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Abstract

In the European Employment Strategy (EES) the EU applies the so-called 'Open Method of Coordination' (OMC). In the academic literature it is stylized as a focal point for decentralised modes of governance. But drawing on Michel Foucault's governmentality approach the OMC does not seem to represent an innovative governance tool but a governmental system of power. The OMC installs a 'regime of truth' which privileges only labour market regulations that rely on activation policies. The governmentality approach elucidates the European Employment Strategy from the standpoint of Foucauldian power analytics and puts its different techniques of government in a context.

Keywords

Employment Policy - European Employment Strategy - European Governance - Governmentality - Michel Foucault - Open Method of Coordination

Introduction¹

Whenever the Council of the European Union decides on European Employment Guidelines the procedure does not attract much attention although it highlights drastic changes to the welfare state architecture of most European member states. The 2008-2010 guidelines (Council of the European Union 2008) favour – as all the guidelines before them did – ‘welfare-to-work’ labour market policies, decreased insurance contributions and a moderate company taxation. The lack of public attention depends, not the least, on the political procedure which is based on a coordinated process of interaction among the member states, the European Commission and the Council. This ‘open method of coordination’ (OMC) can be described as an expertocratic negotiation between the Commission and the ministries in the member states (Benz 2007: 514; De La Porte and Nanz 2004: 283). It attempts to exclude the future of the European employment policy from political power-play debates and to facilitate more ‘subtle’ transformations (Jacobsson 2004).

Most of the political and legal science analysis regarding the OMC follows the official proclamations issued by the European institutions. They localize path-breaking steps towards political learning and civil society participation within the OMC (e.g. European Commission 2004: 12). The OMC seems to represent a type of heterarchic network governance which has a huge potential to realize the objectives of current debates on the transformation of statehood. In the ‘postnational constellation’ (Habermas 1998) methodologies of network governance which integrate different political levels and treat differences as a positive contribution, tend to be superior to more centralized procedures. But in fact, this specific procedure considers the introduction of labour market activation policies as the only means whereby employment strategies can develop. The application of guidelines, benchmarks, evaluations or its particular statistics, restricts the range of possible options that are available to member states. As a result, concerns arise how the seemingly soft and open characteristics of the OMC and its hard and limiting effects relate to each other.

The governmentality approach which Michel Foucault introduced in his subsequent works could be helpful in that respect. In the posthumously published lectures on the history of governmentality, Michel Foucault introduces the neologism ‘governmentality’ by drawing on a type of regulative power (Detel 2006: 60ff.), which operates through hard as well as soft mechanisms.² According to Foucault power relations in modern societies are significantly constituted by relations of ‘conduite’ (governing). They do not only have repressive effects but also allow specific options and hence marginalize other options from the beginning. Whether the coordination mechanisms and political institutions, which are – as the OMC – regarded as modes of ‘complex world governance’ (Zürn 1998: 12), are adequately captured by that theoretical register is a controversial matter. Perhaps the governmentality approach could elucidate the OMC’s ‘system of power’ (Foucault 2007: 66) and provide a theoretical placement for this mechanism in the history of power relations that Foucault tries to deploy in his lectures.

¹ I thank Martin Saar, Gunther Teubner, Andreas Fischer-Lescano, Moritz Renner, Christian Joerges and Dominik Düber for their comments. Quotations from German books (including some Michel Foucault volumes) are translated by the author.

² Techniques should be understood in this context as mechanisms that ‘form [...] the attitude, thinking, decision-making, aspiration of other individuals (Miller and Rose 1994: 66).

After giving an outline on how Foucault's governmentality approach can be carried out in a research agenda, this article gives a brief overview of the European Employment Strategy (EES). There next, it attempts to contextualize the EES from the perspective of governmentality. The OMC's reliance on a governmental 'system of power' which promotes the convergence of employment policies towards the paradigm of activation will be demonstrated (Ball 2001: 369; Büchs 2007 47ff.; Citi and Rhodes 2007: 19; Crespo Suárez and Serrano Pascual 2007: 380; Raveaud 2007).³ Drawing on Foucault's governmentality approach, one can reveal a 'regime of truth' (Haahr 2004: 226) which assumes a decisive role within the EES. By tracing back mass unemployment in Europe to the lack of qualification among the unemployed, the inefficient bureaucracy of member states' job administrations, unduly comfortable welfare state benefits, companies' insurance contributions or the problems encountered by women in accessing the labour market,⁴ only 'activation' employment strategies can be pursued 'rationally' and justified convincingly towards European institutions.

