The Appropriation of New Arrangements of Public Organizations: Locally Negotiate to Strategically Act

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Abstract: The link between strategy and public organization is of growing interest since years and we especially question what organizations strategically do when they implement new organizational arrangements imposed by public policies. And we especially contribute to what public organizations strategically do when they face changes (Bryson and al., 2010). We especially focus on actors who face such changes which are both strategic and institutional (when changes modify the existing institutions). And we question what actors strategically do when they have to appropriate new organizational arrangements.

Taking into account the complex and fragmented institutionalized context public organizations operate in, we observe that the literature has put little attention to this level of analysis as being strategically molded / created by organizations and we answer this gap by mobilizing the perspective of the Negotiated Order (NO) (Beaulieu and Pasquero, 2002; Strauss and al., 1963, Turcotte and Pasquero, 2001). Through this perspective, we analyze how actors negotiate and elaborate local and situated agreements to strategically implement new organizational arrangements in institutional contexts. We propose an additional strategy which rests on the process of constructing (i.e. enacting) stakeholders to build organization as local negotiated order. Through the process of stakeholders' enactment, the actors determined how these stakeholders may be identified and differentiated so as to better channel the institutional logics interplays which shape the actors during negotiations; and we have identified 5 ways of enacting stakeholders. We contribute to the literature on NO by enlightening the political process of NO building and proposing one additional strategy of NO building, as well as to the literature on strategy of public organization by better understanding how public organizations strategically mold the (local) rules of the game through negotiations and consensus.

Keywords: strategic action; institutionalized environment; molding institutionalized environment; the negotiated order perspective, process of enactment of stakeholders.

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Introduction

The link between strategy and public organization is of growing interest since years. Scholarships have studied the content of strategy (Boyne and Walker, 2004) or strategic management processes (Poister and al., 2010) within public organizations, when they face changes in their environments (Nutt and Backoff, 1995). They particularly focus on the strategic margin public organizations may deploy to implement the appropriate strategies in line with their environmental changes. One another stream of research deals with the ability and the manner of public organizations to implementing changes introduced by public policies. Some scholarships analyze how public organizations strategically act and fit with public policies which introduce important changes in the way they operate (Naveh and al., 2006). When they study innovation specifically, they study the extent to which public organizations "*incorporate and routinely use the innovations*" (Ibid., p. 275), and consequently the changes in role, structures, established relationships (Nutt, 1989) or in activities. Some works analyze the reasons why such implementation may be difficult, even lead to failure, because of environment ubiquity or because implementation derives from external pressures or constraints (Nutt, 1986). Other scholarships encourage taking into account of the "*plural, ambiguous and often conflicting goals*" (Bryon and al., 2010, p. 503) public organizations face. We position our research in this stream of works, but by mobilizing another explanation rooted in the (neo)-institutional perspective. We consider that such situations are embedded in the plurality of stakeholders public organization have to do with as well as the plural institutional environment the stakeholders (as well as the public organizations) are located, and consequently are embedded by such institutions.

Institutions are taken-for-granted values, behaviors, or ways of doing and thinking (Scott, 2001) which strongly constrain organizations and prevent them from innovations and changes. According to the classical institutional perspective, organizations can only fit with dominant institutions (DiMaggio and Powell, 1983). Neo-institutional perspective recognizes that organizations may strategically innovate and act by creating new institutions or modifying existing institutions (Hargadon and Douglas, 2001).

We then consider that changes in institutions are not only the inputs for strategic actions, but much more the context (or situations) in which public organizations operate. Consequently, and because we take into account institutions that constraint or permit strategic actions, the "strategy" we speak about is related to the ability of public organizations to mold / create their (institutionalized) context in which they operate. We intend to contribute to better understand the "*nature of strategic management practice*" (Bryson and al., 2010, p. 495) since we observe that classical literature on strategy, even when they study public organizations, has put little attention to this level of analysis of strategic action. We

propose to answer this gap by mobilizing the perspective of the Negotiated Order (NO) (Beaulieu and Pasquero, 2002; Strauss and al., 1963, Turcotte and Pasquero, 2001).

Through this perspective, we analyze how actors negotiate and elaborate local and situated agreements to strategically implement new organizational arrangements in institutional contexts introduced by public policies.

The NO is an institutionalized micro-space formed between actors, gathered according to one or to several stakes, interdependent, and the negotiations of which are going to end little by little in a space stabilized by collective action: "*Negotiated order theories use approaches that involve processes of interactions, through which stakeholders gradually come to shared definitions of the situation they collectively face*" (Pasquero, 1991).

Our research field is a new organization, established by the law of February 2005, which targets disabled persons (DP), called the MDPH (*Maison Départementale des Personnes Handicapées*, or Departmental Centre for Disabled Persons). They are a "one-stop office" for the rights and the social allowances in the direction of disabled persons, and acting towards eight missions conferred by the law: reception, information, accompaniment, advice, assistance to the formulation of the Life Plan, procedures of conciliation…

We may observe a slow move toward a still non-stabilized institutionalization of the MDPH at this time (from 2006 to end of 2010) and we observe the various strategies the actors have deployed to build MDPH as NO. Among them, we propose an additional strategy which rests on the process of constructing (i.e. enacting) stakeholders to build NO. Through the process of stakeholders' enactment, the actors determined how these stakeholders may be identified and differentiated so as to better channel the institutional logics interplays which shape the actors during negotiations. We have identified 5 ways of enacting stakeholders: enacting in nature (creating a new stakeholder), enacting in role (shaping the role of the stakeholder), enacting in expertise (orientate the knowledge and practices the stakeholders mobilize), enacting in legitimacy (building or reinforcing the legitimacy of stakeholders) and enacting as a whole entity (considering an organization as a whole institution).

1. Theoretical background

1.1 Strategy in a context of multiple and competing institutional logics

We analyze how new organizations are strategically implemented in institutionalized context, and we focus on institutions that underlines and embed the context where changes and appropriation processes take place.

