5 Within, Against and Beyond the State

> There is no moment within the social process devoid of the capacity for transformative activity.
>
> (Harvey, 1996, p. 105)

Having proposed a new conceptual framework for what defines a public service in the previous chapter, I turn now to the question of how to operationalize it. The focus in this chapter is on the role of governments in providing public services, examining the potential for working "within, against and beyond" the state, including spaces for non-state actors. The chapter explores different strategies for internal state reform as well as extra-state action, examining actual examples of pro-public change from different sectors and different parts of the world to demonstrate how the building of progressive, non-commercialized forms of state-led public services are possible.

Transforming the state for progressive public services is a massive challenge. As discussed in the first part of this book most governments are captured by the accumulation demands of capital as well as other narrow interest-group claims (be they ethnic nationalisms, institutionalized racism or other forms of socio-economic marginalization that shift the focus of public services away from principles of universality). Many public services have also been heavily commercialized by the practices and ideologies of New Public Management and the organizational structures and constraints of neoliberal forms of corporatization, entrenching private sector operating principles and mechanics in the public sector and creating entrepreneurial silos of activity which make holistic public sector planning and equity-oriented cross-subsidization difficult.

Additionally, most governments have witnessed extensive funding cuts over the past three decades, leaving them with a fraction of the capacity they once had to deal with an increasingly complex array of public responsibilities. Local governments tend to be the most affected by these fiscal constraints, with the push to decentralize resulting in massive un(der)funded mandates, as higher tiers of government move to reduce their own deficits (Beard et al.,

DOI: 10.4324/9781003293002-7

2008; Hackworth, 2002; Newman, 2014). Conflicts between different levels of state, for various reasons, have made matters worse, confounding problems of a lack of transparency, limiting forms of accountability and creating overly bureaucratic processes and frustrated public sector employees.

But that is the good news. In many parts of the world there is no effective state to reform. In large swathes of rural Africa, for example, state structures are so weak and so underfunded as to make them effectively non-existent when it comes to public service delivery. Building state capacity in these situations will require the development of brand-new human resources, physical capital and institutional norms and mechanisms, necessitating vast new investments.

This challenge of building public sector capacity from the ground up holds true in many wealthy parts of the world as well, where services have been in private hands for so long that the state's ability to offer public services has been gutted. In some cases, services have *never* been provided by the state, having been in private hands from their inception. Water services in Barcelona are an example. First formalized as a networked system in 1867, when the city council granted a concession to the private water company *Compañía de Aguas de Barcelona,* water provision has always been private (with the exception of a brief period during the Civil War of the 1930s when the company was collectivized by its workers) (March et al., 2019). Municipalizing water in Barcelona will therefore require the building of a first-ever public water operator – an opportunity to create a new type of public service, but an expensive and complicated process, as cities such as Paris and Berlin have learned in their (re)municipalization experiences (Beveridge et al., 2014; Cumbers & Becker, 2018; Hall et al., 2013).

As daunting as these challenges are, it is hard to imagine a world of universal public services without the state playing a central role. The sheer scale and urgency of public service needs requires capacity on a level that only states (individually and collectively) can provide. There are, for example, 660 million people without access to safe potable water, and more than 2.4 billion without access to sanitation, contributing to some two million deaths a year (mostly children) from water-borne diseases (WHO/UNICEF, 2015). It is expected to cost an estimated US$150 billion per year to meet SDG targets 6.1 (universal and equitable access to safe and affordable drinking water) and 6.2 (adequate and equitable sanitation and hygiene for all) (World Bank, 2017a, p. 52). Adding in the costs of reducing water pollution, implementing integrated water resources management and protecting water-related ecosystems drives total global water and sanitation infrastructure needs to an estimated US$6.7 trillion by 2030 and US$22.6 trillion by 2050 (Ajami et al., 2018, p. 5). The most pressing needs are in the Global South, but high-income countries are also in serious deficit situations (Hutton, 2016); the United States, for example, requires an estimated US$1 trillion in water and sanitation investment over the next 20 years (Tiemann, 2017, p. 9).