Michel Foucault's governmentality approach

In his lectures on governmentality, Michel Foucault carries out a far-reaching extension of his analytics of power. In the early seventies, the research on disciplinary institutions constituted Foucault's core project (e.g. Foucault 1976) which he transformed systematically at the end of the seventies to a new perspective.⁵ Up till then he had elaborated his micro-physics of power agenda by focussing on the capillary power effects of institutions and discursive practices (Foucault 1976: 38). This program is extended crucially with regards to his object of investigation in the lectures on governmentality. Now Foucault intends on an 'overall analysis of society' (Foucault 2007: 2) which focuses explicitly on phenomena such as the emergence of European statehood ('genealogy of the modern state') and governmental power (Foucault 2007: 354).

Obviously, the history on governmentality traces the emergence of statehood and modern societies in Europe back to a transformation of power relations.⁶ In a nutshell, Foucault's main thesis can be summarised as follows: Modern societies are duly characterized by the dominance of a power-mode called 'governmentality'. It assembles the constitution of knowledge, political rationalities and techniques of individual and collective self-governance under the aspect of 'governability' and connects them in a power network or – to use Foucault's words – in a 'system of power' (Foucault 2007: 66). However, the basic premises of his analytics of power, the omnipresence and relationality of power relations remains a point of departure. Since power is relationally located within power relations, it is simply not possible to obtain or conquer them (see also Saar 2007b: 279). Power designates a social relation that is

³ See on 'active labour market policies' for example Daguerre 2007; Giddens 1999: 128ff.; Schmid 2002; Walker and Wiseman 2003; on the example of the Netherlands: Van Oorschot 2002.

⁴ Already in the first employment guidelines of 1998, higher employability (through qualification), 'explicit incentives' to accept a job, job friendly labour costs and measures for 'equal opportunity' were proposed (Council of the European Union 1997).

⁵ Different opinions persist on the (dis-) continuity to his earlier works (Gordon 1991: 4; Lemke 1997: 126; Rose 1999: 23; Saar 2007a: 24).

⁶ See Valverde (2007: 163ff.) on the 'Genealogies of the European states'.

determined by a specific relation of forces. Those in the relation are always constituted in the mode of power (*machtförmig*) (Foucault 1977a: 114ff., see also 1999: 31). 'Power is the name that is given to a complex strategic situation in a society' (Foucault 1977a: 114). In so far, all social interactions represent hard-fought power relations (Foucault 1982: 285).

Meanwhile, a branch of research inspired by Foucault's governmentality approach has evolved. Such *governmentality studies* provide insights into the intersection of direct and more subtle techniques of government as well as insights into the relationship between totalising and subjectifying effects in modern power relations.⁷ While a part of this branch focuses on different policy sectors and their transforming regulations, a more theoretically inspired thread addresses the issue of how a framework can be conceptualised which permits an explanation of the changing technologies of government and new self-techniques of the present (Dean 1999, 2007; Rose 1999). A research agenda inspired by the analytics of governmentality can be refined on at least three levels.

Firstly, the governmentality approach traces the intersection between the constitution of knowledge and the exercise of power. Foucault establishes a strong and dynamic relationship between the modern 'forms of knowledge' (Foucault 2007: 350) and their practical implications in policy-making and state-building. He assumes that the visualization of problems and truths backed up by scientific disciplines and modern institutions initially amount to a *common sense*. When it comes to the sphere of political government, the epistemic anatomy of this common sense ultimately serves as a matrix for 'governing' patterns of state intervention.⁸ Hence, central impulses which contribute to this anatomy of political reason, can be identified on different layers. Apart from state-governed political spheres, scientific disciplines institutionalize forms of knowledge influencing the structure of political rationalities. However, such 'productions' of truth can also be found within the political process, particularly in the acquisition of knowledge and statistics of public administration ('governmental management' (Foucault 2007: 107)).

In order to demonstrate this intersection of knowledge-constitution and power relations, Foucault analyzes the appearance of 'security apparatuses' (Foucault 2007: 108). For instance, in the 17th and 18th century, the emerging problematization of the 'population' and the political economy played a decisive role in the choice of political strategies (Foucault 2007: 55ff.). By depicting the knowledge-driven emergence of modern security apparatuses, the interplay of *episteme* and *techne* within modern governmentality becomes apparent.⁹ In the first place, there is an antecedent problematization that directs attention to the fact that collective-body of 'population' exists which should be governed by public authorities. In the next step, public authorities gradually invent techniques which respond to the challenge of securitizing the population. Then it is the political economy as a form of knowledge instigating the circulation of goods and the 'population' on a given territory which provides the cognitive framework for market making policies and original accumulation. If such a problematization is established, it amounts to a powerful politics of truth which plays

⁷ See Lemke (2000) for an overview.

⁸ See different examples for this interplay (Foucault 2007: 108, 116, 351, 354).

