Taking Institutions Seriously: Alternatives for a New Public Purpose

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ABSTRACT: This paper argues that, as alternatives to neoliberal policies are developed, the need for new institutions must not be neglected. Alternative and repurposed institutions should be designed to protect progressive policy advances while extending democracy, rather than diminishing it as neoliberalism has done. The paper outlines how these might be based on revamped notions of popular sovereignty rooted in broader concepts of functional and experiential representation, and on institutional mechanisms designed to produce greater accountability to the society in which states are rooted.

KEYWORDS: Neoliberalism, Democracy, Institutions, Popular Sovereignty, Alternatives

Introduction

For the last forty years neo-liberal policies have dominated political outcomes in western states. In the face of multiple crises caused, as in the case of the Great Financial Crisis of 2008 (GFC), or exacerbated as with the pandemic crisis, by the neoliberal paradigm an opportunity for real change now exists in which the primacy of public over private interests and the rediscovery of a new public purpose could emerge. The content of the neoliberal package is familiar: the claimed benefits of private enterprise and markets (over public or state intervention to modify market outcomes), balanced budgets and limits on public debt to GDP ratios (to discourage public spending), free trade (over managed trade), capital mobility (over capital controls), individualism (rather than

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collectivism), and privatization of public assets rather than public ownership. The paradigm has proven adaptable, flexible in its application, and capable of developing and adding new features over time (Peck and Tickell, 2002).

The severity of the Covid-19 pandemic and the depth of the economic crisis it has triggered, combined with longer standing cracks in the neo-liberal edifice, such as protectionist pressures to weaken the impact of globalization, have raised hopes that significant change is now possible. International organizations like the IMF have, rhetorically at least, relaxed their injunctions against government spending and public debt (Inman, 2020). However, this does not necessarily translate into practice. A review by the Eurodad coalition of NGOs revealed inadequate and insufficient responses from the IMF, specifically locking a large number of countries into debt and austerity. The main findings of the review are that the austerity measures are more aggressive, the burden has shifted on to the vulnerable, public services are being slashed, and there is no sustainable development (Munevar, 2020). There is sense that there are opportunities and openings for change, similar to those that initially took shape in the wake of the GFC, but nothing is guaranteed.

Opponents of neoliberalism have devoted much time and effort to outlining what policy alternatives would look like. Less analysed is the degree to which neoliberals developed institutional practices both to implement and to safeguard their ideational and policy gains against the risk of future reversal. And little attention has been paid to how equivalent institutional innovations might embed and protect alternatives. This article represents a modest attempt to envisage an alternative institutional design that would protect progressive policy advances while extending democracy rather than diminishing it as neoliberalism has done.[3]

Our first section historically analyzes democracy, accountability and representation under neoliberal institutional development, in order to understand the institutional mechanisms used to lock-in depoliticized market logics, while simultaneously locking-out public interest and input. The second section theorizes the basis for institutional innovations that prioritize functional and experiential representation and embed greater accountability in the government,

[3] We fully recognise that our approach is illustrative of just one path that might be taken to re-politicize and democratize decision making. Other approaches, not dealt with here, include various forms of participatory and deliberative democracy, use of citizens' assemblies etc.

to generate (and protect) greater public input in the policy decision making process. Section three provides examples of how such institutions could be established present-day, offering both a potential framework for change as well as sketching examples of alternative institutions which could aid in this process. The final section will provide a summary and concluding thoughts on the institutionalization of a new public purpose.

Theorizing Neoliberal Institutional Design

Neoliberalism is based on individual liberty, limited government, and private property rights, with its political ideology drawing on economic theory to highlight the superiority of market institutions over political ones. One consequence, common also to neoliberalism's liberal antecedents, is a tension in liberal democratic polities between the political equality inherent in the democratic component of that hybrid system, and the economic inequality which results from the primacy of liberalism and its emphasis on private property and market relations that are fundamental to a capitalist economic system (Macpherson 1965). Liberal democracy has always contained a tension between its liberal and democratic components, usually resolved in favour of the liberal one, but with the balance between them varying over time. In the post-war era that tension was conditioned by the relative strength of working-class organizations and political parties, Cold War rivalries between market-based and state-planned systems and, as Macpherson outlined, competition between liberal and non-liberal concepts of democracy, which he described as the communist variant and the underdeveloped variant. Both the non-liberal concepts of democracy defined the term in "something like its original meaning, government by or for the common people, by or for hitherto oppressed classes" (Macpherson 1965,5), and hence inherently dangerous to the property-based inequalities intrinsic to capitalism.

To forestall anything like the latter version of democracy from gaining traction, neoliberals considered that free markets must be protected from political interference, necessitating institutional means to stop democratic politics from undermining the functioning of capitalism (Sánchez-Cuenca, 2020).Although this ideology implies a reduced role and capacity of the state, the state is actually key to neoliberalism functioning as it must produce and sustain the rules of the game by which market mechanisms operate efficiently. Because market rationality is not innate, it must be actively instituted by the state (Foster et al, 2014). The neoliberal agenda requires a form of "depoliticisation" – defined here as removing

from the realm of politics or the polity - especially with regards to the market economy. However, it must be understood that the process of depoliticisation does not represent an absence or 'reverse' of politics, but instead is an inherently political game played by the state and other actors in order to achieve specific political aims (Foster et al, 2014; Burnham, 2014). While neoliberalism involves a reduction of the state in some areas, together with an expansion of the state and its political aims in others, in both cases the scope for democratic politics is narrowed.

