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NEO-CORPORATISM AND THE STATE

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## NEO-CORPORATISM AND THE STATE

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The "state" has become a bit like the weather. Social scientists in recent years have been talking a great deal about it, but haven't been able to do much with it. Articles and books now display the concept prominently in their titles, but no one seems quite sure what it is. We have been exhorted to somehow "bring it back" into our analyses (Skocpol, 1982), but we haven't been told where it fits.

The burgeoning literature on neo-corporatism has contributed significantly to this revival of interest in the state (Cawson, 1978; Maraffi, 1983), but it has not resolved the problem of what or why the invocation of such a portentous concept adds to our understanding of politics in advanced industrial/capitalist societies. On the one hand, it has been (correctly) credited with calling our attention to the multiple ways in which the structure and action of public authorities affect the identification and organization of interests; on the other hand, it has been (rightly) criticised for not telling us enough about the circumstances and motives under which these authorities intervene to change the ways in which individuals and groups perceive their interests and act collectively to defend them. In short, it is one thing to put the state into a theory and quite another thing to have a theory of the state.

state <sup>affect</sup> → org of:  
? → state → org of:

## "STATE THEORY"?

But is it really possible any longer to speak of a state theory or a theory of the state in the advanced industrial/capitalist societies of Western Europe and North America (Jessop, 1982)? Most of the conditions which previously allowed theorists to treat the state as a distinctive social institution are no longer present to the same degree. For example, its imputed capacity for unity of action seems dubious in the face of abundant evidence of competitiveness and incoherence among its multiple agencies and levels. Sovereignty used to be considered the hallmark of stateness, but few would argue that, today, even the largest and most powerful of state units have the ultimate capacity to determine autonomously and authoritatively the allocation of all private goods and public statuses within their respective territories. "Internal" capitalist relations have long restricted the state's effective exercise of sovereignty, but the more recent development of transnational processes and supra-national regimes have added so many new external constraints that the claim is no longer credible. Indeed the very concept of sovereignty now seems quaint and has become virtually extinct in normal or academic usage.

Other allegedly distinctive properties of the state: its association with a particular nation and the spirit of nationalism; its capacity for the defense of a specific territory; its pretense to embody the common and universal interests of the citizenry; its claim to centrality in all political calculations; its staffing by a special stratum of the population; its organi-

zation according to unique (bureaucratic) principles, have not so much disappeared as they have weakened or lost their exclusiveness. The modern state has either diminished in its command of these properties, or has been forced to share them with other institutions in (and outside) its own society. What is left is an amorphous complex of agencies with very ill-defined boundaries, performing a great variety of not very distinctive functions. As a symbolic and systemic totality, the state may still command a relative superiority of coercive power within a given territory and a legitimate authority to use that power to enforce certain norms, but even these capacities are subject to unprecedented contestation and restriction. In short, we are being asked to bring the state back into our analyses precisely when it least resembles what it was historically and theoretically. If we are to do this effectively, we cannot merely revive or retrieve out-dated assumptions about this institution. We must revise and reconstruct them.

Paradoxically, what seems to have motivated this new fashion is the claim, advanced by social scientists from a wide range of political perspectives, that the contemporary state has been "taking weighty, autonomous initiatives" (Skocpol, 1982, p.1) which go beyond or against the demands and interests of existing social groups. Precisely when its distinctiveness, its unity, and its sovereignty have diminished, the state in Western Europe and North America appears to have increased "its" capacity to penetrate society with "its" policies -- to affect citizen behavior, to extract resources, to collect information, to regulate economic exchanges, to distribute goods and services -- and to do this with a degree of "relative autonomy" which seems

both puzzling and unprecedented. Indeed, this emergent property has provided the central focus, the principal explanandum and explanans, of contemporary efforts at theorizing about the state.

The mere fact that so many schools of thought have uncovered this analytical lodestone does not, however, imply there is an agreement on what this autonomy means, why it is significant or how it is to be measured. Conservatives interpret what has happened in recent decades as a decline in the state's "real-historical" mission to pursue distinctively public or civic goals, and attribute its cause to a change in the pattern of recruitment whereby ambitious and self-serving, middle class professionals have displaced disinterested and public-minded aristocrats in the control of state agencies. Traditional liberals point to the unprecedented growth in the volume and variety of state activities and argue that relative autonomy emerges as an unanticipated consequence from the sheer complexity and fragmentation of these efforts at regulation and subsidization, with each agency and agent competing for power, status and budget shares. For many Marxists, the phenomenon lies not in behavioral or institutional factors, but in functional ones. Capitalism, at this stage in its development, requires a functional apparatus which is capable of ensuring the general conditions for capital accumulation and social cohesion. To do this, the state must acquire an independent strategic capacity to forge unity within the dominant class, overriding its particularistic interests, and to extract consensus from subordinate classes, coopting and/or manipulating their partial interests.

So, there is agreement among "state-centered theorists" that relative autonomy is something important, but disagreement among

them concerning what it is and why it exists. The state may (some would say, must) formulate and implement policies that are not merely reflective of established preferences and articulated demands of groups, strata and classes within society, but it is not clear whether this capacity is a permanent attribute or an episodic occurrence, a functional necessity or a contingent choice, a consistent property or an issue-specific response. Underlying these theoretical (and, at times, scholastic) divergences, is the central issue of whether the state has "interests" of its own -- and the distinctive resources to make them prevail in the face of resistance by those with conflicting interests. This, in turn, is linked to the question of whether the state can design its own "policy instruments", i.e. whether it can choose the terrain and format for its interaction with social groups and can impose upon these groups the conception of interests and mode of collective action it prefers. This is where neo-corporatism may enter the picture as one possible mode of restructuring state-society relations.

#### POLITICAL DESIGN?

Regardless of the "school" of neo-corporatism -- and there are many -- its students would agree that it is unlikely to emerge or to persist without the active connivance or complicity of state agencies. Interest associations will not attain the status of monopoly representatives or form comprehensive hierarchies of sectoral and class coordination without some degree of official recognition, if not encouragement. Nor will they become regular, integral participants in policy-making or acquire direct responsibilities for policy implementation without the tacit agreement, if not the active promotion of public officials. State actions

are, therefore, necessary but not sufficient causes of neo-corporatist arrangements. In democratic polities, state agents can try to bring about such patterns, but their efforts can fail (See McBride, 1983 for a case study of this). Affected groups may refuse to organize themselves appropriately; targeted organizations can turn down the invitation to participate; incorporated associations can defect if they find the costs of collaborating too high. To use an Italian expression, neo-corporatism depends on a scambio politico, a political exchange in which organized interests and state agencies calculatedly, if not always willingly and enthusiastically, agree to a particular pattern of formal representation and substantive negotiation (Pizzorno, 1978; Ceri, 1980-81; Rusconi, 1981 and 1983; Mutti, 1983; Regini, 1983).