⁹ For the distinction of governmental episteme and techne, see Dean (1999: 31ff).

a key role in the formation of public administration and bio-political regulations.¹⁰ In the history of governmentality, Foucault reveals how the reasoning on population and political economy shapes political rationalities by defining what is possible, needed and natural. They build a raster upon which it is possible to evaluate whether the government is working 'rationally', according to the new forms of knowledge (Foucault 2008: 186). If the governmentality approach is conveyed to new areas of research, it should therefore analyze the constitution of truths and its impact on the anatomy of political reason.

By elaborating this intersection, Foucault addresses more than just the isolated production of knowledge. Rather, this intersection of knowledge and power is itself enmeshed in a variety of techniques and procedures that he calls 'government'. Secondly, the governmentality approach construes relations of conduct (*gouverner*) in a broad sense and proceeds to an 'analytics of government' (see also Rose and Miller 1992). Foucault illustrates how the government of modern societies relies on combining different economic, political, cultural techniques of conduct and self-conduct (Foucault 2007: 93ff.). For instance, the government of modern societies not only has to search for rationalities which make use of 'the rational behaviour of those who are governed' (Foucault 2008: 312) but also has to take advantage of their *prima facie* un-political economic and cultural impulses. Foucault addresses different modes of government which enmeshes the governed in complex 'networks of obedience' (Foucault 2007: 185). This net cultivates its own materiality which is so well-established that separating the contents from the techniques seems impossible.¹¹ Neither is it conceivable to reprogram existing techniques of power to new contents nor new governing techniques which will be enthroned without a proper governmental episteme.

Thirdly, from the governmentality approach a non state-centric approach to the transformation of statehood can be derived.¹² Foucault's discussion of state theory issues is driven by the focus on the discrete exercises of power which effectuate the 'governmentalization' of the state (Foucault 2007: 108ff.), e.g. in the public administration or in the state apparatus. These discrete processes of governmentalization that are chained up to 'normalized patterns' (Jessop 2005: 34) eventually carry out state functions. With this non state-centric, societal approach Foucault makes a distinction from the 'institution-centric approach' (Foucault 2007: 175) of the traditional state theory discourse which tends – in his eyes – to lose its distinctive features as a result of ontological speculations about the essence of the state. The state should not be viewed in the context of an essence but as practice that combines local techniques of power:

The state is practice. The state is inseparable from the set of practices by which the state actually became a way of governing, a way of doing things, and a way too of relating to the government.

(Foucault 2007: 277)

¹⁰ Foucault introduces the concept of anatomy in the 'Birth of the Prison' in order to characterize disciplinary power (Foucault 1976: 284). In the context of governmentality, it is adopted by Barry et al. (1996: 1) in 'new ways of anatomizing political reason'.

¹¹ See Foucault (1973: 146ff.) on the 'materiality of the sign'.

¹² See Lemke (2007) on the transformation of statehood from a governmentality perspective.

Foucault highlights the fact that the traditional state theory with its abstractions mirrors governmental rationality. It does not address the concrete exercise of power directly. Therefore it gets stuck in debates on ontological principles which disguise more than they reveal.¹³ Hence Foucault pleads for a departure from state theory – thus favouring the adoption of the analytics of government, – especially since the former regards the State as a ‘mythicized abstraction’ (Foucault 2007: 109) instead of taking into consideration the techniques of government. These should be analyzed directly as concrete processes of governmentalization (see also Dean 1999: 102; Rose et al. 2006: 87) without adapting them to the broad theory of ‘the’ (one and only) state.¹⁴ With this argument, Foucault tries to clarify the plurality of power relations and their specific ‘Eigensinn’ (obstinacy).

As a result, an analysis of governmentality is required involving where and in what manner mechanisms of public order are carrying out governmental systems of power. In the following section, the European employment strategy, which has coordinated the labour market policies of the member states since 1998,¹⁵ will be examined. Furthermore, the ways in which the governmentality approach makes a strong contribution to the debate on the OMC will be addressed.

The OMC and the European Employment Strategy

The OMC, which is applied to a lot of different policy fields,¹⁶ is stylized within the academic debate as a focal point for network governance (see a.o. Borrás and Jacobsson 2004; Börzel 2007; Mosher and Trubek 2003; Sabel and Zeitlin 2007; Schmid and Kull 2004; Pochet 2005; Zeitlin 2005). A decentralised coordination process of member states’ employment policies, common standard-setting by concomitant acceptance of different national path-ways and the exchange of ‘best practice’ should stimulate a harmonization of policy approaches in the EU. Since the European Employment Strategy is more institutionalised and has been established for a longer time than other OMC policy fields (New modes of governance 2005: 16), it is an interesting area of investigation.¹⁷ It has its legal basis in the employment chapter of the Amsterdam Treaty (Article 125-30, in the Lisbon Treaty Article 145-150). Furthermore the labour market policies are a crossroad where different policy fields ranging from social to taxation policies meet. Currently EU-institutions, political actors and scientific elites conceive the EES in terms of a starting point for a social Europe (Mosher and Trubek 2001: 2; Pochet 2005: 41ff.) which is able to resolve the

¹³ Foucault assumes an underlying ‘logic of complicity’ (in a different context: Saar 2007b: 330) between the formation of the modern state and state theory as a discipline.