The theoretical roots of neoliberal distrust of democracy can be located within the Virginia School of public choice, and the Rochester School of social choice. Public choice within the Virginia School, led by James Buchanan and Gordon Tullock, analyzes 'government failures', highlighting how public officials may fall prey to special interests. With the greater role the state plays in the policy process there is an increased risk of favouring privileged groups at the expense of society at large (see Krueger 1974 on 'rent seeking', or Stigler, 1971 on theory of regulation). Because privileged interests are better organized than the general public, elections do not represent majoritarian preferences, and therefore democratic politics is inefficient. Instead, it is claimed that the aggregation of preferences via the price formation mechanism of the market is more representative and thus more desirable (Sánchez-Cuenca, 2020). The Rochester school of social choice, led by William Riker, studies the theory of collective decision making. Riker's (1982) interpretation of Arrow's Theorem – that is, that it is impossible to have an ideal voting structure – concludes that democratic preference aggregation produces arbitrary results and therefore the collective conception of democracy is hopeless (Sánchez-Cuenca, 2020). From ideas such as these spring concrete measures to limit the role of democracy in politics. Of course, democracy is not completely eradicated under neoliberalism, but instead is seen as only beneficial in a reduced and limited form. The function of democracy is only to produce government through popular elections, as an institutional device for non-violent replacement of rulers, limiting the concentration of power, as a mechanism of accountability, and to protect individual freedom (Sánchez-Cuenca, 2020). Neoliberalism therefore utilizes a procedural and individualized conception of democracy, while constraining any collectivist conception.

Democratic decision-making (in the sense of representing the voice of the people, or popular sovereignty) is increasingly replaced by the application of rules, designed and implemented by those considered to be experts. The preferred

form of political power and representation (not authorised through the electoral process), highlights the decision-making capabilities of technical experts, which aim to maximize the long-term welfare of society. This is elitist (based on a belief of superior knowledge); non-partisan; anti-pluralist (rejects representation and aggregation of interests); and positivist (there *is* an optimal solution to be reached through rational and scientific analysis) (Bertsou, 2020). With democratic politics increasingly demystified under neoliberal logic, technocrats (mostly, in practice, economists) claim that their knowledge is scientific and provides an objective account of economic behaviour and dynamics. The 'scientization of economics' therefore presents economics as the service of 'rationality', based on purely technical and therefore depoliticized policy 'solutions' (Evans, 2017).[4] Power is established through creating the appearance of depoliticization, while also allowing for such (economic) knowledge to become privileged as common sense, and therefore increasingly insulated from feedback (Barnett and Finnemore, 1999). With economic expertise held in such high regards within neoliberal logic, democratic outcomes are further delegitimized through juxtaposing the 'objective' technocrat to the 'subjective' democratic process (Costa Lobo and McManus, 2020), a process that is likely to be captured by privileged special interests.

In summary, neoliberal institutional theory relies on two assumptions: Firstly, democracy is essentially corrupt, and only useful as safeguard against the concentration of (political) power; and secondly, depoliticization offers a neutral and efficient alternative to realize and institute collective welfare (via the market). The implications of the second assumption are explored in the next section.

Depoliticization and Neoliberal Institutions

The neoliberal technocrat has the specific aims of insulating the economy from democratic politics (Sánchez-Cuenca, 2020). This requires various forms of (highly politicized) depoliticisation in order to create the institutional supports which neoliberalism requires to function.

Institutions or constitutions are needed to constrain and limit government activity, especially its ability to interfere with free markets (Buchanan

[4] Although Keynesianism was also criticized for being "technocratic" arguably it did leave considerably more scope for political determination of both policy objectives and policy instruments, and preserved scope for nation-state autonomy and policy variation (Lewis 2003, 36-7)

and Wagner, 1977, 4-19). Examples include "new constitutionalism" in international political economy (Gill, 1992), and more specific studies of the interaction between international economic agreements and domestic institutions (Clarkson, 1993; McBride, 2003). Constitutionalization allows capital to gain super-protection globally and become removed from national politics, while adjudication over disputes is handed over to 'non-political' forums and/or figures such as private tribunals, experts, and lawyers (Jessop, 2014). Domestically, institutions can lock in place neoliberal policies and practices and serve as insurance against setbacks in open political debate and contestation. Internationally, such limits, expressed in trade and investment treaties, and in the rules of international organizations, constrain state activity in a number of areas, and also help insure against the risk of "defection" by individual states (Gruber, 2000).

