RESEARCH ARTICLE

WHO'S COUNTING?
Institutional Autonomy and the Production of Activity Data for Disability Policy in France (2006-2014)

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ABSTRACT: This article deals with the use of figures for public action piloting in disability policy. This parti-cular public action sector seems to lack piloting figures and comparable data for the monitoring of action in institutions in charge of granting social services for disabled persons, the Maisons départementales des personnes handicapées (MDPH). Based on fieldwork carried out since 2011 in this sector, this article re-veals that the production of specific activity figures requires resource mobilisation and precise tasks on the part of organisations. The production of activity data therefore can reflect the autonomy of these adminis-trative organisations. In limiting the capacity of these organisations specifically tasked with benefits attri-bution decisions, political authorities have also limited the autonomy they could in theory have claimed, and, in so doing, have limited their capacity to make these decisions independently of the political configu-rations and economic situations within which these benefits are recognised.

KEYWORDS: rights, figures, institutional design, informatisation, statistics

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1. Introduction

French state reforms initiated thirty years ago have insisted on the implementation of quantitative performance indicators. Research analysing these transformations, which are partially linked to the implantation of new public management mechanisms, stresses the potential effects the "quantitative frenzy" (Gaulejac, 2009) could have on the various counting possibilities and possible uses of figures (Ogien, 2013), and underlines the social logics at work in the establishment of quantitative confidence (Porter, 1995). Here, we wish to consider a prior operation: the assembling of capacities necessary to produce figures. While the production of figures is often defined as an order that all should, and can, obey, we aim rather to show that the capacity to provide figures is unequally distributed, a consequence of the intense struggles that surround it. In this sense, far from producing politically neutral results, the figure-generating operation tends to renew and legitimate disparities in position. The hypothesis of a militant use of figures, which Bruno and Didier (2013) name "statactivism" is based on the idea that figures are not by essence natural allies of neoliberalism. Correctly put to work, they can be mobilised in social battles and may be used to defend the utility and quality of public services. This supposes, therefore, that the techniques are politically neutral to begin with and can be used to meet different goals (Ogien, 2013). If figures have been mobilised for essentially financial purposes, it is because this particular technique for objectifying public action has been locked into one specific type of use. This paper aims to identify the mechanisms that contribute to this locking in process. Our hypothesis is that these mechanisms are lodged in the operation of resource accumulation that allows an organisation to produce its own figures.

We will focus on the case of the French Maisons Départementales des Personnes Handicapées[1] (MDPH) in order to illustrate the necessary conditions for the emergence of institutional "statactivism." Instituted by the Law of 11 February 2005 on the equality of rights and opportunities, the MDHP are charged with granting various services to disabled persons (children and adults) and orientating the disabled in specialised sectors (schooling, professional guidance). From a legal standpoint, the MDHPs are Groupements d'Intérêt Public (GIPs) linking different partners, each of which contributes to the funding of this social policy sector: the State, the Conseils Généraux (government councils on the level of the department), and social protection entities. In a logic borrowed from neocorporatism, associations representing disabled persons are also represented in the MDPHs' governing bodies. An analysis of the parliamentary debates leading up to the adoption of the 2005 law indicates that the legal structure of the MDPHs were a default compromise. The initial objective was to entrust the steering of disability policy be entrusted to the departments, as much in an attempt to confine the State to strategic functions as

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[1] French *départements* or departments, of which there are 101, are administrative and political structures. They are under the direction of a Conseil général made up of conseillers généraux, or officers elected by two rounds of popular vote for a term of six years in subdivisions called cantons. These territories are administrated by civil servants at the territorial level. Reforms on this matter were adopted in 2013 and will take effect in 2015**.**

to strengthen their already significant role in the administration of social welfare (Lafore 2004, 2013). Since 2006, the status of the MDPHs has caused incessant problems. Numerous reform proposals have been put forward, but the Law of 28 July 2011 recognized that MDPHs would remain GIPs "for an indeterminate duration." Upon his election to the French presidency in 2012, however, François Hollande announced plans to completely decentralise disability policy and transform the MDPHs into services directly controlled by the departmental Conseils généraux. The proposed system would have led to the end of representation for disabled persons in decision-making bodies. In the face of protest from associations as well as dissension from presidents of the Conseils généraux, who were not all willing to pilot disability policy, the government withdrew its proposals.

The question of the autonomy of the MDPHs is not only a question of power relations between political and administrative authorities. The legal format of the GIP allows for a distinction between an evaluator of rights (MDPH) and a paymaster (the Conseils généraux, the State). The MDPHs' ability to present themselves as autonomous institutions conditions the existence of an institutional design which, though it is not an absolute guarantee that disabilities will be evaluated in terms of rights, is the only one to allow for the effective participation of disabled individuals in the decision to grant (or not) social services. In this way, this institutional format is not without a link to the possibility of implementation of a "politics of rights" (Scheingold, 1974), that is, a set of institutional formats, legal rules, and administrative routines that render rights effective. The case of the MDPHs therefore illustrates a situation in which an administrative organisation, constrained by mixed logics concerning the production of rights, user services, and the rationalisation of administrative action (Baudot, Duvoux, Lejeune, Perrier, Revillard, 2013), sought to defend its existence in mobilising a register derived essentially from the balance between this institutional format and the guarantee of rights' effectiveness. But to defend their existence, the MDPHs (via their directors, who form an association) were unable to use "institutional statactivism", wherein figures would render objective the rights guarantees for disabled persons provided by this type of administrative organisation.