¹⁴ The fact that Foucault delivers no criteria to discern state-based from non-state-based exercises of power, gives rise to problems. At least Foucault must insinuate a certain level of public institutionalization to those practices that are attributed to the state.

¹⁵ European employment policy considerations have featured on the agenda since the middle of the 1990s (see for a genesis Pochet 2005). The first official European employment guidelines were passed in the Council on 15 December 2007 (Council of the European Union 1997).

¹⁶ Among these policy fields are e.g. youth, pensions, migration, taxation and social policies, see for an overview the project New modes of governance (2005).

¹⁷ The new modes of governance research project propose three criteria for defining the grade of OMC-institutionalization: Durability, legal basis and intersection with other political procedures beyond the EU (for example with the OECD). From that perspective, the EES belongs to the ‘strongly’ institutionalized OMCs.

ongoing crisis of EU-legitimacy which the referenda in France, the Netherlands and Ireland, yet again, have revealed (Von Oppeln 2007: 1). In addition, the OMC implements a new mode of governance that seems to offer an answer to the diagnosed crisis of traditional political steering mechanisms (see e.g. Benz 2004; Czempiel and Rosenau 1992; Zürn 1998). It also fulfils a performative function by staging relations of power that are considered as a remedy for this crisis (Mosher and Trubek 2001, Council of the European Union 2000a). Not at least these are the reasons why the OMC is of utmost interest for a perspective which is inspired by Foucault's 'history of the present' (Foucault 1976: 43).

For ten years, the EES has organized an annual re-iterating interaction between the Council, the Commission and the member states.¹⁸ The Council decides on proposals from the Commission on European employment guidelines which have been previously discussed in the European Parliament, the Committee of Economic and Social Affairs, the Committee of Regions and the Employment Committee. In the next stage of the procedure, the member states are obliged to define national action plans (nap) and to submit reports on their implementation. On that basis the Council and the Commission compile a joint employment report. In the aftermath the Council adopts country-specific recommendations which are proposed by the Commission. The main goal of this re-iterating procedure is to constantly monitor the employment situation in the member states, to produce pressure towards convergence with regard to the European employment guidelines and to contribute to 'political learning' (Schmid and Kull 2004: 4). Furthermore, formally independent research institutes and agencies constitute part of this process. The 'programme for mutual learning' proposes seminars and workshops for the exchange of perspectives of the implicated actors and the European employment observatory delivers the relevant statistical data on the employment situation.¹⁹

Although the strive for greater involvement of civil society and the social partners contribute immensely to the official EU-documents, research projects that work on practices of the OMC agree upon a sceptical view. The OMC procedure represents an administrative-driven process between the commission and the national labour ministries where only a weak participation of the social partners takes place: 'At present the EES still remains heavily driven by a bureaucratic core in the commission and in the national labour ministries' (Mosher and Trubek 2003: 81). So far, there has been no improvement in the area of 'accountability'. It seems more convenient to assume an 'expert dominance' (Benz 2007: 507). Results of some diagnosis revealed that the formidable position held by the Council of the European Union strengthens above all intergovernmental cooperation (New modes of governance 2005: 31; Hartlapp 2006: 16). In summary, the EES is characterised by a 'low level of democratic participation' because the procedure is principally driven by the deliberation of experts and officials (De La Porte and Nanz 2004: 283 and 276ff.).

One also has to take into account the fact that the EES reflects the constellation in Europe at the end of the 1990s (Büchs 2007; Mosher and Trubek 2001, 2003; Pochet 2005). In most European member states, social democratic parties came into power. They were – perhaps apart from the French socialists and the early period of the red-

¹⁸ See for example Hodson and Maher (2001: 723) and Schmid and Kull (2004: 3) for an overview.