This creates the means for further depoliticisation, whereby the constitutionalization of economic policy - either through international obligations, domestic constitutional changes, or ordinary legislation or administrative reforms - is intended to remove certain policy areas from normal political processes and render them less accountable to any public authority. To the extent that these processes are successfully implemented, responsibility for economic policy is delegated to technocratic policy specialists, as with central bank independence (CBI), or various arms-length (from government) agencies to provide public services (Sánchez-Cuenca, 2020). Key powers are increasingly remote (either spatially or organisationally) from popular, or even governmental influence (Harmes, 2006; Hirschl, 2004). Some have argued that this amounts to "authoritarian neoliberalism" (Bruff, 2014, 115).

Policy areas significantly insulated from democratic pressures or control include key instruments of economic policy, such as monetary policy, trade and investment policy, and fiscal policy, with others like labour relations and labour market policies close behind (McBride and Mitrea, 2017). These policies are less open to political processes and choice than formerly and are increasingly consigned to a status of pre-arranged and, by design at least, permanent rules.

Thus, when democracy is reduced to merely a process or procedure of alternation (Sánchez-Cuenca, 2020), changes in governments do not have the capacity to foster large-scale changes in economic policy. Important decisions are constitutionalized or delegated to technocratic agencies. Any chance for transformation is considerably reduced under such circumstances. While uptake

of neoliberal rules likely varies across contexts, they are generally designed to be followed.

Insulation of decisions from democratic input and the consequent growing authoritarianism involves international entities (remote from any form of democratic control) that may dictate, reinforce, or legitimate national priorities. Second, institutions lacking popular accountability (such as executives, bureaucracies, central banks, and judiciaries), may extend their power relative to those more amenable to democratic input (such as legislatures). Increased use of transnational consulting firms as sources of policy advice, and also their involvement in the operationalization of neoliberal policies have a major role in reducing popular input into public decision-making (see Hurl 2018). Third, insulation involves class relations, as the neoliberal content of institutionalized policies and practices is above all a class project designed to advantage capital over labour.

Examples include modern trade agreements that extend to performance requirements on investment, trade in services, and intellectual property rights, and constrain many of the measures traditionally covered by the label "industrial strategy". For example, CETA (a trade agreement between Canada and the European Union) requires subnational governments (i.e. municipalities, provinces and states) to open up Canadian procurement markets to EU access, and vice versa. Local procurement commitments therefore preclude favouring local companies and local economic development, reducing the ability for local governments to use public spending to achieve social goals such as creating good jobs, supporting local farmers and addressing climate change (Barlow, 2015). Such market access commitments inhibit governments from creating new public monopolies (even regionally and locally), including in areas such as wastewater services, waste management services, and private health or automobile insurance. Governments are now constrained from expanding existing public services into new areas in fear of accumulating trade sanctions or disputes. This induces both a 'policy chill', where penalties deter governments from acting in the public interests in favour of private interests, and the 'ratchet effect', whereby future reforms are essentially stuck, as once foreign investor/ service providers are established in previously socialized sectors, it is hard to reverse (Sinclair, 2019; Sinclair, 2015). The potential roll back of public services impacts marginalized and vulnerable populations the most through reducing accessibility (Ibrahim, 2018). This reduces governments' ability to pursue change (such as a Green New Deal) or help reduce inequality through expanding public services.

Domestic examples include monetary policy, where central banks, by normal legislative or regulatory change, have been made more independent of governments (Polillo and Guillen, 2005; Dincer and Eichengreen, 2014), and hence, even if indirectly, of the public. In Europe central bank independence was accomplished by international agreements or treaties. Within the Eurozone, the European Central Bank (ECB) is assigned the primary goal of maintaining price stability and its independence in pursuing it has been given constitutional status in the European System of Central Banks statute, and in the European Community Treaty itself. Central bank mandates typically prioritize inflation control over any other objective and convert political debates about appropriate monetary policy into technical issues beyond the scope of public scrutiny (Hay, 2007, 116-7).

Discretionary fiscal policy is increasingly displaced by fiscal rules based on the belief that unconstrained discretion leads to neglect of public sector solvency. Fiscal rules – defined as binding numerical constraints on aggregate indicators of fiscal performance - therefore obligate the government to control itself financially to prevent mistakes that would jeopardize fiscal sustainability and risk default or inflation. Rising debt ratios since the 1970's began raising concerns about government capacity to fulfill its obligations completely (Debrun et al, 2018). According to the IMF, fiscal rules covered 96 countries between 1985 and 2015 (IMF Fiscal Affairs Department, 2017). In the EU much of this has been accomplished by treaty means, the Maastricht Treaty, the *Stability and Growth Pact* and, in 2012, a new *Fiscal Compact.* In Canada balanced budget legislation has been frequent at the provincial level. There, the impact was limited because ordinary legislation in Parliamentary systems, can be rescinded. Thus, these measures were of symbolic value (McBride and Whiteside, 2011), though in the right circumstances they should also strengthen the negotiating position of finance ministers in internal governmental deliberations.