From this perspective, such arrangements cannot be seen as a deliberate act of "state control" over the expression of class or group interests (Cf. Panitch, 1979 and 1981; Jessop, 1979; Strinati, 1978 and 1982) -- whether the state is interpreted as acting out of its institutional self-interest or as enforcing the general class interest of the bourgeoisie. Rather, this sort of compromise is possible only where some degree of balance in the organized expression of class forces exists -- and where the organized expression of other interest cleavages in the society: ethnic, religious, generational, positional, gender-related, etc. can be disregarded or set momentarily aside. This is not to say that the classes involved must have achieved a "parity" of power -- that capital and labor must have the same capacity to influence state policy or to extract benefits from public authorities -- for neo-corporatist arrangements to come about. If this were the case, they would be exceedingly rare and of very limited



duration. Rather, the relevant interlocutors must be in a situation of "mutual deterrence", each sufficiently capable of organized collective action to prevent the other from realizing its interests directly through social control and/or economic exploitation, and each sufficiently incapable of unilateral manipulation of public authority to impose its interests indirectly through the state. In such a context of imposed bargaining (Crouch, 1977), both the room and the necessity for intervention increases. State agents acquire the capacity to make an independent and significant contribution towards the negotiation of a more stable and institutionalized interest compromise and, at the same time, are empowered to extract some "public-regarding" concessions from the bargaining associations. Such a relative autonomy is neither "behavioral" in the sense that it depends on the preferences of civil servants (Nordlinger, 1981); nor is it "functional" in the sense that it stems from the imperatives of ensuring the long-run imperatives of capitalist reproduction (Poulantzas, 1972 and 1975); nor is it "tactical" in the sense of just disguising the interests of a non-ruling dominant class behind the façade of state neutrality (Block, 1977). It is "structural" and grounded in the institutional interests of the State.

The more comprehensive neo-corporatist arrangements, at least as they have emerged in the political democracies of Western Europe since World War II, have not been the result of the willful calculation of some autonomous state actor or the "hegemonic project" of some progressive class fraction. They have not come about through deliberate, grandiose efforts at "political design" (Anderson, 1977). With the possible exception of the immediate

postwar settlements in Belgium and the Netherlands, they have been the largely unintended outcome of a series of disparate interest conflicts and policy crises in which none of the class or state actors involved was capable of imposing its preferred solution upon the others. Typically, they began as second-best compromises which no one really wanted or defended openly -- hence, their general invisibility, their uneven distribution and their precarious legitimacy. State actors would usually have preferred authoritative regulation; business representatives an allocation through market forces; and labor leaders a redistribution of wealth and/or a redefinition of property rights. Neo-corporatism satisfies none of these projects, but incorporates elements of all of them. It is, therefore, both actually conservative in that it reflects existing property and power relations, and potentially transformative in that it subjects them to explicit and repeated negotiation. Class compromise is, thereby, moved from the plane of individualistic adaptation and parliamentary manoeuvre to that of inter-organizational bargaining and contract formation.

All this would be unnecessary, if the state really was as autonomous as some have argued in its recruitment patterns, informational resources, agenda-setting and implementation capacities. Pierre Birnbaum, for example, has argued that France -- the only country in the world with a real state in his opinion -- is incapable of developing neo-corporatist arrangements (1982a, p.111. For a rather different version of state-interest association relationships in France, see Hall, 1982; Pontusson, 1983; and of corporatism in that country, see Schain, 1980; Goetschy, 1983). Conversely, where the state lacks auton-

omy due to the overwhelming hegemony of capitalist interests, neo-corporatist bargaining will be rejected as a heretical and wasteful impediment to the efficient operation of market forces. The United States has frequently been cited as a case in point (Wilson, 1982), although even there some traces of corporatism have been discerned (Wolfe, 1977; Lustig, 1982; Milward and Francisco, 1983). Great Britain, which was (erroneously in my view) earlier placed in the avant-garde of neo-corporatism (Harris, 1972; Pahl and Winkler, 1974; Winkler, 1976; Newman, 1981), has more recently been identified as a place where the balance of organized class forces and state capacities is no longer (not yet?) appropriate for the task (Crouch, 1979; Jessop, 1980; Regini, 1983).

#### POLICY INSTRUMENT?

If the emergence of such arrangements cannot be attributed to some grand "political design" of the state or some hegemonic class fraction, can they be assigned the more modest status of a "policy instrument", a format chosen to resolve particular problems, and, if so, why it and not some other means of coping with interest conflicts? The mere existence of mutual deterrence and organizational stalemate may make stable and comprehensive neo-corporatism possible, but they do not make it inevitable -- or desirable. It is not the only instrument available in the policy repertoire of advanced capitalism. Indicative planning, public ownership of productive assets, selective subsidization, state regulation, control of the money supply, centralized executive authority -- all offer alternative means for dealing with its conflicts and contradictions. Not only have these been tried (with varying degrees of success), but many constitute "first

preferences" of powerful constituencies and are often more compatible with cultural norms and democratic values than the "second-best" and dubiously legitimate institutions of neo-corporatism.

One answer which has been proposed is that such arrangements are preferred and promoted, not by the relatively autonomous state, but by relatively autonomous groups within it, i.e. by specific bureaux and agencies. In response to their discrete needs for information, compliance, legitimacy and support vis-a-vis competing units, civil servants seek to coopt their clients and find systems of functional representation useful for these purposes. No doubt, one could find many instances where public officials took the lead in establishing such relationships, rewarded interests which formed or merged into monopolistic associations, encouraged representatives to take a longer-term and more "responsible" view of their member interests and sought to insulate policy deliberation from partisan, territorial and/or popular pressures.

Civil servants are likely to be much less enthusiastic about effectively sharing decision-making power with interest associations and especially about devolving upon them the authority and material resources necessary for the implementation of policies. Nor are they likely, in a liberal-democratic polity, to be able to control as much as they would like the processes of leadership selection and demand formation within formally coopted associations -- unless it is in the calculated interest of these groups to consent to such adjustments. Efforts by zealous and autonomous authorities to go beyond these implicit limits would be thwarted by defections, either by association leaders or their

disillusioned followers. Also, if the dominant motive in the formation of neo-corporatist arrangements was the cooptive preference of civil servants, this could only explain the proliferation of "bipartite" or "tripartite" forums of functional representation attached to particular bureaux or agencies, not the emergence of comprehensive "trans-sectoral" institutions for negotiating and implementing macro-economic and social policy throughout the polity. These require much more extensive political, i.e. party and parliamentary, support (Armingeon, 1982; Armingeon et al., 1983); Lehbruch, 1983; Lehbruch and Halle, 1983). Admittedly, social pacts of this scope are not that common and have had a precarious existence in many countries; nevertheless, they do constitute the most salient and powerful utilization of this policy instrument, its best claim to being a means for significant restructuring of the relations between civil society and the state apparatus.

