

Employability and Capability: The Role of Local Agencies in Implementing Social Policies

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Abstract:

The paper focuses on social integration policies in rich countries, aimed at tackling social exclusion for the most disadvantaged with regard to the labour market. When analysing labour market policies, two distinct and policy-oriented informational bases of judgement in justice can be put in evidence: a capability basis and an employability basis. Such bases contribute to shaping the social reality, and thus deeply influence the way of designing and implementing public policies struggling against social exclusion. In both approaches, the role of implementing institutions at the local level – e.g. local employment agencies, municipal services, etc. – is of utmost significance. The capability approach provides a theoretical and empirical framework to assess how, at the local level, the institutional tools such as the legal welfare system (legal claims against the state) or the collective norms and conventions (e.g. about the distribution of rights and responsibilities between the state and the individual) translate or not into valuable functionings and real freedoms for the selected beneficiaries. A critic of tough employability-based policies is thus possible. The causal link between, on the one hand, employability or capability, and on the other, access to employment and social integration, however remains a controversial issue.

1. The emergence of new patterns of public action and its significance

The last two decades witnessed a threefold evolution of social policies in the field of labour market integration and struggle against unemployment, which is by now well documented (e.g. OECD 1998; Thuy et al., 2001; EEO, 1997; Gilbert and Van Voorhis, 1998; etc.).

- first, a shift from passive measures (i.e. benefits provided on the basis either of citizenship or of previous payment record, without further behavioural requirement on behalf of the job-seeker) to active programmes, in which the benefit payment is conditioned by the appropriate behaviour of the recipient, esp. concerning her efforts to get back to the labour market as quickly as possible. In the literature, this first shift is captured as the move from decommodification to recommodification, where social policies are subordinated to labour market objectives as illustrated by the current focus on employability. This tendency towards *ex ante* or preventive social policy also aims at making *ex post* or curative redistribution largely redundant;

- second, a move towards individual measures, thus substituting the standardised programmes of conventional social policies based on pre-defined categories of social risk by individualised, tailor-made policies. At the same time, macroeconomic demand-side policies give way to supply-side interventions, be it that the cause of unemployment is considered to lie with the unemployed or that the reform of the labour market is thought to be out of reach of the political will or capacity. Thus, servicing states (e.g. training programmes or childcare) tend to complement, or sometimes replace, welfare states and financial compensation, and they are envisaged as the main weapon to struggle against unemployment and social exclusion;

- third, a territorialisation of social policies, i.e. the increasing trend to give local actors in general (i.e. local civil officers, social partners, non profit associations, private employment agencies, and job-seekers themselves) more freedom of action in the policy process instead of envisaging them as mere executive tools in the hand of the central government (in the case of civil officers) or as corporatist groups unable to take into account the common good of the local collectivity (Bonvin and Bertozzi 2001). The pitfalls of the top-down procedure are abundantly documented, and local approaches are actively recommended by organisations such as the OECD (cf. territorial flexibility, OECD 1998) or the EU (cf. guideline 8 of the European Employment Strategy recommending the setting up of a genuine local employment service that would be able to mobilise the knowledge and goodwill of local players and, consequently, to design more appropriate programmes and to adjust them in much shorter time). Thus, local actors are increasingly considered as partners in the definition of the common good,

1.1 The crucial importance of evaluation in the new patterns of public action

This threefold change also entails an in-depth reshuffling of the policy process: the classical distinction between the three stages of this process (i.e. the *normative* step or the policy design, the *pragmatic* one coinciding with policy implementation, the *evaluative* one or policy assessment), useful to describe a clear-cut policy process where the stages were neatly distinguished, does not hold any more. The strict functional and temporal separation and distribution of responsibilities in the previous period (i.e. parliament and central government in charge of designing appropriate legislation, civil officers confined to its strict implementation with very little margin for initiative and assessment achieved only *ex post* mostly by independent actors), considerably reduced the capacity to adjust policies quickly,

since evaluation resulted only *ex post* (and not continuously), and only after this stage could the policy process be triggered again in order to adapt legislation to new circumstances. By contrast, the new pattern of social policy relies on the permanent interconnection and interdependence between the three stages, which allows a much quicker adjustment when necessary.

Furthermore, whereas the designing stage was the key to the whole policy process in the previous procedure, evaluation is now playing the crucial part in that it is no more restricted to a one-shot *ex post* assessment, on the contrary evaluation is pervasive throughout the whole policy process. As a matter of fact, in the new pattern of public action, implementation plays a greater part since the margin for interpretation left to local actors is much greater, and it relies on a constant resorting to evaluating practices concerning both local agents (usually submitted to stringent contractual requirements monitored by frequent evaluation procedures) and of benefit recipients in order to check the appropriateness of their behaviour or the relevance of the measures designed for them. Follow-up and monitoring are then essential components of such programmes, which accounts for the present trend towards benchmarks, indicators and the like. Thus, evaluation has become not only the most important stage in contemporary social policies, it has also pervaded the whole policy process, thereby calling for a greater reactivity of reflexivity of legislative provisions and practices that have to constantly adapt to new circumstances.

1.2 A variety of possible informational bases for policy evaluation

Any evaluation process relies on a conventional agreement defining what is expected, in a given context, from the actors involved (in this case all the local actors listed above). Such conventions define what Sen calls the informational basis of judgement in justice (IBJJ), they are necessary in order to stabilise the concerned agents' mutual expectations and to allow efficient and legitimate action. However, the procedural or functional necessity of such conventions does not entail anything about their substantial content that remains indeterminate. Sen's work and its focus on the variety of possible informational bases of justice is seminal in this respect: it convincingly demonstrates that a conventional agreement (based on social choice procedures) is a prerequisite for evaluation, but at the same time it is neither possible nor desirable to fix once for all the content of this informational basis. Which information is taken into account and which one is to be discarded cannot be decided beforehand: "Indeed, public participation in these valuational debates – in explicit or implicit forms – is a crucial part of the exercise of democracy and responsible social choice" (Sen, 1999: 110). The way the "evaluators" do their job in the process of public action, i.e., the way they assess other people or construct their framework of assessment is constitutive of the effectiveness of their action: as was said above, public action is not separable from the evaluative moments which compose it. The relevance of the criteria selected for evaluation does not depend, then, on their absolute value, but on the fact that they are the outcome of responsible social choice. Sen's works abundantly document the plurality of legitimate spaces for public policy evaluation. The current centrality of evaluation requires a thorough scrutiny of such informational bases and Sen's analyses pave the way in this perspective.

