

FROM 'MOULE' TO 'MODULATION': LOGICS OF DELEUZEAN 'CONTROL' IN RECENT
REFORMS TO FRENCH LABOUR LAW

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ABSTRACT

In his influential 'Postscriptum sur les sociétés de contrôle' (1990), Gilles Deleuze argues that one defining characteristic of contemporary 'societies of control' is that salaried labour functions no longer as a 'moule', defining workers' identities once and for all, but rather as an open-ended process of 'modulation', in which workers must constantly adapt their identities and aptitudes. This article argues that Deleuze's distinction between 'moule' and 'modulation' offers a highly productive lens through which to analyse a representative sample of changes to the organisation and legal regulation of work in France from the 1990s to the present: the MEDEF's embrace of the *compétences* agenda in the late 1990s, the 2013 *Loi sur la sécurisation de l'emploi*, the *loi El Khomri* of 2016, and Macron's five ordonnances in 2017. The article places these measures in a much broader domain of debates that emerged in the 2000s about the best way to reform France's welfare system in the light of the increase in precarious and atypical forms of labour contract. The intensity of these debates points to a shared realisation that the disciplinary forms of the post-war Fordist compromise are now definitively in crisis. What remains to be seen is whether this crisis will simply herald the wholesale neo-liberal deregulation of work and welfare or whether this shift from 'moule' to 'modulation' may yet provide the bases of a new compromise between capital and labour, a compromise better adapted to our 'societies of control'.

Dans son 'Postscriptum sur les sociétés de contrôle' (1990), Gilles Deleuze prétend que les statuts professionnels ne fonctionnent plus comme des 'moules', qui prescriraient, une fois pour toutes, l'identité des salariés. Dans nos 'sociétés de contrôle' contemporaines, les salariés seraient plutôt sujets à un processus de 'modulation', au cours duquel ils seraient constamment sommés d'adapter leurs identités et leurs aptitudes à la conjoncture économique. Cet article soutient que cette distinction deleuzienne entre 'moule' et 'modulation' offre une grille d'analyse fructueuse pour examiner un échantillon représentatif de changements récemment survenus dans l'organisation et la régulation du travail en France, à savoir, la promotion, par le Medef, de l'évaluation des 'compétences', la loi sur la sécurisation de l'emploi de 2013, la loi El Khomri de 2016, et les ordonnances de Macron en 2017. L'article situe ces mesures par rapport aux différentes propositions, qui ont émergé au cours des années 2000, quant à la meilleure façon de réformer la protection sociale face à la montée de formes précaires et atypiques de travail. L'intensité de ces débats témoigne du fait que le compromis fordiste et 'disciplinaire' des années d'après-guerre est maintenant définitivement en crise. Reste à savoir si cette crise annoncera la déréglementation absolue de l'emploi et de la protection sociale ou si cette transition entre 'moule' et 'modulation' pourrait fournir les bases d'un nouveau compromis entre le capital et le mouvement ouvrier, un compromis mieux adapté à nos 'sociétés de contrôle'.

KEYWORDS: Gilles Deleuze; 'control'; 'moule'; 'modulation'; the 'compétences' agenda; the 2013 'loi sur la sécurisation de l'emploi'; the 2016 El Khomri Law; Macron's ordonnances; flexicurity; universal income.

FROM 'MOULE' TO 'MODULATION': LOGICS OF DELEUZEAN 'CONTROL' IN RECENT REFORMS TO FRENCH LABOUR LAW

One of the many suggestive, if somewhat gnomic remarks made by Gilles Deleuze in his 'Postscriptum sur les sociétés de contrôle' (1990) relates to the distinction he draws between 'moule' and 'modulation'. In a 'disciplinary society', he suggests, the workplace, like the school, prison, or hospital, was a 'milieu d'enfermement' that functioned as a kind of 'moule', moulding the subjectivity of workers in a one-off process that produced a relatively fixed, stable identity. By contrast, in the emergent 'society of control', this process of 'moulding' is being replaced by a more open-ended 'modulation', defined as 'un moulage auto-déformant qui changerait continûment' (Deleuze 1990, 242). This article will argue that, despite their somewhat gnomic quality, Deleuze's distinctions between 'moule' and 'modulation', 'discipline' and 'control', offer a particularly insightful analytical framework through which to make sense of a series of recent reforms to the legal regulation of work and welfare in France. The reforms in question - the 'loi sur la sécurisation de l'emploi' of 2013, the 2016 'loi El Khomri', and the Ordonnances passed by Emmanuel Macron in September 2017 - serve here as merely a representative sample of a much wider range of such changes enacted since at least the 1980s in France. They have been chosen since they represent the most recent and controversial of such changes and because they are so clearly linked by a shared logic that corresponds very closely to what Deleuze understands by 'control'.