Appropriation is both an individual as well as a collective process through which actors have to do differently because they use new tools (de Vaujany et al., 2005 ; Mallet 2004) or new organizational arrangements (Dechamp et Romeyer, 2006). Appropriation consists in "*adapting any object to oneself and, so, to*

transform it into a support of the expression of oneself. Appropriation is so at the same time an use of object and a dynamics of action on the material and social world in an intention of construction of the subject" (Serfaty, 2003). It concerns the object or the organizational arrangements as well as the "what to do with" and the "how to do with" (Proulx, 2001). Appropriation perspective enriches our strategic view on actors facing organizational arrangements changes since it brings to light the cognitive stances of actors they have to adopt (or try to negotiate) as well as their political stances (Foucault, 1994), since appropriation modifies the political relationships and the structures of knowledge production between actors. And such cognitive and political changes are of greater and stronger importance when existing institutions are questioned.

Institutions have been generally defined by Scott (2001) as the enduring aspects of social phenomena. Institutions thus differ from organizations because they are built around 'taken-for-granted resilient social prescriptions that enable actors to make sense of their situation by providing "*assumptions and values, usually implicit, about how to interpret organizational reality, what constitutes appropriate behavior and how to succeed*" (Thornton, 2004:70).

The Neo-institutional perspective has recognized that strategic actions are possible even in (pluri-) institutional context, but resting on particular characteristics. Innovation is often considered under the two-stage model of diffusion (Tolbert and Zicker, 1983) "*whereby early adopters are driven by technical considerations and later adopters imitate each other in a contagion-like-process*" (Lounsbury, 2007, p. 298); and this model may unfortunately contribute to reinforce the stability and isomorphism-oriented views in institutional studies. Concept of institutional logics is mobilized to counter this tendency. The institutional logics perspective anchors in the more general neo-institutional perspective, but providing better understanding on how institutions may shape actors behaviors and meanings (Greenwood and al., 2010). Logics are defined as "*the axial principles of organization and action based on cultural discourses and material practices prevalent in different institutional or societal sectors*" (Thornton, 2004, p. 2) and institutional logics are defined as "*assumptions and values, usually implicit, about how to interpret organizational reality, what constitutes appropriate behavior, and how to succeed*" (Thornton 2004, p. 70). Institutional logics is about "*the appropriate goals to pursue as well as the appropriate means to achieve them*" (Pache and Santos, 2011). The institutional logics perspectives also offers finer-grained understanding on the ways organizations act.

Another important switch (Greenwood and al., 2010; Lounsbury, 2007) is to consider that contexts of action are embedded in various institutions and institutional logics. This fragmented understanding of contexts leads to analyze appropriation as a process of contest among competing institutional logics.

We consider strategic actions as targeting the emergence of new compromise or arrangements amongst multiple and very often competing institutional logics and institutions. However scholarships have often neglected to study the internal organizational processes which support organizational institutionalization through various (sometimes competing) logics (Lounsbury and Crumley, 2007). They answer this gap by mobilizing the notion of practices. Others mobilize the notion of activity (Jarzabkowski, 2005). Whatever differences in defining practices and activities are, both focus on repeated local actions and negotiations that favor institutionalization. Speaking about negotiations emphasizes the role of dispute, contest and conflicts that competition among multiple institutional logics may favor. We mobilize a more (and additional) sociological point of view, and, in line with Strauss and al (1963) and especially with the notion of Negotiated Order (Beaulieu and Pasquero, 2002; Turcotte and Pasquero, 2001; Strauss and al., 1963).

1.2 The perspective of the Negotiated Order

Departing from social structures as given, Strauss and his colleagues (1963) emphasize that social order results from negotiated and cooperative interactions between actors, rather than "*the reactions of participants to existing rules, as mechanistic and other traditional social control approaches claim*" (Pasquero, 1991, p. 54). Social order is then institutionalized through negotiations and consensus, speaking about Negotiated Order (NO).

Recent scholarships (Pasquero, 1991) introduce the notion of Negotiated Local Order (NLO). The added "local" term aims to take into account of some particular situations, where higher-order process (such as roundtables among supra-organizations or organizations) purposes to institutionalize a lower-order process (putting principles negotiated at this previous higher-order level in action) (Pasquero, 1991). Such Negotiated *Local* Order accounts for the complexity of multi institutional context where various actors negotiate on agreements which impact either their own activities or the ones of lower-level actors. Except if specified, we then use the term Negotiated Order either to speak about either of NO or NLO.

The NO is an institutionalized micro-space formed between actors, gathered according to one or to several stakes, interdependent, and the negotiations of which are going to end little by little in a space stabilized by collective action: "*Negotiated order theories use approaches that involve processes of interactions, through which stakeholders gradually come to shared definitions of the situation they collectively face*" (Pasquero, 1991).

NO is characterized by situational coordination of interests and stakes (embedded in the various institutional logics of the actors), flexible definition of desired end states and spontaneous initiatives by some key actors (reintroducing the principle of margins, which are recognized by neo-institutionalists). Consequently, a NO exists when all the stakeholders share a common definition of

an event and recognize that they are linked by common perceptions, stakes or interests (Beaulieu and Pasquero 2002). NO is built step by step through successive and more or less long-lasting agreements, between all or any of the concerned stakeholders. It is moreover more exact to speak about the construction of various Negotiated Orders (NOs). Negotiation and consensus are central and operative concepts to explain the emergence and institutionalization of a NO. Negotiation is viewed as "*the process of give-and-take, of diplomacy, of bargaining which characterizes organizational life*" (Strauss and al., 1963, p. 148). Consensus is reached when actors develop agreement on "*the fundamental priorities of the organization*" (Floyd and Woolddridge, 1992, p. 28) and resting on some shared understanding and shared commitments (Markoczy, 2001). Consensus is formed through lobbying between actors who express and defend their interests or managing organizational personnel composition (Ibid.).

In addition to its historical roots in the NO introduced by Strauss and his colleagues (1963), recent works root this perspective into two additional and very fruitful perspectives to understand local institutionalization: a) the neo-institutional perspective (Greenwood and al., 2010; Lounsbury and Crumbley, 2007; Thornton and Ocasio, 2008), as already exposed above, and which recognizes innovations in institutionalized context, b) and the stakeholders perspectives, but as opposed to the dominant Stakeholders theory (Mitchell and al., 1997) to comply with the constructivist perspective the NO is based on (Pasquero, 2008). And in addition to what we have already presented below, this lasted theoretical background is particularly relevant for our research.