By crossing two couples of distinctions, that between well-being (the research of a certain standard of living) and agency (i.e. the ability to achieve whatever one decides that she should achieve) on one side, and between functionings (achievement) and capabilities (freedom to achieve) on the other, Sen proposes the following typology of the possible informational bases:

Table 1: Four possible IBJJ for comparison and assessment (Sen 1993: 35)

	<i>Achievement</i>	<i>Freedom to achieve</i>
<i>Promotion of the person's well-being</i>	Well-being achievement	Well-being freedom
<i>Pursuit of the person's overall agency goals</i>	Agency achievement	Agency freedom

This plurality of acceptable types of assessment shows the relativity of the choice of the appropriate informational basis for a fair judgement. If the evaluator is concerned with the needs of the person, then the choice of the right basis of judgement can emerge from a comprehensive scrutiny of his or her situation and wishes. From an ideal point of view, two perspectives are to be considered: in the agency perspective, the person is seen “as a doer and a judge”, in Sen’s words, whereas in the well-being respect, she is rather seen “as a beneficiary, whose interest and advantages have to be considered” (Sen, 1985: 208). The choice of the relevant category, one can tautologically say, depends on the way the evaluator sees the person: as an agent responsible for her wishes and preferences, or a vulnerable person to assist. The well-being aspect is an important matter for public policies, which shall not base themselves on the agency aspect only. As Charles Gores writes, Sen “argues that there is a case for keeping the well-being aspect of the person as an important and distinct domain for evaluation because the interests (or advantages) of individuals are often a *consideration of public policy*” (Gore, 1997: 240, emphasis added). The priority of the well-being category, vis-à-vis the agency one, is strong in domains such as the struggle against poverty or inequalities; more generally, an evaluation in terms of well-being should be the true consideration for public policies when the pursuit of social justice is one goal of society (Sen, 1992). As a theorem, Sen puts that “Society might accept some responsibility for a person’s well-being, especially when that is in danger of being particularly low” (1992: 70). It is an evidence that such cases are prominent in local employment agencies, and one can question whether the rules that guide the action of the public actors go in this pursuit of social justice or not.

The position of the evaluator is crucial in this respect. Its task then primarily consists in giving priority to the most adequate category of evaluation with regard to the person’s situation, considering her responsibility and her capability set (what is she able to do with the tools I am able to provide her with?). This pleads in favour of tailor-made policies and of a politics of needs interpretation (Fraser, 1988), in which one should be able to take into account not only individual capabilities, but also institutional capabilities. By taking into account such a combined view of capabilities (Nussbaum, 2000), the evaluator is able to genuinely assess the scope of the individual responsibility: in other terms, the less capabilities a person has (in terms of aptitude, opportunities and possibilities of conversion), the less she can be held accountable for her behaviour, and the more “aggressive” or proactive, in the positive sense, the public intervention should be. The question here is about the articulation between individual and collective responsibilities and the answer may differ according to the IBJJ chosen: if well-being is the key dimension, then collective responsibility for job-seekers is prominent, whereas agency requires a more balanced equilibrium between collective and individual responsibilities.

Considering this first distinction, one should also point out its intentional vagueness: well-being may include very different dimensions as well as extremely fluctuating definitions of poverty thresholds. The same holds true for the concrete meaning of agency: does it imply the capacity to get a job, to participate to economic transactions or to public decision-making processes? As a matter of fact, any public policy needs a more precise definition in order to be

operational, but this is left to social choice procedures. The vagueness of Sen's concepts is thus intentional and should be taken, in our view at least, as a strength and not as a weakness. It is indeed the very demonstration that Sen takes democracy seriously.

The second distinction in Table 1, between achievements and freedom to achieve, is of great significance when considering the action of public evaluators: is their objective, in relation with their "clients", to be defined in terms of achievements to reach (either through incentives or via the systematic use of constraint), or in terms of capabilities, i.e. the real freedom to achieve whatever one has reason to value (vs. the formal freedom that aroused Marx's vehement protests)? The bulk of Sen's writings emphasises the primary relevance of the capability sphere to evaluate individuals' situations and social arrangements; however, the relevance of functionings is not excluded, and it could be recognised that the dynamic expansion of a person's capabilities may in certain cases begin with interventions aiming at favouring some initial achievements. Indeed, it would be a mistake to concentrate exclusively on capabilities, and neglect the impetus that the initial provision of functionings (both in terms of well-being and agency) could provide in the perspective of the enhancement of capabilities. However, when restricted to such an initial provision of functionings, whatever they be, for instance any kind of job imposed on unemployed youngsters (as evidenced in some workfare programmes such as TANF in the United States), the action of the evaluator will be described as negating individual freedom, both in its "process" and in its "opportunity" aspect: "Having greater freedom to do the things one has reason to value is (1) significant in itself for the person's overall freedom, and (2) important in fostering the person's opportunity to have valuable outcomes." (Sen, 1999: 18; see also Sen, 1990).