This non-recourse to figures may be explained by the absence of available figures. Without its own numbers, the MDPHs could not act autonomously. How can we explain the MDPHs' inability to produce figures, to display their action and to make their "performance" visible?

First, in order to grasp the possibilities for alliances, we will need to illustrate the structure of this public action configuration. Second, we will show that these alliances are embedded in the production of figures. Even so, not every alliance is capable of producing figures. In monopolising local-level access to activity data, certain actors succeeded in controlling the mechanism for figure production.

Methodology

This article is the result of research conducted in the context of a joint project commissioned by the French Ministry of Social Affairs, the French Ministry of Labour, and the Caisse Nationale de Solidarité pour l'autonomie (Baudot *et al.*, 2013). The project dealt with the concrete func-

tioning of the MDPHs. Four departments were examined in a qualitative investigation of the MDPHs' functioning (their organisation and personnel) and their ties with the surrounding administrative environment (Conseil général, local state administration) as well as with disabled persons' associations. From a multilevel perspective, the study was also conducted on a central national scale (Direction générale de la cohésion sociale - DGCS, Caisse nationale de solidarité pour l'autonomie - CNSA). Between November 2011 and January 2013, 212 interviews were conducted. Here, we make use of the interviews that treat the computerisation and production of an information system specific to this activity sector: the SIPAPH, or Système d'informations partagées personnes handicapées (Disabled persons shared information system). Interviews were conducted with the Association of MDPH Directors of (AD-MDPH), the head of Compensation at the CNSA, and the managers of the MDPH information systems.

2. One Configuration, Crossed Cooperation

The configuration that structures public action for disabled persons is made up of actors endowed with different resources, in more or less solidly established positions. Actors in the associative sector, from the central administration, at the national political level, local representatives, and market actors: each participates in defining and implementing action for disabled persons. Within this configuration there exist numerous possibilities for alliances.

2.1. Stacked Actors, Logics, and Levels of Action

The configuration in this field has long been marked by the presence of the associative sector, which itself derives from various traditions: Catholic social action, union action triggered by occupational accidents and mobilisations of World War I victims (Chauvière, 1980; Paterson et al., 2000; Romien, 2005). The first specialized establishments were born out of cooperation among actors in the associative and philanthropy sectors, and at the municipal level with participation from local authorities. With the exception of programmes for the deaf and blind (Buton, 2009), state intervention arrived late. The 1975 Laws Relative to Disabled Persons represented the final extension of protection by the State (Swaan, 1995). In introducing an allowance for disabled persons (AAH) along with two commissions in charge of evaluating and guiding adults (COTOREP) and children (CDES), the State gave its devolved administrations at the department level (Direction départementale des Affaires Sanitaires et Sociales, Direction départementale du Travail, de l'Emploi et de la Formation Professionnelle et Inspection d'Académie de l'Éducation nationale) regulative power in this sector. This state-isation of disability policy action implies less the disappearance of local actors than the entanglement of different levels of public action.

The Law of 11 February 2005 altered the balance of this configuration all the while preserving the existence of the actors already present. It realised a form of decentralisation, but the State did not relinquish all of its prerogatives. Removed from the State's devolved administration, the sector's management is not entirely handed over to the departments. At the end of a

long parlementary debate, another solution was chosen: the administration of social services, guidance for disabled children and adults, the appointment of a school assistants, and the recognition of a disabled worker were to a GIP called the Maison Départementale des Personnes Handicapées, or the MDPH.

The GIP solution is a default compromise. In a multilevel public action configuration, following Liebfried and Pierson (1998, p. 28-30), agreements are made at the lowest common denominator. The GIP agreement preserves the presence of the various actors. Within the Executive GIP commission (Comex) and the Rights and Autonomy commission (CDAPH), the Conseil général is represented, claiming 50% of the seats within the Comex and benefiting from a specific voting rule that guarantees it will have the majority of votes for the attribution of certain services, but associations of disabled persons (a quarter of the seats in the Comex, 7 seats out of 21 in the CDA), the local State, and social protection bodies (CAF, Social security) are also represented. The MDPHs are therefore placed at the heart of a public action configuration that links various levels:

- the local level: local associations, local elected officials, local civil servants and local State civil servants (Baudot, 2013),
- the regional level: Agences Régionales de Santé (ARS), which finance part of the medical-social establishments for disabled persons;
- the national level: the CNSA, the central administration (the Direction générale de la cohésion sociale, or DGCS, the Interior Ministry's Direction générale des collectivités locales, or DGCL, the national federations of disabled persons' associations) and national elected (parliamentary) officials and ministers (who may also, by holding more than one office concurrently, be local actors with access to national arenas).
- The European level: the European Disability Forum (Mohanu, 2008), European parliamentarians, European anti-discrimination rights (Waldschmidt, 2009).