This suggests (to me) that, while neo-corporatism may not be "architectural", it is not purely "artisanal". The macro-functional imperatives of capitalist reproduction may be too vague and indeterminant to explain its emergence -- especially its very uneven distribution across sectors and countries in Western Europe and North America -- and the micro-behavioral preferences of civil servants may be too circumscribed and ineffectual to explain its significance -- especially its differential contribution to political and economic outcomes in these countries (Schmitter, 1980; Schmidt, 1982,1983; Cameron, 1978, 1983). The answer, I propose, lies at the meso-level, i.e. in the relationship between the interests of class/sectoral organizations and the interests of the state as an institution. The

former are defined less (and less) by the elevated goal of attaining hegemony and imposing a distinctive "class project" upon the whole of society, and more (and more) by the prosaic objective of influencing public policy to ensure a stable or expanding share of rewards within the existing order. To do this under contemporary circumstances, classes must get organized and that requires overcoming the "free-riding" limitations imposed by voluntary membership and the "free-booting" temptations inherent in individualistic or particularistic access to political power (See Schmitter, 1981, for a more complete exposition of this argument). This in turn implies a possible organizational interest in exploiting state authority to resolve the paradox inherent in liberal associability, i.e. by making (de jure or de facto) member contributions and compliances compulsory. In such cases, associational consent to neo-corporatist arrangements may not just be contingent upon the satisfaction of immediate member preferences. Where meso-calculations of this sort have asserted themselves, classes may eventually come to learn that it is in their interest to have their preferences and behaviors governed by intermediary organizations and subjected to state interests.

"State interests", however, have proven as difficult to define and intractable to measure as has "relative autonomy". Tracking down what is distinctive to this particular historical mode of organizing political space requires, first, that its institutional interests be distinguished analytically from those of two sets of actors, governments and civil servants, who occupy positions within the state and who frequently claim to be acting in defense of its interests. Unfortunately, the literature fails to make this distinction consistently and this has added greatly to the

confusion about the role of the state in establishing and maintaining neo-corporatist arrangements.

"Government interests" can be defined structurally in terms of ensuring the reproduction of an existing distribution of public offices and established means of gaining access to them, and conjuncturally in terms of seeking to remain in control of those offices. In stable liberal democracies, this means that there is a likelihood that politicians will act to preserve government based on electoral accountability and territorial representation, and will take whatever steps are feasible and tolerable to promote their (or their party's) re-election. Neither of these generic interests is intrinsically favorable to neo-corporatism. Indeed, the contrary is more likely to be the case. Only where party competition has been temporarily suspended, as during a Grand Coalition government, or where such arrangements can be shown not to threaten regime norms or incumbency resources, are they likely to be promoted or tolerated by government interests in the strict sense in which they have been defined here.

"Civil Servant Interests" also have their structural and conjunctural aspects. On the one hand, the employees of the state have an interest in perpetuating an ensemble of institutional identities, recruitment patterns, cultural norms and professional standards which define their particular status in society. On the other hand, they have have a set of situs-related preferences with regard to salaries, perquisites, job security, career opportunities, budget shares, and so forth for which they periodically struggle and which bring them into conflict with other social groups. As noted above, a given agency or subset of civil ser-

vants may develop an interest in promoting neo-corporatism as a means for coping with a specific policy problem, but it is by no means clear whether they, as a State, have some inherent propensity for this sort of arrangement. Its tendencies to blur the line between public and private institutions, to require extensive consultation with affected groups, to acquire devolved resources from the state and, in the extreme case, to take over substantial responsibility for the implementation of policies could all be interpreted as antithetic to the long term interests of civil servants.

"State interests" are obviously difficult to distinguish empirically from those of its principal agents -- governments and civil servants -- even if it is possible to point to numerous situations in which the actual efforts of these groups to get re-elected or rewarded have clearly undermined the objective or subjective capacity of a given state. Nevertheless, any politician coming to power or any functionary taking office is likely to learn fairly quickly what these are and what limits they impose upon his or her actions. First and foremost, the interests of a state are defined by the interstate system of which it is a part. The "compellingness" of this interdependence with units claiming similar capacities and status is not a constant. Relative size, geographic location, material and human resources may seem relatively fixed, but their significance as constraints and opportunities varies with such factors as military technology, strategic doctrine, balances of power, alliance patterns, and so forth. Western Europe since the end of World War II has witnessed some enormous changes in the threat potential within its regional subsystem, as well as the gradual erosion of illu-



sions of national aggrandizement and imperial domination. Baring a dramatic shift in the global balance of power and attendant adjustments in military security, the international interests of its states have focused and will continue to focus to an unprecedented degree on gaining advantage within a highly competitive world economic system. Neo-corporatism has reflected this development in paradoxical fashion. It has been promoted at the sectoral level as a device for protecting domestic (and, more recently, regional) interests from external competitors and it has been exploited at the level of the entire economy as a means for improving a country's external competitiveness. This has periodically brought about a convergence of state interests and the interests of specific class segments (of labor as well as capital, not to mention agriculture as a whole), but it is questionable whether such arrangements would have emerged had the former's interests not been at stake. States with less internationally penetrated or vulnerable economies have made much less use of them.

The other realm in which a distinctive state interest is discernable concerns the exercise of its most important attribute: legitimate authority. This is backed ultimately by the resource which, at least in theory, it is supposed to monopolize: physical coercion, but if this were to be relied upon too frequently the "economy" of the state form of political organization would diminish greatly. So, in addition to defending its territorial integrity and international status, the state must safeguard its vital interest in the efficacy of the decisions (laws and decrees) which it alone has the capacity to promulgate (*Eigengestzlichkeit* in the incomparable German jargon). In part

it does so by developing and perfecting the capacity to punish those who transgress these norms. But its special ability to extract voluntary compliance depends also on the credibility of its symbolic status as that unique social institution which embodies and protects the public interest, i.e. those interests which all its citizens/subjects have in common yet cannot realize because they are divided into competing and conflicting groups. However false this universality may seem to critics at a given moment and however fraudulently a given government or administrative apparatus may manipulate it to serve its own interests, the state must uphold such a claim, at the expense of all other social institutions. Historically, as Max Weber has pointed out, this has involved reliance upon a variety of formulae or belief systems. In modern states, the legal-rational one is predominant and neo-corporatist arrangements have a complex relation with it.