¹⁹ See <<http://www.mutual-learning-employment.net/>>, last accessed 20. 4. 2010 and <<http://www.eu-employment-observatory.net/>>, last accessed 20. 4. 2010.

green-coalition in Germany – influenced by a third way agenda (Schröder and Blair 1999). Especially within social democracy the EES was hailed as an anchor for a market embedding policy and a social Europe (Joerges 2005: 479; Mosher and Truber 2003: 67). The intensification of market integration should be re-embedded by a coordinated employment strategy. Meanwhile the third way agenda which increasingly renounced re-embedding approaches, has become hegemonic. It has subordinated labour market policies to the principle of enhancing competitiveness and popularized a polemic on the welfare state (Giddens 1999: 130ff.). The activation policies which have been introduced may no longer reduce the risks generated by liberal markets but should bring about ‘activating’ effects on the unemployed thereby enhancing their ‘employability’ through qualification and (paternalistic) welfare-to-work-education.²⁰ Since the employment policies in the EU are closely linked to the different welfare state traditions, the implementation of more centralized political procedures and the task of overcoming strong interest groups appeared to be impossible (Büchs 2007: 2). The OMC represented a ‘third way’ beyond the intergovernmental dialogue and the community method. Its soft law and decentralised procedures should facilitate a more subtle way of harmonization which contributes positively to differences and orients different national pathways towards common standards.

The EES as governmental system of power

The governmentality approach elucidates the EES from the standpoint of Foucauldian power analytics and contextualizes its different techniques as a governmental system of power. From that perspective, the OMC does not appear to be an innovative governance tool that promotes the harmonization of employment policies but a base for the type of regulative power which Foucault called ‘governmentality’. Firstly, the OMC is based on an intimate relationship between knowledge and the exercise of power. It inspires expectations and political rationalities which elevate activation policies to the status where they are considered as the only defensible political option in Europe. Secondly, it installs techniques of conduct and self-conduct that enmeshes the implicated actors in a complex ‘network of obedience’ (Foucault 2007: 185) and effectuates some approximation in the area of employment policies. Thirdly, by approaching the concrete techniques of power, it is characterised by the dominance of the governmental management, especially that of the Commission and the member states.

Constitution of political knowledge: Unemployment as a consequence of qualification lacks

Perhaps the most interesting aspect of the EES resides in the relationship between knowledge-constitution and the exercise of power. A problematization regarding the unemployed occurs and then it results in a stable relationship between political strategies and scientific expertise. This intersection can be illustrated by the following concluding remarks from the Lisbon summit on employment policies:

The Luxembourg process, based on drawing up employment guidelines at Community level and translating them into National Employment Action Plans,

²⁰ See Walker and Wiseman (2003) for the UK.

has enabled Europe to substantially reduce unemployment. [...] In this context, the Council and the Commission are invited to address the following four key areas: improving employability and reducing skills gaps [...], giving higher priority to lifelong learning [...], increasing employment in services [...], furthering all aspects of equal opportunities.

(European Council 2000)

Since the OMC's conception, the goal has been the considerable reduction of unemployment. It should be achieved through the activation policies ('improvement of employability'). The EES gains its plausibility from the assumption that persistent mass unemployment is attributable to the qualifications of those looking for work and the labour costs of employing firms (Raveaud 2007: 428). This particular problematization forced its way through the entire process – from the point when the official documents were published to the point when the Council issued its recommendations. The activities of the affiliated agencies are based on this approach. Hence the EES represents a 'regime of truth' (Haahr 2004: 226), or 'cognitive mechanisms' (López-Santana 2007: 25) which produces assumptions about the causes, challenges and effective political measures and therefore drives the political process in a predestinated direction.

Albeit it is possible to separate different periods within the EES,²¹ one can detect a clear continuity of its political orientation. As evidenced by the first phase from 1998 to 2002, the employment guidelines defined four superior challenges (Council of the European Union 1997, 1999, 2000a, 2001a, 2002a). First, the European labour force should improve its 'employability'. This should be achieved principally through measures which are not only aimed at combating youth unemployment but which also favour activation policies (Council of the European Union 1997, part I). Mass unemployment seems to be the consequence of improper qualification and lack of morale within the labour force. From that perspective, mass unemployment relies on a mismatch between labour force supply and demand which can be tackled only by activation policies. For example, 'financial incentives' must be imposed in order to make the labour market more attractive to the unemployed (Council of the European Union 2005b: 2, in the same direction (European Commission 2006: 4). Second, the 'spirit of entrepreneurship' should be strengthened (Council of the European Union 1997, part II). As a result, the Council proposes an 'employment friendly taxation system' in order to 'invert trends to higher costs on labour'. The guidelines clearly call for a reduction of social insurance contributions. But the project is also about an ethical approach which regards the jobholder as an entrepreneur of its own workforce that competes in the market by investing his human capital. Michel Foucault had detected this principle in the 'American neoliberalism' of the Chicago school: 'This is not a conception of labour power; it's a conception of capital-ability [...] so the worker himself appears as a sort of enterprise for himself' (Foucault 2008: 225). Obviously the EES mirrors the figure of 'homo oeconomicus' as an 'entrepreneur of himself'.²² Third, the employment guidelines not only plead for the enhancement of adaptability, but also the facilitation of flexible arrangements (Council of the European Union 1997, part III). Furthermore, it animates the 'modernization of employment agencies'

²¹ A proposal is made by Pochet (2005: 46ff.).