To sum up, Sen's theory is characterised by a grand indeterminacy about the absolute relevance of the IBJJ selected. Any kind of absolutism is perceived as a danger, and this also holds when general rules of evaluation (e.g. profiling¹) and delivery (e.g. any young unemployed over four months is imposed a work-related option, and is no longer entitled to unemployment benefits as in the British New Deal) aim at reducing this indeterminacy, in a way largely disconnected from the real needs of the person. Thus, the main danger with evaluation does not lie in the content of the IBJJ selected, but in the fact that such a basis is imposed on the local actors, thereby forbidding any taking into account of the local circumstances of the labour market and of the job-seeker's individual conditions. In our view, this indeterminacy and the necessity to preserve it in order to draw the greatest benefit out of the new patterns of public action, is the very feature of the capability approach. However, if the choice of the valuable functionings is left open to public deliberation (or social choice), then the obligation holds to make these functionings genuinely available for everyone in the group considered: e.g. if work is considered as the prerequisite for agency, then society should equip everyone with the capability to work, i.e. with the individual and institutional capabilities required to this purpose. The indeterminacy about the policy objectives (i.e. the valuable functionings) is accompanied by a strict compulsion to make available to everybody all appropriate means to reach those targets (which, of course, does by no means imply that the conventionally admitted functionings are to be imposed on everyone).

1.3 The informational basis of employability against the capability approach

Thus, the capability approach requires a complex and fragile equilibrium between the policy objectives defined collectively (i.e. the functionings conventionally defined as valuable) and the necessity to take into account the individual and local circumstances.

¹ See Rudolph (2001), Eberts (1999).

Raveaud (2001) has aptly underlined the requirements of such an approach in the case of labour market policies:

“The capabilities of the person who needs help should not be evaluated a priori, when they are precisely in a moment of vulnerability, as in the example of the ‘unemployable’ person. On the contrary, they have to be assessed when taking into account what they will do with the resources they will be provided with. The question is therefore not: ‘Is this person entitled to anything, according to the capacities I can evaluate now?’, but ‘What is this person entitled to, in order to develop his capabilities best?’ ... The question is no longer to look for ways to restrict help and make it conditional, or to expect certain attitudes and actions from the poor and the unemployed. It is on the contrary to provide the persons with what they need in order to restore and develop their capabilities” (Raveaud, 2001).

In this paragraph, we shall try to assess, at a theoretical level, to what extent the notion of employability, which inspires today’s active labour market policies, fits in this framework. The next part will prolong the analysis at the empirical level.

In Europe, the recent co-ordination of national policies promoted by the European Employment Strategy (EES) recognises the collective responsibility of society in enhancing individual capacities for work of the actual or the potential workforce. The word “employability” appears in the language of the EC *circa* 1997, and is correlative with the concern of rendering national systems of social protection more conducive to employment. The main goal is economic: to transform passive benefit systems into active ones, with an expected “double return”: while expenditure for the unemployed is to be cut, more work-related resources drawn from more people in employment are expected. At the micro level, such policies aim at enhancing the human capital of the unemployed, rendering them more adapted to the labour demand. At the macro level, one can expect positive effects of active labour market policies (education, training, counselling and compulsion into work) on growth, as well as on the level of wages, inflation, and employment. This latter goal – the improvement of the employment rate – has actually supplanted the issue of the struggle against unemployment, which coincides with a new conventional view concerning the respective valuation of work, unemployment and inactivity. Indeed, in the EES, work figures as the centrepiece, and inactivity is conceived of as an inferior functioning. By contrast, in the previous period, two solutions to unemployment (admittedly envisaged as a functioning one has no reason to value) were available, namely inactivity (retreat from the labour market via early retirement or housework) or work. Thus, the focus on employability considerably restricts the IBJJ for evaluation by asserting the indisputable value of work envisaged as the condition *sine qua non* of social integration. In terms of the capability approach, this could be legitimate, provided however that employment is made available to every member of the European Union, which is far from being the case. Under such circumstances, the focus on employability may well be a further factor of stigmatisation for all those unable to fulfil this requirement.

This vision of employability represents the universal trend followed by all countries, though at different paces (Raveaud, 2001). Nevertheless, employability rather appears as a buzzword covering distinct meanings over the twentieth century and especially during the last decade. The most contemporary versions of this evolutionary notion are labelled ‘initiative employability’ and “interactive employability” by Gazier (1999). The former considers that the person, i.e. the job-seeker, holds responsibility for her own trajectory in the labour market, while the latter takes individual trajectories as entangled in an interaction combining individual and collective responsibilities. The concept of interactive employability indeed permits to take into account a broad conception of public action, to which many different actors participate. Thus the notion maintains its emphasis on individual initiative, but

considers in addition the interactive dimension of the process leading to employment, where a plurality of actors – state, regional or municipal councils, third/non-profit sector, NGOs, firms, etc. – belong. Interactive employability can be defined as the relative capacity of an individual to achieve meaningful employment given the interaction between her personal characteristics and the labour market. The role of the entitlement system, as well as that of local institutions, which deliver and secure some of these entitlements, is of particular importance here. Such a version of employability would be in line with the conception of combined capabilities.

Attention should however be paid to objections raised against the legitimacy of the freedom of action left to local agencies. In a recent report on the PES and active policies, the OECD (2001) has advocated the reduction of the discretionary power left to local agents, and recommended the adoption of central legislation fixing the procedures to be followed in the field of active labour market policies. The report points out the risks of unfair treatment, and considers by contrast that precise rules strictly defining the temporal evolution of the benefits and the eligibility conditions are more likely to be egalitarian, fair and efficient. In the OECD report, the arguments against the recourse to the local agent's appreciation are twofold. Although such an "appreciation" by the personal advisor may permit to take into account the local context and the job-seeker's personal situation, this opens the possibility for the latter to refuse the propositions made to her, whatever their value. Then few objective arguments are left available for the advisor to convince the job-seeker of the validity of the measure proposed, which may lead to embarrassing situations according to the OECD. Local approaches can moreover vary from one agency to another, or even from an advisor to another, which allows never-ending discussions and comparisons about what is assessed as just or unjust. Thus, the plurality of IBJJ threatens to turn into a chaos. The second argument considers the temporal dimension of the relation, and asserts that as long as no cut-off date is determined for triggering activation measures, the job-seekers are able to negotiate the content of their guidance. Then again, (temporal) rules are required in order not to let the agent decide alone, but in accordance with admitted procedures and standard types of guidance, whatever the needs and heterogeneity of the job-seekers under scrutiny.