In the labour sphere moral suasion, embedded in the policy advice and recommendations of various international organizations including the OECD (OECD, 1994, 66-9; see McBride and Williams, 2001) is combined with some degree of institutionalization. In the EU, Crespy and Vanheuverzwijn (2017) demonstrate the consistency in EU messaging on structural reforms after 2011 – liberalization of product and services markets, deregulation of labour markets, and public administration reform. The EU's Directorate General for Economic and Financial Affairs (DG ECFIN)'s Report on Labour Market Developments in Europe 2012 pushed labour market deregulation. Measures included institutional

reforms to decentralize bargaining systems, and hence enhance employer power. Institutionally these took a hard and binding form after the 2008 crisis for countries obliged to enter into Memoranda of Understanding with the Troika. For other countries these take the somewhat softer form of Country Specific Recommendations embedded within the "European Semester" decision-making arrangements (McBride and Mitrea 2017).

Institutional innovations like these are designed to remove policy from normal political debate and render it impervious to future change. Any radical plan to reverse the effects of neoliberalism and construct a new social order that is more equal and fairer, must also involve the construction of institutions, in this case ones that transfer power into the hands of society and make politicians more susceptible and accountable to democratic pressures. Of course, there is no guarantee that the outcomes of democracy will be a new and more egalitarian society. But enabling societal interests to hold governments accountable and exert greater influence on policy through new or reformed institutions arguably makes it more likely. And it is certain that existing institutions will not produce that result. As the battle is waged to define a future social order, we at least need institutions that are capable of enabling progressive solutions, rather than inhibiting them.

Institutionalizing a New Public Purpose

After decades of neoliberal rule, the liberal conception of democracy has limited civic, individual and collective participation to the act of electing representatives. In order for democracy to work efficiently (read: for the market), it must be prevented from becoming overloaded with social demands. Participation therefore became a means to outsource state responsibilities to the individual, further solidifying neoliberal logics (Azzellini, 2016). Depoliticizing the *demos* through neoliberal rules effectively subordinated the principle of popular sovereignty to (neoliberal) institutional stability (Cordova, 2016). Relocating decision making beyond the popular made it easier to 'lock-in' neoliberal preferences, further removing them from popular contestation. While neoliberal path dependence and the 'locking-in' of neoliberal policies has been extensively studied, the creation of alternative pathways to by-pass or undo existing lock-ins remains under theorized (Illes and Montenegro de Wit, 2015). (Re)centralizing the collective interest in both democracy and by extension institutions may be key to 'unlocking' neoliberal institutions, while prompting more adaptive and 'future-proof' policies. Central to this will be the development

of embedded accountability mechanisms within future institutions in order to protect and uphold popular control over political outcomes.

Formulating Institutional Change. Formulating institutional change will vary based on context, and presupposes the existence of political movement(s) that would operate at various levels or scales and in various sectors, and from which broader coalitions of trade unions, social movements and restructured or new political parties would emerge to generalize progress made. Cumbers (2015) highlights how contemporary leftist-radical movements must initiate a political strategy in-against-and-beyond the state. In this way, new movements can fuse older left forces including trade unions with new political forces to contest and change existing state structures, while continuing to organize outside of them. While acknowledging the possibility that the state and institutional actors (i.e. political parties, trade unions) may appropriate or co-opt more radical movements, the state still represents an important terrain of struggle and contestation, as well as the only set of institutions with the potential to meet and sustain greater popular/democratic initiatives (69-73). Consequently, it is not our purpose to outline how that process might take shape but merely to emphasise that institutional restructuring would (a) be necessary to consolidate any gains made and (b) given disaffection from existing institutions, mobilizing for institutional reform as part of policy alternatives would be beneficial in building support to transform neoliberalism into something more democratic and socially just.

The 'locking-in' of neoliberal policies through various forms of depoliticization depends on removing institutions from popular control and accountability. Restoring popular control and accountability will be a key part of future policy change. Focusing on institutional restraints privileges continuity rather than transformation, erasing the potential role institutions can play in change. Thelen and Steinmo (1992) describe types of institutional dynamism in which changing meanings and functions of institutions can drive institutional change forwards (16-18). While institutions can appear static, institutional dynamism highlights the capacity for institutions to be changed under various external pressures. Whether in policy determination or holding governments accountable for decisions taken, representation needs to be reconceptualized and deepened, and embedded in institutions.

Institutionalizing Popular Sovereignty. Dissatisfaction with existing modes of representation and accountability is widespread and has probably grown in the neoliberal era. With power located in remote locations, either

geographically or institutionally, and inaccessible to citizens, the relationship between society and the government has been described as 'representation without corresponding participation'. Similarly, the relationship between the government and attaining public results has been represented as 'power without corresponding representation' (Hupe and Edward, 2012,178). Without adequate mechanisms of accountability and representation within the policy process, new progressive movements may fail to maintain any policy advances that might be made.