²² See Bröckling (2007) regarding the 'self as entrepreneur'.

(Council of the European Union 2003a).²³ This approach is driven by the assumption that mass unemployment is also caused by the bureaucracy in the member states. Fourth, the Council calls for 'equal chances', especially regarding gender equality and the reconcilability of family and job (Council of the European Union 1997, part IV). Primarily this involves an expansion of the work force and does not involve measures aimed at combating discrimination in employment, although important proceedings have taken place in many member states allowing women the access to labour market programs.²⁴

Following an evaluation of the first EES cycle (European Commission 2002), the objectives have been simplified. From 2005 to 2008 the Council merged the employment guidelines together with the broad economic policy guidelines (Council of the European Union 2005). They comprise the main objective of activation policies but this has been amended with the prominent paradigm of 'Flexicurity' that aims at achieving greater 'flexibility' and 'employment security' (European Commission 2007a, see also Gorter 2000; Van Oorschoot 2001). The recent proposal for 2008 to 2010 basically replicates the preceding cycles (European Commission 2007b). If the EES is analyzed, the program of activation policies obviously stands out (Daguerre 2007: 4ff.; Schmid 2002: 428ff.; critical: Van Oorschoot 2002). The EES assumes that required reduction in the unemployment rate depends on the reform of national bureaucracies, on a reduction in labour costs and change of attitude among the unemployed (Raveaud 2007: 428ff.); all political approaches are measured according to their capacity to activate.

OMC as 'conduct of conduct'

The extensive evaluation, the recommendations by the Council, peer-review and best-practices procedures are mechanisms of conduct. The direct recommendation and the coordination procedure's publicity do not really prescribe meticulous ways of implementing the policy goals, but they introduce a process of 'conduct of conduct/conduite des conduites' (Foucault 1982: 286) which incites the particular 'conduct' of each member state to embrace the employment strategy (Haahr 2004: 214). At first sight this analogy seems to be a little bit confusing because Foucault revealed that subjects and not states are enmeshed in a 'network of obedience' (Foucault 2007: 185). However, the point is that the EES with its liberal techniques of government creates a European 'market' where different 'state-bodies' compete for best-practice and are treated as market subjects. Not only the market-like character of the coordination procedure but also the problematization of mass unemployment provokes such a parallel. If the employment rate actually depends on the activation efficiency, the company taxation or the entrepreneur spirit, then it will be possible to model the nation-states as 'state-bodies' which face the challenges of European state-body competition with greater or diminished will to succeed. The wide-spread reasoning about the OMC that identifies an open and heterarchic mode of governance (Sabel and Zeitlin 2007; Zeitlin 2005) would be relativized. Neither completely new

²³ See Borghi and Van Berkel (2007) for the relation of activation policies and reforms in the employment agencies.

²⁴ 'Above all the strategy focuses in improving the supply side of the economy and not on changing the behaviour of the employers, where many obstacles to gender equality can be encountered' (Rubery 2002: 502).

political rationalities²⁵ nor participative ways of governing occur within the OMC. The OMC modulates a liberal rationality of government that has always played a major role in the process of modernization. It exploits the experimental dynamic in order to assure a coordination of employment policies (Pochet 2005: 73).

In this 'network of obedience' one can reconstruct those traits which are characteristic of a governmental type of power. Firstly, an intersection among different modes of conduct takes place. In order to function, it is absolutely vital that the 'governed' are integrated in the OMC's rationality of government and embrace it. The success of governing depends on the 'rational behaviour of those who are governed' (Foucault 2008: 312). Insofar the OMC represents an indirect or 'subtle' mode of steering (Jacobsson 2004). Secondly, a specific materiality occurs which combines governmental *techne*, *episteme* and *programmatics*. In addition to the constitution of governmental knowledge, other more concrete techniques of governing exist and these range from 'soft' to 'hard' mechanisms. The re-iterating evaluation puts immense pressure of justification on the member states. Another technique is known as 'naming' and 'shaming'. Competition among the member states is fostered through a public procedure that either endorses or criticizes the member states' policies. As well as attempting to influence the long-term orientation of employment policies, the Council and the Commission also try to encourage a voluntary convergence among the member states which serve as best practice examples. Another important factor is the politics of timetable within the OMC that assembles the routines and delivers 'temporal disciplining':

This periodic monitoring implies a certain control over the timing in the policy cycles at national level, since the writing of the National Action Plans (NAPs) runs simultaneously in all of the member states from year to year
(Jacobsson 2004: 365)