Each set of actors privileges a specific type of logic: disabled persons call for the defense of the rights of disabled persons, the central State prefers to act in favour of equal treatment at the territorial level, etc. Because the Law maintains the actors' positions, the different logic systems are juxtaposed, and not necessarily organised hierarchically. Two main objectives structure this law, though it remains difficult to reconcile them: a "user-based logic" and a "government logic."

Since the 1970s, "user-based logic" has inspired a series of administrative reforms. It justifies and encourages the re-organisation of administrative work based on user demands (Warin, 1999; Weller, 1998). Like other laws adopted during this period, the Law of 2005 asserts that "the user is placed at the heart of the system" (Perrier, 2013). Proof of this lies in the individualisation of services indexed along a "life plan", the overall (and not just medical) evaluation of an individual's disability as well as the possibility for applicants to sit in on the commission tasked with deciding which rights to grant. In reality, this consideration of the user reflects two differ-

ent user representations, one by which he or she is perceived as a "rights-holding citizen" and the other by which he or she is a "client" needing to be satisfied.

"Government logic" refers to the public administration's management rationalisation project. The 2005 law once again corresponds to a broader reform programme: the overall goal is decentralisation and the fusion of organisations. The notion of a "guichet unique", literally a "one-stop window", where previously-dispersed services are grouped within a single organisation, is the French translation for "joined-up government" policies (Bogdanor ed., 2005) introduced in the United Kingdom in the early 2000s. The creation of MDPHs, a fusion of devolved services under the administrative supervision of the Conseil généraux, is in keeping with this kind of reform programme. This government logic reflects two possible implementations, one insisting on territorial equality (the attempt to maintain proximity via decentralisation and a national frame of reference for services), the other insisting on the control of public finances.

Table 1 - Logic mechanisms structuring the Law of 11 February 2005

User-based logic	Government logic
Rights	Territorial equality
Client satisfaction	Control of public finances

2.2. One Configuration, Many Possible Alliances

This balance is extremely unstable. The initial 2005 compromise had to contend with changes in the positions of each institutional actor, but also with changes in the possible alliances that these actors were liable to establish with others.

From the 2005 Law vote onwards, the desire to transform the instruments put in place to govern disability in France was clearly manifested. The compromise could hardly be called such, since none of the partners were fully satisfied. The Assembly of the Departments of France (ADF), which groups the presidents of the Conseil généraux, had initially expressed opposition against the legal formula of the GIP. Its rallying on this point finally led to the adoption of a second law, the Law of 28 July 2011, stating that "MDPHs are GIPs of indeterminate duration." Still, François Hollande's pro-decentralisation stands during the electoral campaign[2] made possible the opening of a "window of opportunity" (Keeler, 1994; Kingdon, 2003) which proposed a new reform project that would transform the MDPHs into administrative services under the Conseils généraux. The proposition was made in the context of "Decentalisation Act III" with the support of the ADF and the staff from Ministries involved in Disability policy. As such it was the president of the ADF's Commission on Social Affairs, Yves Daudigny, who in December 2012 at the biannual CNSA directors' meeting presented the decentralisation project to the MDPH direc-

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[2] In his Dijon speech on state reform, François Hollande effectively announced the total decentralisation of this mechanism: http://www.ps29.org/IMG/pdf/FH_Dijon_COMPLET_1_.pdf.

tors: the proposal implied the end of theirmandates as directors of the GIP[3]. News of this project leaked out to the specialised press in December 2012, sparking a strong reaction on the associative level. The government subsequently withdrew the project.[4]

The reform project's chances of success depended on the alliances that its supporters managed to create in the public action configuration. The actors present were able to identify different ways in which to work together; that is, to define common interests. Schematically speaking, several alliances may be outlined based on conflicts that structured the configuration beginning in 2005. The table below is based on some of the controversies that created tension within the sector from 2005 on. It is therefore not a question of theoretically possible alliances, but rather of alliances that were objectively observed. Four out of five of them are described below.

The first alliance linked the central administration and the Conseils généraux. The Conseils généraux aimed to expand the departments' authority on matters of disability and more generally on social policy in spite of reforms in territorial political organisation that challenged the departments' very existence. The State was interested in pursuing the process of dividing labour between executive tasks entrusted to local agents and strategic piloting tasks entrusted to central agencies (Bezes, 2005). This alliance is visible in the reform process engaged in "Decentralisation Act III."

The second possible alliance concerned the MDPHs and actors in the associative sphere. This is not an obvious alliance, as there were legal disputes between associations and MDPHs on a number of issues[5], and produced specific evaluations of the MDPHs that were made public[6]. Nevertheless, the interviews conducted in the context of this study show that alliances are possible between MDPHs and associations, essentially as "counter-mobilisations" against the alliance between the State and the Conseils généraux. During a Comex we observed, representatives of associations thus spoke in defence of an MDPH director reproached violently by a Département Chief of Staff (Directeur general des Services - DGS) who admonished him for an high operation costs. This alliance was rendered feasible in the sense that the GIP-MDPHs guar-

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[3] http: //www.yvesdaudigny.com/actualites/intervention_d_yves_daudigny_a_la_journee_adf _cnsa_des_directeurs_des_mdph_le_12_decembre_2012.

