instead of fixed administrative borders. In this context, the déconcentration of the state -that is to say the transfer of central state prerogatives towards the local state services- can be considered as a process of constant adaptation of territorial administrative organisation for effectiveness: from a stable order of competencies and of rules to a system in which the rule is the constant adaptation of the state according to public policies, territories and politicians.

Understanding the variety of relations between politicians and civil servants thanks to the “ territory ”?

The urban one and the rural one:

We have already evoked, about the transformations of the local politicians, the weight of the urban or rural variable. In fact, a mayor of a commune of 400 inhabitants will not weight as a representative mayor of an agglomeration of 250000 inhabitants faced with the prefect or the Departmental Director of the Equipement. Moreover, current works of political science insist on the mutations of urban governments\textsuperscript{13} and on the emergence of urban governance\textsuperscript{14}. These authors insist on the fact that the cities become real actors for all the public action. The economical development appears as the priority. It is essential for a commune to attract enterprises , and by there, to reduce the unemployment and so to obtain fiscal resources that will finance public equipment. The municipal teams look for potential investors. For that, it is necessary to develop the brand image of the city: investments in prestigious operations, subway or tram, and technological pole. What is also important is the geographical situation. It induces a major interest for the big infrastructures (expressways, TGV, airports).

Despite this need of infrastructures, the cities don't globally work with the DDE. In a general way, the cities are endowed with their own technical services, or they under-treat the technical operations to private groups of urban services. In the two cases, the consequence is a least solicitation of the DDE, an “ emancipation ” from the the state.

The intercommunality:

How the intercommunality can affect the local politico-administrative system? We wonder about the communal parcelling (the 36000 communes) and about the consequences of the development of the intercommunality.

The development of the intercommunality, wanted by the last governments and sustained by the central state engenders some fears in the state field services. The major stake consists in not undergo the development of the rural intercommunality. In fact, the small communes, grouped, could override the state by constituting their own services that would substitute to the Equipement services. Thus, the development of the intercommunality really questions the territorial organisation of the state, and particularly its local services.

Current administrative reorganisations have various forms and different extent. The objective is to adapt the organisation of state field services according to the specificities of the local context and the needs of the politicians. Local responses, elaborated by the direction committees of the DDE, appear: this change “by the bottom up”, by the state field services, under the constraint, is new in France where the change is traditionally top-down.

In this context, the bureaucrat/politician couple tests unstability: it is now impossible to secure with one model and fixed borders, with the same organisation all around the country.

According to the place, the relations between local state and local politicians are completely shaped by the local characteristics, notably the political climate, the structure of the territory, the culture of the civil servants. We chose to evoke, quickly and caricaturaly, two cases of cities: Orléans and Rennes, comparable in socio-economical terms.

Orléans: the instrumentalization of local state by the elected authorities

In Orléans\(^{15}\), the relations between the state and the elected representatives are stretched, indeed conflicting. On the one hand, there is a fragmentation between the local authorities and, on the other hand, there exist among the local state, between the Prefect and the Departmentral Director of the Equipement.


\(^{15}\) Orléans is of Town of 240 000 inhabitants. The socialist mayor, Jean-Pierre Sueur is and ex-ministry and is a national politician: he is deputy-mayor. The département, Le Loiret, is a traditional electoral stronghold for the right.
A lack of co-operation between elected local authorities:

Amalgamating 20 communes, the agglomeration is characterised by its political heterogeneity. Leading by the mayor of the main city, Orléans, the agglomeration is also composed by small communes that fear the weight and the power of the main city.

The intercommunality between the different communes in the agglomeration is therefore precarious. The SIVOM (Intercommunal Union with Multiples Vocations) does not have its own technical services. In fact, the representatives of the small bordering communes are afraid to see the technical intercommunal services confused with those of Orléans city. That would risk to reduce their influence next to the Orléans mayor.