So the EES parallelizes the agenda in the particular labour ministries and strengthens the concerns of activation policies. However, the Council refers direct, country-specific recommendations to the member states. For example from 2003 to 2004 the Council proposed the reduction of insurance contributions for the employers-side to fourteen member states (Council of the European Union 2005b: 8). To a certain extent, these recommendations directly intervene and are tailored to the welfare state models. Although Sweden for instance had a high employment rate in 2003, the Council called for a reduction of insurance contribution and more paternalistic social policy:

Despite the ongoing tax reform, the tax burden on labour is still the highest in the EU. Benefit schemes are relatively generous in an international perspective and include tight eligibility criteria. However, further efforts appear necessary to improve incentives to work
(Council of the European Union 2003b: 9).

Furthermore, the Council recommendations on the abolition of early retirement, for example, were specifically directed at Germany, France and Finland in 2000 (Council of the European Union 2000b) or in 2001, Austria (European Council 2001b), and the reduction of company taxes (e.g. directed to Germany, Italy and Austria in 2001,

²⁵ Neumann and Sending (2006) argue in a similar vein.

(*ibid.*); towards Belgium in 2002 and 2004 (Council of the European Union 2002b, 2004)). Another important goal is to strengthen the incentives of the unemployed to look for work. For instance, the 2003 Council recommendations, which were aimed at Germany, emphasized a more active role by the benefit seeker in order to get social benefits (Council of the European Union 2003b). It seems that the 'soft' open method of coordination produces 'hard results' (Ashiagbor 2004: 331) when it comes to recommendations and evaluations which determine the pathway of European labour market policies – an aspect that illustrates how questionable the distinction between so-called informal soft law and formalized hard-law really is.²⁶ Rather, one observes in the case of the EES that soft steering mechanisms are stabilized and its experimental 'dynamics' are combined with more direct techniques and a 'centralization' of employment policies (Pochet 2005: 73).

This link between subtle and direct steering mechanisms had already taken centre stage in Foucault's analytics of liberal government. He demonstrated how liberalism had always relied on a complex mix of enabling and restraining components. The transformation of economic liberalism from the political economy of 18th century to German ordoliberalism (Foucault 2008: 75ff.) and American neoliberalism (*ibid.*: 215 ff.) after the second world war is characterized by an idiosyncratic dialectic between the extension and restriction of governmental reason. On the one hand, the market principle establishes a tribunal which always suspects public authorities of governing too much and therefore highlights *laissez-faire* (*ibid.*: 13). On the other hand however, marketization tends to encroach upon all areas of life (e.g. the subjects as self-entrepreneurs of their human capital in neoliberalism) and carries out procedures of control, restriction and constraint. Consequently, the extension of governmental activities seems to be anchored in the ostensible restriction of governmental power.

Thirdly, the EES provides a particular distribution of control- and evaluation institutions. It governs by making use of epistemic power. The reports of the Commission and the Council as well as the involved agencies serve as the basis for the assessment of employment policies which cannot be abrogated in the political process afterwards. In his reasoning on liberalism Foucault underlined the role of the market as a 'site of veridiction' (Foucault 2008: 61). The OMC also introduces new institutions of veridiction which assess the adequacy of political measures. The EES reveals an expertocratic logic that focuses specifically on statistics as the point of departure for common policy approaches (Jacobsson 2004: 361). With the relevant data and scientific aura, the Commission tries to initiate common policy solutions and to set political standards.²⁷ Apart from narrow state-politics, scientific expertise (for instance on European network governance) also contributes with its problematizations to a situation where only such policy approaches that focus on administration-driven harmonization policies seem adequate. The scientific disciplines define doctrines of government that shape the political process. This governmental episteme does not only involve political contents but also procedures. With the OMC, the decision in favour of a decentralised softly formalized mechanism, in contrast to stronger formalized procedures, could be interpreted as the discharge of a discourse that advocated under the catchword 'governing without government' (Czempiel and Rosenau 1992, European Commission 2004) new modes of network

²⁶ See also Barani (2006) and Trubek and Trubek (2005) for a problematization.

²⁷ See Jacobsson (2004: 362): 'The Commission has a central role in managing knowledge and may function as an 'editor' of knowledge into standards'.

governance. In that regard the governmentality approach makes a strong contribution. It bears the capacity to gear a second-order-analysis that elucidates the effects of the dominant doctrines of government on the relations of power.