The dominant Stakeholders theory focalizes on the focus organization and examines to what extent it can negotiate with stakeholders. Relations between organization and each of the stakeholders are the level of analysis. The theory does not take into account really the complexity of relationships between organization and all stakeholders, as well as the relationships between stakeholders. Conversely, the NO perspective adopts the point of view of institutional complexity. Moreover, the dominant Stakeholders theory rests on static character and on determinism principles and considers the stakeholders as given ex ante (Clarkson, 1995) or as identified through criteria defined ex ante (Mitchell and al., 2007). Conversely, the NO perspective stresses a dynamic perspective of stakeholders (Beaulieu and Pasquero, 2002). The authors specify that the organization does not control or manage its stakeholders but it rather has to negotiate with them to develop common views of their respective stakes and duties.

Consequently, the concept of consensus and the conditions for favoring consensus are critical when we analyze the elaboration of NO. The NO is built through consensus (Gray, 1989), meaning that the participants recognize that a agreement (or solution) is acceptable, even if it does not seem to correspond to the preference of each. (Gray, 1989) specifies that a weak consensus on a concept does not necessarily mean failure, because it allows to maintain the relations of

negotiations and thus to progress into the building of NO. What remains critical is of avoiding the break or the absence of negotiations. The agreements are thus a compromise between the individual interests of the actors and the respect or the achievement of collective interests.

2. Research methodology and case study

The research is based on one case study which is an MDPH (*Maison Départementale des Personnes Handicapées*) [Departmental Centre for Disabled Persons] in a French departement of average size. These centers are one-stop shops, created by the Law of February 2005, placed under the authority of the *Conseil Général* (which runs the Department), and organized by a new form of governance with numerous stakeholders from the field of disability. They are intended to perform eight key roles towards a better evaluation of the beneficiary's disability situation and the provision of entitlements and compensatory services. Their activities replace those of two former State departments, each falling under different ministries. We will first present the MDPH structure, before presenting our research methodology.

2.1 The case of the MDPH (Maison Départementale des Personnes Handicapées) [Departmental Centre for Disabled Persons]

MDPHs were created by the Law of 11 February 2005, a key legal act which overhauled the field of disability, referred to as the "law on equal rights and opportunities, for participation and citizenship of the disabled". These MDPHs are a "one-stop shop for entitlements and services" provided to disabled persons (DPs), acting in relation to the 8 key roles conferred on it by the law: reception, information, support, advice, assistance in drawing up a life plan, raising public awareness about disability, setting up EPE and CDAPH groups, conciliation procedures, assistance in implementing decisions taken by the CDAPH, including support for this decision and mediation required for its implementation.

Four major changes were introduced by the Law of February 2005:

- *The first change concerns the way in which disability is perceived*; for the first time, the Law of 2005 provides a legal definition of it, which pulls away from the previous conceptions which prevailed in public policy ; it moves away from an essentialist view of disability (which identifies the disability with the person) to emphasize the contextual aspect of the disability (the DP is described as such due to being in a situation of disability), far from the strictly medical model, now discredited (and thus lending greater weight to the view of the occupational therapist);

- *The second change therefore concerns the position and role of DPs themselves*. The DP is fully recognized as a citizen and as responsible for his or her application for compensation; no one else (other than a legal guardian) can take the place of the DP. Furthermore, associations representing the DP sit in meetings of

the CDAPH and the Executive Committee. These associations are involved in the governance of a mechanism (and contribute to decision-making) which evaluates and decides on the compensation measures to be provided to the DP. The law has recognized the DP as a full SH in the new mechanism;

- *The third change is that of becoming a one-stop shop* for any request by any DP. In this way, the Centers replace two administrative departments, one of which was attached to the Ministry for childhood and education (the CDES, for issues related to Disabled Children), the other of which was attached to the Ministry for employment (the COTOREP, for issues related to Disabled Adults). The law thus sought to ensure that MDPHs could meet the demands of DPs throughout their lives, avoiding in particular the difficult transition period between 18-22 years of age when, previously, DPs had to transfer their cases from the CDES to the COTOREP, both of which operated with very different competences, areas of expertise and institutional cultures;

- *Finally, the fourth change concerns the governance of the MDPHs*. The Centres are no longer State-run administrations, but autonomous mechanisms, placed under the administrative and financial supervision of the *Conseil Général*, whose president is also president of the MDPH. The latter appoints the director of the MDPH, responsible for implementing the decisions of the Executive Committee (see below). This governance involves various stakeholders at three different levels, being based on the principle of separation between evaluators (EPE), decision makers (CDAPH) and policy makers (Comex):

  o Within the MDPH, employees meet in an EPE to evaluate applications for disability recognition and/or compensation for a situation of disability, and in order to do so make use of external evaluators and advisors (health professionals, national education offices, including mentoring teachers, etc.); for each request, they draw up a *Plan Personnalisé de Compensation du Handicap* (PCH) [Personalised Disability Compensation Plan]; a meeting is arranged with the disabled person and he or she is encouraged to draw up a "life plan"; the PPC is communicated to the DP who comments on it, and it is then returned as is to the CDAPH (i.e. with the DP's comments included); the composition of the EPE is not defined by the law; the group is generally made up of any professionals having medical, social, psychiatric or other paramedical competences, in any area, in accordance with the situation of the DP; some of these competences are employees of the MDPH, and this group may also make use of any external expertise required by the case;

  o The application for compensation is presented by a member of the EPE at a CDAPH meeting, held about once or twice per month (in our case study); this is a new body with decision-making powers in terms of allocation of aid, services and institutional care; it discusses, amends (providing explanations) or corroborates the PPCs, which will first have been drawn up by the multi-disciplinary group (EPE); its composition is set out under the law and is broad,

being essentially made up of representatives of the *Conseil Général*, State functionaries, representatives of the managerial bodies of institutions or services for disabled persons, and, above all, associations of disabled persons and their families. The president and vice president of the CDAPH are elected to it by secret ballot, for a two-year, renewable term; during evaluation of their compensation application, the DP can ask to be heard by the CDAPH;

o Finally, the Executive Committee deliberates on matters related to MDPH policy and management (EPE, CDAPH, voting on budgets, ruling on agreements concluded by the MDPH, etc.) as well as setting up and overseeing the FDCH (although management of funds is carried out by a management committee made up of financial contributor partners); it approves the MDPH's annual activity report; it is composed as follows: 50% of its members represent the *Conseil Général*, 25% represent users' associations, and 25% represent the State and social security organisations.