This notion of a shift towards mechanisms of 'control' has already been deployed in a variety of analyses of contemporary French management practices, case studies of individual firms that focus on the ways in which the rigidly hierarchical management structures characteristic of the Fordist-Taylorist workplace have been replaced with apparently less overtly disciplinary forms of governance (Brunel 2008; Zarifian 2009). This article seeks to build on such work by shifting focus to examine the logics of Deleuzian 'control' at work behind recent reforms to the legal regulation of work and welfare in France. It will thus analyse a series of distinct, if closely related phenomena, examining shifts in the ways in which a typical career path and the consequent

calculation of salary or unemployment benefit is now understood in French law. It will show how professional status and salary are now expected to be constantly *modulated* in response to changing economic circumstances. It will highlight how, for French legislators, an older expectation of a job for life has been displaced by the focus on an individualised 'parcours' marked by periodic spells of unemployment, themselves now seen as opportunities for the unemployed to engage in continuing education in order to render themselves more employable by restocking their portfolio of 'compétences'. Indeed, this new emphasis on 'compétences' represents one of the clearest points of articulation between the management practices employed in the individual firms studied by Brunel and Zarifian, on the one hand, and the philosophy behind our sample of recent reforms to French labour law, on the other. Thus, in addition to analysing those recent reforms, it will be necessary to examine the precise nature and implications of this displacement of formal qualifications by 'compétences' as the primary measure of employees' employability and professional identity.

Given their evident drive towards more individualised and flexible terms and conditions of labour, these different reforms might appear to be best understood as elements in a concerted neo-liberal assault on the rights and protections secured by workers under the terms of the French post-war compromise. Indeed, the most hotly contested of these measures, the *loi El Khomri*, was heavily criticised on just these grounds; in one of its earliest press releases, the *Nuit Debout* movement denounced the El Khomri reforms as being 'conformes à la logique du néo-libéralisme à l'oeuvre depuis trente ans' (Farbiaz 2016, 36). In one sense, such interpretations seem wholly legitimate. The measures contained in the El Khomri Law clearly bear the marks of a typically neo-liberal belief that greater labour market flexibility holds the key to job creation. This, in turn, might imply that Deleuze's notion of 'control' is simply synonymous with neo-liberalism and, by extension, that opposing these reforms would necessitate defending the forms of work and welfare that developed under the earlier 'disciplinary regime', defending, that is, the particular form taken by the post-war compromise in France, the so-called 'French model' of work and welfare.

This is not, however, the kind of strategy advocated by Deleuze in his 'Postscriptum...'. He insists that it is not a question of lamenting the passing of the earlier disciplinary regime or regretting the advent of the new societies of control, 'car c'est en chacun d'eux que s'affrontent les libérations et les asservissements' (Deleuze 1990, 241). Further, he suggests that if disciplinary forms of governance are now in crisis, this is because, although they were appropriate to a mode of industrial mass production that reached its apogee in the mid-twentieth century, capitalism has now undergone a 'mutation' and it is this mutation that has provoked the emergence of the new forms of control (244-45). This implies that any attempt to defend forms of work and welfare that characterised that earlier mode of production and its complementary forms of disciplinary governance would prove illusory. What becomes essential is to seek new forms of compromise between capital and labour adequate to the new mode of production and to those mechanisms of control that represent its characteristic regime of governance. To quote Deleuze, in the face of the emerging societies of control: 'Il n'y a pas lieu de craindre ou d'espérer, mais de chercher de nouvelles armes' (242).

This represents one further way in which Deleuze's notion of control proves helpful in understanding the logic of recent reforms to French labour law. It emphasizes the extent to which these challenges to an earlier model of regulating work and welfare are symptoms of a crisis provoked by contradictions and flaws internal to that model. Perhaps the clearest evidence of this can be found in the fact measures such as the El Khomri Law have emerged from a much broader range of proposed reforms to the legal regulation of work and welfare in France, proposals that, as François Gaudu (2008, 3) has pointed out, have not always been driven by the neo-liberal imperative to 'deregulate' the French labour market, but have often been motivated by a desire to 're-regulate' that market, the better to take into account new, precarious, or atypical forms of labour that have proliferated in the contemporary economic conjuncture. That is to say that, since the late 1990s, a field of intense debate has emerged in France amongst adherents of different measures intended to respond to the flaws and contradictions inherent to the so-called 'French model' of work and welfare, measures that range from

the adoption of a Danish-inspired model of 'flexicurité' (Lefebvre & Méda 2006), to the implementation of different forms and levels of guaranteed universal income (La Naire & Lebon 2017), to calls for the extension of the existing French model, itself seen as the only effective bulwark against neo-liberal deregulation (Friot 2017). The intensity of these debates must also be seen as symptomatic of the crisis in the disciplinary regime diagnosed by Deleuze and of the shift towards a 'society of control'. Hence, this article will seek not merely to identify the logics of control that underpin its chosen sample of recent labour law reforms; it will also situate those reforms within the broader field of debate that has opened up in France regarding the necessity of finding ways to re-regulate the French labour market to respond to the challenges of the current economic conjuncture. For those alternative proposals may prove fruitful sources of the 'nouvelles armes' that Deleuze enjoins us to seek in response to the emergence of societies of control.

Before turning to look in detail at its chosen sample of reforms to the legal regulation of work and welfare in France, however, it will first be necessary to clarify quite what Deleuze might have in mind when he talks of earlier forms of work operating as 'moules'. This, in turn, will elucidate the context in which what might be termed 'the *compétences* agenda' emerged, an agenda whose implications have been wholly integrated into our sample of labour law reforms.