Dominance of governmental management: politics of de-politicization

The governmentality approach assigns a constitutive function in modern power relations to the governmental administration and its routines. The EES represents a procedure which the governmental administration of the Commission dominates. In fact, a lot of rationales support the idea of elevating the status of the EES to that of a 'bureaucratic process' (Faludi 2004: 1024; Mosher and Trubek 2003: 81; New modes of governance 2005: 12). The Commission formulates the proposals for employment guidelines and the recommendations which are adopted by the Council. So it is not surprising that e.g. the 'flexicurity' concept is directly transferred from a communication of the Commission to the employment guidelines 2008-2010 (European Commission 2007b). The same is true for the combination of employment and broad economic policy guidelines to 'integrated guidelines'. The Commission sets the pattern which cannot be called into question afterwards promisingly. Most of the academic literature (independent of their general attitude towards the OMC) identify a participation deficit and only a poor integration of social partners (Büchs 2007: 68; De La Porte and Nanz 2004: 279; Mosher and Trubek 2003: 81).

Lastly, one should be aware that in the second half of the nineties, the EES was also a political project whose aim was to pacify the widespread scepticism about the EU through the introduction of more 'social' components. The support mainly emanated from European social democracy (Mosher and Trubek 2003: 67; Pochet 2005: 46ff.). The EES was oriented towards activation policies which integrated employment and social policies within market liberal competition policies (Büchs 2007: 7; Schmid and Kull 2004: 1). In contrast, other political procedures would also have been possible. Perhaps there was the possibility that different political actors who favoured the European social model – from social democratic governments to the European trade union confederation, civil society and social movements – could have harmonized employment policies without further cuts in the welfare state architecture. What the governmentality approach reveals is the fact that on the basis of a different explanation for mass unemployment, other political reactions are privileged. If mass unemployment is for example, attributed to the waning buying power and structural transformation within the relations of production, strategies which emphasize higher wages or the reduction in working hours will be plausible.

The principle task of the governmentality approach does not consist of voting in favour of a particular option. Rather it attempts to write a realistic history of the EES. It clarifies that the decision in favour of a particular political option implicates the decision against other political options. From that standpoint the dominance of the administration within the OMC does not constitute a weakness which can be remedied by a metaphysical 'return' to the rhetoric of official proclamations. On the contrary, the core of the EES consists of a specific procedure that encourages member states to harmonize their employment policy. The administration-driven procedure seems to be an attractive way of stimulating reforms and harmonization in a hard-fought area. One could assume that it is politics of de-politicization (see also Crespo Suárez and Serrano Pascual 2007: 383) which deprives the decision on the future of

the European social model from the direct political debate between left and right. This politics elevates activation policies to the status of 'common sense' by concealing potential conflicts right from the start. Therefore the governmentality approach contrasts with approaches that envisage an intrinsically participative OMC (Zeitlin 2005) and then bemoan the overlapping of these normative basics by the power politics of the Commission and the national labour ministries.

Potentials of the governmentality approach

The governmentality approach reveals a modern system of power in the EES which moulds the anatomy of political rationalities in the area of employment policies. This type of regulative power grounds on the constitution of political knowledge. Within its problematizations it favours activation policies and hence produces a coulisse where other alternative strategies do not seem to be tenable. In addition to this epistemological structure, complex techniques of conduct exist which anchor these political rationalities. Furthermore it becomes obvious that the EES is characterised by the dominance of governmental administration in the Commission and in the national labour ministries. At present, the OMC does not fulfil the requirements for a mode of participative governance. In that regard a realistic history of the EES would refer to the relation of procedure and substantive ambitions. On the one hand this reference framework expresses the current common sense in employment policies. On the other hand, it radiates through its regime of truth on the political rationalities in the area of employment policies.

Besides its potential to contextualise systematically the different ways in which the EES influences the political agenda, the governmentality approach can blossom into an analytic of power relations. Hitherto an analysis of the OMC with an explicit focus on power relations has only rudimentally taken place (Haahr 2004; Dale 2004).²⁸ The governmentality perspective contributes immensely in a twofold sense. It ties the exercise of power within the OMC to a type of regulative power which is paradigmatic for modern societies. Therewith it provides a social-theoretical (sozialtheoretische) classification which is lacking in most of the literature on the OMC. Either the latter stylizes the OMC to an expression of normative prospects regarding network governance or it restricts it to state-centred negotiations. Above all, Foucault's governmentality perspective contributes to the OMC-discussion and the EES, with critical intent. By choosing the perspective of an analytics of power, it emphasizes that the OMC and the EES are both part of a hard-fought process which establishes specific selectivities and declares as 'reasonable', only particular policy patterns. These selectivities are neither natural nor essential. They are not only consolidated but also contingent. And there is nothing to be said against attempts to challenge the prevailing political rationalities with other types of causation, forms of knowledge, counter-expertise and political strategies.

²⁸ For a general view on the EU from a governmentality perspective, see Walters and Haahr 2005.

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