Similarly to all MDPHs, the one we are studying was set up in April 2006 and went through several years of slow emergence and institutionalization of its activities in a complex institutionalized context resting on: the merging of the former CDES and COTOREP groups within the same autonomous structure, the intervention of users' associations, personalized evaluation of applications rather than a response to the disability, the occasionally awkward position of the director, appointed by the *Conseil Général*, and himself responsible (notably in financial terms) for the implementation of social and medico-social public policies in relation to DPs…

We then question how actors strategically act to mold much more favorable local situations to implement the MDPH, through negotiations and agreements.

2.2 The research methodology

We study how actors appropriate and implement new organizational arrangements through building Negotiated Order and very few scholarships have mobilized this perspective of NO in such context. And because of the socio-constructivist orientation of the NO perspective, we develop a qualitative and moderately inductive methodology, by using the case study methodology (Yin, 1989). We then study the case of one MDPH of a small-sized French Department.

This case is considered to be an instrumental case study (David, 2004) which has been chosen to answer our research question (the appropriation of new organizational and governance forms). It is also considered to be a representative case (Yin, 1989) or typical case (David, 2004), reflecting not only the situation of other MDPHs, but more generally the question of the appropriation of new forms of governance imposed on many organizations in the field of public policy through legal regulations.

We develop various strategies to reflect the complexity of the case and we focus our analysis on middle managers involved in the NO elaboration (and consequently in the appropriation of the MDPH).

We have conducted four sets of interviews from July, 2008 to August, 2010 (July and October, 2008, November 2009 and August 2010). We have met 14 different actors: the director of the MDPH, 10 employees, among them the two coordinators of the two services (Adult Service and Child Service) as well as three external actors (one manager of medico-social establishments and two representatives of the DP Associations, who belong to the CDAPH). Compared to the size and the governance structure of the MDPH, we have met the main actors involved in the implementation process of this new organizational form (the MDPH is composed of 21 persons, one director, 8 persons for the Adult Service, 9 persons for the Child Service and 3 administrative employees).

The content of the interview guide has evolved. For the two first set of interviews, we questioned the actors on their understanding of the MDPH device and on their current practices and works. We elaborated questions such as: « explain what you are doing and the ones you are working with", "what does the term Governance mean?", "what are the main difficulties you face?"… For the third set of interviews, we have focused questions much more on some critical issues about governance and current works. Finally, we interviewed the actors around the four principles of governance (see below) which have emerged from the collected data previously.

We have conducted 24 interviews (and lasted about 1 to 1.30 hours) and all these interviews were recorded and entirely typed. We used N'Vivo software to code and analyze data in an emergent manner (see appendix). We complete this material with secondary data (many reports and professional articles on MDPH, internal documents…). We secured external validity of the research by discussing our results with the director of the MDPH, acting as a key informant since he is also largely involved in a national association of the MDPH directors.

3. Analysis of the case study

3.1 The on-going implementation of the MDPH in a context of competing institutional logics

Issues of consensus hinge on 4 principles of organizing and implementation (or problematic areas, Pasquero, 2008) which we have brought to the fore through analysis of our data:

- *The principal of autonomy*: which challenges the status of the MDPH in relation to the CG and to the various stakeholders, examining their role within the three governance mechanisms (the EPE, the CDAPH and the Comex);
- *The principle of a global and longitudinal approach for the DP*: which challenges the capacity of the MDPH to take into account the life plan (global

approach) and the evolution of the situation over time (longitudinal approach) of the DP;

- *The principle of equity*: which challenges the capacity of the MDPH to respond in an equitable manner to the demands of DPs, while also articulating the principle of personalization of the response (legislative principle);
- *The principle of diversity*: which challenges the diversity of the SHs involved in managing and steering the MDPH and its activities.

The competing logics

It is around the understanding of these organizing and implementation principles that we observe the various competing institutional logics:

- One competing logic derives from the 2005 law, especially when it defines the Handicap in an innovative manner; consequently, the evaluation of the situation of DP has to be made differently and this new regulation opens new areas for social allowances and disability compensation measures;
- Various institutional logics derive from the professional institutions which are involved in the evaluation of the situation of DP and in the decision for public allocation and compensation measures; before the 2005 law, when the medical dimension of disability prevailed in evaluation, GP and other medical actors were dominant in the process of evaluation and compensation; with the 2005 law, their expertise are less dominant, for the benefit of the expertise of the social workers and the occupational therapists;
- Competing logics derive from the former practices developed by actors operating within the state departments of the CDES (for child affairs) and the COTOREP (for adults affairs); especially, the CDES was said to spend more time on files of disable children, their situation reputed to be more complex and sensitive; in addition, they used to work with some DP associations and managers of specialized establishments which were specialized either in the area of disability of child of in the area of disability of adult. Consequently, each state department has developed different norms and values on disability and on its way of doing.

The MDPH implementation is then embedded in these competing institutional logics and each of them is exerted by institutional referents (Pache and Santos, 2011) such as professional actors, DP associations, and the former civil servants of the CDES and the COTOREP who are employed of the MDPH largely.

The MDPH as a whole entity, and its director as the representative of the organization, are supposed to be the referent of the new 2005 law, under which the MDPH operates. And the 2005 law may be a superior institution in the name of which the conflicts would be resolved. However, law is not a technical set of definitions and prescriptions, but much more a framework which is cognitively interpreted (Jobert and Muller, 1987), which offers competition between institutional logics. But such context is much more open and complex since in addition, any actor has to implement a regulation which is radically new.

The actors involved in the MDPH implementation (the employees, the external experts working with the EPE as well as the members of the CDAPH, and especially the DP associations) expressed questions and disagreements around each of the four principles, as we can see in table 1.