In the perspective of the capability approach (or CA), this can be questioned however. How fair and egalitarian are universal rules, based on undifferentiated procedures of treatment, and not on a deep scrutiny of people's needs and possibilities? Moreover, the existence of cut-off dates does not contribute in any way to the identification of the person's needs. Indeed, the job-seeker's situation, her projects and wishes, in a word the consideration of the client as a person, is to be taken on board when considering the issue of the conversion of entitlements into valuable functionings, and this may often be a time-consuming task. Between a strict compliance to mechanical rules as advocated by the OECD and an absolute discretionary power in the relationship with the claimants, the focus on capabilities allows for another approach which does not try to advocate one best practice, but recommends to adapt practices to individual cases and local contexts. This theoretical vagueness concerning the best policies or practices entails many dilemmas to be solved at the practical stage of implementation, which will be considered in the next part. Once more, what distinguishes the CA from the OECD approach is not the content in itself of the OECD proposals, but the fact that the OECD tries to impose them on all situations, thus discarding the dimensions connected to social choice procedures. To sum up, employability policies may be capability-friendly, but they are not necessarily so. Thus, it would certainly be a mistake to oppose employability and capability. As a matter of fact, the question whether employability programmes are capability-friendly cannot be answered in absolute terms, and only empirical observation of the implementation processes at the local level will allow to settle the issue. The following table summarises the main results of our brief theoretical investigation.

Table 2: Employability vs. Capability?

	<i>Employability (OECD)</i>	<i>Capabilities</i>
<i>Common features</i>	Partnership and role of local structures (decentralisation) Policies centred on the rebuilding of the individuals' autonomy	
<i>Objectives</i>	To increase employment rate ∝ the common good is predefined with a statistical reference in order to assess the value of action	Valuable functionings defined through social choice procedures. Modalities of access to those functionings defined in situation
<i>Type of Responsibility</i>	Individual responsibility Blame-allocating Backward-looking	Collective responsibility Task-oriented Forward-looking
<i>Role of Local Agencies</i>	Executive tools submitted to central objectives (<i>ex post</i> assessment)	Largely autonomous actors in charge of the in-situation implementation of social policies

The next paragraph envisages the issue from the perspective of local agencies. Examples drawn from empirical observations or secondary literature contribute to illustrate our reflection.

2. The evaluative tasks of local agents: pressures, selection criteria and dilemmas

2.1. Social justice or economic efficiency, or both?

Local agencies appear as a crucial starting point to study the new patterns of public action listed above. With these new paradigms of decentralization, partnership, individualisation – all of them consistent with the norm of subsidiarity – the role of these institutions has been exacerbated. Their economic role in terms of efficiently matching labour market supply and demand is well documented. The labour market functions thanks to these agencies, which shape the information and permit multiple equilibria between the demand and the supply to occur (Yavas, 1994; Walwei, 1996; Bessy, Eymard-Duvernay, 1997; White, 1990). There are different types of local employment agencies, which follow diverging objectives: public employment services (PES), private employment agencies (PREAs), headhunters agencies, temporary work offices, etc. Import of the methods and criteria of evaluation of these agencies in the PES appears today as a proof of dynamism and modernity. Moreover, contracting and partnership practices between the PES and PREAs are now generalised (e.g., Finn, 2002), and certain authors put forward the risk of a privatization of public services (Burgi-Golub, 2001). Indeed, if the primary task of employment agencies consists in “being

able to fill vacancies with suitable candidates and in finding suitable vacancies for job seekers as quickly as possible” (Walwei, 1996: 427), this role can equally be fulfilled by public or private agencies. Ambiguities may arise, however, for public agencies, which have the additional mission of defending the common good, the definition of which is different in every time and place.

Four main functions are usually attributed to the PES: job-brokerage, labour market information, managing labour market adjustment programmes, administering unemployment benefits (Thuy et al., 2001). The particularity of the public sector is indeed that it nowadays has to combine its original mission of placement with the implementation of active labour market policies, aimed at enhancing the capabilities of its “clients”. In France for instance, the national employment agency was originally (1967) created to help the employers find workers during a period of sustained growth, and then its role gradually shifted to managing employment policies targeted on the most deprived workers, which is today part of the national strategy of struggle against social exclusion. More generally, PES are actually highly involved in assisting and helping the most vulnerable and the “hardest-to-place”, who compose the major flows and stocks of these agencies (Erhel et al., 1996). Tensions and dilemmas emerge in consequence (Thuy et al., 2001), resulting from unavoidable conflicts between the pursuit of social justice and the obligation to be efficient in terms of a market-oriented basis of information only, i.e. placement and employment rates. According to Hartley Dean (2003), this search for economic efficiency in welfare-to-work policies directed to people with multiple problems and needs is consistent with, and might be conducive to, a potentially corrosive culture of self-blame among the recipients. While many of their trajectories have remained beyond their control, these people nevertheless develop a vision of themselves as blameable and individually responsible for their situation. This representation or culture eventually triggers a negative dynamics, which restricts the domain of choice in terms of beings and doings, and constrains their capability to assess whether they are (physically, mentally and emotionally) ready to work. In conclusion, Dean emphasises the necessity to “promote a more sensitive and flexible definition of ‘job-readiness’”, and to regulate the fraudulent use of activation schemes that exacerbate the insecurities experienced by these vulnerable people. A life-first approach, close to a capability approach², would then by contrast consider that: i) people may need time to achieve job-readiness, so that “Welfare-to-work schemes may need to be more accommodating and to give people the time they need to obtain training and experience” (Dean, *op. cit.*); ii) in the designing of support services, long-term and sustained support, street-wise knowledge of local opportunities, independence of the social workers (voluntary sector), voluntary engagement and flexible services need to be guaranteed.

