Private Actors in Politics and Policy-Making: Case Studies into the Patterns of Proximity

Over the past decades, the forms of private actors' involvement in politics and policy-making have multiplied at all levels of government and across policy areas. At the same time, expert groups, multi-stakeholder fora, public-private partnerships, direct and indirect lobbying campaigns, and the outsourcing of public services have all become the focus of scholarly attention across national and transnational contexts [R. A. W. Rhodes 1997; Hall and Biersteker 2002; Héritier 2002; Peters et al. 2009; Bexell and Mörth 2010; Green 2013].

This has been linked to a series of phenomena such as the multiplication and complexification of the areas of state intervention into social and economic practices over the second half of the 20th century, the globalisation of economies, and the implementation of New Public Management reforms in the public administrations of Western European countries since the 1980s that have encouraged the outsourcing of public services and expertise. The specificities of the evolution of EU government structures have also been seen to converge in opening up opportunities for private actors to become providers of expertise [Saurugger 2002], services, or partners in policy-making as a part of the move by public authorities to include 'civil society' in these processes [Saurugger 2008; Robert 2013; Sánchez Salgado 2014].

This special issue, which developed as a follow up to the workshop on 'Private Actors in Politics and Policy-making', organised in Prague in May 2016 at the CEFRES (French Research Center in Humanities and Social Sciences – Prague), aims to contribute to our understanding of the forms that this involvement of private actors in politics and policy-making has taken and of the processes leading to the establishment of such forms of cooperation. This issue's contribution lies in its bringing together five case studies focusing on modes of public-private interaction that go beyond the frequent focus on the lobbying of decision-makers by special interests. Their approaches share three important features: the originality of their objects of analysis; their use of less frequent theoretical frameworks for conceptualising public/private interactions; and their careful restitution of the historical and political contingency of the public/private interactions that the authors analyse.

First, however, the choice of framing these changes as those occurring in the relations of power between public and private actors requires elucidation. The public/private 'grand dichotomy' [Weintraub and Kumar, 1997] has played a central role in both political philosophy and social sciences for making sense of the relationship between the state, the economy, society, and the individual. At the same time, it has also been key to studying the differentiated rules governing

these spheres. A number of different meanings have nevertheless been attached to this dichotomy, out of which Jeff Weintraub [1997] distinguishes the four most prominent in the literature: public/private as a distinction between state administration and the market economy; as a public/civic sphere different from both the state and the market; the 'public' as a sphere of non-organised and fluid sociability distinct from organised interaction and the realm of private life; and finally, public/private as a distinction important in the feminist literature, between the family and both the political and economic order.

While acknowledging that no single dimension can exhaustively capture its symbolic efficacy in the everyday life of individuals and institutions, this special issue refers to one of these dimensions in particular, the one of the state and the market, or more broadly, of state and non-state actors. It further understands the 'public actors' category as also encompassing transnational authorities such as the European Union institutions, and the 'non-state actors' category as also comprising actors such as NGOs, think-tanks, and foundations as non-state actors, all of which have played key roles in the 'public-private policy nexus' [Stone 2013]. This definitional choice is a contextual one, linked to the main focus of the issue on the participation of non-state actors in policy-making as the defining prerogative of public authorities.

Second, the novelty of private actors' implication in politics is of course all relative. As John Donahue and Richard Zeckhauser have stressed, it mostly appears as new 'against the backdrop of the extraordinary consolidation of central state authority, particularly in the US, in the first half of the 20th century' [Donahue and Zeckhauser 2006: 500]. Rather than the intertwining of public and private actors itself, then, the forms it takes may be perceived as a novelty. After all, private regulation (the creation, implementation, and enforcement of rules and standards relating to a particular area of activity, such as trade, by private actors), as well as the involvement of business actors in politics have a well-documented history [Vries 1976; Tilly 1985; Ciepley 2013; Coni-Zimmer, Wolf and Collin 2017]. Some of these new forms analysed in this issue include the hiring of former public officials by law firms (Avril); the opening of dedicated European affairs offices by corporations that remain more or less separate from the rest of the company's structure (Cloteau); consortia comprising government and industry representatives as well as academics, as in the field of energy transition (de Carvalho) or 'urban resilience' (Svitková); or fluid and open configurations of think-tanks, journalists, academics, and public officials from different ministries around 'hybrid threats' as a new problem, with non-state actors playing central roles of coordination and organisation (Daniel and Eberle).