Table 1 Initial disagreements derived from competing logics

Principles for the MDPH organizing and appropriation	Questions raised
The principle of autonomy	How to maintain the autonomy of the MDPH (i.e. performing its evaluation and decision roles on the basis of the law) while the effective implementation of its decisions depends on the way the *Conseil Général* implements its social policies in favor of handicap? Autonomy is about the separate role of evaluation (exercised by the MDPH, and the EPE especially) and of decision (exercised by the CDAPH). How to perform evaluation role and decision role in a context where the actors are new and were not used to work together before? How to perform evaluation and decision roles when each role is differently appreciated by each body involved in the process? What do information transmitted by the EPE the CDAPH need to perform its decision role correctly? To what extent recommendations from the CDAPH may channel the autonomy of the EPE in its role of evaluation? DP associations participate in the decision process within the CDAPH and are entitled to act in the name of the DP. But some of them run specialized establishments which are financed by the *Conseil Général*. Consequently, how to help the DP associations' representatives to escape the pressure of the *Conseil Général* so as to perform their role?
The principal of a global and longitudinal approach for the DP	When beginning its activities, the MDPH was divided into two services, one for childhood and the other for adults. This operating structure is contrary to the spirit of the 2005 law. However, a very large majority of MDPH in France has adopted this way of being organized. Indeed, the employees of the MDPH come from the former CDES and the COTOREP and in a context of immediate implementation of the 2005 law, with no transitory period, they naturally act and organize as they used to do since many decades. Consequently, the MDPH was split into two multi-disciplinary evaluation groups (EPE), one for childhood affairs and the other for adult affairs, as well as the CDAPH was split into two Commissions.

	In such context, how to develop a common understanding of the 2005 law? For instance, are evaluation and decision roles appreciated in a same manner? How to develop common tools to evaluate the situation of the DP and maintain coherence in the way to understand and implement the 2005 law? How to avoid a break in the treatment of a file, when this one moves from the Childhood service to the Adult service?
The principle of equity	How to maintain balance between two a priori contradictory principles of the 2005 law: equity and personalization of the decision? Do the EPE or the CDAPH have to integrate the financial constraints of the *Conseil Général* in their evaluation or decision? How to maintain such balance at the general level while the MDPH and the CDAPH operate into two separate services or commissions?
The principle of diversity	How to perform plural point of view-based evaluations and decisions? How to articulate different (institutionalized or professional) points of views during EPE meetings and CDAPH meetings? And in fact, how to develop mutual understanding of each other? In each CDAPH meeting (which last half a day, when generally the Childhood-CDAPH meets in the morning and the Adult-CDAPH meets in the afternoon), around 80 up to 100 files are examined! Such an overloaded timetable does not allow the actors to take time to understand each other and to understand their respective understanding of the law.

The emergence of NOs

The implementation of the MDPH involves a great variety (in terms of content, nature, form, temporality….) of agreements, and concluded at different levels and instances of the MDPH, by multiple actors. They reach consensus which answer all these questions and favor appropriation of the MPDH.

Some agreements are formal in nature:

- Introduction of the GEVA Assessment tool by the Adult EPE to help the EPE to evaluate the situation of the DP and formalize its evaluation which will be presented at the CDAPH;
- Constitution of "lists of cases" (similar case which are collectively examined and discussed) in the Adult-CDAPH so as to dedicate more time to the other more complex files;
- Establishment of jargon within the units….

But many agreements are informal in nature, concerning mainly the ways of operating (round-table discussions within EPEs). Others are undertaken in an experimental fashion:

- Anonymous presentation of cases within the Adult-CDAPH,
- Constitution of a joint group between the Childhood EPE and the Adult EPE to jointly evaluate the cases of "almost-adult"…

And finally, many agreements concern what we refer to as "transitory agreements" which are closely defined and effective, but subject to change (method of presenting compensation applications at CDAPH meetings by the EPEs, etc.).

These agreements led to a large variety of Negotiated Order, showing how much the implementation of the MDPH was rather made through a succession of local orders, which are not interlinked yet all together. We have observed the on-going emergence of four NO:

- Two NOs concern the perimeter of the Child-EPE and the Adult-EPE (or more largely the both respective services of the MDPH) ;
- The two other NOs concern the perimeter of the Child EPE – Child CDAPH and of the Adult EPE – Adult CDAPH.

The second both NOs were more delicate to make emerged, and are quite less formalized than the two previous ones. They are closed to Negotiated Local Order (Pasquero, 1991) since, what is negotiated at the level of the EPE-CDAPH interfaces (higher-order process) may impact the way of working of the EPE (lower-order process). In fact it is more appropriate to speak about a "Negotiated Delocalized Order" when institutionalized rules (through consensus and agreements) negotiated in one space of action impact the activities of actors belonging to another space of action.

Within each of these four NOs, different agreements or similar agreements, but at different periods, were reached, as a consequence of negotiations between the competing logics involved and the way the actors face these competing logics. At the time we closed our data collection and analysis (mid 2010) the terms "MDPH" and "CDAPH" (as a whole) were rarely pronounced by the actors we have interviewed. The MDPH appeared rather as a collection of various NOs, even if they are structured around some common agreements, and consequently around "*the fundamental priorities of the organization*" (Floyd and Woolddridge, 1992, p. 28) and resting on some shared understanding and shared commitments (Markoczy, 2001).

3.2 The strategies for building NOs

We have observed different strategies to build the observed NOs which are consistent with the critical unit of analysis of NO (relationships analysis), when actors manage relationships to negotiate orders. And these strategies show the extent to which the different relationships between the stakeholders give rise to

shared understandings of what is at stake in these relationships (i.e. the four principles of governance).

From a general overview, the strategies developed by all the actors are closed to the principle of "unsolicited proposals" (Chua, 2008). When facing multiple competing logics, one strategy consists for organization in designing and proposing its "*own programs attempting to balance its own and donors' expectations*" (Chua, 2008). In the context studied by this author, this strategy allows the focal organization to partly escape the institutional pressures of its stakeholders. However, our case is different. In the studied context of the organizing process of MDPH since its beginning (starting with the implementation of this new organization), any proposal can be qualified as "unsolicited" since everything was to invent and to put on the agenda. We may observe consequently, and in a way to enrich such strategy, that actors try to put on the agenda some "unsolicited proposals" in line with their own view on how to implement the MDPH. For instance, the both EPE would like to work on the understanding of the law, while the both CDAPH would like to work on "receiving well-documented file" so as to attribute so much that allows it the law (indeed, the more the file is documented, the more the DP associations in CDAPH expect to allocate more).