The concept of popular sovereignty, grounded in the active participation of the population, strongly challenges the neoliberal democratic paradigm, and may point to an alternative (Betances and Ibarra, 2016). Popular sovereignty embodies the power of the people, and their capacity to create the institutional rules that define the political game. Political self-determination therefore creates the political order, allowing for political institutions to then reflect popular preferences into collective decisions or, at a minimum, ensure greater accountability for decisions taken (Sánchez-Cuenca, 2020). In the development of left alternatives to neoliberalism, institutional structures are too often taken as "given" (with the implication that existing institutions are amenable to implementing reform policies rather than likely to resist them), or dealt with at a level of generality that is not helpful (such as observations that capitalist states inevitable serve the interests of capital so reform is either impossible or requires the wholesale replacement of the state by some other vehicle).[5] However, the failure to demand dramatic but achievable institutional reforms is a mistake. There seems to be as much public dissatisfaction with political processes (how decisions are made) as with the policy results of those processes. The two are clearly linked and the demand for institutional change could help mobilization for alternatives to neoliberalism. Thus far, such institutional critique has been the preserve of the anti-elitist rhetoric of right-wing populists, but there is every reason to develop a progressive variant appealing to popular dissatisfaction with institutions and political processes.

There are pragmatic objections to how popular sovereignty can be realised. Often it is premised on direct rather than representative democracy, in which demands for popular participation – often theorized as participatory democracy as well - expect too much from individuals (activity levels are onerous

[5] For useful surveys of various positions within state theory see Cudworth, Hall and McGovern, 2007; Aronowitz and Bratsis, 2002; Barrow, 1993.

and lead to apathy), or fail to acknowledge the impracticality of including all citizens in collective deliberation in all the contexts. However, this does not mean there should not be enhanced and structured collaboration between the representatives and the represented (Hauptmann, 2001, 401; Kioupkiolis, 2017, 41). As a result, instead of adding more participation and stirring (as neoliberalism has done with women, gender, development etc.), there must be mechanisms in place which institutionally embed accountability to ensure greater responsibility of the government to the preferences of the society, mostly likely through structured engagement of government with a wide range of socially representative organisations. Embedding accountability mechanisms into progressive institutions could serve to 'future-proof' (or 'lock-in') accountability in order to protect progressive measures from prospective neoliberal (temporary) majorities or pluralities. Neoliberal institutional changes have deliberately locked in place policy options (sometimes known as the "ratchet effect"). Those pushing alternatives should have no compunction about doing the same.

The dominant principle of representation and accountability in liberal democracies is based on territory. Individuals in districts elect representatives who are accountable to them (in the sense of being removable at subsequent elections). Given executive dominance of the political system and party dominance of the individual behaviour of elected representatives (Mair 2013), plus multiple interests within constituencies, effective representation and accountability is impossible.

Alternatively, representation and greater accountability to organized society might be done through functional representation, and through what might be called experiential representation. This presupposes the creation of effective organisations based on these criteria. Clearly such organizations, while being recognised in their representative capacity by the state, would need to be substantially self-constituted and internally democratic. By politicizing and empowering the groups, the (re-) politicization of the broader society would be promoted.

Functional representation aims to reduce political and bureaucratic insulation through opening the policy process to organized and informal engagements between the state and 'corporate' groups (Brenner,1969, 123). Existing beyond the homogeneity of the 'territory', functional representation highlights the multiplicity of social interests, which can be realized through organizations. Frequently these have been based on economic activities as represented by productive activities such as labour, agriculture and industry, but

could be extended to under-recognised ones based on, for example, social reproduction. Instead of aggregating the entire societies' opinion on key issues, representation by function allows for this process to occur amongst different groups which possess common interests (Hsiao, 1927, 66; Devine, 1988, 148). Since individuals realistically cannot attend to all collective decisions that impact their lives, functional representation offers an avenue in which individuals can use their functional capacities and participatory resources (read: time, attention, interest and knowledge) on the issues most immediate to them (Warren, 2002, 693). The goal of functional representation is therefore to construct representative bodies to hold the state accountable to societal interest.

Functional representation has dark historical roots under fascism. It is important to reject this perverted version of functional representation from its potentially more positive characteristics. The concept's reinvention or rediscovery as neo-corporatism, or societal corporatism (Schmitter 1974), in Europe in the 1970's focused on the inclusion of key social groups in formal institutions as a means of interest representation. Major interest groups were included in formal decision-making structures, where they represented group interest while negotiating public policy with the state. As well, institutions like works councils in countries like Spain and Germany afforded a degree of state mandated grass-roots influence at the workplace. It is important neither to idealize nor discount such developments. What is at issue is developing an alternative to a situation where there is virtually no representation of, or accountability to those disempowered by the existing institutional arrangements, to one where there is some, and where that can be extended over time. Where some version of functional representation (also known as social concertation, social partnership, social dialogue) was implemented, the state was not neutral in this process, but instead actively engaged in licensing and incorporating particular groups.