As we have hinted above, such arrangements depend crucially on authority in order to extract member contributions, but most of all in order to ensure member compliances, and normally the only available legitimate source for this is the state in which they are embedded. One can imagine that in restricted contexts and at certain moments, associations could secure compliant behavior from some combination of intellectual persuasion, social coercion, historic venerability and/or leader charisma, but for larger groups and longer periods these sources are not likely to remain reliable, especially if they are seeking to enforce a conception of group interests which diverges from individual perceptions of immediate advantage. For this they need what the Austrians call "a whip in the window", i.e. a credible and legitimate capacity to call upon state authority to back their.

bargains and contracts. State actors may be willing, indeed eager, to devolve such a compétence upon non-state organizations by granting them an exclusive public status and by backing their agreements with the status of public law -- provided this does not undermine the state's claim to universalistic defense of the public interest or generate demands upon the state's command over scarce resources. By such a process of devolution (Staatsentlastung), authorities are relieved of direct responsibility for intervening in matters of considerable complexity and controversiality while retaining their symbolic status as sovereigns and enhancing their real ability as guardians of public order.

In practice, however, neo-corporatist arrangements are not always so compatible with state interests. They may result in a very substantial increase in claims on scarce public resources in the form of subsidies, fiscal exemptions, subsidiary programs, etc. which are extracted as compensations in order to ensure agreement among the contracting social parties. They may produce negative externalities for excluded interests in the form of higher prices, restricted access, unemployment, pollution, etc. which cause affected groups to respond in unconventional ways by questioning the state's commitment to protecting the general interest. Most "subversively", the establishment of so many quasi-independent sites where generally binding regulations can be elaborated through arcane processes among restricted private participants and implemented without accountability to wider publics (and occasionally without reference to constitutional norms) may undermine confidence in the very institution of public law itself. Especially where neo-corporatism has become entrenched on a segmental basis, the rights and duties attached to

property, production relations, job security, remuneration, fringe benefits, pricing, credit, entry into the market, and so forth become highly differentiated by class, sector of production and profession. The modern liberal state is thereby deprived of one of its most important symbolic resources: the universality of its legal order.

If the perspective developed above has any merit, the emergence of neo-corporatism (and its persistence) cannot be predicted from the micro-motives of interested private individuals or public employees. Nor can it be analyzed exclusively in terms of the macro-functional imperatives of either the capitalist economy or the democratic polity. These demands and constraints no doubt should play a role in understanding the contingent conditions which might favor the choice of this policy instrument rather than another, but the structural point of departure lies at the meso-level in an arrangement of mutual convenience between representatives of interest associations and representatives of state authority. Both have something to offer each other which neither may be able to obtain on their own. Both also have something to fear from each other. The interest organizations may have the aggregated information and, most of all, the capacity to deliver the compliance of their members with respect to specific aspects of public policy. What they have to fear is cooptation, their transformation into dependent recipients of public favors and passive agents of state policy. State authorities have the capacity to provide attractive and selective rewards, and to accord public status to consenting organizations which could protect them from those who would offer rival representation or undermine established positions. Their fear is that, by so

doing, they will become colonized by the associations they have empowered and will lose their distinctive and exclusive status as protectors of the public interest, and thereby their legitimacy before the public at large.

Whether this delicate quid pro quo will be tried and, if so, whether it will prosper, is not to be predicted from behavioral surveys of individual preferences or from functionalist analyses of system properties. What is relevant are power configurations and organizational opportunities. Hence, neo-corporatist arrangements are more likely to emerge where class hegemony is no longer a plausible option (e.g. where socialist or social-democratic voting strength and presence in government is high) and where rival "projects" do not divide class actors (e.g. where interest associations are not internally divided by ideology, ethnicity or religion). They are also more likely to be found in nations which never had or have given up pretensions to great power status (e.g. small, neutral countries or larger ones which have suffered international defeat) and in economies which are specially subject to external competition (e.g. those with a high proportion of GNP in imports and exports). Looking at specific sectors or policy areas within countries, one would expect that the neo-corporatist temptation would be greatest in the case of interest organizations whose potential members are so large in number and dispersed in location that voluntary associability is severely impaired (e.g. farmers and petty bourgeois), whose member interactions are particularly competitive and potentially ruinous (e.g. the construction industry and retail trade), and/or whose categoric goods can only be produced reliably when backed by coercive authority (e.g. restrictions on entry, access to scarce

materials, price-fixing, limitations on technological innovation). On the side of the state, authorities will be more tempted to enter into neo-corporatist commitments where they cannot obtain necessary information on their own and/or where they cannot implement policy without the active consent of targeted groups (e.g. where they seek to intervene in matters related to production, investment and employment rather than the more traditional areas of infrastructure provision, income distribution, consumer protection or social welfare).

As for the level of the state at which such political exchanges are structured, that obviously depends a great deal on formal, constitutional structure. National arrangements among peak associations attempting to set comprehensive parameters on wages, working conditions, employment practices, fiscal systems, welfare benefits, prices, etc. were what initially attracted the attention of scholars. More recently, they have been particularly inventive in discovering "local corporatisms", although these often seem little more than mechanisms for the direct consultation of functional interests without the wider implications for intermediation or devolution implied in the national agreements (Hernes and Selvik, 1980; Dickens and Goodwin, 1981; Flynn, 1983; King, 1983; Milward and Francisco, 1983; Cawson, this volume). Ironically, the privileged site has long been that of professional categories and economic sectors where the associational desiderata, agency needs and policy characteristics have converged to form quite stable and well-insulated arrangements of mutual convenience, often at high cost to the economy at large (For a particularly striking example of such a convergence across countries which otherwise have very

different interest configurations, see the monographs on the dairy industry by Grant, 1983; van Waarden, 1983; Traxler, 1983; or on the food-processing industry more generally by Coleman and Jacek, 1982; Farago, Ruf and Wieder, 1984). The net result of such "sectoral or selective corporatisms" is a pattern of entrenched policy segmentation which renders more difficult and less effective efforts at either comprehensive concertation or monetary control. Moreover, the forging of "crisis cartels" to deal with the problems of declining industries seems to be extending this ad-hocracy with serious implications for the governability and competitiveness of national economies (Esser and Fach, 1981; Esser, 1982).

Regardless of the opportunity structure from which they emerge, the nature of the interests incorporated in them, the level of the state at which they operate or the scope of public policy they are capable of affecting, neo-corporatist arrangements ultimately depend on their success or failure at establishing what an increasing number of analysts have come to call "private governments". It is to this theme that we now turn.