The 'Moule' – A disciplinary apparatus at the heart of the French post-war compromise

If there is one measure, or set of measures, in the immediate post-war period that exemplifies Deleuze's notion of the 'moule' in the context of work, it is surely the 'arrêtés Parodi', named after the then Minister of Labour, Alexandre Parodi. The 'arrêtés Parodi' were a series of decrees passed by the French government in 1945 in an effort to impose wage controls across the labour market, from heavy industry to the service sector. This involved identifying a variety of 'champs professionnels', then classifying the range of job functions within each field, before stipulating the minimum and maximum salaries of each such function or role (Saglio 2007). As Catherine Paradeise and Yves Lichtenberger

(2001, p.35) argue, the 'arrêtés Parodi' thus established a stable wage relation based on a causal link between two variables. The first variable was 'les capacités individuelles' of each worker, attested to by 'le titre (reconnaissant l'incorporation formelle des savoirs et savoir-faire par la formation initiale ou continue) et/ou l'ancienneté (validant les acquis irréversibles de l'expérience)'. These objectively validated 'capacités' then determined the nature and rank of 'le poste' occupied by any individual worker, itself 'décrit par le contenu présumé exhaustif des tâches prescrites'. Hence, the 'arrêtés Parodi' exemplified what Paradeise and Lichtenberger term 'un modèle de la qualification' that institutionalised a relatively stable wage relation, based on the equation 'titre + ancienneté = poste = salaire' (Paradeise & Lichtenberger 2001, 38).

Although the system of wage control initiated by the 'arrêtés Parodi' would only last until the beginning of 1950, the 'normes de salaire' and professional hierarchies on which these were based lasted for several decades, not least because that wage structure and those hierarchies were intrinsic to Fordist modes of production and management (Saglio 2007, 53). That is to say that in the post-war decades of the 'trente glorieuses', the dominant form of capital accumulation in France was that achieved thanks to the productivity gains and economies of scale secured by Fordist assembly-line mass production, in which workers' tasks were organised according to Taylorist principles of 'scientific management'. Although apparently specific to the realm of mass production, the dominance of this kind of 'scientific organisation of labour' was such that it became the model also for many other forms of labour, including white-collar work in hierarchical and bureaucratic organisations in the public and private sector alike. Thus workers in these decades paid the price for stable and relatively well-remunerated employment in the form of an often stultifying, dehumanising, or alienating work experience. Further, given the corporatist nature of the social security system that emerged in France after 1945, the fixed identities and rigid hierarchies produced by the 'moule' of the 'arrêtés Parodi' were compensated for not only by stable employment but also by the associated forms of medical, unemployment, and pension benefits that such employment guaranteed on the basis of accumulated 'cotisations' to one of France's 'régimes

spéciaux', or work-based social insurance schemes (Paradeise & Lichtenberger 2001, 35).

A fairly rigid causal relationship was thus institutionalised in the French post-war labour market between formal qualifications and time served, position in a professional hierarchy, the strictly prescribed nature of the tasks to be performed by the holder of such a position, and the rights to both salary and welfare benefits that position guaranteed. This relationship exemplifies that broader phenomenon identified by Jeremy Gilbert and Andrew Goffey (2015, 10), when they argue that 'the apogee of disciplinary society' was achieved in what they term 'the Fordist' or 'corporatist states of post-New Deal capitalism'. However, according to Paradeise and Lichtenberger, by the end of the 1990s the rigid disciplinary 'moule' of the 'modèle de la qualification' had been significantly eroded by the emergence of a new 'modèle de la compétence', a model that corresponds precisely to the more 'modulated' forms of management characteristic of Deleuze's 'society of control'.

From 'moule' to 'modulation', 'qualification' to 'compétences'

As the French economy became ever more tertiarised, so French management insisted that the old system of remuneration in accordance with formal qualifications and/or time served was becoming obsolete. The new service sector economy demanded more personalized, intangible 'compétences' of its workforce. Meanwhile in the manufacturing sector, Fordist mass production techniques were proving unprofitable in the face of increased international competition and consumer demands for higher quality, more differentiated products. Management responded by differentiating product lines and adopting techniques of total quality management and just-in-time production, in the search for competitive advantage. These techniques demanded workers invest more of their personal initiative in their work, hence management began to push for the imposition of ever more extensive forms of audit, of highly individualized mechanisms of 'évaluation des compétences' as the basis on which to make decisions regarding pay, promotion, and retention of staff.¹

The centrality of this new 'modèle de la compétence' in French management circles was exemplified in 1998 when the French employers' organization, the MEDEF, dedicated its 'journées internationales de la formation' to the theme 'Objectif compétences'. This new 'modèle de la compétence' demanded not only that workers invest much more of their personal selves in their work, but also that they be ready to adapt those selves constantly in response to changing market conditions. The conformity and obedience demanded under the old system gave way to a new emphasis on responsibility, autonomy, and 'polyvalence', such that, to quote the MEDEF's sixth proposal : 'le salarié a une responsabilité face à la gestion de ses propres compétences. Il doit pouvoir gérer son portefeuille de compétences ou se l'approprier suffisamment pour pouvoir le compléter et s'impliquer dans l'acquisition de nouvelles compétences et être partie prenante des formations qu'il suit' (quoted in Reynaud 2001, 13).