[4] http://www.lagazettedescommunes.com/142362/exclusif-les-points-cles-du-texte-de-l%E2%80%99avant-projet-de-loi-de-decentralisation-2711/ (for the pre-draft bill leaked in late November 2012) and http://informations.handicap.fr/art-gestion-mdph-departement-853-5795.php (for the new version made public mid-March 2013) (consulted March 23, 2013). A project for the transformation of the MDPHs into Maisons de l'Autonomie is currently being piloted by the ADF. In mid-October, Jean-Marc Ayrault announced a law for spring 2014.

[5] The Association des Paralysés de France obtained the conviction of the Vendée MDPH for error leading to moral and financial prejudice (http://dd85.blogs.apf.asso.fr/archive/2013/06/20/la-mdph-de-vendee-condamnee-pour-faute-par-le-tribunal-de-na.html). The UNAPEI obtained from the Tribunal Administratif de Pontoise that, under penalty, the MDPH and the ARS of the Val d'Oise grant Amélie a place in an establishment (http://www.unapei.org/Affaire-Amelie-l-Etat-renonce-a.html).

[6] http://www.unapei.org/IMG/pdf/22-09-2011-Enquete_UnapeiMdph.pdf.

antee the most representation for associations. The transformation of GIPs into departmental services could be translated by the doubt shed on the associations' further participation in the system. It is on this very subject that the associations' December 2012 action against the proposed project was based[7].

Table 2 – Alliances within the policy configuration

	MDPH	*Conseils Généraux*	*Central Administration*	*CNSA*	*Associations*	*Alliance*
Alliance 1		████████████████████				Decentralisation ActeIII
Alliance 2	🟦				🟦	Save the GIP
Alliance 3	🟥	🟥			🟥	State debt
Alliance 4			🟧	🟧		AAH piloting
Alliance 5	🟩			🟩	🟩	MPDH piloting's tool

The third possible alliance linked the MDPHs and the Conseils généraux. Under the administrative supervision of the Conseils généraux, the MDPHs may appear either as simple departmental services, or as autonomous structures. The agencification process could indeed allow the elected official to "avoid blame" (Weaver, 1986) connected to potential dysfunctioning in the sector concerned by the agency's action (Thatcher and Sweet, 2002). The Conseils généraux nevertheless were able to support the Association of MDPH Directors' action in favour of revealing the extent of State debt with regard to the funding of MDPHs. This action, with the support of the Conseils généraux, led to a threat, in 2012, of recourse to a court of administrative dispute.

The last possible alliance linked the MDPHs and the CNSA. This alliance looked to reinforce the national piloting of disability policy in providing the MDPHs with tools to harmonise their organisations and evaluation practices. The CNSA acted thus as a "circulation agent" (Dezalay, 2004), recognising the MDPHs' ability to function alone against the departments' desire to exert greater control.

In such a public action configuration, with actors gathered in a variety of possible alliances, change results either in an exogenous transformation (as in a new government being elected) or in a low-grade transformation (Streek and Thelen, 2005). In this gradual process, the differential capacity to produce activity statistics may take part in guiding the process of change itself.

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[7] See the press release put out by the Agreement commitee that links the different associations: http://www.unapei.org/IMG/pdf/2012_12_13CPCEDecentralisation.pdf.

3. Gone Without Leaving Figures?

Our aim here is, first of all, to show that each of these alliances within the public action configuration makes it possible to produce a specific type of figure, each with a particular nature and use. Second, we will show that the ability to produce figures is unequally distributed among the actors in the configuration. The initial decision not to equip the MDPHs with a common computer system therefore allowed the services of the Conseils généraux to progressively appropriate the MDPHs.

3.1. Figures that Seal Alliances

3.1.1. A Sector Without Figures?

The disability sector is surprisingly rife with available facts and figures, but at the same time, there are many situations in which they are surprisingly irrelevant. We will take stock of this deficit of relevant figures needed to pilot public action.

Disability policy tends to be piloted, both on the local and national levels, without reliable figures. During an interview, the directors (E135-D) and assistant directors of one Conseil général (CG) of a "Senior citizens - Disabled persons" board, in charge of establishments (E136) and at-home care (E137) explained that their board could not easily take under their purview the future of a particular subset of disabled persons (here, the "Creton amendments"[8]), to the extent that they did not appear in the visible part of the files in a software package shared between the CG directorship and the MDPH. However, their authorisations are different for questions dealing with the protection of individual data:

> "E137-D: It's about anticipating and forecasting when we don't have access to all the information...
> E136-D: ...to devise policy...
> E135-D: ...When there are millions of Euros at stake, it's difficult to play it by ear. This is our problem, I think it's dealt with by the MDPHs on a case-by-case basis for individuals, with an attempt to integrate each one in an existing establishment, and so for us, we can find ourselves wanting to have a pretty clear, pretty exact idea of which direction we should go in, something that corresponds to the needs of the person, and we need to know what the person's needs are precisely so that we can come up with our housing offer and decide where to build, where to situate our own means. But, yes, at the MDPH level there are often default decisions, because it's often an open spot in an establishment that will be the guiding force. And so this approach doesn't really go anywhere. And sometimes there are successive choices, six months, one year, one after the other,

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[8] The Creton amendments are a legislative mechanism that allow for the temporary maintenance of young persons over 20 years old in special education establishments while waiting for a place in an adult establishment.

so that the person is able to leave the establishment. It's true there are differences in objective that can lead to these gaps.