2.2. *Conflicting evaluation procedures*

This tension between economic efficiency and social equity is further aggravated by the increasing tendency to introduce performance targets in order to guide and control the action of the PES (Walwei, 1996). This managerialist orientation gives clear indications to the staff members, and renders the action potentially more consistent. Moreover, quantitative outcomes are easier to apprehend from outside, and throw crude light on the efficiency of the policy process. However, at a micro level, the respect of individual liberties or projects risks to be denied in order to produce good results³. Performance targets act as rules aiming at

² See Dean, Bonvin, Vielle and Farvaque (2002).

³ Lévy (2003) and Burgi-Golub (2001) offer such a critic of contemporary social and employment policies which often violate individuals’ liberty or privacy.

changing individuals' behaviour in order to comply with exogenous objectives that may not fit at all with the reality of the situation. If objectives change the behaviour, it is not necessarily in ways which improve service delivery (Wright, 2001), what eventually leads to "making a good showing on the record as an end-in-itself" (Blau, 1963, quoted in Wright, 2001: 247). When they become internalised by all actors involved in social integration policies, these performance targets result in perverse effects, for "the behaviour of workers comes to reflect the incentives and sanctions implicit in those measurements" (Lipsky, 1980: 51). To put it in a word, "Staff make efforts to meet targets but these efforts are not necessarily of the kind intended by those who design the target" (Wright, *ibid.*). To take an example, during the initial stage of the introduction of an 18-month programme for the less skilled youngsters in France, many staff members of special institutions acknowledged that they deliberately selected people not too far from employment, in order to respect the target of 50% of beneficiaries in steady employment at the end of the program. As the director of one of these structures said,

"there were strong pressures from the State on TRACE [the name of the programme]: obligation in terms of numbers of admissions in the programme, etc. At the beginning, in order to fulfil the State requirements, we had to produce exceptionally good figures. Only thereafter we could make room for quality, the development of activities" (quoted in Farvaque, 2000).

In Switzerland, all regional public placement offices (RPOs) are evaluated according to four indicators weighted in such a way as to privilege quick re-integration into the labour market, whatever the quality of the job offered or its duration. On this basis, a classification of all RPOs is established, and those in the second half of this hierarchy are financially penalised. Such a procedure clearly impacts on the placement officers' job and results in so-called creaming practices (focusing on the most employable) and in multiplying bad job offers to the most deprived, in order to improve the figures. Thus, the benchmarks used to assess the RPOs performance ultimately shape the job-seeker's evaluation in such a way as to exclude the most deprived from the potential benefits of active labour market policies. In this specific case, performance indicators act as a factor of further exclusion and precariousness (Bonvin, 2002).

Hence, the plurality of possible legitimate evaluations or IBBJ observed at the theoretical level threatens, in many cases, to translate into an actual conflict between different evaluation practices. In such a case, the weakest partner is usually the one who bears the consequences, i.e. mostly the job-seeker in an asymmetrical relationship such as the "State-placement officer-unemployed" one. Indeed, even if local actors do their best to help the neediest, performance targets established at the national level are often self-defeating instruments, in that they may prevent the achievement of the very objective of the active labour market policies, i.e. professional integration.

This can be observed from the very beginning of the relationship between the job-seeker and the public employment service, which often proves decisive for the next steps of the process. Studies, in the case of France, show the existence of a preliminary selection immediately after the first interview. These studies, focusing on French local employment agencies (ANPE) and local institutions for the "hardest-to-place", emphasise the contradictory injunctions faced by the PES staff. Confronted with very diverse case-works, the local agents rely on conventional rules of judgement that allow them to assess the job-seeker's distance from employment (Bennarosh, 2000). Such a consensual rule results in the distribution of the job-seekers into practical categories of action: those who can reasonably be helped – though at different degrees – and those who are unemployable, in the sense that they are not even capable to start an effective job search. As a result, only the former can be treated as effective job-seekers by the agency; for the others, the objective is to make them "invisible" to the institution, i.e. to direct them toward other institutions, or simply to ignore them (for instance

by ranking them in the category of the most autonomous job seekers not needing specific help or repeated interviews, when they actually are the opposite). This prevailing consensus between all local actors is actually in line with the employers' criteria of minimal employability and with the national orientations for employment policies.

In their day-to-day activities, local agents are constantly called to combine what can realistically be offered to the job seekers, and the paradoxical injunctions of national recommendations to activate all job seekers with tailored measures. National guidelines demand to efficiently help the unemployed (i.e. to raise employment and placement rates), and to struggle against the growing exclusion of the most disadvantaged on the labour market. The everyday work of the agents is thus locked in between the difficulty to make the original placement mission consistent with the real work, i.e. the administration of considerable flows of poorly skilled unemployed, for whom the adapted help most often is very close to case management practices typical of social work.

Performance targets do by no means take into account the job-seekers' personal circumstances. By integrating and reproducing these criteria, local institutions give them further legitimacy, which tends to still deepen the phenomenon of social exclusion. In the case of youth reception structures (the so-called "missions locales"), Benarrosh (2000) showed that the required comprehensive approach towards the most deprived people produced ambivalent outcomes: on the one hand, local agents could enhance the capability of the person more efficiently, for they considered her whole environment and were then able to tackle all her social problems first (health, housing, psychological problems, etc.) before restoring her employability⁴; on the other hand, they might use this proximity with the people as a valuable or marketable information towards the employers: as they had a good knowledge of the young people, they could discriminate between them and operate a (free) pre-selection. The more skilled, or, by compensation, the most motivated, would be selected.