Thus, because of political neutrality reasons, the Orléans agglomeration leans on the Departmental Direction of the Equipement. Concretely, 15 civil servants from the DDE work full-time for the SIVOM. This position creates several difficulties.

On one hand, the DDE evolves in a conflicting local scene. The Director Departmental Director of the Equipement must take decisions tactfully, among politicians which positions are sometimes incompatibles. The civil servants of the DDE use the “schizophrenia” term to evoke this delicate posture: to be a state official, working for the local authorities...that can't agree with each other.

On the other hand, the civil servants of the DDE have sometimes the feeling that the local politicians use the alibi of the political conflict to relieve themselves of some duties, and to call the DDE. The engineers of the DDE express a subordination feeling next to the politicians and their projects.

A competition between local state services

The departmental direction of the ministry of équipement competes with the prefect to establish its local influence.

The Prefect, juridically boss of state field services in the department, asserts itself as the only state interlocutor for the local politicians. In this context, he does not like the proximity that can exist between the local politicians and some engineers of the DDE:

“The obsession of the prefect, this is the dignity of the state and good relations with the local elected representatives. At the same time, the prefect is the manager of state field services. The intimacy between our services and local political context disturbs the prefect.”

General counsel of the department of civil engineering, ministry of the Equipement.
In parallel, the DDE civil servants have a bad image of the prefecture. The main reproaches are about the hierarchical functioning of the prefecture, with finicky aspects and a kind of seizure of the DDE by the prefecture.

“\textit{The prefecture verifies all that the DDE does. The DDE of Loiret cannot write directly to the Orléans mayor for an urbanism problem. That will pass necessarily by the Prefecture.}”
Departmental direction of the \textit{Equipement}, Loiret.

The Prefect and the Departmental Director of the \textit{Equipement} are the two most important personages of the local state. Usually, between these two top ranking officials, the co-operation is the rule: the DDE emits technical opinions, the prefect is in charge of the political problems and defends the state point of view, next to the elected local authorities.

In the department of Loiret, this distribution of roles is not respected. The prefect is too authoritarian. In return, the DDE isn't very co-operative to inform the prefect on the files of which he has the load.

Altogether, in Orléans, the elected local authorities instrumentalise the DDE to override the prefect.

\textbf{Politicians and bureaucrats in Rennes : a well-balanced administrative and political scene}

The main local politicians elected in the department\textsuperscript{16}, that is to say, the mayor of Rennes and the president of the \textit{départemental} counsel, do not play the game of the conflict with the state. To the opposite, they need an help from the state to implement the local public policies. It seems that the \textit{Ille-et Vilaine} constitutes a good co-administration example between this double administration network juxtaposing the state field services and the local elected authorities.

\textit{Some good relations between local state services:}

The relations are described as globally good between local state services and between state field services and the prefecture:

“\textit{The force of the local state in Ille etVilaine, this is the good relations that exist between the men, between the service bosses. We regulate problems thanks to that. It allows to avoid the incisive letter when a service boss dawdles on such or such thing.}”

\textsuperscript{16} Rennes is a town of 320 000 inhabitants. The socialist mayor, Hervé Edmond, is an ex-ministry. Another ex-ministry (center-right), Pierre Méhaignerie, is at the head of \textit{département}, L’Ille et Vilaine.
Prefecture D’Ille et Vilaine.

This is facilitated by the fact that the local politicians do not try to play on the competitions between services.

“The politicians here, are famous personages that are not in the same political party but they are not always in disagreement...and they need us. With their responsibilities, these people need the state. A strong local state that means a state that can implement the national law on the local plan, respecting the national law. The room to manoeuvre is limited but it exists and this is what politicians wait for us.”

Departmental Direction of the Equipment, Ille et Vilaine.

Rennes: model of concerted public action

The researches about Rennes always insist on the consensual character of this local context. The district of Rennes has innovated in matter of intercommunality. The communes have learned to solve their problems by the negotiation and the co-operation.