Certainly, there were defects (intended rather than accidental) in how this was put into practice. Notably it was claimed that subordinate interests like those of labour were coopted and disciplined as the price of their participation and achievement of some influence (Evans, McBride, and Watson 2021); that the institutions tended to be by-passed or ignored during times of crisis (Whiteside, McBride and Evans 2021, Ch.5); or led to the potential of monopolizing representation and/or marginalizing non-represented groups (Ngok, 2016, 250). Clearly, therefore, whatever groups were included in future institutional reform would need to be representative of their constituency and have some degree of internal democracy (Devine, 1988, chapter 9). Each individual functional interest

has to have the opportunity for self-government, and thus the ability to foster particular (and place-specific) means of internal accountability and representation. With these conditions in place, functional representation could enhance popular sovereignty by making the state more accountable to a broader spectrum of the society from which it springs, rather than the current situation of privileging the voice of organised capital behind the trappings of liberal democracy. In this respect, functional representation should not replace, but rather supplement the existing electoral system.

A second type of representation might be by experience, reflecting the different experiences of policy measures based on class, race, immigrant status, and gender (the differential impact of austerity might serve as an example). These major sectors of society are effectively excluded from the policy process yet are experienced "takers" of the policies that are enacted in the "general interest". Frequently these policies have adverse or at least unequal impact on those excluded.

The state must play a key role in producing and sustaining the necessary process of institutional reform. As under neoliberalism, the state is not neutral. Unlike under neoliberalism, it should become an enabling body allowing for collective interests (based on function and experience) that are embedded (and thus institutionalized) in the process of political decision making and policy development/ implementation. This implies a significant amount of unlearning (and thus roll back) on behalf of the state in terms of the pre-eminence of capital accumulation, market power, and elitist perceptions of knowledge creation. Much like inside the internal dynamics of the new (or redeveloped) accountability institutions, this also implies power-sharing and intense collaboration on the part of the state, and also the creation of public, hybrid and/or joint ownership models of state services.

Planning Alternative Institutions: Principles and Practice

What kind of institutions might be constructed on the basis of these principles of embeddedness, representation and accountability?

Neoliberal institutional changes were made over a protracted period of time. Similarly, the building of alternative institutional mechanisms is likely to be gradual and sometimes experimental, but necessary if significant change is to be achieved. It is also clear that just as the scope of state action has been constrained by neoliberal changes – the state is no longer as available for as many purposes as in the past – so too has the state been changed through managerialism,

marketization, and privatization of various forms. Reviving and repurposing the state is likely to feature as part of any institutional redesign.

Perhaps driven by experience of multiple crises such as the Global Financial Crisis of 2008, and the Covid-19 pandemic of 2020, we may anticipate a sea-change in public attitudes, towards a more negative view of private and market interests, and a greater openness to collective and public interests. In this paper we ask whether we can envisage a long-term agenda of institutional (re-)design to support and render such a change, if manifest, difficult to reverse?

Certainly, neither neoliberalism nor its institutions are bulletproof or impervious to change. Peck and Tickell's (2002) theorization of roll-back neoliberalism (read: destruction of Keynesian-welfarist and social- collectivist institutions) and roll-out neoliberalism (read: introduction of technocratic economic management) could potentially offer a new conceptualization of institutionalizing alternatives. This could include the rolling-back of institutional mechanisms such as the constitutionalization of economic policy, alongside the utilization of institutional dynamism in terms of recalibrating or co-opting old institutions to service new ends and goals, while establishing new institutions where gaps persist. Creating and redeploying institutions which centralize collective well-being could work to re-politicize and re-democratize policymaking.

Institutions, like laws, are never neutral but always reflect some alignment of interests or of principles that reflect such interests. Thus, international trade and investment agreements, enacted in the name of free trade, privilege the mobility and power of capital and constrain the ability of public institutions to control them. Central bank independence, implemented to ensure financial probity, obstructs public input into monetary policy and privileges the concerns of private financial interests. Actually existing fiscal rules inhibit the state's redistributive capacity, and its ability to stimulate the economy in the interests of employment and social equity.

In rolling-back, transforming or rolling-out new institutions we adopt a modest "whole of society" conception of interest that, while far from radical or transformative of the system, would alter the existing and highly concentrated power relations in liberal democracies, and arguably clear the ground for further change. Provisionally such an approach might be based on the principles we have outlined -- of embeddedness (in society and in a network of other institutions), representation (of a broader and deeper kind than current notions of electoral

representative government imply), and accountability (to an organised and, to the extent possible, mobilised society).

There are various ways of embedding institutions. These include legislative or constitutional measures with special procedures for repeal. Institutions can also be placed in structured power sharing relationships between different levels of government federal or national, and sub-national including municipal. One benefit of such arrangements, amongst others, might be to limit the widely observed phenomenon of offloading responsibilities from higher to lower levels of government, without corresponding fiscal offloads. Intergovernmental measures of this kind have routinely led to deterioration of public services and evasion of accountability for the measures taken. Finally, new institutions need to be socially embedded into public relationships with organised groups in society. Properly conceived, such links between the state and an organised society facilitates new forms of representation and voice, based on function and experience. The mandates of such institutions would need to be radically different from those established in the neoliberal period.