Finally, it is also important to stress that private actors' growing involvement in politics and policy-making has had an important place in the ongoing debates about the changing modes of government itself. A number of scholars have conceptualised this change in terms of a loss—that of state authority, state competence, or democratic control over politics. Concepts using the post- pre-

fix, such as post-democracy [Crouch 2004] or the post-modern state [Chevallier 2004], then refer to the changing power relations between the state and economic actors to the detriment of public authority, as do the terms the 'hollowing-out of the state' [Rhodes 1994] or the 'retreat of the state' [Strange 1996]. Such conclusions are related to the very representations of the state and it is therefore crucial to continue confronting them with empirical research drawn from a variety of contexts to gain a better understanding of the diffusion, the forms, and the longevity of such transformations.

The first common feature of articles in this issue is the originality of the objects they analyse and that enable them to go beyond the state/interest groups conceptual framework dominant in political science of the second half of the 20th century. First, Armèle Cloteau and Lola Avril concentrate on the work of intermediaries between public authorities and business at the level of the European Union, in-house lobbyists, and competition law specialists. The next articles by Lucie de Carvalho, Jan Daniel, and Jakub Eberle, and the one by Katarína Svitková focus on how policy problems and solutions are co-produced by public and private actors in the energy and security sectors at national and local levels of government.

The second contribution the articles in this issue make is the choice of less common theoretical frameworks. Notions such as governance, defined in the narrow sense by horizontality and flexibility and differentiated from 'government' [Héritier 2002] and the regulatory state [Majone 1994], along with important concepts that have emerged in policy studies, such as policy networks [Rhodes and Marsh 1992] and epistemic communities [Haas 2001], or in international relations, such as the concept of collaborative governance [Freeman 1997; Donahue and Zeckhauser 2006] or that of private authority [Cutler, Haufler and Porter 1999; Hall and Biersteker 2002; Green 2013], can all be understood as attempts at conceptualising the recurring patterns of involvement of non-state actors in policy-making across contexts and levels of government.

The articles presented in this issue do not rely on these more common ways of studying public-private interaction in policy-making and explore the potential of other frameworks. Both Cloteau and Avril build on the application of Pierre Bourdieu's field theory to studying the EU [Georgakakis and Rowell 2014], and contribute to the literature showing that the position of actors such as lawyers and lobbyists can be understood as that of 'permanent agents' of the 'field of power of Eurocracy', that is, agents evolving throughout all of their careers, sometimes alternating public office and private engagement, in the space requiring the mastery of rules and resources linked to the work of EU institutions [Courty and Michel 2012; Laurens 2018]. As Cloteau argues, the in-house lobbyists of the Brussels office of an agro-food sector corporation can be considered 'European private servants' caught in a 'double bind' situation towards both their employer and the space of EU institutions. This does not preclude the differentiated logics and rules of operation in the private sector as opposed to the EU institutions

themselves, as Avril shows, but helps seize the proximity in resources, interests, and careers between lawyers specialised in competition law, for instance, and EU officials.

In looking at the participation of public and private actors in the 'energy transition' to renewables in the UK, de Carvalho builds on the sociological literature on sustainable energy policies to analyse 'hybridisation processes' and their structural conditions. In her article, the author conceives of the public/private distinction as one contributing to the definition of the roles that different kinds of actors take upon themselves, and that evolve dynamically as a part of different frameworks of cooperation, among which are the 'hybrid go-cos, and industry-academia-government consortia'. Similarly, Daniel and Eberle envisage the categorisation of actors as 'public' and 'private' to be, at least in part, dynamic, context-dependent, and performed by actors themselves. More precisely, they analyse them as identities enacted in the context of a particular 'assemblage', a 'temporary constellation of a variety of different actors' that is conceived of as both more fluid and open than a structure and as constitutive of the very possibilities of action of its members as opposed to understanding these constellations as phenomena of network governance. Svitková then shows on the case of urban resilience policies implemented in Santiago de Chile to what extent the construction of policy problems itself can be a co-production of public and private actors ('resilience'), catering respectively to their interests in re-election and in the opening of new markets.