E136-D: And then it's a vicious cycle because we're never able to put our finger on the needs and we don't respond where the needs actually are.

E137-D: If we look at the most recent time period, we see that the availability of permanent housing was increased by 25%, which is huge, but we still have waiting lists.

E136-D: And that's where people start to wonder."

In another department, the preparation of an overall disability schema led, according to the director of the Senior Citizens - Disabled Persons board at the Conseil général, to a document based on old, piecemeal information produced from national statistics - and therefore weakly broken down into territorial data - which, for him, is equivalent to "playing things by ear."

E66-A

Question: So, you also spoke of the implementation of a departmental schema. How does that work here?

Answer: Well, in April, during a conference day for actors, we launched it. From April to August, we took stock of the whole thing, both in terms of needs based on different studies, HID in particular, plus the INSERM studies, and others.

Q: And you used databases?

A: Yes. With all of the limitations they come with.

Q: Did you have data from the HID study[9] for the department levels?

A: No, we applied the HID study, with all of its limitations (smile). To try and quantify needs. And we also used MDPH data. So there, too, with all of the limitations. So we had identified needs, but not real needs. We also identified availabilities for services, both at-home and in establishments."

Finally, in a third department, agents of the devolved State administration (Departmental direction of Social Cohesion) discussed the figures of the Allocation Adulte Handicapé (Disabled Adult Allowance), the evolutions and attribution of which they are supposed to have under their surveillance:

E140: What bothers me is that I find the statistics and figures to be unreliable. And so I think, for the time being, that we're talking about something we don't fully understand. The MDPH sta-

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[9] The HID (Handicap Incapacités Dépendances) study is the only available source from 2000-2010 that makes possible an evaluation of the number of disabled or dependent persons according to multiple criteria, therefore making possible an evaluation, in their favour, of the number of persons potentially eligible for this public policy. The nature and extent of the difficulties encountered in the everyday lives of these people is evaluated, and thus it becomes possible to adapt public policy in order to better meet their needs. Gérard Bouvier, *L'enquête Handicap-Santé. Présentation générale,* INSEE, Série Documents de travail de Direction des statistiques démographiques et sociales, October 2011.

tistics are not reliable. You know that we just switched softwares...all of the stats from 2010 aren't correct.

Q: Right, the activity report compares 2011 and 2009…

E140: Exactly. An increase of 25%, that means nothing. We need to make all of this more reliable.

E139: For 2010, I have no idea how they came up with what they did: there are huge holes in all of the stats.

E140: It's because they switched software - they were forced to use a new software. They were totally incapable of getting the new software to work. And so for half of the stats they were obligated to go check the old software, and then the new one... and the result, well, pretty messed up stuff.

3.1.2. Figures Nonetheless

The problem comes less from the absence of figures than from their complicated passage from one space to another. Indeed, these figures seem only to be pertinent in the space within which they were generated. Situations recorded during fieldwork can be understood as the result of variations in access rights to quantified data (as in the case of the Creton amendments):

Q: Are there differences between the amounts that are attributed and the amounts that are actually given out?

E137-D: Yes.

Q: And do you have access both of these types of information?

E137-D: (uncomfortable) Well, that's the problem, sharing the information. We have access to the same software, so we should be able to share the data, but we don't have...

Q: It's because of a coding problem...

E137-D: It's an authorisation that's different for the MDPH and for the departmental services and doesn't allow us to see certain information. (…)

E135-D: There was malfunctioning there, because we were supposed to be using the same software.

Q: But...You have the same software?

E136-D: Yes, but the parameters are different, there are differences. The work is starting to be done, there's a major effort being made to enter individual files, with cross-referencing and double checking for repeats, and there are several links being looked for between certain occurrences entered on the MDPH level, and others entered on the departmental level (...)

This impression of an "absence" of figures is in reality the simple result of the purely local validity of the figures generated. Figures produced at the national level - such as the INSEE's HID study - are irrelevant at the local level and cannot be used to pilot policy. Likewise, year after year, the total number of AAH applicant files is so dependant on biases and artifacts produced by the counting tool that these totals cannot easily be used to mesure changes. The figures exist, but they are incapable of being used as instruments of communication between the various actors. They do not constitute a sufficient "confidence mechanism"; with them, the actors can't gather together around the table (Quéré, 2005).

In certain cases, however, the figures may be presented as invested with enough confidence from the various actors to be used as bases for negotiations. Under what conditions could the figures produced be said to inspire "faith"? Their neutrality seems to be less determinant than the quality and extent of the support to which those who generated them had access. As the materialisation of an alliance, though, the figures generated appear as the bases for negotiation.

Two figures succeeded in being considered as "confidence mechanisms" and therefore influenced debates on the institutional design of disability policy.