The split of the MDPH into two services and the CDAPH into two commissions is about the decoupling strategy as response to multiple competing logics (Boxenbaum and al., 2008), when organizations decouple their formal structure from their operational structure. Symbolically, the director of the MDPH and the managers of the both services present the structuring into two parts as a temporary way of working of very short duration, even if they perfectly knew how difficult it would have been to reunite them. They attempted to set up a joint group since 2008, but unsuccessfully, because it was gathered only in very rare occasions. In similar ways, the CDAPH has quite never discussed the opportunities to reunite both the Child-CDAPH and the Adult-CDAPH.

The actors conducted these NO negotiations in spaces provided for by the law, but whose purpose or functional rules were at times not very conducive to this appropriation work; and while some emerging spaces were observed (training time, training, internal seminars, informal meetings between actors, etc.), they had difficulty lasting (factual opportunity, lack of time, etc.).

3.3 Evidence of a new strategy for building NOs: the enactment of stakeholders

But our findings also add to this literature: what lies at the heart of construction of the NO is not just the management of relationships and the construction of shared understandings during these relationships, but to a much greater extent the understanding of stakeholders of these relationships. This understanding is critical and non-natural (thus needing to be challenged) for the two following reasons which we will examine: the SHs in terms of their perimeters, the stakeholders in terms of their demands and their identity.

3.4 The non-natural stakeholders' category – 1st deconstruction: the stakeholders in terms of their perimeter

The actors must learn to understand the real perimeter of these stakeholders, which is not "naturally" that formally prescribed by the law.

Thus, a significant finding is the functioning of the MDPH as a Child unit and an Adult unit (as well as that of the CDAPH as a Child commission and an Adult commission), which does not facilitate (due to specialist competences) the longitudinal approach for the DP set down by the February 2005 Law. Thus agreements concluded are reached by the Child-EPE or the Adult-EPE rather than by the formal EPE (the same thing is found if we examine the Child and Adult units and the Child-CDAPH and Adult-CDAPH); and the ones concluded at the Child-EPE do not fit the ones concluded at the Adult-EPE entirely, since each center works differently. The actors reveal that the ways of working differently on child affairs and in adult affairs are institutionalized:

> «Dès lors un acteur externe note que les CDAPH Enfant et Adulte ne fonctionnent pas de la même manière; «*donc il existe une césure entre Enfant et Adulte; et en plus on entre toujours plus dans le détail dans les CDAPH Enfant*».

The MDPH began operating in 2005, within a context of major uncertainty (a highly innovative law) and under great pressure (very high numbers of CDES and COTOREP cases to be dealt with rapidly, massive influx of new cases, the 2005 law having expanded the possibilities for disability recognition). The actors did not have the time required for understanding and discussion free of any activity. The literature shows the role of consensus, at times "loose", on concepts poorly defined in the construction of NOs. Our case reveals the extent to which it was the obligation of activity which forged consensuses, in some cases transitory or experimental, but largely borrowed from the culture brought in by actors very often originating in the former CDES and COTOREP. And because of former and different institutionalized ways of working between the state-services in charge of child affairs and of the adult affairs, it was very difficult to joint these state-services on one organization (the MDPH) and make them work on similar basis:

> «*On a cru pendant les trois dernières années que la culture commune c'était la réunion de la cotorep et de la cdes. Mais ca ne marche pas [...] ca ne marche pas car on n'a pas les mêmes approches des dossiers, pas les mêmes modes de fonctionnement. Maintenant qu'on essaie de mailler le dispositif entre les plus jeunes et les plus âgés, on voit que cela pose souci en matière d'instruction des dossiers, de présentation en CDAPH [...] Donc la culture commune ne marche pas. Il y a des réticences, des tensions. Il va falloir créer cette culture commune sur l'oubli de la cotorep et cdes et on essaie d'instruire et d'évaluer un dossier de manière à peu*

près semblable, de le restituer de façon identique avec des outils communs...».

Our analyses show:

- stakeholders having difficulty *constructing a shared unit*; it is a question here of the MDPH entity, which is mentioned only very rarely in the interviews; everything takes place as if this SH does not yet really exist, the actors noting moreover that no shared language or common culture was yet in place; at this stage in the question studied, we might speak of a quasi-institution;
- stakeholders for whom the identification perimeter poses a problem, in that, while the law sets out the MDPH and the CDAPH, it is observed on the contrary that:
    - structuring is based around two units, Child and Adult, and the CDAPH has two commissions, Child and Adult;
    - these units are not a homogenous entity, each of the units (in particular through their EPEs) being constructed differently and at a different pace;
    - the CDAPH is not a stable entity, still being at the stage of a collective of actors in motion, complicating, de facto, the relationships between the EPE and CDAPH;

> *«déjà pour moi il n'y a pas de cda, mais il y a des cda, il y a des membres qui siègent et suivant qui sont là ou ne sont pas là, les réactions sont totalement différentes. Et cela a un impact énorme. On prend le même dossier, présenté à des cda des jours différents, on aura des décisions différentes, des questions en faveur ou en défaveur de l'usager....»*

    - new stakeholders tend to emerge, although with difficulty (collective of associations);
- *Stakeholders legally absent* (the SOAEs (educational activities monitoring office), support services, insertion service, etc.) or *factually absent* (evaluators' expertise difficult to find or deploy, etc.):

> *«il faudrait qu'il y ait un ergothérapeute à la mdph, qui vérifie la cohérence des dossiers [...]Il serait garant de la loi lui aussi. Car quand on travaille à la mdph on doit être en possession de la loi [...] Et c'est vrai que les évaluateurs externes ont plus de mal à garder ce rapport à l'équité et à la loi».*

3.5 The non-natural category of stakeholders – 2nd deconstruction: the stakeholders in terms of their demands

Our findings also highlight the extent to which the demands of the stakeholders are not "naturally evident". In this way, the DP associations sitting on the CDAPH are a category of stakeholders who express demands which are not given, but which depend on circumstances (because an association runs an

institution, because they tend to adopt an "ever more" approach to the detriment of a decision or with regard to the law, etc.). In the same way, the DPs met by the EPE evaluators or received by representatives of the two units seem to express their compensation requests more with regard to their awareness of their entitlements under the law (often having been informed of this by DP associations) than with regard to their life plans, according to certain actors in the MDPH.