Hence, all individualised social policies are exposed to the classical risk threatening any form of social work centred on case management: they can be used as an instrument to discipline the beneficiaries, to conform them to prevailing social norms. Under such circumstances, it is the responsibility of the State to design policies and assessment procedures that favour the enhancement of the beneficiaries' capabilities, and prevent any infringement on their human dignity. Thus all assessment practices set up at the central level should be elaborated with the view to promote capability-friendly interventions by local actors. Performance indicators should also be designed in this perspective. This requires a genuinely bottom-up approach putting concerns at the micro level at the very core of the policy process and of evaluation practices (substituting the present practices where managerialist injunctions strictly limit the scope of decentralisation or territorialisation). What the CA calls for is not a uniformisation of the evaluation procedures, but a reversal of the assessing logic in order to consider in the first place the people's capabilities and only afterwards the employment rate. Whereas human capital or employability envisages man as a means to increase economic productivity, the CA conceives man as an end *per se* (Sen, 1999). By contrast, *New Public Management* (NPM) precepts currently prevailing in the employment policies of many countries instrumentalise human competencies both of the job-seekers and of local agents and subordinate them to centrally determined quantitative targets. Such approaches are still in line with classical top-down procedures (the main change consists in arousing local agents' responsibility and motivation in the perspective of the success of the centrally determined policy process), and they may be interpreted as a counterfeit of the new patterns of public action. In the NPM perspective, employment policies and public institutions

⁴ See Farvaque (2002) and Farvaque and Benlemselmi (2003) for a description of these structures and an assessment of their action on individuals' capabilities.

often act as factors of reproduction of exclusion patterns as the case of the British New Deal evidences:

“the notion of employability, at least as far as it is operationalised within the New Deal, tends to validate and even ossify extant patterns of labour market inequality. Market-oriented welfare-to-work policies serve to facilitate access to the labour market on the basis of employability or job-readiness, prioritising low-cost placement of those near to the front of the employment queue while paying insufficient attention to those at the back. In contrast, an explicitly redistributive approach would concentrate resources and policy efforts on the most rather than the least excluded, seeking explicitly to overturn job-market inequities through anti-discrimination measures, targeted assistance, high-quality education and training, fair benefits, the extension of social rights in the workplace, and so forth.” (Peck, Theodore, 740).

The fact that employment programmes tend to reproduce rather than tackle inequalities on the labour market is not specific to Anglo-Saxon countries, and it is illustrated by the case of France. The French individual approach, however grounded in a more solidaristic (Enjolras et al., 2000) and life-first approach to claimants than in the UK, nevertheless shares many features with older moralising and patronising analyses concerning the unemployable. According to Demazière (2003: 101), this individualisation can be interpreted as a response to recurrent problems to classify the unemployed: when official categories address very heterogeneous people, individualisation can allow to bypass this difficulty. This actually opens a wider space of qualification of the unemployed, where motivation, involvement, responsibility, etc., become prominent bases for judgement (*ibid.*). However, this calls for an appropriate distribution of rights and responsibilities, i.e. an adequate articulation between individual and collective responsibilities.

2.3. Individual and collective responsibilities

Responsibility is today a keyword for the design of new social policies, be it in line with an entrepreneurial spirit or rather in defence of individuals' possibilities of choice and “autonomy”, i.e. positive freedom. The authors of the *Third Way Manifesto* defend an entrepreneurship vision striving to transform “the safety net of entitlements into a springboard for personal responsibility” (Blair, Schröder, 1999, quoted in Raveaud, forthcoming). In this line, the contemporary British model appears as an ‘employment first’ welfare state (Finn, 2002). Official texts actually require that Jobcentres (i.e. the local agencies in charge of the employment service and the provision of benefits) “enshrine the principle that everyone has an obligation to help themselves, through work wherever possible. In return, government has an equal responsibility to provide everyone with the help they need to get back to work, when they need it, as well as making sure there is greater security for those who cannot work” (HMT, 2001 p. iv). The objective is then “that people on working age benefits fulfil their responsibilities” (*ibid.*: 32). Similarly, the Department for Employment insisted on providing “more help, more choices, and the support of a Personal Adviser ... matched by a greater responsibility on the part of the individuals to help themselves” (DfEE, 2001, para 1.33, quoted by Finn, 2002). However, this exacerbation of individual responsibility has curtailed to a large extent the respect for the person as a human being, and enforced duties and constraints at the expense of an ethical vision of responsibility (Dean, 2002: xvi). Furthermore, from a practical or “street-level” point of view, such an injunction of “responsibilisation” puts enormous pressure on the local agents, squeezed between insufficient resources and equipment (i.e. both scarce financial means and lack of valuable job opportunities to offer their clients), and the necessity to take into account the job-seekers' legal claims and rights and to provide them with appropriate help and assistance. An ethnography realised in a Jobcentre in Scotland has documented the impossibility for the

intermediaries to make use of their practical reason and knowledge, faced as they are with injunctions of short-term results and scarce adequate means (Wright, 2001). Indeed, one main source of frustration

“was the insufficient link between a particular policy or scheme and the nature of a problem as perceived by staff who experienced it in their daily work. In the case of the New Deal, Personal Advisers soon found that there were young people who they could not personally advise because their problems were beyond the scope of the new policy and the Employment Service more generally. In other words, some of the young New Deal clients experienced barriers to employment which their Personal Advisers felt they could not help them with.” (Wright, 2001: 244).