The first figure deals with the State's financial debt with regard to the MDPHs. By Law, the State was expected to contribute to the creation of the MDPHs in providing personnel. However, personnel was not transferred in adequate numbers and the State did not compensate for the failure to allocate MDPH personnel in providing financial grants, thereby creating significant debt. In 2009, the Association of MDPH Directors (AD-MDPH) carried out a study that valued the amount of this debt at 34.3 million Euros[10]. The MDPHs threatened and, in certain cases, took the State to the courts of administrative justice[11]. In the eyes of the former president and founder of the AD-MDPH, the study seemed to mark the moment when the MDPH directors were recognised as concrete representatives in and of themselves. As such, the MDPHs were recognised as being able to operate on their own, and it was acknowledged that there was no hierarchy in which the Conseil généraux would be superior to the MDPHs. Until this point, the CNSA and the central administration had mainly communicated with the ADF and the ANDASS, or the Association des directeurs d'Action sociale et de Santé of the Conseils généraux - that is, with the representatives of the Senior Citizens - Disabled Persons boards within the Conseils généraux. This AD-MDPH study had received support from the departments which therefore implied that they were not asking for the reimbursement of State debt for themselves, but rather for the disabled individuals. The study also received support from disabled persons' associations, and was an occasion for the directors to emerge as a network and to develop connections through the production of a figure. This figure became an element in the relationship between the Conseils généraux and the State, butting the two against one another at least until the end of 2011, when the State representatives were able to announce that they could reimburse the debt.

The second figure deals with the evaluation of the number of AAHs. The allowance's "dynamism" (that is, the increase in the total amount of allowances distributed in 2013: 8 billion Euros in 2014, with 978,000 beneficiaries in the metropolitan France area in September 2013) became a subject of concern for financial and social ministers. Several reforms were launched amidst intense mobilisations on the part of associations. In order to operationalise a legally-

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[10]   http://www.lemonde.fr/societe/article/2009/11/09/les-maisons-du-handicap-financierement-etranglees-par-l-etat_1264898_3224.html.
[11]   http://www.leparisien.fr/seine-et-marne-77/l-etat-doit-6-meur-aux-maisons-du-handicap-09-11-2009-704707.php.
See also: http://www.sante.gouv.fr/fichiers/bo/2011/11-05/ste_20110005_0100_0096.pdf.

defined notion (the "Substantial and Long-term Restriction to Job Access" – or RSDAE for the French acronym[12]) the DGME, or the Direction générale de la Modernisation de l'État (DGME), DGCS and CNSA implemented an instrument of public action: a "decision tree." Figures relative to AAH beneficiaries are easily consultable. The Caisse d'Allocation Familiale, or the family benefits agency that distributes the allowance, has access to a national computer system. With it, the Caisse is able to enter the number of beneficiaries per trimester. On the other hand, the number of refusals is much more difficult to obtain and reflects significant disparities in the methods used by the MDPHs to tally the number of applications they receive. In particular, the link between the figures produced by AAH (financed by the State) and the RSA (financed by the Conseils généraux) is very tenuous. Within the MDPS, the department-level officials role is essentially to administrate the State-financed services. On the central State level, and particularly within the DGCS, statistics have shown the reverse correlation between the AAH and RSA rates. This policy of "AAH piloting" (according to the Ministerial terminology) was criticised by the MDPHs as being a challenge to the evaluation teams' professionalism. At the heart of a financial conflict, such a figure could not be presented as a confidence mechanism by which local practices could be measured. Not one local actor involved in the production of data was therefore part of this reform process. The AAH reform policy therefore becomes a bone of contention.

Surprisingly, another figure does not appear: activity data that would illustrate the efficiency of the MDPHs compared to that of previous structures. The debate surrounding Decentralisation Act III opposes two alliances in opposition: the central State and the Conseils généraux on one hand, and associations and MDPHs on the other. The debate focused on the cost of the GIP option, which forced the Conseils généraux to pay payroll taxes they delegated – an expenditure which would not be necessary if the MDPHs were directly integrated into the services of the Conseils généraux. This, however would limit the possibilities for representation from disabled persons' associations would be limited and, less crucially, would deny the MDPH directors the autonomy they had enjoyed in running the establishments. In the arguments used, the coalition was neither able to mobilize statistical indicators to prove that the GIP option made it possible to better respect the interests and rights of disabled persons, nor were they able to prove that the GIP was a more efficient structure than the COTOREP and CDES that it remplaced. It was also impossible to prove, according to the arguments presented, that the MDPHs had functioned more and more effectively and efficiently since their creation in 2006. We will now try to understand why establishing such relatively simple figures was impossible.

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[12] Decree n. 2011-974 of 16 August 2011 relative to the attribution of Disabled Adult Allowances to disabled adults with a substantial and long-term restriction to job access and to certain stipulations related to this allowance.

3.2. The Neutrality of Statistical Instruments?

In order to understand the suprising absence of numbers to evaluate efficiency and effectiveness, two pitfalls must be avoided. The first consists in viewing techniques as simple vehicles for political intentions. We assume the reverse and assume that administrative techniques may allow for many uses (Baudot, 2014). The second pitfall consists in considering that this potential multiplicity of uses for techniques implies that individuals are equal in the face of an instrument's possibilities. Certain uses are more likely to emerge given the positions and resources of the actors who promote them or integrate them in their tactics. Though it is therefore fitting to preserve the hypothesis that instruments may serve different functions, the end goal is not entirely indeterminate when the instrument is implemented.We will now describe the mechanisms by which an instrument's uses are locked in.