The 2005 Law has also changed the way the stakeholders have to express their demands and/to have to examine these demands. For instance:

> «*on parle en termes de déficience et non pas de diagnostic; par ex. une déficience respiratoire pour la mucoviscidose*»

… and this change in speaking in terms of deficiency and not in terms of diagnosis tends to minimize the medical point of view (which was dominant) to the benefit of other social and medico-social point of views.

And in general, the actors of the MDPH tend to channel the associations of DP who are perceived as requiring "for the more". They proceed by explaining in details the Law, as a means to channel, or enact the requirements of these associations:

> «je rappelle la loi, je cadre, un rôle de rappeler les frontières dans lesquelles on décide»
>
> «il nous faut façonner l'expertise des membres de la CDAPH pour qu'ils interviennent au nom de la loi»

For the actors of the MDPH, this enactment process is of great importance since, the representatives of these associations, who participate in the CDAPH meetings, do not know the law deeply:

> «Il y a une fragilité en ce moment parmi les bénévoles qui vont siéger en cda. Et l'information qui existe d'une demi-heure avant la réunion de la cda n'est pas suffisante. Car beaucoup découvrent ce champ nouveau;ils ne sont pas forcément parents d'Enfants handicapés ou handicapés eux-mêmes».

3.6 Strategies concerning relations for construction of NOs – emergence of the concept of construction of stakeholders

The level of analysis of the construction of NOs is the relationship (Beaulieu and Pasquero, 2002; Strauss and al., 1963) and generally scholarships have elaborated strategies which may be referred to as "strategies for managing agreements within relationships". Since it is within their relationships that the actors come to common agreements, they will seek to understand these relationships (for instance, a good understanding of what is meant by evaluate and what is meant by decide, in order to stabilize the EPE-CDAPH relationship) in

which they will attempt to forge good relationships (attempts to create an EPE-CDAPH relationship, rather than a relationship per type of DP (Child or Adult)).

But our analyses reveal a second strategy, which adds to the literature on NO theory: a strategy focusing on the actors participating in the relationships (rather than on the relationships themselves) and which seeks through various approaches (training, use of the GEVA tool, reminder of the law as a framework for decision-making procedures, etc.) to guide the way in which some stakeholders may participate in these relationships. The table 2 presents these two relational strategies for construction of an NO:

Table 2 The two relational strategies for construction of an NO

		The critical dimensions of the Stakeholders (SH)	
		In relation to perimeter	*In relation to demands*
The relational strategies for construction of NOs	*Management of the relationship*	With which SHs are the relationships managed?	On what contents are the relationships based?
	Construction of SHs in the relationship	Construct the SH which participates in relationships with regard to their perimeter	Construct the SH which participates in relationships with regard to their demands

And the process of construction of stakeholders is channeled by some critical actors (such as the representatives of the DP associations, the responsible of the EPE or of the Child and Adult services…) who act as institutional referent, trying to legitimate what they represent as the dominant institutional logics embedded in the MDPH.

Thus, NO construction does not solely depend on formally identified (ab initio) stakeholders, nor on managing what is at stake within the relationships. It is also based around what we refer to as *the construction of stakeholders* (i.e. enactment of stakeholders), a concept and process we will discuss below.

4. Discussions

4.1 *Molding the institutionalized context of change as strategy of public organization*

In complex institutional situations, strategy in not only response to environmental changes but consists in molding this context of change. We then mobilize the NO perspective which refers to the rules of the games and not to the content of strategy, as well as to the decision process and not on the goal of the decision process. Through NO, we may understand how actors collectively act in

such a multi-institutional logics environment. The process of NO building is based on facts interpretation, problem framing, choices generation and selecting amongst the alternatives (Bouwen and Taillieu, 2004). And NO building rests on: capturing SH interests, mobilization and collaboration, connecting and aligning various interests. Scholarships often focus on relationships management through which the various interests and stakes of the actors are connected and aligned. We offer additional vision which emphasizes negotiations around roles and identities and emphasizes the political side of NO process.

4.2 The strategic process of building stakeholders for building NO

Recent scholarships in strategic management of public organization focus on methods and techniques for stakeholders' identification and involvement (Bryson and al., 2010; Holman and al., 2007), even if they observe that few works have analyzed these processes. We contribute to that stream by mobilizing the NO perspective.

Within our theoretical framework, we have noted the extent to which NO theory challenges the premises of Theory of Stakeholders (Parent and Deephouse, 2007), which is based around a determinist postulate, considering stakeholders defined ex ante or their influence by criteria defined ex ante (Clarkson, 1995; Mitchell et al., 2007) and considering the reaction of the organization as a strategy of accommodation to stakeholders' demands (Acquier and Gond, 2005). Thus it is in the relationships that the stakeholders find their influence, indicating the extent to which the management of relationships between the organization and its stakeholders, as well as between these stakeholders (Beaulieu and Pasquero, 2002) is critical to the emergence of NOs.

Our findings enable us to enrich this literature by demonstrating that the emergence of agreements does not depend solely on the management of relationships, but also on the construction of the stakeholders contributing to the relationships. Through the process of stakeholders' enactment, the actors determined how these stakeholders may be identified and differentiated and they attempt to channel the institutional logics which shape the actors during negotiations.

In our case study, we have identified 5 bases which contribute to the construction of stakeholders with regard to their perimeter and with regard to their demands: a construction in terms of nature, a construction in terms of role, a construction in terms of expertise, a construction in terms of legitimacy, and a construction as an entity.

Regarding the construction of stakeholders with regard to their perimeter:

• the basis for construction in terms of nature: i.e. the construction of a new stakeholder, not initially provided for under the regulations or not initially identified;

- the basis for construction as an entity: i.e. the construction of an stakeholder from different stakeholders (or a homogenous group in terms of its demands).

Regarding the construction of stakeholders in terms of their demands:

- the basis for construction in terms of role: i.e. the construction of the role (what it represents) of the stakeholder;
- the basis for construction in terms of expertise: i.e. the construction of knowledge and practices of which the stakeholder makes good use;
- the basis for construction in terms of legitimacy: i.e. the construction of the legitimacy of a stakeholder (when outside a list of stakeholders with which the organization must deal, a stakeholder cannot genuinely participate as such in the construction of an LO, through lack of recognized legitimacy or due to contested legitimacy).