Some of the institutional changes discussed below are aspirational; others already exist in some form, in some jurisdictions. They are advanced here simply as illustrations that, to the extent they have merit, could become part of a debate about the type of institutional change needed to further and through embedding them in the fabric of society, protect progressive policy alternatives to neo-liberalism. Some can be considered as examples of roll-back (such as renationalisation or re-municipalisation of privatized enterprises). However, as envisaged as part of alternative institutional design, such roll-backs would also need to include transformative elements such as accountability councils, with significant powers, and mandates far beyond the realm of neoliberal orthodoxy. This would ensure that such changes are not just a restoration of the old and, in some ways, inadequate institutional principles, but the construction of something new, reflecting the principles outlined above.

In the area of trade and investment the policies required to enhance a new public purpose would include restoring national level controls on capital mobility, voiding or non-recognition of certain trade tribunals' interpretations such as 'like goods' interpretations, and substituting for the tribunals' preference for the so-called scientific principle, the precautionary principle. Politically, this might involve greater use of existing exemptions and selective non-compliance; and gradual reform to include environment, gender, other criteria equivalent to existing 'national security' exemptions. Institutionally, national governments

could establish Independent Trade Monitoring Councils, to operationally assess the economic, environmental and social impacts of international trade and investment agreements and recommend adjustments.

In the monetary policy area there would need to be measures to enact broader mandates for central banks to help achieve (i.e. not just inflation control but shared prosperity, green growth, employment, employment security), and central banks should be less independent and more accountable (not just to elected officials but to Monetary Policy Accountability Councils, representative of functional interests – all levels of government, industry, agriculture, labour, social reproduction providers – and experiential interests, including environmental).

Fiscal policy reforms might include repealing neoliberal fiscal rules; legislatively embedding asymmetric automatic stabilizers[6]; establishing and, more importantly implementing criteria-based budgeting – based on class, gender, well-being, quality of life, and climate impact. Such policies would be monitored by Fiscal and Social Impact Councils with the same accountability and representative structure as the monetary council. The mandate would be expanded to reflect the representational/accountability characteristics of the Council. Partial examples of using different criteria do exist, though they frequently fall short of the aspirations of their advocates – notably gender based budgeting (see Scott, 2019; Wright, 2019), and quality of life or well-being (OECD, 2018; Charlton, 2019; WEA, 2019). The effectiveness of existing fiscal councils, with their neoliberal goal of restraining government spending has been linked to certain institutional, legal and structural characteristics. Optimal design characteristics include: Legal and Operational Independence, those with independence to operate freely and without interference from fiscal authorities have performed better in supporting fiscal outcomes; Monitoring, those embedded in a country's existing fiscal rule appear the most effective; Normative Analyses and Forecast Preparation, budgetary forecasts and reviews of assumptions regarding costs of planned policies are linked to improvements; and

[6] Unconventional Fiscal Policy has been described by Martin Eichenbaum (2018). Asymmetric automatic-stabilizer programs include transfer programs (i.e. unemployment insurance and income support programs), which automatically expand their level of generosity during recession and contract afterwards; automatic grants from the national government to subnational governments that begin and end in response to macroeconomic triggers, preventing cuts to government spending during a crisis, and terminating when no longer required.

Outreach and Information, engaging the voting public about their findings and recommendations gains traction regarding influencing policies and improving fiscal outcomes (Mooney and Wright, 2019). Beyond this range of activities, adapted to more progressive purposes, one might envisage for more radical councils some sort of decision-making role or a right to delay, veto, or refer governmental recommendations back to address concerns.

The three examples of councils referred to above might be legislatively established, possibly with quasi-constitutional status making repeal difficult; and be composed of representatives of government (all levels); and societal organizations – business, labour, consumer; economic and social sectors; and experiential groups based in those traditionally excluded from the policy process.

Establishing their powers and representational structures would be a crucial part of state restructuring. Powers might range from publicity for moral suasion (weak); to the right to recommend and receive a response and the right to be consulted (moderate); to decision-making over certain issues (strong), and might evolve over time.

Apart from the accountability councils we might envisage other institutions, potential or already existing, that might reverse and transform the restructuring and downgrading of the public sector that has been intrinsic to neoliberalism. Some possibilities are sketched below.

A TNI (2017) report identified 835 cases of (re-)municipalisation and around 50 cases of (re)nationalisation. So public ownership/control is making a small come-back that could be developed further. There might be various interpretations of public (see McDonald and Ruiters, 2012) – including top-down, and bottom-up models, the state at various levels, public associations of one kind or another, cooperatives, etc. Mandates of publicly owned entities should be broad, and never limited to commercial considerations; more often they should be not for profit, or be committed to ploughing profits back into socially necessary services or enterprises. Their lines of accountability would need to be extended to user and worker organizations.

The concept of Public-Public Partnerships (PUPs) originated as a response to public-private partnerships, and combines collaboration and integration between public sector institutions. Types include public authority-public authority (for example, a municipal department and national department); public authority- community (a municipal department and a trade union); non-state entity – non-state entity (such as between a cooperative and an NGO); and

multi-partnerships (municipality, local union and local community group) (see Boag and McDonald, 2010)[7].