The '*compétences* agenda' thus offers one tangible example of the shift from 'moule' to 'modulation', whilst apparently confirming Deleuze's point about the fundamental ambiguity of such developments, their combination of 'nouvelles libertés' and exploitative 'mécanismes de contrôle'. For, while it did afford workers greater autonomy, one corollary of this new emphasis on the need for workers constantly to manage and update their individualized 'portefeuille de compétences' was the emergence of a battery of new forms of appraisal, audit, and personalized 'évaluation'. As Christophe Dejours (2003) has shown, these new forms of evaluation and audit have played a key role in the increasing incidence of what he terms 'la souffrance au travail' in France, of stress and burn-out amongst workers, not least by setting worker against worker in a constant competition for employment, promotion, and wage rises that has eroded earlier more collective professional identities and sources of solidarity. The shift towards 'un modèle de la compétence' thus institutionalises what Deleuze identifies in the 'Postscriptum...' as 'le principe modulateur du "salaire au mérite"', exemplifying the way in which the contemporary workplace 'ne cesse d'introduire une rivalité inexpiable comme saine émulation, excellente motivation qui oppose les individus entre eux et traverse chacun, le divisant en lui-même' (Deleuze 1990, 242-43).

For Deleuze, this 'rivalité inexpiable' is epitomized by the use of 'challenges, concours et colloques extrêmement comiques' as the basis on which 'une modulation de chaque salaire' can now be calculated (242). Such techniques represent the apogee of the 'compétences agenda' and their increasing use by French companies has been depicted in two recent documentaries, Jean-Robert Viallet's *La Mise à mort du travail* (2009) and Didier Cros's *La Gueule de l'emploi* (2012). Both criticize the intrusive and humiliating implications of basing recruitment, training, and promotion policies no longer on the objective criteria guaranteed by formal qualifications but on more individualized and psychologizing tests of so-called 'fit', on possession of the requisite personality traits, attested to by workers' performance in various challenges, role-plays, and competitions.

Faced with the exploitative, even humiliating nature of such practices, it is, to quote Zarifian (2009, 39-40), 'toujours tentant de déplorer les formes passées (la chaleur des métiers, le retrait des ouvriers taylorisés)'. However, as he rightly warns, this would be to forget the repressive nature of earlier disciplinary mechanisms and the extent to which they were characterised by precisely their refusal to recognise any forms of worker knowledge or capacity outside those that were prescribed by management or formalised in official qualifications. Indeed, in the post-war decades, influential French accounts of the Fordist-Taylorist workplace, authored by left-wing commentators such as Simone Veil (1951), Georges Friedmann (1964), and Robert Linhart (1978), all focused on this very refusal, calling for workers to be afforded more opportunities to deploy their initiative and personal aptitudes at work and for those aptitudes to be recognized and rewarded. Further, it might be argued that the strikes of May 1968, the biggest in French history, themselves represented a mass popular protest against the disciplinary rigidities of Fordism, as evident in strikers' demands for greater participation, communication, and different forms of 'autogestion'.

These kinds of criticism of Fordism were integrated into the campaigns of the workers movement throughout the 1970s, in calls for workers' 'real' labour, and not simply 'le travail prescrit', to be taken into account in determinations of their status and remuneration. In this context, Paradeise and Lichtenberger cite the *Accord national*

interprofessionnel sur la classification of July 1975 that applied to the 'métallurgie' sector. This 'accord' was passed in response to strikes by *ouvriers spécialisés* in car manufacturing plants who were demanding recognition for 'leur compétence professionnelle au-delà de la seule qualification de leur poste' (Paradeise & Lichtenberger 2001, 38).

The crisis of the disciplinary regime Deleuze identifies in his 'Postscriptum...' has thus not simply been provoked by a ruthlessly exploitative French management, it also reflects flaws and contradictions inherent to that regime itself. Of course, the kind of auditing of 'compétences' now routinely imposed by French management is far from realizing the workers movement's calls for genuine participation and autonomy at work, or for appropriate recognition of the full range of workers' skills and aptitudes. Rather, legitimate criticisms of Fordism's disciplinary rigidities have been integrated in distorted form into new practices of management control that embody new kinds of coercion and exploitation. An analogous dialectic is at work behind our sample of recent reforms to the regulation of work and welfare in France, insofar as these seek to extend welfare protections to previously unprotected, flexible or atypical forms of labour but do so in ways that impose new burdens on workers and the unemployed. As will become clear, the notion of 'compétences' plays a central role in these new mechanisms of control.