4.3 Building NO through building the roles and identities of the stakeholders

Set of stakeholders is not a resource (more or less imposed) with which the organization has to act, but a "tool" created by actors to face the competing logics and to manage and channel the institutionalization of the organization. They do therefore not act to manage stakeholders; we consider that they manage (enact, built) stakeholders in order to act (Grenier, 2009; 2011). We consider that stakeholders' enactment is a tool to channel institutionalization process among various malleable logics (Thornton, 2004). We may say that the institutional logics are all the more moldable as the MDPH organization has difficulty in appearing as a new institution. Consequently, the NO process rests on both competing institutional logics and enacting institutional logics. Through this process, they determined how the actors involved in the project were differentiated, and on what basis those actors were involved.

This enactment strategy emphasizes how "multiple" is any actor. Indeed, actors belong to different groups and they can have a certain flexibility to assume demands of the groups to which they decide to refer according to the situations of negotiations. To explain that, we speak about actors' ubiquity (Martinet, 1984); and contrary to Bourdieu (1972)'s notion of habitus, Lahire (1998) questions the postulate of the uniqueness of the actor, considering that oneself fluctuates according to every situation of action. Consequently, the actors arrange several directories of habits (because they live in several socializing universes) that they mobilize according to the social contexts in which they are. Facing competing institutional logics does not rest on managing relationships only, but imply to enact "who" / the identity of the actors who are engaged in a negotiated process.

4.4 The political side of strategy trough the NO building

Bryson and al. (2010) advocate that scholarships in public management strategy have ignored the political side of strategy and we contribute to that better understanding.

In institutional complex environment, Negotiated Order perspective offers us insights on how actors may reach consensus through bargaining, and moulding "*some consensus around what comes to represent socially legitimate practices*" (Modell, 2006, p. 220). It is supposed to be a political process, embedded in the interrelations and the confrontations of various interests, institutional logics, and ways of understanding what is at stake. However, the use of the term "consensus" leads to undervalue the political dimension of this process. And in 1977, in his appreciation and critical review of the NO perspective, Day (1977) said that "*the role of power (formal versus informal) is never pursued to its logical outcome*" (p. 127). We have shown how actors are embedded in numerous competing institutional logics and how some of them try to cope with as acting as legitimate institutional referents of the institutionalization of organization; and each of them mobilize the institutions they want to promote (the law either the interests of the DP). In addition to the social and contextual view of power in the NO perspective, we add that actors act to manipulate the institutional logics stakeholders represent so that to construct the situation in which conflicts, negotiations and consensus take place. By focusing on the way of building relationships through building stakeholders, we contribute to a less atomistic conceptualization of power (Modell, 2006) in institutionalization and in NO theory.

With the perspective of the institutional logics, we better understand how institutionalization and organizing take place in a very complex and fragmented context; and constructing stakeholders is a way of facing complexity and fragmentation. In previous works (Grenier, 2009; 2011), we have shown that leading actors act through the construction of stakeholders so that to make their project visible. They manipulate their context of negotiations by manipulating (enacting) the diversity of actors in terms of institutional logics, and so impose their individual views on what collective action should be. In the case study of the MDPH, we observe the same political manipulation of stakeholders' institutional logics, but for different reasons. In a context of organizing new organizational arrangements, which radically change the way of doing of actors, the process is rather linked to identity construction. Actors have much more difficulties in conducting negotiations than their own identity is not clear enough or well stabilized. By constructing stakeholders (through manipulating the institutional logics they represent), they both construct their own identity as well as being "otherness" than the others.

Conclusion

We contribute to understand what public organizations strategically do (Bryson and al., 2010) when they operate in institutionalized context. And we consider that acting strategically in institutionalized context is about strategically molding the local context where public organizations operate. Literature explains that "*through the implementation of administrative innovations, organization promulgate fresh rules and procedures, change roles and structures and establish new relationships*" (Naveh and al., 2007, p. 276). As we especially focus on the competing institutions and institutional logics organization have to face, we mobilize the perspective of the Negotiated Order (NO) (Beaulieu and Pasquero, 2002; Strauss and al., 1963, Turcotte and Pasquero, 2001) to better understand what public organizations strategically do. Competing logics is generally solved through a dominant institutional referent (Pache and Santos 2011) or through various strategies of decoupling or based on unsolicited proposals. They all refer to the management on relationships between the actors involved in negotiations. The social construction of local order is a process of negotiations and consensus among stakeholders.

We enrich this literature by focusing on one additional strategy which rests on the social construction of the stakeholders who interact during negotiations and consensus. Our findings enable us to enrich this literature by demonstrating that the emergence of agreements does not depend solely on the management of relationships, but also on the construction of the stakeholders contributing to the relationships. Through the process of stakeholders' enactment, the actors determined how these stakeholders may be identified and differentiated and they attempt to channel the institutional logics which shape the actors during negotiations.

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Appendix – the coding plan

About appropriation of governance	The governance stakes	The principle of Autonomy	
		The principle of Equity	
		The principle of diversity	
		The principle of a global and longitudinal approach for the DP	
		About governance in general	
	The content of appropriation	Appropriation on the way of working	
		Appropriation on the ways of considering the four principles of governance	
	Characteristics of appropriation	Speed of appropriation	
		Degree of appropriation	Weak
			In progress
About the building of NOs	The stakeholders (SH)	The absent SH	Non appointed by the law
			Absent *de facto*
		The enacted SH	Enacted per nature (new SH)
			Enacted in terms of role

			Enacted in terms of legitimacy
			Enacted in terms of expertise
			Enacted as a whole entity
		Resources of actors	Legitimacy
			Power
			Urgency of stakes
			Expertise, knowledge
			Assistance and support
			Common culture
			Others
	Spaces of negotiations	Kinds of spaces	Various codes related to the various identified spaces
		Nature of spaces	As named by the law
			Emergent
		Aim of spaces	To decide
			To better mutually acknowledge
			To experiment
	The agreements	Content of agreements	The domain
			The domain one SH refuses to consider
		Agreements not yet stabilized	At the stage of projects
			Transitory agreement
			Tacit agreement
		Process of agreement	What eases agreements
			What prevents agreements