Public-Commons Partnerships (PCPs) consist of a set of principles and processes designed and implemented on a case-specific basis. PCPs involve co-ownership between state authorities and a Commoners Association (i.e. consumer cooperative, mixed cooperative or community interest group), alongside combined governance with a third association of a project-specific party such as a trade union or relevant expert. One model might provide for the Commons Association and a Local Authority to have 50 per cent ownership of a Joint Enterprise, with 1/3 each of the Board seats, with the final 1/3 including parties such as trade unions, university experts, environmental agency etc. The structure of the joint enterprise thus includes three democratic fora: the state (i.e. electoral politics); the governance of the joint enterprise (i.e. representatives of the local authority; the Common Association, and parties appropriate to the joint enterprise); and the Common Association itself which include its own independent mechanism of participation and decision making. Any surplus created is under substantial democratic control, whereby 50 per cent is retained and reinvested in the Joint Enterprise, and the other 50 per cent is invested in the Common Association where it then becomes responsible for its redistribution, with the principal purpose to capitalize other PCPs (Milburn and Russell, 2019)[8].

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[7] Example: Robin Hood Energy, Nottingham UK, is a municipal energy supplier created in 2015 to fight energy poverty and challenge the UK's 'Big Six' Energy Suppliers, while enabling local ownership of renewable generation. It banned private shareholders and management bonuses, and guaranteed price transparency. It works with nine other UK cities, and set up a 'white label' enterprise to offer the same affordable tariff to all residents. Surplus created is reinvested in renewable and affordable energy services. (Bramah, 2019; TNI, 2019).

[8] Example: PCPs have been modelled after a co-owned energy company in Wolfhagen, Germany where, in 2005, a local authority remunicipalized power to promote renewable energy. Stadtwerke Wolfhagen – a public company –pursued cooperative participation, featuring joint ownership of energy by the municipality and new citizen-led cooperative BEG Wolfhagen. Citizens became co-owners, co-earners and co-decision makers. By 2012 the citizens cooperative owned 25 per cent of the energy company. The cooperative shares two of the nine seats on the board, giving citizens voting rights on all issues concerning energy production and supply, including setting energy prices and reinvestment in new capacity. Citizen led solutions to decarbonization are provided with a regular and democratically controlled source of funding (Russell, 2019).

An anchor institution is a non-profit or public place-based entity such as a university or hospital. Anchor institutions can coordinate their mission and those of other players -- capital, customers, employees, and vendors to contribute to local community well-being through leveraging their institutional resources. The 'Anchor Mission' approach includes a commitment to harnessing their economic power in partnerships with community in order to create mutual benefits and long-term well-being. Local hiring, procurement, investing and land use can offer greater economic opportunity for low-income and underserved communities (Russell University Medical Centre, 2017; Porter el al, 2019).

Cost control will remain a key issue in public procurement. Centralized public procurement strategies offer the possibility of achieving the best value for the public in terms of goods and services. If liberated from the constraints imposed by international trade agreements, they can be employed as a lever to achieve policy goals, as well as a powerful economic and industrial policy tool. This is because public demand represents a sizable share of total market demand. Thus, a centralized public buyer aggregates demand and therefore is endowed with relevant market power and is placed in a position where it can affect the market structure, give important signals to the supply market and drive development and innovation (Albano and Sparro, 2010). There is potential to use this towards greater social and environmental ends though this would require removing the constraints imposed by recent trade agreements such as CETA.

Finally, the public service needs to be insulated from the dictates of NPM and associated concepts. Recruitment and training of public servants in the concept of a "public interest", possibly in specialised Public Service Colleges, should be the norm with promotions and appointment in line with the new ethos.

Conclusion

The combination of a malaise affecting existing modes of representation and accountability, and the removal of important policy areas from the reach of democratic processes means that existing institutions offer limited possibilities for the implementation of progressive policy changes, and still less for their ongoing defence should they be achieved. The process of dismantling the crisis-ridden neoliberal policy package therefore must include considering what institutional changes are necessary to accomplish it. We have argued that both the scope and quality of democratic decision-making need to be expanded. To achieve the first,

it is necessary to roll-back the measures taken under neoliberalism that re-locate policymaking to remote and unaccountable venues, whether through international organisations or treaties, or domestic administrative separation. Control over trade and investment, and monetary and fiscal policy, amongst others, needs to be re-located to places where popular pressure and preferences can prevail. For the moment, at least, these are likely to be nation-state spaces.

There are many possible routes to improve the quality of democratic participation in policymaking and accountability processes. Here we have focused on deepening the concepts of representation and accountability and embedding new (or reformed) institutions in relationships with socially representative groups, with other levels of government, and with other institutions. We have referred to the principles on which these relationships would be based as embeddedness, representativeness, and broad accountability. Such institutional reforms do not guarantee progressive outcomes, but through establishing meaningful popular control over important issues, they offer broad sections of society an incentive to participate in politics and end the domination of a narrow sector of economic elites and their compliant political allies.

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