From Corporatism to Flexicurity

As we have seen, the French post-war compromise rested on at least two pillars, first, stable employment in a Fordist-Taylorist workplace and, second, the welfare benefits that such employment guaranteed, on the basis of accumulated contributions to work-based social insurance funds. This second pillar, the peculiarly corporatist structures of the French welfare state, was not much contested in the decades of full employment that followed the Liberation. However, through the course of the 1980s and 90s, as high long-term unemployment and youth unemployment became apparently permanent features of French society, that would change. For those phenomena began to reveal the unequal, even unjust nature of a social security system the level and length of whose

benefits were so closely correlated to full-time stable employment. That is to say that a stark dichotomy emerged between the relatively generous benefits open to those in full-time, stable employment, those with a CDI (*contrat à durée indéterminée*), and the 'minima sociaux', on which the long-term unemployed had to rely, as did those younger citizens who had never gained access to a CDI but who shifted between unemployment, CDD (*contrat à durée déterminée*), 'intérim' or other so-called 'atypical' forms of labour contract.² Government statistics show that by 2011 almost 85% of new hires took the form of 'contrats atypiques' (CDD, 'intérim', 'stages', etc.) (Laurent & Pouchard 2016, 14) and that 57.3% of workers aged 15 to 24 have such 'atypical' work contracts, in comparison to the just 16% of all French workers with 'contrats atypiques' (Grimaut 2016, 35). The French social security system is peculiarly ill-adapted to the explosion of these types of flexible and more precarious work contract.

Awareness of this problem of dualisation led to the emergence, from the 1990s, of a series of proposals aiming to ease the transition between periods of unemployment and employment by making social welfare benefits less rigidly dependent on classical forms of work contract.³ One particularly influential set of proposals focused on the perceived superiority of the Danish system of so-called 'flexicurité'. Alain Lefebvre and Dominique Méda's 2006 book, *Faut-il brûler le modèle social français?*, perhaps did most to bring these debates to the attention of the general public. Noting the rigidly dualized nature of the French social security system and France's stubbornly high unemployment rate, they called for a new social compromise modelled on Danish flexicurity, whereby workers' acceptance of a less stable, more flexible labour market would be compensated by a series of measures to increase the portability of rights and benefits, as well as to provide better training and re-insertion programmes for unemployed workers. These benefits would be funded out of general taxation, rather than being contingent on each worker's history of accumulated contributions to a work-based social insurance fund. Thus, Lefebvre and Méda argued, greater labour market flexibility would be conceded by the labour movement in exchange for 'des moyens supplémentaires [...] pour assurer une vraie sécurisation des trajectoires' (Lefebvre & Méda 2006, 131).

These debates were reflected in the workers movement, with the centrist trades union, the CFDT, making what it termed 'la sécurisation des parcours professionnels' one of its central goals from 2006. The CFDT advocated increasing the portability of accumulated welfare rights and extending workers' rights to continuing education, so that each worker might become the 'acteur de son parcours professionnel', able to dedicate sporadic periods of unemployment to renewing and replenishing their stock of 'compétences' (Grimault 2008, 78-79). In the realm of party politics, by the early 2000s the Socialist Party was looking for a policy to replace the emphasis it had placed on 'la réduction du temps du travail' in the 1990s and that had led to the passing of the successive *lois Aubry*. In the lead-up to the legislative and presidential elections of 2007, the theme of 'la Sécurité sociale professionnelle' thus appeared in the PS's electoral programme and their presidential candidate, Ségolène Royal, became closely associated with advocacy of the so-called 'Danish model' of flexicurity (Gaudu 2008, 7).

These debates also had a European dimension. In 2007, the EU Commission came out in favour of flexicurity, publishing a report that called on member states to adopt 'des principes communs de flexicurité'. As for the CFDT, so for the Commission, flexicurity was intimately connected to what we have termed the '*compétences agenda*', in so far as they argued that ensuring workers were properly protected in transitional periods of unemployment would allow them to undertake the 'formation permanente' that would equip them with the new 'compétences' demanded in a fast-changing, flexible, globalized labour market. To quote the Commission's report:

La sécurité, d'autre part, représente bien plus que l'assurance de garder son emploi. Il s'agit de donner aux individus les compétences qui leur permettent de progresser dans la vie professionnelle et de les aider à trouver un nouvel emploi. Il s'agit aussi de leur donner des indemnités de chômage adaptées pour faciliter les transitions. (Commission européenne 2007, 10)

The EU Commission thus interpreted flexicurity and the 'sécurisation des parcours professionnels' as tools to achieve their goal of 'un marché du travail plus souple' as a corollary to economic globalization, itself seen as a positive, dynamic force: 'la mondialisation a aussi beaucoup d'aspects positifs. Elle crée de l'emploi et engendre une croissance économique si les entreprises et les travailleurs ont de meilleures compétences, assurant ainsi une meilleure productivité' (8-9).