#### PRIVATE INTEREST GOVERNMENTS?

The concept of "private government" has been given such diverse meanings (McConnell, 1966; Gilb, 1966; Lakoff and Rich, 1973; Lowi, 1979; Buxbaum, 1982; Thompson, 1983) that it seems, first, necessary to define it clearly and, second, to explain its relationship to neo-corporatism. A private interest government (PIG is the unfortunate acronym) exists where a non-state association allocates goods, services or statuses which are monopolistic in nature and indispensable for members, therefore, capable of

affecting and potentially controlling their behavior, and does so with the specific encouragement, license or subsidization of the state, therefore, imposing certain public standards and responsibilities on the behavior of the association. In short, a PIG is based on group self-regulation through formally private organizations, empowered by a devolution of public authority and legitimated by a claim to acting in the public interest. The insertion of the word, ("interest"), in the middle of the concept is intended to convey the meaning that a generic social category is involved -- classes, sectors or professions are the usual ones -- and that this group is expected to act from calculatedly self-regarding motives.

This definition excludes many collectivities which have been called "private governments" in the past: secret societies, organized crime, guerrilla movements, business corporations, cartels, para-state agencies, "quangos", etc. All these may distribute monopolistic and indispensable goods and, hence, be capable *de facto* of controlling the behavior of their clients, followers, beneficiaries or victims, but they either do not have members in the same sense as an interest association, or they do not represent a generic social category, and/or they have not received a mandate for exercising public functions.

What may be more difficult is to distinguish PIGs from other configurations of organized interest-state interaction which also can fit the neo-corporatist profile. One which has received a great deal of attention, especially in the North American literature, is that of ["privatized government" in which an association -- in all likelihood a monopolistic one -- captures



or colonizes a particular agency of the state and is able to make private use of its public powers of regulation, taxation, subsidization, etc. (McConnell, 1966; Lowi, 1979). A second configuration which has especially preoccupied scholars working on Latin America and Southern Europe emerges where a state -- usually under authoritarian rule -- creates, coopts or controls an interest association and is thus able to use it to coerce its leaders or members (Malloy, 1977). In both these cases, one finds elements of neo-corporatism whether conceived as interest intermediation or as policy-making. But neither colonization of the state nor subordination to it constitute private interest governance in the sense that I am proposing here.

Leaving aside those PIGs which have been inherited from the medieval-early modern past, and which somehow survived the Napoleonic and Liberal assaults of the Nineteenth Century on guild privileges, their contemporary emergence depends on a particular, and often highly contingent, distribution of resources across the public and private organizations which agree to form them. Especially crucial is the role of the state. It must be, on the one hand, autonomous enough in the policy arena at issue not to be "colonizable" by the interest or interests involved, and credible enough to threaten these interests with a worse possible outcome -- usually direct regulation -- if they do not agree to respect the "public-regarding" provisions it imposes. On the other hand, the state must be weak enough to recognize that the costs of authoritatively implementing a given policy will exceed its likely benefits and willing enough to devolve some of its most distinctive resource -- legitimate coercion -- upon organizations it does not administratively control. In this

political exchange, public authorities are neither brokers nor mediators. They are not just fashioning a policy instrument which will modify relationships between civil society and themselves, but consenting (and in some cases, conniving) in the creation of new measures of social control which will affect relationships within civil society itself.

From this perspective, the emergence of private interest governance is not synonymous with the emergence of representational monopolies or institutionalized participation in policy-making -- just a possible and contingent outcome of such developments. Increase in the variety and scope of state activities does not make it a functional requisite. Increase in the frequency with which public agents take "weighty, autonomous initiatives" does not make it a political imperative. Increase in the spread of bureaucratic organization in society does not make it a rationalistic necessity. However these might contribute to its likelihood, the emergence of PIGs depends on a distinctively political calculus involving a specific distribution of existing power capabilities and an anticipated reaction with regard to future impact upon affected interests.

Moreover, the success of such arrangements is, by no means, assured -- even where they have been well-established. On the state side, so-to-speak, their viability and desirability depends on their public-regarding content and state-respecting form. This, in turn, is contingent in democratic regimes upon such factors as maintaining a rough electoral balance of class and sectoral forces, ensuring the application of professional standards of civil service conduct, respecting the material interests and career goals of state employees, and sustaining some degree

of community consciousness and public attention to the policies involved. Perhaps even more crucial to guaranteeing that PIGs will not degenerate over time into "privatized governance" is the need to sustain an independent and adversarial relation between the privileged interests incorporated within them. This may be very difficult to ensure where the beneficiaries of such arrangements are relatively concentrated (and well-organized) and their victims are relatively dispersed (and usually poorly organized).

Seen from the associational perspective, the obvious danger is that PIGs will develop over time into mechanisms of state control or exploitation, either because cooptation undermines the capacity of leaders to take autonomous action or because complicity undermines their legitimacy in the eyes of their members. In the neo-corporatist discussion so far, the evaluative accent has been placed upon "asymmetry" in the distribution of benefits and organizational capacity among participating class actors -- mostly, capital and labor. However important this question may be (and evaluations of it have changed rather dramatically in recent years), the emphasis on private interest governance shifts the axis somewhat and asks what are the longer-term distributional consequences for the state and non-state interests involved. Just as it was previously assumed that capitalist interests always prevailed over worker interests, so it is often presumed that the state (and the public at large) will always be exploited by PIGs. Why this "must" be the case brings us back to that contested concept of the relative autonomy of the modern state. If this is simply fraudulent or tactical, i.e. the state is "really" at the instrumental service of the bourgeoisie -- appearances to the contrary notwithstanding

-- then, private interest governance is just an ideological illusion. If its relative autonomy has a functionalist basis, PIGs have a useful role to play in policing the long-term interests of the dominant class and suborning those of the dominated class, but in the event of any significant conflict the capitalist state will reveal its true colors (Offe, 1983). If, however, the basis of its relative autonomy is structural, then the emergence of PIGs to cover specific policy sectors or to set trans-sectoral, macro-economic parameters is a development of much greater significance. It remains vulnerable to cyclical fluctuations in the influence of class associations and to structural trends which undermine their capacity to deliver the compliance of their members -- both problems which may affect trade unions more severely than business and professional associations (Baglioni, 1982; Carrieri and Donolo, 1983) -- but this by no means assures that state authorities will always be incapable of asserting and defending the interests of less-organized and underprivileged publics. Nor is it necessarily the case that "government interests" as expressed through traditional liberal/pluralist forms, e.g. territorial representation and partisan competition, would do a better job of this.

#### ASSOCIATIVE-CORPORATIVE ORDER?

In a recent essay (1984), Wolfgang Streeck and I have speculated that, to the extent that neo-corporatist trends have resulted in private interest governments of varying scope, composition and viability, it may be possible to speak of a new "model" of social order with its own distinctive logic of action and reproduction (For other efforts at placing neo-corporatism within prevailing models of social order, see Crouch, 1981; Cawson, 1982). Philo-

sophical thought and social science has, heretofore, been dominated by three such models, each identified by a different central institution; the community, the market and the state which embodies and enforces a distinctive axial principle: spontaneous solidarity, dispersed competition and hierarchic control. In Table I are outlined summarily the properties which are assumed by these much-discussed models, with the market one subdivided into economic and political "sections". In Table II we have suggested how those of a possible associative-corporative order with its guiding principle of organizational concertation might differ from these. Our point is not that this "new" order is somehow destined to prevail over the others or even to assume an equivalent significance in all advanced industrial/capitalist societies, but that modern social order is composed of a mix of institutions with different actors, motives, media of exchange, resources, decision rules, cleavage patterns and normative foundations -- and that the traditional trio of community, market and state fails to explore all the possible bases and combinations.