The third common feature of articles in this issue, finally, is that while analysing occurrences of what they label as a hybridisation of roles, resources, and modes of action of public and private actors, they all point to the contingent character of such hybridisation. They highlight it as dependent on a particular institutional and political context, reintroducing the question of the longevity and the systemic character of the change encapsulated in the 'governance' paradigm. The in-house lobbyists' mission as 'angels of Europe' (Cloteau) only goes forward as far as their employer maintains an office in Brussels, enabling them not to become completely subject to the management logics of the corporation and to cultivate a hybrid identity as advocates of both the European project and of the corporation's interests. Avril stresses that the practice of law firms hiring former high-ranking officials from the Commission can be traced historically to the end of the 1980s and is linked both to the development of the EU's competition policy and that of the booming consultancy market, itself reliant on the distribution of competence between the EU's institutions, the EU, and Member States, as well as between the EU and other transnational actors. In the case of the UK's 'energy transition' policies, de Carvalho stresses the contingence of the hybridisation of roles of public and private actors on the evolution of public and political support for sustainable energy. Both the articles by Daniel and Eberle and by Svitková highlight the relatively rapid emergence and institutionalisation of their objects of study, 'Russian hybrid warfare' as a security threat and 'urban resilience', respectively, supplanting other priorities. The rapid emergence and re-framing of

some previous problems raises, among other things, the question of the temporalities and thereby also the longevity of the policy products of public-private interactions.

By offering nuanced insights into particular cases of public/private interaction in policy-making, the articles in this special issue draw attention to the need to carefully situate conceptualisations of the public/private overlaps and proximity within the context of the historically and politically specific interlocking of public authority with society and the market. At the same time, the juxtaposition of such a diversity of cases—the 'Eurocracy', the UK, the Czech Republic, and local and regional politics in Santiago de Chile—prompts more comparative research that would provide ground for generalisations on the ways in which the political and policy engagement of private actors transforms the modes of government. The five case studies presented in this issue implicitly contribute to such a comparative dialogue.

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References

Bexell, M. and U. Mörth (eds). 2010. *Democracy and Public-Private Partnerships in Global Governance*. New York: Palgrave Macmillan.

Chevallier, J. 2004. *L'État post-moderne*. 2nd ed. Droit et société. Paris: LGDJ.

Ciepley, D. 2013. 'Beyond Public and Private: Toward a Political Theory of the Corporation.' *American Political Science Review* 107 (1): 139–158, https://doi.org/10.1017/S0003055412000536.

Coni-Zimmer, M., K. D. Wolf and P. Collin. 2017. 'Editorial to the Issue on Legitimization of Private and Public Regulation: Past and Present.' *Politics and Governance* 5 (1): 1–5, https://doi.org/10.17645/pag.v5i1.915.

Courty, G. and H. Michel. 2012. 'Groupes d'intérêt et lobbyistes dans l'espace politique européen : des permanents de l'Eurocratie.' Pp. 213–240 in *Le Champ de l'Eurocratie. Une Sociologie Politique Du Personnel de l'UE*, edited by D. Georgakakis. Paris: Economica.

Crouch, C. 2004. *Post-Democracy*. Malden, MA: Polity.

Cutler, A. C., V. Haufler and T. Porter. 1999. *Private Authority and International Affairs*. SUNY Press.

Donahue, J. D. and R. J. Zeckhauser. 2006. 'Public-Private Collaboration.' Pp. 496–525 in *The Oxford Handbook of Public Policy*, edited by M. Moran, M. Rein and R. E. Goodin. New York: Oxford University Press.

Freeman, J. 1997. 'Collaborative Governance in the Administrative State.' *UCLA Law Review* 45 (1): 1.

Georgakakis, D. and J. Rowell. 2013. *The Field of Eurocracy: Mapping EU Actors and Professionals*. Basingstoke: Palgrave Macmillan.

Green, J. F. 2013. *Rethinking Private Authority: Agents and Entrepreneurs in Global Environmental Governance*. Princeton, NJ: Princeton University Press.