Electricity is another colossal task: close to one billion people are without access to electricity and a further three billion rely on risky and expensive solid fuels and kerosene for cooking and heating, with investment needs for achieving universal access to electricity estimated at $45 billion a year (World Bank, 2017b, xi, 23). There are also massive gaps in health care, education and other services, with one estimate putting overall infrastructure investment requirements for roads, railways, ports, airports, power, water, and telecoms at $3.7 trillion a year until 2035 (Woetzel et al., 2017, p. 2). Actual investment requirements can vary depending on assumptions made about the need for particular types of infrastructure and the purposes/people they serve, but the overall picture is one of immense need for investment and service delivery capacity.

Where will this funding and capability for public services come from if not from the state? Non-profit, non-state actors can and should play an important role in service planning and delivery – as we shall see below – but to argue, as much of the commons (and postcolonial) literature does, that we can rely on decentralized forms of community service to meet the urgent life-and-death needs of billions of people scattered around the globe is untenable. "Ordinary folks" can do "extraordinary things" (Esteva, 2014, i157–58) but to expect small groups of people – especially those living in highly fragmented, transient and desperately poor informal settlements in cities in the South where services are most urgently required – to "spontaneously" improvise their "social collaboration" in the building of "incremental infrastructures" (Silver, 2014, p. 789) fails to account for the scale of service gaps and the improbability of building the necessary social fabric to deliver them in a relatively short space of time. Constructing grassroots organizational capacity and trust can take decades, and may be impossible in many cases given the highly transitory nature of urban populations and the increasing instability resulting from climate change. Informal urban settlements can indeed offer "a frontier for a wide range of diffuse experimentation…. [with] actors from different religious, ethnic, regional or political affiliations collaborating on the basis that no one expects such collaborations to take place or work" (Simone, 2004, p. 2, 9–10), but informal networking with very few resources does not lead to "endless possibilities" for addressing massive backlogs in global basic needs.

This is not to suggest that restyled state-led public services should be bulldozed – literally and figuratively – through the social fabric of society. My point here is that the fetishization of "community" and "spontaneity" steers our attention away from the necessity of rebuilding and democratizing state apparatuses. As problematic as they are, states are the only realistic option for managing the scale of service needs and addressing universality. As Cumbers (2015, p. 74) notes, "The state, with all its warts, remains that mediating space". Like it or not, we have no choice but to remake, revise and reclaim the state as a central component of any short- or long-term public services programme.

How much change is required? Specifics will differ across place, time and sector, but my generic response to this question is that meaningful state reform will necessitate a shift beyond the confines of our variegated bourgeois public spheres, releasing "public services" from their marketized anchors and moving us towards less commodified and more equity-oriented service delivery. Institutional and legislative reforms can shift things in this direction but must be combined with substantive material change in terms of the surplus captured by the state and the resources available to public service production. The devil is always in the details – as will be discussed in Chapter 6 with regards to measuring the performance of revamped public services – but in general the goal is to create state-led public services that redirect resources towards more universal expenditures prioritized by societal need rather than market demands.

None of the examples provided in this chapter are "perfect", and many remain overly compromised by market concessions. Nor are they "revolutionary" in the sense of overthrowing capitalism as a whole (socialism is not possible in one sector). But they nevertheless provide concrete evidence of the potential for states to introduce *less* commercialized and *more* democratic and equitable forms of public services, illustrating the potential to move beyond the confines of our liberal public sphere *towards* a less-marketized and less-commodified world.

Within, Against and Beyond the State

In my discussion of state reform, I employ an analytical framework of working "within, against and beyond" the state. Originally associated with writers who sought to "destroy…and replace" the state (LEWRG, 1980, np) – because the state is always the "wrong way of doing things" (Holloway, 2010, p. 58) – my goal is to find theoretical and practical paths for remaking and transforming the state in ways that help to advance more democratic and equitable models of state-led public service provision.