The debates around flexicurity that emerged in France in the 2000s precisely exemplify the shift from 'moule' to 'modulation' that Deleuze identified as symptomatic of the emergence of a 'society of control'. For all the advocates of some form of flexicurity envisaged a model of work and welfare in which the older emphasis on a fixed status, attested to by a combination of formal qualifications and time-served, with its attendant social rights and protections would be abandoned. What would replace this 'moule' was a system that would be constantly *modulated* in response to those more individualized career trajectories or 'parcours', in the course of which each worker would be expected to cultivate and replenish their stock of personalized 'compétences', as they moved between periods of employment, unemployment, and 'formation permanente'. This process of continuing education would be open-ended, never ending, so that, to quote Deleuze (1990, 243), 'dans les sociétés de contrôle, on n'en finit jamais avec rien, l'entreprise, la formation étant des états métastables et coexistants d'une même modulation, comme d'un déformateur universel'.

Once again, and particularly in light of the manner in which the EU Commission promoted flexicurity, it might be tempting to see these new mechanisms of control as being simply synonymous with the neo-liberal deregulation of the labour market. However, to damn all of its advocates as neo-liberals is to fail to distinguish between those forms of flexicurity that placed the emphasis on *re-regulating* the contemporary labour market, rather than on its deregulation. The fundamentally social democratic, rather than neo-liberal tenor of the measures advocated by the likes of Méda and Lefebvre is clearly illustrated by way of their contrast with the more overtly neo-liberal proposals of the economists Pierre Cahuc and Francis Kramarz.

In an influential report published in 2005, Cahuc and Kramarz lamented the dualization of welfare and the labour market in France, before proceeding to exploit the genuine injustices inherent to such dualization to legitimate a series of proposals that seemed to correspond to a classically neo-liberal exercise in labour market deregulation. Hence, they called for the replacement of the old distinction between CDI and CDD with a 'contrat de travail unique' and for the ending of any judicial scrutiny of 'licenciements pour motif économique', on the basis that only business owners, not judges, had the ability to make judgements of economic necessity (Cahuc & Kramarz 2005). Nicolas Sarkozy adopted this call for a 'contrat de travail unique' in his presidential campaign of 2007 as an integral part of his programme of economic liberalization. However, after his election he was forced to drop the proposal in the face of opposition by French trades unions, who clearly recognized the extent to which the measure owed more to a neo-liberal logic of flexibility than to a social democratic emphasis on developing new forms of social security (Gaudu 2008, 9).

The debates that emerged in France in the 2000s about the best ways to adapt the French system of work and welfare to a changed economic conjuncture thus ran the gamut from neo-liberal calls for outright deregulation to more social- democratically inclined measures of flexicurity. As we have noted, the very existence of such debates can itself be interpreted as symptomatic of that crisis of older disciplinary mechanisms identified by Deleuze as characteristic of the emergence of a new regime of control. These debates would feed directly into the reforms of work and welfare passed under the Hollande presidency and subsequently extended by Macron's Ordonnances in late 2017.

Flexicurity - from the Hollande Presidency to Macron's Ordonnances

One tangible manifestation of the influence of these debates around flexicurity can be found in the 'loi sur la sécurisation de l'emploi', passed by the Socialists in 2013. The 2013 law included a number of measures that clearly attempt to address the greater flexibility of the French labour market and the consequent greater mobility of French workers. It approached these phenomena from two angles, motivated both by the desire

to encourage workers to accept such mobility as a positive feature of their working lives and an attempt to provide more comprehensive welfare coverage for those whose employment histories were hence more patchy, characterized by sporadic periods of unemployment or atypical employment. Thus, there were measures to ensure the portability of rights to health insurance, as well as to introduce the notion of 'droits rechargeables', so that job-seekers could maintain their former rights to unemployment insurance 'en cas de reprise d'emploi consécutive à une période de chômage'. Another measure introduced the notion of 'mobilité volontaire sécurisée', enabling employees to go to work for another company in order to diversify and extend their 'parcours professionnel', protected by the guarantee of a job at their original employer should they wish to return there. The 2013 law also put in place a mechanism to realize the pre-existing right to 'formation continue', through the establishment of a 'compte personnel de formation' that gave all employees and job-seekers the right to a defined number of hours of free training per year, in order to 'favoriser la prise de recul, l'élaboration et la conduite d'un projet professionnel'.

The most striking 'contrepartie' workers would concede to employers in return for these forms of 'sécurité' came in the form of the so-called 'accords de maintien de l'emploi', according to which an agreement could be reached at the level of the individual firm whereby, if the firm was experiencing economic difficulties, employees would agree to unfavorable changes to their pay and conditions in return for a guarantee of no redundancies (Ministère du travail 2015).

The philosophy behind this package of measures is clearly one of an individualized logic of 'modulation'; workers and the unemployed are figured as being engaged in an open-ended 'projet' or 'parcours' in the course of which they must constantly modulate their own capacities, expectations, and social statuses in accordance with changing market conditions. The culmination of this logic is, of course, the 'accords du maintien de l'emploi'. These 'accords', negotiated at the level of the individual firm, rather than the branch or sector, demand workers must modulate their conditions and hours of work, alongside their pay, in order to see off the threat of redundancy. Responsibility for

maintaining employment and avoiding redundancy has thus been radically individualized here, delegated from the managers of a national economy at the level of state or private enterprise to the individual worker.