In the case of disability, the various groups involved have locked in the possibilities of producing figures in reserving them for certain actors within the configuration. The extremely delicate implementation of the SIPAPH (Système d'Information Partagé pour l'Autonomie des Personnes Handicappés) illustrates this. The SIPAPH is a computer statistics system that allows the CNSA to access data relative to MDPH management (number of files, number of applications, file treatment time period, types of responses) but also to produce statistical indicators that allow for structures to be adapted according to the needs of a population (aging, types of disabilities, specific parts of the populations in question).

When the MDPHs were created, two decisions were crucial in orientating public action for disabled persons.

The first decision was that the two computer systems used until that point would no longer be used (ITAC for COTOREP and OPALES for CDES). The second decision was to leave the Conseils généraux free to equip their MDPHs as they saw fit. According to information we gathered, it seems that the representatives of the Conseils généraux put pressure on the Assemblée des Départements de France to obtain such freedom. It also seems that this demand was supported by the Direction générale de Collectivités locales within the Interior Ministry, which, according to Patrick Le Lidec, exerts a kind of "reverse supervision" whereby the departments oversee the center (Le Lidec, 2007) in allowing local governments to weigh heavily on the decentralisation-related texts adopted by the Parliament. The central administration's decision to proceed in this direction can be explained by its resistance to placing new constraints on the local governments, but also by the fact that the choice of a national information system would have implied that the central State would have to carry the financial burden. It seems that the multiplicity of computerisation projects during this time caused the Interior Ministry to prioritise, to the detriment of the MDPHs.

The combination of these two decisions made the State lastingly blind to actions carried out at the local level. The Law of 2005 called, in exchange for the freedom given to departments freedom to choose the software they wished to use, for a shared information system to be nevertheless implemented: the SIPAPH. While waiting for SIPAPH to be implemented, the CNSA still needed to fill out the pilot indicators laid out in Programme 157 of the LOLF (Loi Organique rela-

tive à la Loi de Finances) on disability policy. In order to provide this information, the CNSA was obligated to ask for data reports via Excel chart exchanges, and therefore had little influence on the numbers sent by the different MDPHs. Analysis of the Programme 157 tables between 2009 and 2012 shows that the CNSA was not able to provide figures - or only very low-quality figures, due to the small number of departments that responded to the annual survey demands. For 2010, the CNSA was only able to count on the data reports of 11 departments out of 100[13]. While soliciting manually-created data reports, the CNSA was also working to implement SI-PAPH, which would have allowed for the automatic creation of management and planning data. But numerous obstacles arosed and as of April 2014 it is yet to be effective. The CNSA used regulatory tools in obtaining the publication of a decree[14] and an order on the SIPAPH system[15], but it never used a sanction tool that the Law had provided: its financial contribution to the MDPHs' operation could have been conditioned by the effective reporting of activity data. The CNSA also attempted to alleviate technical difficulties engendered by the SIPAPH implementation. In effect, because the *départements* were free to choose the software they desired, there are as many different software package in use as there are MDPHs, a trend which has changed little since the 1960s (Baudot, 2011). Even though there are only three different software editors, local parameters make the systems hardly compatible. Moreover, in each department, data is defined differently. As a result, there are major differences in the definition of the date of a file submission, in the administrative completion of a file (that is, which administrative elements must be provided in order to begin the evaluation of an application) and even in what an application actually is. These differences persist despite efforts by the CNSA to specifically define each administrative action carried out by the MDPHs[16].

> E149-CNSA
>
> Q: Are there differences between the amounts that are attributed and the amounts that are actually given out?
>
> A: Now we have our one hundred computer systems in front of us, each not necessarily with the same functioning, with the same input rules, with the same input elements, the same parameters, and we here at the CNSA are trying to integrate these one hundred different systems in a target system with a common base. But it's a challenge, and it takes more time than we had planned, obviously.

The departments' standpoint on the information system has significantly evolved.

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[13] http://www.performance-publique.budget.gouv.fr/farandole/2010/rap/html/DRGPGMOBJINDPGM157.htm.

[14] Decree n. 2008-833 of 22 August 2008 on the creation of a national computer system organising the transmission of data.

[15] Decree of 13 September 2010 on the transmission schedule and format for data transmitted by MDPHs to the national computer system as laid out in Article D. 247-2 of the Code de L'Action sociale et des familles. A complement to this order is also presented in the HPST Law of 21 July 2009.

[16] http://www.cnsa.fr/IMG/pdf/Specification_technique_SIPAPH_arrete_13_Octobre_2010-2.pdf

> E149-CNSA
> Nowadays, the MDPHs ask us, "CNSA, why did you suggest that we use a tool? This is costing us a lot and it's complicated, and there aren't enough of us." Today, I think it would be fine if the CNSA used a national tool, but that's not the decision that was made in 2006

The local governments interest in using an computer system that would allow for true piloting is confirmed by the ADF.