I draw on a (re)emerging literature on the topic (Angel, 2017; Cumbers, 2015; Cumbers & Paul, 2020; Routledge et al., 2018) and employ a "strategic-relational" theory which sees state institutions as a form of social relations in which state power is a product of an ever-changing and ever-evolving condensation of the balance of forces that exist within and beyond its jurisdiction (Jessop, 2002a, 2000b, 2007). The state is not a monolithic, all-powerful, never-changing beast, but rather one moment of – and constitutive of – a broader ensemble of social and economic relationships which are open to struggle, with some state structures being "more open to some types of political strategy than others" (Jessop, 1990, p. 260). Although state actors tend to reproduce dominant social and economic relations,

> struggle within and outside of the state can shape its form and function. The interests of managers and employees within the state are contingent

> and in tension, while struggle from outside the state's apparatus can, on occasion, compel state institutions to be selective in subversive ways, shifting the balance of power.

As a result, "while state institutions are structurally biased towards the reproduction of prevailing relations, they are rendered as dynamic sites of struggle and contestation" (Angel, 2017, p. 561). State institutions can, in this sense, be "important generative and productive spaces" for challenging the private appropriation of communal resources (Cumbers, 2015, p. 71).

By contrast, much of the anti-state autonomous/commons literature "evacuates completely any responsibility to think about how counter-hegemonic projects can contest the dominance of the state and the public realm by neoliberal forces" (Cumbers, 2015, p. 72). It assumes that any left political movement that engages within the state invariably becomes co-opted into the ruling ethos of capitalistic governance. Rather than self-realization and radical democracy, it is argued that initiatives that involve engaging with the state "are doomed to reproducing existing forms of domination and oppression", disregarding the "continuing existence of public values of care, community and reciprocity, which can, and should, be mobilised into coalitions of democratic municipalism" (Cumbers & Paul, 2020, p. 51).

The capitalist state will not change itself entirely from within, but meaningful reform is possible if done in a strategic, multifaceted and multi-scalar manner, with the understanding that there will be enormous resistance and pushback from vested interests every step of the way. It is also important to acknowledge that state reform on its own does not necessarily mean change to the underlying economic system. Altering the dynamics of public service delivery can be an important step towards improved equity and sustainability, helping to capture a larger share of societal surplus, but ownership of key services will not in and of itself alter the underlying mechanisms of capital accumulation. As such, creating democratic, equitable and sustainable state-led public services is one part of a broad mix of resistance and change when it comes to reconstituting our public sphere. Working within, against and beyond the state must be part of that strategy.

Working within the State

It can be difficult at times to differentiate tactics of working "within the state" from those of working "against the state". This is partly because the two strategies often operate in tandem, with pressure from outside operating concurrently with efforts to change the state from within. In both cases the goal is to capture and revise existing state institutions and behaviours in ways that challenge how the state conceives public services and how they are delivered.

For heuristic purposes I refer to efforts to work "within" the state as those which involve actors and institutions inside the official apparatuses

of government, such as bureaucrats, front-line workers, politicians, political parties and parastatal agencies, as well as the budgetary and legislative powers they encompass. While never static or immune to outside pressure, the internal motions and mechanisms of the state are nevertheless sheltered to varying degrees from external influence, with some points of intervention being more open to change than others, depending on the context.

Although far from exhaustive – conceptually or empirically – what follows is an indication of the types of actors and strategies used to improve public service delivery from within the state, all of which have had some success in altering capacity to deliver public services in a more transparent and equitable manner.

Policy Change from Elected Officials

The first cluster of activities involves policy changes made by elected officials – either those in power or from politicians exerting sufficient pressure while in opposition to effect meaningful reform. Much of the change around basic public services has happened at the local level but national political parties have also had an impact, most notably with the "pink tide" governments of Latin America after 2000 (Castañeda et al., 2020; Chavez & Torres, 2014).

The election of a centre-left coalition party (*Frente Amplio* – Broad Front) in Uruguay in 2004 (and again in 2009 and 2014) is a useful illustration of how a change of government at the national level can significantly alter the ways in which public services are perceived and managed. After several decades of authoritarianism, followed by neoliberal policies of privatization, the new government was able to reclaim public ownership of a wide swathe of public services, from broadband internet to railways and water. Uruguay was also the first country in the world to hold a large-scale referendum to reverse water privatization, leading to a Constitutional amendment in 2004 recognizing the right to water and entrenching the principle of public ownership and management (Moshman, 2011). The government oversaw a massive restructuring of the ways in which public services are run, shifting from highly commercialized corporate silos that focused on their individual bottom lines to a more horizontal and collaborative form of inter-agency dialogue, while at the same time expanding their services vertically into the economy (e.g. offering fast and affordable broadband internet in rural areas and developing upstream manufacturing capacity in the form of telecoms infrastructure) (Chavez & Torres, 2014). These pro-public reforms were never absolute, however, with a private sector logic that remains embedded in Uruguay's state apparatuses (Santos, 2021). The election of a centre-right national government in 2019 also threatens to role back these reforms (Chavez, 2019), although widespread support in the general public for post-privatization services, and a significant shift in bureaucratic cultures, may be sufficient to resist these re-marketization pressures.