The logics of individualization and modulation contained in the 2013 law would be extended and deepened by the El Khomri Law that the Socialists forced through the French parliament, by invoking article 49.3, three years later. The 'accords du maintien de l'emploi' quickly gained the nickname 'accords défensifs' since they were justified by reference to the need to *defend* existing jobs. They had, however, met with limited success; by 2016 only ten such 'accords' had actually been signed. The socialist government thus sought to give new impetus to this initiative by allowing, in the El Khomri Law, for so-called 'accords offensifs', agreements negotiated at the level of the individual firm in the name of increasing that firm's competitiveness. This would enable companies not merely to protect existing jobs but, potentially, to gain new market share or develop new product lines that would eventually lead to the creation of more jobs (Ray 2017). More specifically, the object of such 'accords offensifs' would be what the *Ministère du travail* itself described as 'la modulation du temps de travail', enabling employers to exceed legal limits on maximum weekly hours worked in any twelve week period of increased competition, new product development, or the search for new markets. Under the pretext of improving 'le dialogue social' within French workplaces, agreements to this modulation of legal working hours would be negotiated at the level of the individual firm, rather than at the level of the branch or sector of industrial activity.

As such, these new 'accords offensifs' struck at the heart of two of the keystones of the French post-war compromise. First, they bypassed the so-called 'partenaires sociaux', the tripartite agreements negotiated between State, employers, and trades unions that had been at the core of that post-war compromise. Second, they eroded the so-called 'principe de faveur', according to which agreements negotiated at the level of the individual firm could not be less favorable to employees than those agreements signed at the level of the 'branche d'activité'. Individual employees who refused to be bound by any such 'accord offensif' could hitherto find themselves facing redundancy for

'motif économique' (Ministère du travail 2016). It was these measures that proved the most controversial, sparking nationwide opposition to the El Khomri Law when it was first presented to the French public. This is unsurprising, given that such measures seem unambiguously to belong to the 'flexi-' side of the flexicurity equation.

One of the few measures in the Law that might be seen to have extended, rather than eroded workers' rights was the creation of a 'compte personnel d'activité' (CPA) for every employee. This was an extension of the 'compte personnel de formation' created in 2013 and was intended, in the words of the *Ministère du travail's* website, to take account of the fact that 'un parcours professionnel est rarement linéaire' by ensuring all workers possessed 'les moyens d'anticiper les transitions subies ou choisies pour mieux rebondir' (Ministère du travail 2016).

On one reading, then, this measure might be seen as extending important rights and protections to groups of workers and citizens who were poorly protected by a corporatist system of welfare that had been designed in an era of full and stable long-term employment. However, it might be argued that far from being distinct from the measures that aim to promote labour flexibility contained in the Law, the CPA and the 'accords offensifs' are entirely complementary. For such 'accords', 'offensifs' and 'défensifs' alike, force individual workers completely to internalize the changing demands of the market, responding to these by constantly 'modulating' their hours of labour, their terms and conditions of work. The CPA, meanwhile, figures workers as 'gestionnaires' of a personalized stock of 'compétences' or human capital that must also be constantly replenished and updated in an open-ended process of 'formation permanente', in just the manner that Deleuze anticipated (1990, 246).

These tendencies were strengthened by the reforms to the French Labour Code contained in the series of ordonnances signed by Macron in September 2017. Once again under the pretext of improving 'le dialogue social', these allow firms to sign agreements with their employees regarding terms and conditions of labour which bypass the trades unions, whether by allowing small businesses to negotiate with employee representatives who have no union affiliation or by enabling larger firms to call referenda

amongst all their employees to validate such agreements. The ordonnances also include measures to make it easier for firms to shed staff, by placing ceilings on compensation payments for unfair dismissal and allowing firms which are experiencing economic problems purely in France, but nonetheless remain profitable at the international level, to make their French staff redundant. Macron has promised that these deregulating measures will be accompanied by new forms of social protection in the form of an improved access to training and the creation of a genuinely universal form of unemployment benefit, open to all French adults, financed out of general taxation rather than contributions to a work-based insurance scheme, and hence no longer contingent on prior employment history (Foulon 2017).

The 2013 'loi sur la sécurisation de l'emploi', the 2016 El Khomri Law, and the 2017 Ordonnances are thus clearly informed by a shared logic. This is a logic that draws on the shift from the 'modèle de la qualification' to a 'modèle de la compétence' already evident in the management practices of individual French firms and conjoins this with a series of responses to the increase of flexible and precarious forms of labour, in order to realise a marked movement away from the disciplinary forms of the French post-war consensus towards precisely those kinds of 'control' identified by Deleuze in his 'Postscriptum...'. 'Control', here, should be understood in its specifically cybernetic sense as referring to servomechanisms that constantly self-regulate in response to external stimuli, in a positive feedback loop. This, then, is the model of subjectivity implicit in the developments discussed in this article, a model of workers constantly self-regulating in response to changing market conditions, not so much being disciplined by a hierarchical structure of command, as internalizing external imperatives into their very sense of self, so that submission is mediated through apparent autonomy and personal initiative.

Conclusions – 'nouvelles libertés' or neo-liberal 'asservissement'?