(Place Tables I & II here)

The idea of a distinctive associative order is, of course, not new. Hegel was perhaps the first to advance a conception of *Korporationen* as the highest expression of civil society and he was followed by a long list of Nineteenth Century theorists, religious and secular, who advocated some form of organic-corporative order as an alternative to the anomic decline in community, the anarchic competition of the market and the possible tyranny of the nation-state. The fact of a distinctive associative order has always been on historical display, so-to-

TABLE I: THE PROPERTIES OF 'COMMUNITY', 'MARKET' AND 'STATE' SOCIAL ORDER

	COMMUNITY	MARKET	STATE
1. Guiding PRINCIPLE of coordination and allocation	Spontaneous solidarity	Dispersed competition	Hierarchical control
2. Predominant, modal, collective ACTOR	Families	Firms / Parties	Bureaucratic agencies
Other ACTORS	Clans, Lineages, Communes, Localities, Solidarities	Entrepreneurs/Politicians Consumers & Workers / Voters	Subjects (taxpayers, law abiders, conscripts, etc.) Civil Servants, Clients, Claimants
3. Enabling CONDITIONS for actor entry and inclusion	Ascriptive member status	Ability to pay / Eligibility to vote	Legal authorization, "Jurisdiction"
4. Principal MEDIUM OF EXCHANGE	Esteem	Money / Votes	Coercion
5. Principal PRODUCT OF EXCHANGE	Compacts	Contracts/Incumbencies	Authoritative regulation
6. Predominant RESOURCE(S)	Respect, Trust, Inherited Status	Economic/Political entrepreneurship, Calculative rationality	Legitimate control over the means of coercion, authoritative Distribution of positions, Administrative & legal expertise, Procedural correctness
7. Principal MOTIVE(S) of superordinate actors	Esteem of followers	Profit / Electoral victory	Career advancement, Bureaucratic stability
Principal MOTIVE(S) of subordinate actors	Belonging to group, Desire to share in common values	Material benefit / Exercise of "voice"	Fear of punishment
Common MOTIVE/CALCULUS	"Satisfying identity"	"Maximizing advantage" / "Minimum winning coalition"	"Minimizing risk", "Maximizing predictability"
8. Principal DECISION RULE(S)	Common consent, Unanimous agreement	Consumer/Majority preference	Authoritative formal adjudication Imperative certification
9. Modal TYPE OF GOODS produced and distributed	Solidaristic Goods	Private Goods	Collective Goods
10. Principal LINE OF CLEAVAGE	Natives vs. Foreigners	Sellers vs. Buyers / Parties vs. Voters	Rulers vs. Ruled
Other CLEAVAGES	Clan rivalries, Generation gaps, Conflicts over turf, Inheritance claims, Personal disputes	Capital vs. Labour / Producers vs. Consumers / Importers vs. Exporters / Incumbents vs. Opposition	Superiors vs. Subordinates Overlaps of jurisdiction Conflicts between levels of government, Interstate rivalries, etc.
11. Predominant NORMATIVE-LEGAL FOUNDATION	Customary practices	Property rights/Constitutional guarantees	Formal administrative procedures
12. Principal PAY-OFF(S)	Mutual affection, Collective identity	Material prosperity/Citizen accountability	External security, Equitable and predictable treatment, Efficient mobilization of resources

TABLE II: THE PROPERTIES OF AN ASSOCIATIVE MODEL OF SOCIAL ORDER

1. Guiding PRINCIPLE of Interaction and Allocation	Inter- and Intra-organizational concertation
2. Predominant, modal, COLLECTIVE ACTOR Other ACTORS	Functionally defined interest associations, Members (firms, consortia, individuals, social groupings), Interlocutors (state agencies, parties, movements)
3. Enabling CONDITIONS for actor entry and inclusion	Capacity for mutual disruption, Attainment of monopoly status, Willingness and capacity to compromise, Symmetry of organizational capacity
4. Principal MEDIUM OF EXCHANGE	Mutual recognition of status and entitlements; Compliance of members
5. Principal PRODUCT OF EXCHANGE	Pacts
6. Predominant RESOURCE(S)	Guaranteed access, Compulsory contribution and membership, Institutionalized forums of representation, Centralization, Comprehensive scope, Jurisdiction and Control over member behaviour, Delegated tasks, Inter-organizational trust
7. Principal MOTIVE(S) of superordinate actors Principal MOTIVE(S) of subordinate actors Common MOTIVE/CALCULUS	Expansion of organizational role, Organizational development, Career advancement Lessened uncertainty, Proportional shares, "Satisficing (mini-maxing) interests"
8. Principal DECISION RULE(S)	Parity Representation, Proportional adjustment, Concurrent consent
9. Modal TYPE OF GOODS produced and distributed	Categoric goods
10. Principal LINES OF CLEAVAGE Other CLEAVAGES	Members vs. Associational Leaders vs. (State) Interlocutors Included vs. Excluded (social movements) Well organized vs. Less well organized Established vs. Rival Associations Over vs. Under-represented Majority vs. Minority Segments National vs. Regional vs. Local Interests (parties, maverick enterprises, community representatives, local notables)
11. Predominant NORMATIVE-LEGAL FOUNDATION	<u>Pacta sunt servanda</u> , Freedom of association
12. Principal PAY-OFF(S)	Less class exploitation; More symmetric distribution of benefits; Greater predictability and stability of socio-economic outcomes (Social Peace)

speak, in the experiences of the late medieval cities of Italy, France, Catalonia, the Rhineland and the Hanseatic North whose social and political systems were based for a brief period on a guild structure (For an excellent, recent case-study of ancient "municipal corporatism", see Najemy, 1982). Interestingly, when John Maynard Keynes reflected on the consequences of "The End of Laissez-Faire" in the disorder following World War I and searched for the bases of a possible new order "somewhere between the individual and the modern state", he looked backward to those previous experiences and proposed "a return, it may be said, towards medieval conceptions of separate autonomies" as a way out of the impasse (Keynes, 1926, 1963). At the risk of being accused of reactionary nostalgia, Streeck and I have followed Keynes' advice and asked what such an order might look like if it were to emerge in the contemporary world.