Moreover, as a staff member of this Jobcentre said, “A lot of clients are decent people but a lot of them as well are people with social problems and we’re not trained to deal with that. We could do more harm than good if we tried to dabble in it” (quoted in *op. cit.*: 245). Or as another advisor put it: “At the end of the day we’re not trained to deal with some of the cases that come in. So if we get training on how to deal with difficult situations but we’re not trained properly. I mean they’re unemployed and along with that they’ve got other problems. They’ve got housing problems, or... They could be single parents. There’s alcoholism. There’s debt. Gambling. We’re not trained to deal with that psychologically. We’re lay people. This is a Jobcentre, a public office. We’ve not got the time or the medical or psychological expertise to deal with them” (*id.*). For such people, if individual responsibility is to deploy itself, the development of appropriate tools in the field of collective responsibility is a necessary prerequisite, e.g. adequate training of the staff members. More generally, fostering people’s own responsibility is achievable only if adequate means and valuable opportunities, i.e. the implementation of collective responsibilities (which can vary according to the national or regional contexts), are defined and supplied (Farvaque and Raveaud, 2002). Moreover, when opportunities to act responsibly are given to the beneficiaries of social policies, it should be in a “forward-looking” and “task-oriented” perspective, rather than in a “backward-looking” or “blame-allocating” one (Goodin, 1998). Implementing collective responsibility in the field of labour market policies thus implies striving to provide the job-seekers with real capability for work, i.e. with real access to a valuable job (which of course does not coincide with the elimination of any form of constraint or practical limitation, but with the necessity to build the most valuable combination of individual and collective capabilities – see Bonvin and Farvaque, 2003). As Goodin writes,

(...) however exactly they are organized, job creation, education, and training schemes all aim essentially at increasing the *opportunities* (rather than the rewards and, hence, incentives) for people to work. Such schemes take for granted that the will to work already exists, independently of the policies themselves. What these policies do is simply make paid employment-taking “personal responsibility for one’s own welfare”, in that sense a viable option for those for whom it presently is not. (Goodin, 1998, p. 179)

Only if appropriate resources are on offer, is the individual able to behave responsibly in the course of action. Following Bovens (1998: 27, emphasis added), “We will not easily accept the idea of bearing responsibility unless we have at our disposal *the possibilities of behaving responsibly*. We would be asking a lot of someone if we held him responsible in a situation in which he had no choice other than to behave in the way he did”. The constant issue is to find out which resources are available (this entails the creation of policy instruments) and to evaluate their appropriateness (this entails the adequacy of the diagnosis on needs and capabilities). The CA, from a normative perspective, allows to aptly determine balances of rights and responsibilities so that the modes of job-seekers’ evaluation seek to enhance individual choices and liberties, rather than to deliberately restrict them. From a more

descriptive perspective, this framework allows to assess the degree of compatibility of employability-enhancing policies with the development of personal capabilities. In both perspectives, the quality of the opportunities offered is assessed both in terms of substance and adequate procedure. The substantial priority is that everyone effectively has the capability to achieve functionings conventionally admitted as valuable; the procedural priority is that public services are designed in such a way as to maximise the extent of valuable choices, without trying to fix the specific content of the individuals' choices (Farvaque, Salais, 2002). Opportunities offered to clients need to be effective, i.e. allowing a real and genuine choice, and being valuable for the individual, as well as tailored to his needs. As Roemer says, "an opportunity is a vague thing. It is not a school or a plate of nourishing food or a warm abode, but is, rather, a *capacity which is brought into being* by properly using that school, food and hearth" (Roemer, 1998, p. 24, emphasis added).

A remaining question is however how to compare opportunities. Either from a general or a very disaggregated viewpoint, one cannot decide abstractedly which situation is the most valuable for a person, for instance between (A) a poorly paid job and (B) a situation of keeping searching better prospects, or (C) a public job which does not correspond to one's qualifications and/or expectations. This is a matter of collective and individual values, which raises the classical issue of defining social welfare values in the case of social evaluation. There again the social choice procedure requires a reasoned consensus on weights or on a range of weights, i.e. on the most adapted IBJJ, which in turn requires public discussion and democratic acceptance (Sen, 1999: 79). One issue is the collective definition of social indicators giving more weight to the functionings people value, and which are presently absent of the political debate (Perret, 2002). Another issue is the participation of the person herself to her evaluation. It raises the question about the frequent discordance between the person's own evaluation of her needs, rights and situation, and the evaluation of her situation by someone else – here the members of local evaluative agencies. Such ambivalence is inherent to any institutional process consisting in evaluating others (recipients in this case), and the capacity of the institutions to integrate their beneficiaries' self-assessment is key if they are not to be considered as disciplining tools (Dubet, 2002).

The issue at stake here is about the real extent of what we labelled elsewhere the *capability for voice* of the beneficiaries of public action (Bonvin, Farvaque, 2003). Such a capability, which does not depend only on discursive competencies but also, and even more significantly, on the institutional capacity to listen to the job-seekers' voice (Bonvin, Thelen, 2003), may have a regulatory role over the debates on which public decision-making is based. The case of a (now suppressed) French programme assisting the unemployed to create their own business is significant. It was constituted by a plurality of registers of argumentation, which created the conditions for a public action that was not decided *a priori*, but dependent on the real motives of the persons and possibilities of the situation (Aucouturier, 1998). This public scheme consisted in assessing the quality and sustainability of the projects of the unemployed, according to different criteria of efficiency and social justice. Public actors took seriously into consideration the different points of view of the actors involved in the course of the public action, the unemployed themselves, but also the local partners and the market actors. In the first place, the point of view of the participants was worth of interest: they could express their "needs", and have a voice about what they expected from the State or any other actor. Aucouturier observed how contradictory the relationship between the beneficiary of the public scheme, and the agents in charge of assessing the projects could be. The need for such a contradictory evaluative moment was emphasised, in that it permitted to open a discursive space. Moreover, this open relation underlined the relativity of certain categories such as that of "employment", demonstrating how much their validity depended on the specific position of every actor: employment for the unemployed does not mean the same thing as for the

administrative officer, and the researcher analysing the scheme still holds another view... Under such circumstances, Aucouturier insisted on the utmost importance to arouse and gather the different participants' discourse when evaluating public schemes. Since a public scheme is defined as a set of juridical, jurisprudential, and institutional procedures, only the presence of such a discursive moment can lead the process towards a common good (p. 313).