On one level, the shift to conceiving employment as a 'parcours', punctuated by periods of continuing education, could be seen as inherently progressive, eminently preferable to an earlier Fordist model, in which workers spent decades performing the same mindless

tasks on an assembly line. The problem, however, is the coercive and narrowly instrumental nature of this model. The education envisaged here is not the disinterested pursuit of knowledge. Rather, it is the accumulation of 'compétences' or human capital in an 'account' – the economic metaphor of the 'compte' is revealing here – as part of an imperative, imposed on every citizen, to render themselves more employable or face monetary sanctions, in the form of lost welfare benefits. It is in this sense that we can understand Deleuze's (1990a, 237) claim that the never-ending nature of continuing education is 'terrible'.

As this article has sought to demonstrate, our sample of reforms to work and welfare in France can be read as a series of responses to a crisis in an earlier disciplinary regime and a consequent shift towards mechanisms of Deleuzean control. Yet these are responses that are clearly dominated by a neo-liberal logic of deregulation. In this sense, they embody new forms of 'asservissement' more than they realise 'de nouvelles libertés', to use Deleuze's own terminology. The question therefore remains as to how these new mechanisms of control might be enacted in a more liberating form. Benoît Hamon's proposal, in his 2017 presidential campaign, for a new 'revenu de base' clearly represented his attempt to envisage a profoundly different kind of welfare system from the corporatist forms of the French post-war model, a system that would respond to the loss of stable, long-term employment in a manner distinct from the forms of flexicurity enacted by his predecessor, Hollande. However, his proposal remained very limited, both in terms of its monetary level and its proposed extent, which was rapidly reduced from being universal to being means-tested.

The *neo-operaïste* Yann Moulier Boutang has placed a genuinely universal guaranteed income at the core of his plan for a 'new New Deal'. Moulier Boutang's 'revenu social garanti' would be paid to all adult French residents and set at such a level as to enable any worker to refuse exploitative forms of labour or to finance their involvement in genuinely disinterested non-salaried activities, from education to social care of different kinds (Moulier Boutang 2007; 2010). However, questions remain regarding the financing of such a system. Further, there is a worrying naivety to Moulier Boutang's (2017, 12)

recent claim that 'le programme de Macron tourne le dos au néo-libéralisme' through its 'automatisation de la couverture du chômage, la prose en charge beveridgienne (par l'impôt) d'une partie des cotisations sociales et surtout l'extension de la couverture sociale (assurance maladie et retraite) du régime des indépendants'. What he seems to have overlooked here is the way in which Macron has sought to exploit criticisms of true failings in the corporatist forms of French welfare to impose the new forms of deregulation and flexibility inherent to his measures facilitating redundancy and the deterioration of terms and conditions through so-called improvements to 'le dialogue social'.

It is in this context that Bernard Friot (2017) claims that all forms of flexicurity and all forms of guaranteed income are elements in what he terms 'la contre-révolution capitaliste'. Friot advocates a return to the principles behind the establishment of the 'régime général' of 'la Sécurité sociale' in 1946 and the universalisation of a system of welfare rights based on the management, by the workers movement, of a general, interprofessional fund financed by 'cotisations'. In this way, all adults resident in France would have the right to a 'salaire à vie', based on a collective, objective judgement of their 'qualification'. This system, based on a salary 'construit autour de la qualification', rather than modulated according to each worker's 'compétences', would represent a collective recognition of each adult's 'contribution à la production de valeur', whether 'actif' or 'inactif', employed, unemployed, retired, salaried, or self-employed (Friot 2017). Friot's proposals surely risk idealizing the 'modèle de la qualification' that emerged in the post-war decades, ignoring its rigidities and overlooking the mass popular resistance these engendered at moments such as May 1968. Further, he makes no mention of the difficulties for his plan posed by the very different conditions, in terms of globalized labour and financial markets, in which France finds itself today as opposed to 1946. Thus he offers no suggestions as to how he would forestall the dangers of provoking capital flight and a new wave of offshoring amongst multinational corporations fleeing the high levels of employer 'cotisations' that his proposals would surely necessitate.

The stark contrast between Moulier Boutang's and Friot's proposals are indicative of the failure of those on the French left to identify a coherent response to the crisis in discipline and the shift towards control. In the absence of any shared project, behind which workers, the unemployed, and politicians might mobilize, it seems that the shift from discipline to control this article has described is destined to be experienced by French workers and citizens as profoundly oppressive, simply one further symptom of that crisis of work in contemporary France this special number seeks to analyse.

Notes

1. For a concise account of how, from the 1980s on, French management systematically introduced so-called 'Japanese' methods of total quality management and just-in-time production, as a means of defusing 'conflict-ridden formal industrial relations', while driving down inventory and wage costs, and securing productivity increases, see Hancké (2001, 325-27).
2. The literature on the role played by France's corporatist, or 'Bismarckian' welfare system in exacerbating the dualization of work and welfare is very extensive. For a useful introduction to these debates, see Emmenegger et al. (2012, pp.100-23; pp.201-25).
3. These debates had their roots in two reports published in the 1990s, the Rapport Boissonnat of 1995 and the Rapport Supiot of 1999, see Grimault (2008, 75-77).

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