Haas, P. M. 2001. 'Policy Knowledge: Epistemic Communities.' Pp. 11578–11586 in *International Encyclopedia of the Social and Behavioral Sciences*, edited by N. J. Smelser and P. B. Baltes. Amsterdam: Elsevier Science Ltd.
Hall, R. B. and T. J. Biersteker (eds). 2002. *The Emergence of Private Authority in Global Governance*. Cambridge: Cambridge University Press.
Héritier, A. 2002. 'New Modes of Governance in Europe: Policy Making without Legislating?' In *Reihe Politikwissenschaft*. Vol. 81. Vienna: Institut für Höhere Studien (IHS), Wien.
Lascoumes, P. and P. Le Galès. 2007. 'Introduction: Understanding Public Policy through Its Instruments—From the Nature of Instruments to the Sociology of Public Policy Instrumentation.' *Governance* 20 (1): 1–21, https://doi.org/10.1111/j.1468-0491.2007.00342.x.
Laurens, S. 2018. *Lobbyists and Bureaucrats in Brussels : Capitalism's Brokers*. Translated by Trista Selous. Abingdon, Oxon, New York: Routledge.
Majone, G. 1994. 'The Rise of the Regulatory State in Europe.' *West European Politics* 17 (3): 77–101, https://doi.org/10.1080/01402389408425031.
Peters, A., L Koechlin, T. Förster and G. F. Zinkernagel (eds). 2009. *Non-State Actors as Standard Setters*. Cambridge: Cambridge University Press.
Rhodes, R. A. W. 1994. 'The Hollowing Out of the State: The Changing Nature of the Public Service in Britain.' *The Political Quarterly* 65 (2): 138–151, https://doi.org/10.1111/j.1467-923X.1994.tb00441.x.
Rhodes, R. A. W. 1997. *Understanding Governance: Policy Networks, Governance, Reflexivity, and Accountability*. Buckingham and Philadelphia, PA: Open University Press.
Rhodes, R. A. W. and D. Marsh. 1992. 'New Directions in the Study of Policy Networks.' *European Journal of Political Research* 21 (1–2): 181–205, https://doi.org/10.1111/j.1475-6765.1992.tb00294.x.
Robert, C. 2013. ‚Expert Groups in the Field of Eurocracy.' Pp. 137-165 in *The Field of Eurocracy Mapping EU Actors and Professionals*, edited by D. Georgakakis and J. Rowell. Basingstoke: Palgrave Macmillan.
Sánchez Salgado, R. 2014. *Europeanizing Civil Society: How the EU Shapes Civil Society Organizations*. Basingstoke: Palgrave Macmillan.
Saurugger, S. 2002. 'L'expertise, un mode de participation des groupes d'intérêt au processus décisionnel communautaire.' *Revue Française de Science Politique* 52 (4): 375–401, https://doi.org/10.3406/rfsp.2002.403725.
Saurugger, S. 2008. 'Interest Groups and Democracy in the European Union.' *West European Politics* 31 (6): 1274–1291, https://doi.org/10.1080/01402380802374288.
Stone, D. 2013. *Knowledge Actors and Transnational Governance: The Private-Public Policy Nexus in the Global Agora.* [S.l.]: Palgrave Macmillan.
Strange, S. 1996. *The Retreat of the State: The Diffusion of Power in the World Economy*. New York: Cambridge University Press.
Tilly, C. 1985. 'War Making and State Making as Organized Crime.' Pp. 169–187 in *Bringing the State Back In*, edited by P. Evans, D. Rueschmeyer and T. Skocpol. Cambridge: Cambridge University Press.
Vries, J. de. 1976. *The Economy of Europe in an Age of Crisis, 1600-1750*. Cambridge University Press.
Weintraub, J., Kumar, K. 1997. *Public and Private in Thought and Practice, Perspectives on a Grand Dichotomy*. Chicago, IL: Chicago University Press.
Weintraub, J. 1997. 'The Theory and Politics of the Public/Private Distinction.' Pp. 1–41 in *Public and Private in Thought and Practice, Perspectives on a Grand Dichotomy*, edited by J. Weintraub and K. Kumar. Chicago, IL: Chicago University Press.