Other French local "integration" agencies, in particular neighbourhood councils in the suburbs of Paris, rely on the existence of such a public space of dialogue and speech, where the authorities cannot simply discard the reasoned objections expressed by the recipients, concerning for instance freedom of choice, social justice, or quality of the help provided (Wuhl, 2003: 254). Indeed, authorities need to justify their orientations and to research the highest consensus. In practice however, Wuhl observes, the emergence of a real deliberative democracy in local practices towards employment and integration faces several obstacles. The first one is the notable deficit of representation of disadvantaged categories of people in most institutions. The issue of the representation of the unemployed in deliberative councils is a salient question in France today. And even when they are represented in such councils, disadvantaged people are dominated by influential institutional, political or administrative actors. The potential submission of deliberative practices to bureaucratic ends is yet another problem. More generally, a recent study about the French ANPE showed that whenever the national directives recommend local civil officers to collect the wishes and expectations of the unemployed, to make her participate to her evaluation, and to try to achieve some shared consensus with her, the reality remains far from this (Martinon, 2002). However, empirical difficulties to set up genuine deliberative democracy at the local level are no convincing argument against the theoretical and normative relevance of capability for voice. It is indeed of primary importance that social integration policies are not perverted by opportunistic objectives – such as the increase of the employment rate (cf. the EES) or the reduction of the unemployment figures – but that the decisions about the implementation of active labour market policies involve the sense of justice of all local actors as far as possible, and are controlled by democratic deliberations, including actual and potential beneficiaries (Wuhl: 257). Sen's constant focus on social choice procedures goes a long way in this direction.

Conclusion: Solving the Dilemmas of Employability – Some Teachings of the Capability Approach

We have tried to stress in this paper the decisive evaluative function of local agencies in the implementation process. The fact that the PES in particular is more and more responsible for implementing policies directed to people with social integration difficulties, challenges its economic role on the labour market. Besides, it entails the coexistence of possibly diverging bases for evaluating the individuals. The question of how people are assessed in these institutions is crucial to understand contemporary new patterns of public action, broadly designed to enhance individuals' employability. The vagueness of this concept, and the "interactive" or situated forms of public action it entails requires analysing concrete practices of judgement and evaluation, trying to unveil the informational bases of judgement in justice on which they rely. The interaction between local agents and the recipients creates tensions and dilemmas between different bases of evaluation and action (economic efficiency and the objective of matching jobs and skills vs. social justice and the help to be provided to the unemployable, etc.). One can agree that such situated forms of evaluation (about the competence and opportunities of the unemployed to go back to work) are disaggregated procedures consistent with broader social values, e.g. the relative value of employment vs. non-employment. Some of these models of evaluation and action prove more congruent with

what the CA puts forward, that is (inter alia) the process and the opportunity aspect of freedom. In our view, at least three conditions are to be fulfilled for an employability approach to be capability-friendly:

- the setting up of a genuine discursive space guaranteeing that all partners' point of view is duly taken into account in the course of public policy design, implementation and assessment; this requires both social choice procedures in the design of policies (in the parliament or other political arenas) and local deliberative democracy in the implementation and assessment of active labour market programmes, which implies that activated people are genuine partners of the activation process (and that quantitative targets such as the increase of the employment rate do not impede such participation);
- the development of capabilities requires a long-term perspective, and cannot accommodate with short-termist horizons. Cut-off dates may work very well for many unemployed, all the same they push the most deprived to feel blameable and undeserving, and paralyse their capacity for initiative. By contrast, if time is considered as a resource (i.e. looking forward) rather than a constraint, the job-seeker's evaluation follows a different logic, much more respectful of the individual circumstances and conducive to step-by-step social integration. The path towards employment or social inclusion may be a long one for many people, and fixing a short time span for the implementation of employment policies coincides with the exclusion of all these persons from the potential benefits of such policies;
- an adequate articulation between individual and collective responsibility, implying the need to considerably improve the presently underdeveloped tools of collective responsibility. If local institutions are not to act as disciplining agents whose main function is to guarantee social peace, then they should be equipped with adequate tools empowering them to aim at all job-seekers' integration. The present trend of social policies towards focusing on individual responsibility is not to be interpreted as evidence of moral deficiencies on behalf of the job-seekers, but as a by-product of the political retreat from the field of economics and employment. Indeed, the increasing legitimacy recognised to the use of the constraint (such as illustrated in workfare programmes) points to the weakness of collective capabilities in this specific domain. Furthermore, the insistence on individual capabilities clearly restricts the margin of manoeuvre of local agents, who are compelled to act on the most deprived job-seekers' behaviour since the absence of collective capabilities forbids any other solution. As a matter of fact, the setting up of appropriate collective capabilities would empower local agents and allow them to adequately play their part in the new pattern of social policies. The capabilities approach aptly recalls that genuine capabilities are necessarily combined and that the absence of one component may endanger the final output.

Hence, the capability approach does not suggest any quick-fix remedy. A plurality of rules or informational bases of action may be resorted to in the course of implementation and evaluation of public action. Instead of trying to predefine the best rules or the best practices (what the employability approach in the sense of the OECD or the EU does), the CA suggests that rules and criteria of evaluation should be established in situation by all partners involved, and that the possibility of their constant evaluation and, if needed, redefinition should always be open. In the end, it is a very requiring approach, calling for the active and permanent involvement of everyone in order to guarantee all members of society real access to those functionings that are conventionally defined as valuable. Local institutions in charge of labour market policies are then faced with an extremely demanding task. Nevertheless capability-

enhancing practices remain conceivable at the local level, provided local actors are equipped with institutional arrangements and collective framework (macroeconomic and legal devices) more favourable to decent employment.

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