> E205-ADF (interview in December 2012)
> R: We find the (implementation of the SIPAPH) interesting because as the ADF we have trouble doing our job because we don't have elements of comparison (...) the "Decentralisation Act III" gives a more important role to the CNSA in terms of computer systems, in terms of its capacity to observe and be able to say: we'll see if the disparities increase or diminish.

This change in standpoint on the part of the departments should be understood in the context of the planned scrapping of the MDPHs evoked by François Hollande between October 2012 and March 2013. Recorded during our interviews, but also in public press declarations, the change in stance of the Conseils Généraux on the question of the information system therefore does not mean acceptance of a national piloting of local policy. Rather, it means that once the autonomy of local authorities in piloting the policy is confirmed, the figures produced could not become instruments of control and orientation imposed by Paris on the choices made on the local level. The figures could, however, be used in potential competition between the territories in terms of caring for less abled persons[17]. The same figure produced by the same information system is therefore susceptible to different uses and meanings depending on the nature of the relations that unite the actors within a given public policy configuration at hand. In the case of a multilevel system, the central level exerts regulation via expertise and through a monopoly over the production of statistics. In a decentralised system, the central level is a resource in the competition between territories. Today, if the system is supported by the main partisans of decentralisation, it is because goals have largely shifted.

Within this public policy configuration, the presidents of the Conseils généraux were able to lock in the figure production mechanism in preventing the central level from producing activity statistics without prior agreement and control on the local levels. Central state actors, along with disabled persons' associations and the MDPH directors, were able to use only the figures produced at the local levels. The figures bear the marks of the conditions under which they were produced, but obtaining access to them depends on the political stakes surrounding their

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[17] From the standpoint of population aging, the "silver economy" may constitute a territorial development strategy. The same is true for disabilities. Two of the departments visited during the study had chosen to reinforce significantly their capacities in order to avoid having to send disabled persons to establishments in Belgium where, thanks to services financed by French taxpayers, they would contribute to the development of a foreign human services market. In the long term, the idea is to be capable of receiving individuals from neighboring territories. The housing for these individuals is financed by the Conseils généraux, but this same housing would also contribute to developing the job market in the host department.

production. As such, certain associations were able to ask their local structures to collect information on MDPH functioning and to produce independent data on the Conseils généraux[18]. Threatened in their functions, the MDPH directors initially thought of resolving their problems of file circulation and belatedly joining collaborative missions between institutions to improve local disability policy, which would reinforce their position in the public action configuration. They therefore considered producing figures that would reflect their performance in comparison with the old COTOREP/CDES system, but also since their creation in 2006. For the past year or two, the MDPH directors have, in interviews, shared with us the growing awareness of the importance of this objective in their activity. The CNSA has succeeded in showing the progressive decrease in the examination times for files, but no figure exists to show that the MDPHs perform better (when measured a series of indicators that are, incidentally, debatable) than the structure and mechanisms they replaced. The absence of comparable statistical data makes such an undertaking impossible. The ITAC and OPALES systems do not allow for statistical production. Data was entered into the systems based on application files, and not based on individuals. As such it was impossible to connect a type of pathology to an individual and thus to anticipate his or her background in order to provide appropriate institutional solutions.

The absence of figures on the specific action of an institutional structure such as the GIP is therefore the consequence of initial policy choices which prevented the true autonomisation of this kind of organisation. In the absence of specific figures, the alliance of associations and MDPH directors was unable to provide proof of efficiency by linking MDPH activity to specific policy goals such as the overall consideration of disabilities. To paraphrase Patrick Le Galès and Charlotte Halpern, there is therefore no autonomous action without figures to go along with it (2011).

4. Conclusion

There are no technical questions behind a way of using an instrument. There are political capacities to lock the use of this instrument in a certain way. In the case studied here, this lock in appears clearly as the success of the Conseils généraux in imposing their public action policy objectives. The weight of the Conseil généraux in defining this policy was, during the founding period of 2005, strong enough to lead to a significant differential between the resources of the different actors. The predominance of the Conseils généraux inscribed in the public action mechanism ended up playing a determinant role, though the Conseils did not explicity or directly hold sway in the orientation of the mechanism. The slope of the mechanism seems to guarantee the Conseils operation as expected. In sum, certain actors are able to lock the configuration in place, creating balance around an *minima* compromise. But the instruments that make this balance

[18] The UNAPEI is an example of this: http://informations.handicap.fr/art-infos-handicap-2011-737-4325.php (webpage consulted on 18/12/2013).

possible may also in part determine the shifts and gradual changes (layering, drift, displacement). As such, the choice of the GIP status for the MDPHs was the realisation of a kind of compromise. But the power that, today, makes it possible to question this compromise (in the form of the mechanism's departmentalisation) was latent in the very conditions of the compromise.

The analysis of institutional change pits two readings against one another. The first stresses the notion of gradual change (Mahoney and Thelen, 2009; Streeck and Thelen, 2005). The other favours an approach that emphasises exogenous shocks (Capoccia and Kelemen, 2007; Collier and Collier, 2002). The analysis of the forms of (non-)production of an information system in the case of disability policy shows that instruments – starting with figures – create links between the internal structure of a public action configuration and the evolution of its socio-political environment. Instruments seal alliances. They concretise the value of the positions occupied, and they lock in the possibilities for change within a configuration that appears to be extremely stable.

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