“The political cleavages exist but are not important. The discussions are sometimes strong but the politicians, here, have this culture of the co-operation and negotiation.”

District of Rennes.

This real intercommunality contributes to the pacification of relations between state and local authorities. Here, state is not a referee that must settle the conflicts. Before the problems exist, state is solicited.

Besides, the president of the district is favourable to the state déconcentration. He wants to have a strong state partner in this co-administration logic in the local politico-administrative system.

Good relations within the local state, strong intercommunality that structures the rennaise agglomeration and that incites, the départemental counsel to develop the rural intercommunality17 : The DDE Ille-et-Vilaine evolves in an favourable environment. The weight of the équipement network in this département is the third characteristic we present.

The weight of the “équipement” network in Ille et Vilaine :

First, the DDE benefits from the presence, at the head of the départemental counsel, of an ex-minister of the équipement, Pierre Méhaignerie. Furthermore, always in the départemental

counsel, the director of the technical services is an engineer of State Public Works, ex-civil servant in the DDE. He has the same technical culture than his ex-colleagues.

In second place, there is an engineer of State Public Works at the head of the technical services of the urban district of Rennes.

At last, arrangements are also possible with the General Secretary for the Regional Affairs, in the regional prefecture. This civil servant is also an engineer of State Public Works.

“Preventive”, this strong corporatism is mobilised to avoid some eventual problems. Thus, the DDE has local relays, that speak the same language.

For the three reasons mentioned, the case of Rennes and l’Ille et Vilaine show that a local scene can be structured around two principal protagonists, the politicians and the civil servants in a territorial co-administration system.

These two examples, Rennes and Orléans, show that the frictions between decentralised local authorities and local state are systematic and produce very clearly different relations.

After these twenty last years of institutional reforms, we observe a transition period. Politicians and bureaucrats are learning the new rules of the game. The situation is not stabilise not mention that this game is only partially defined by the juridical texts.

Nevertheless, these “frictions” exist and reveal very dense relations between state and local authorities that out-line a co-administration logic between these two partners.
Conclusion:

Vague and contradictory mutations are observable in the French politico-administrative system. Through the example of the ministry of équipement, décentralisation and déconcentration reforms indicate the reorganisation of the two elements of the politico-administrative system, and not the disappearance of one of it that benefit to the other.

This Territorial Administration of the Republic, that juxtapose local state services and decentralised local authorities, is wanted by the state itself. The state public law serves as a vehicle for this reform that is considered as the way to solve the problem of the differentiation of the political system and the need of integration of public policies.

Thus, the current recomposition of the French state manhandles the old juridical borders on the territory, between the local one and the central one, and between the decentralisation and the déconcentration.

In many European countries, similar interrogations about the transformations of the place of the state are emerging. Because of the “globalisation,” one explores new ways to think the state and some vast reflections question very assured dichotomies -political/administrative, State/society-, and show that new regulations exist in the internal order and in the international one. This could give rise to “a polycentric ”governance, that is to say, to a pluralist and open government.

The State and the institutions are studied through the prism of the “crisis”. Many works are dedicated to the place of the state in “post-industrials” societies, to the crisis of representation, to the finality of the governments, to the impossible social direction by the state. Some studies develop on the limits of the state intervention.

The French society continues to be characterised by a attachment to the “intérêt général” and has confidence in the state. It is the guardian, the protector and the guarantor for the “public interest”, and the referee between special and private interests. In France, even the “back to the market” strategies are launched by the state! This confidence in the state could be the basis of a new compromise, of a co-administration model between the political authorities and the civil servants.

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19 G. Majone, From the positive to the regulatory State: causes and consequences of changes in the mode of governance, Journal of Public Policy, vol 17, part 2, may august 1997.
Bibliographie


Majone G., *From the positive to the regulatory State : causes and consequences of changes in the mode of governance*, Journal of Public Policy, vol 17, part 2, may august 1997.