At its core is a distinctive principle of interaction and allocation of resources among a privileged set of actors. These are organizations defined by their common purpose of defending and promoting interests -- mostly class, sectoral and professional associations. Their central principle is that of inter-organizational concertation, i.e. negotiation among a limited and exclusive set of actors who mutually recognize each other's status and entitlements and are capable of reaching and implementing relatively stable compromises (pacts or social contracts). An associative-corporative order is, therefore, based primarily upon interaction between complex organizations and, secondarily, upon their interactions with their members and the state, whose resources or support are necessary for the concerted compromise to take effect and to remain binding upon



all those affected.

It is when we turn to the "enabling conditions" in Table II that the distinctiveness of an associative-corporative order becomes most manifest, especially in contrast to that postulated by pluralist theories based on pressure politics. For some time, the dominant way of analyzing collective action in defense of interests relied on an uneasy amalgam of community and market assumptions. According to it, interest associations sprung into existence spontaneously and acted autonomously on the basis of a unity of shared norms and perceptions -- both communitarian properties. They attracted members on a voluntary basis, formed into multiple, overlapping and competing units, entered into shifting "parallelograms of group forces" according to the issue at hand, used whatever means tended to produce the best immediate results, and gained influence roughly proportional to the intensity of their preferences and the magnitude of their resources -- all characteristics of market-like relations. The emergent neo-corporatist paradigm of the 1970s challenged each of these assumptions and suggested that a different logic of collective action might be more apposite.

In a first approximation, this logic can be characterized as follows. In a community, member preferences are interdependent based on shared norms and jointly produced satisfactions. In a market order, the actions of competitors are independent since no single actor is supposed to have a determinant and predictable impact upon the eventual allocation of satisfactions. In a state-dominated model, actors are dependent upon hierarchical coordination which makes their choices heteronomously determined and asymmetrically predictable according to the structure of

legitimate authority and coercive capacity. In an associative-corporative order, actors are strategically interdependent in the sense that actions of select organizations do have a determinant and predictable effect (positive or negative) on the satisfaction of each other's interests -- and this is what induces them to search for relatively stable pacts. For this to occur, contracting associations have to have attained, if not a symmetry in resources, at least reciprocal capacities for affecting each other and for representing and controlling the behavior of their members (and, where necessary, the reactions of possible mavericks). This usually implies that they have an effective monopoly in their status as intermediaries for a given class, sector or profession. As long as interest associations are fragmented into rival communities, organized into competing markets for members and/or resources, or manipulated from above by state authority, the enabling conditions for a distinctive associative-corporative order do not exist. Since this is the case for many policy arenas and even for many whole societies, it is obviously not appropriate to speak in these cases of a fourth order alongside the community, market and state. It would be even less appropriate to speak of its emergence as an ineluctable necessity if general social order is to survive. Some capitalist economies seem to do quite well with little or no help from PIGs, even if their ruling institutions may be less governable (Schmitter, 1980).

The medium or "currency" in which the associative model deals is influence, conditioned by mutual recognitions of status and entitlements. Of course, concerting groups may occasionally bring to bear on a given issue their customary solidarities,

their monetary resources, their bloc votes and even their credible threats to use coercion should the negotiative process break down, but in the course of their normal interaction they make "reasonable" demands on each other and pay "prudent" respect to state and public concerns. Fundamentally, they are informing each other about the magnitude and intensity of their preferences and the strategies they would adopt if agreement is not reached. They offer, in return for the satisfaction of some uncertain part of these preferences, to deliver the compliance of their members. As many have pointed out (Nedelmann and Meier, 1977, were perhaps the first to do so), such exchanges depend on political factors and can be quite unstable solutions. Their viability and efficacy can, however, be considerably enhanced if, as a result of iterative efforts at concertation, the participating associations manage to acquire new resources. Inter-organizational trust is perhaps the most important (and difficult to measure) of those mentioned under Rubrique 6 in Table II. Others are guaranteed access, compulsory contributions and/or membership, institutionalized (if often informal) forums for intermediation, centralized administrative structure, comprehensive scope of representation, legal jurisdiction and enhanced control over member behavior, and delegated policy tasks. Many of these emergent properties require, as we have noted above, the complicity -- if not active collaboration -- of state authorities.

The motivational structure of an associative-corporative order is perhaps less distinctive from community, market and state arrangements than its other attributes, at least with regard to superordinate actors. Like their "brethren" in state agencies,

the motives of association leaders and administrators should be largely determined by the needs of the organizational context within which they operate and from which they draw most of their resources. At the center of these are desires for organizational development, administrative stability and strategic autonomy (Schmitter and Streeck, 1981). Eventually, this should lead to a professionalization of management within all of the interacting associations and a consequent decline in their dependence upon voluntary support and elected leadership.

The motives of subordinate actors, i.e. of associational members, are more difficult to discern and to sustain since they are being forced to give up what may often be attractive opportunities for acting individually or collectively through other channels. In exchange for this, they are compelled to accept compromised, longer-term and more public-regarding obligations negotiated on their behalf by their respective class, sectoral or professional representatives. This may be less of a problem for those categories of interest where individual actors are very weak and dispersed, e.g. farmers, unskilled workers, petty bourgeois, but it could pose a serious challenge in those categories where "going-it-alone" through market power or state influence is a real alternative, e.g. capitalists and privileged professions. Presumably what motivates subordinates to conform to associationally negotiated pacts is a decrease in uncertainty about aggregate outcomes and an increase in their assurance of receiving a proportionately more equitable share of whatever is disputed and distributed than would otherwise be the case. If one adds to these motives the probability that certain conditions of macro-societal performance, e.g. less inflation, less

unemployment and lower strike rates, will be superior in societies whose markets have been "tamed" by associative-corporative action, then we have an even more compelling reason for understanding member conformity (Schmidt, 1982, 1983; Cameron, 1983; Shonfield, 1984).

One could argue that what happens is a shift in the rationality of social choice. In communities, the calculus rests on "satisfying identity", in markets -- economic or political -- on "maximizing preferences/forging minimum winning coalitions"; and in states on "mimimizing risk/maximizing predictability". What associations in a prospective corporative order strive for is something more prosaic, but quite rational given the structural complexity and informational overload of modern societies, namely, "satisficing interests". By deliberate mutual adjustments in their expectations and successive iterations of their exchanges, these privileged actors may avoid the temptation to exploit momentary positional advantages to the maximum and the fate of landing in the worst possible outcome in which all lose. In short, they manage to solve the prisoners' dilemma inherent in unconstrained interest politics through the development of inter-organizational trust, backed by devolved public authority. The price paid for this is a lengthy and cumbersome deliberation process and a series of "second-best" compromises which are often difficult to justify on aesthetic or normative grounds.

Communities presumably decide by unanimous consent, markets by consumer preference or majority rule, and states by authoritative adjudication. An associative-corporative arrangement or private interest government makes its choices by a highly complicated

formula which begins with parity representation, works through a sequence of proportional adjustments such as "splitting-the-difference" or "package-dealing" and then ratifies the final pact by concurrent consent. All this takes time and is vulnerable to substantive and normative assaults from communitarian, market and state sources. Usually, the deliberations are kept informal and secretive in an effort to insulate them as much as possible from outside pressure or from dissidents from within associational ranks (Marin, 1982,1983). The arcane "weighting" of influences and the complex calculation of proportionality and equity may seem, especially to outsiders, to involve arbitrary standards and mysterious forces -- nothing like the neat and obvious decisional rules of solidaristic unanimity, consumer sovereignty, majority vote or authoritative interpretation characteristic of the other three models of social order. These elements of lack of accountability to individual citizens and inequality in group access-- combined with the unavoidably compromised nature of the decisions eventually made -- can create a rather serious legitimacy problem for associative-corporative arrangements and expose them to strenuous normative attack by the proponents of community, market and state.

## PUBLIC LEGITIMATION?

Neo-corporatist arrangements, in general, and private interest governments, in particular, require legitimation if they are to function efficaciously and durably. Their actions must stand a high probability of being obeyed voluntarily (but not necessarily enthusiastically) by those affected by them, as well as by those participating in them. Whatever the underlying role played by devolutions of state authority, if enough citizens reject them on either substantive or procedural grounds, the costs of arriving at such agreements and especially of implementing them would quickly exceed their utility.

As many have observed, neo-corporatism faces a serious legitimation problem. At first, this was seen largely in terms of its unfortunate etymological association with certain interwar experiences in authoritarian corporativismo, corporatisme, corporativismus, etc. Indeed, in certain countries such as France, discussion has been virtually paralyzed until quite recently by this linguistic "hang-up". The more inventive Italians and Germans rather quickly resolved the issue by dropping out the "iv" and referring to corporativismo and corporativismus as Anglo-Saxon imposed neologisms conveniently purged of their discredited past associations. But hiding behind this rather superficial matter is the much more substantial issue of how such transformations in the mode of interest intermediation and/or policy-making can be justified.

The matter is made more difficult by the partial and surreptitious way in which these arrangements have "crept into" the interstices of community, market and state mechanisms. They have rarely been defended, as such, even by their proponents, and

their activities have often been carefully shielded from their potential opponents. Not only are their allocative mechanisms kept secret, but the very existence of private interest governments is often not known to the larger public. How many consumers of milk or clients of lawyers are aware of how the prices/fees they pay are determined? Indeed, much of the power of PIGs, especially of the segmental or selective sort, depends on such invisibility and ignorance. If their processes and consequences were better known and rendered accountable to wider publics, their legitimacy would no doubt suffer.

But the problem is not just one of cognition and conceptualization. Neo-corporatist arrangements face the task of legitimating themselves in relation to two very well-entrenched "normative complexes" of modern society. On the one hand, they must justify their existence with respect to existing community, market and state institutions; on the other hand, at least in the contemporary period, they must explain how they are compatible with the norms and procedures of political democracy.

Each of the traditional "orders" presumptively has its own distinctive normative basis, principles of legitimacy which can be relied upon -- all else failing -- to generate support in the event of any particular conflict. Communities are founded on a sedimentation of customary practices; economic markets depend on general acceptance of the principle of private appropriation of assets and its specific expression in an agreed-upon set of property rights; political markets rest on a basic tolerance of social diversity and its embodiment in a framework of constitutional guarantees and electoral laws. The state owes its legiti-



macy, we have argued above, to its supposed indispensability as the guarantor of external security and protector of the internal public interest. Neo-corporatism enjoys no such supportive symbolic status -- just the vague allegation that it somehow "works" to produce quantitatively more desirable market outcomes, further justified in some cultures by notions of "self-administration", "subsidiarity", "social peace" and/or "social partnership" inherited from the past. It would be no exaggeration to suggest that it has been so far a consumer, not a producer of legitimacy, and that its supplier has largely been the state. For reasons discussed above, this transaction is a precarious one for both sides, especially where such bargains have taken the form of sectoral and selective arrangements. Continued reliance upon it may well weaken the normative basis of state authority by undermining its pretence to the universalistic, legal-rational, treatment of citizens and diminish the concrete effectiveness of interest associations in delivering the voluntary compliance of their members. This is not meant to imply that a "legitimacy crisis" is impending which will ineluctably sweep away "segmented corporatism" and its "fragmented state", just that the long-run problems of this mode of intermediation and policy-making are not confined to equity in the generation of material benefits or symmetry in the development of organizational capacities -- the two issues which have heretofore attracted the most critical attention.

No doubt, legal scholars and legalistic ideologues are already busy explaining why it is both necessary and desirable that such a segmentation of the norm-generation process should occur and why, for them to be effective in building consensus, such

disparate efforts should be left to informal arrangements with obscure compétences and arcane procedures and definitely not be exposed to excessive parliamentary scrutiny or centralized judicial review -- much less to contentious public discussion. After all, the law has long been divided into civil/criminal, public/private, national/international domains and specialized fields covering maritime, commercial, administrative and other matters have been recognized without diminishing the state's claim to embodying legal consistency. Why not add "dairy law", "artisans' law", "steel-making law" and "health service law" and admit that each might adopt distinctive standards and obligations and be formulated by different bargaining processes? The end result could come to resemble the feudal Ständestaat, except that, instead of the old lumpy blocs of nobles, clergy and bourgeois (supplemented here and there by peasants), the emerging post-liberal Ständestaat would have to have considerably more categories of differentiated privilege and obligation. Legitimizing formulae can presumably be found -- the von Gierke/guild socialist/early pluralist tradition might be of some help -- which would make these trends consistent with the state's institutional interest in retaining its status as the sole source of legitimate coercion and its image as the ultimate guardian of public interest. Indeed, if citizens were to have to choose between a neo-liberal dismantlement of state functions and a neo-socialist distention of them, many might prefer and be prepared to justify a neo-corporatist dispersion of them.

Whether or not these choices will be put to them and which they will be free to select may well depend upon the second "normative complexe" of modern society which was mentioned above, namely, that of political democracy. For the countries of Western Europe

in the contemporary period, it is not enough that policy instruments be somehow compatible with community standards, economic principles and state interests. They must also not violate too egregiously the norms and procedures of democratic politics. Whether neo-corporatist arrangements are sufficiently compatible with existing citizen expectations to ensure their legitimacy, or whether they are potentially capable of altering those expectations to their favor is a subject which is beyond the allotted scope (and length) of this essay. Fortunately, the attention of scholars of varying persuasion (Cf. Offe, 1983; Olsen, 1983; Schmitter, 1983) has recently begun to focus on this issue.



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