Similar change at the local level has been brought about by *Barcelona en Comú,* in Spain, a citizen platform launched in 2014 which won minority control of the Barcelona municipality in 2015 and which has introduced a wide range of governance reforms around public services, including efforts to municipalize the city's water services and create a municipally-owned electricity distributor (Charnok 2017, March et al., 2019). As one *en Comú* member noted about the choice to work for change from *within* the state: "We have tried everything. We have tried civil disobedience. We have tried negotiating with banks. Nothing works. We have to join institutions in order to change the way we make policy" (Gessen, 2018, np). The party's hold on power in a minority coalition is fragile, and constantly under attack by corporate interests in the city, but widespread popular support for public service reform may prove durable.

Spain and Uruguay are not alone. There have been at least 1400 cases of (re)municipalization and (re)nationalization of public services since the early 2000s, in countries as diverse as Canada, the United States, France, Germany, Hungary, Guinea, Tanzania, Ghana, Kazakhstan, Turkey, Malaysia, Argentina and Bolivia (Kishimoto & Petitjean, 2017; Kishimoto et al., 2015; Kishimoto et al., 2020). Not all of these reversals are led by politicians – and not all have been done for democratic reasons (Horváth, 2014, McDonald, 2018a) – but elected officials have often played a key role in moving the remunicipalization agenda forward, either under pressure from, or in collaboration with, community groups, labour unions and non-governmental organizations.

It is also true that political parties can change their ideological stripes, with some using public ownership of essential services as a platform for change. Dramatic policy shifts in the Labour Party in the UK under Jeremy Corbin leading up the 2019 general election was one such example. Under Tony Blair, the party had been at the forefront of advancing the privatization and commercialization of public services. Corbin's Labour Party was committed to reversing these trends, with comprehensive policy positions on how they would renationalize water, railways and other services if elected (Albertson, 2019; Labour Party, 2018). Other electoral issues – notably Brexit – led to the ousting of Corbin and a shift back to (neo)liberalism for the Labour Party, but the party's pro-public policy platforms have helped to revitalize popular discussions about reclaiming state services in the UK and contributed to the building of a robust and ongoing dialogue about a pro-public reforms in the country. Opinion polls in late 2021 suggested that more than half of UK residents support renationalizing energy companies despite repeated attacks on deprivatization mainstream press and the fact that the new Labour Party leader has rejected any renationalization initiatives (Chaplain, 2021).

Similar possibilities (and limitations) apply to the Democratic Party in the United States, where growing interest in a "New Green Deal" with massive spending on public services, and the creation of public banks to

finance a transition to green energy have been gaining ground since 2019, despite centrist Democratic Party stalwarts working aggressively to sideline this movement (Anzilotti, 2019; Koeppel et al., 2019). Elected politicians such as Alexandria Ocasio-Cortez and Bernie Saunders have helped to expand and revitalize a long-standing tradition of socialized public services in the US, contributing to the building of a broad-based debate on the renewal of public services across a wide and diverse demographic (Hanna & McDonald, 2021), with cities such as New York and Los Angeles courting the possibility of municipally- or state-owned public banks to finance the expansion of equity-oriented public services (see neweconomynyc.org and publicbankla.com).

Bureaucratic Reform

Government bureaucrats can also be a source of pro-public change, although they do present their own challenges. They are often the most conservative of state officials, with a vested interest in the status quo and little in the way of political training or engagement. Growing entrepreneurialism in government has also served to make bureaucrats resistant to radical change, with little power to alter policy even if they wanted to.

Despite these impediments there have been many cases of bureaucrats leading progressive pro-public reforms (Albalate & Bel, 2021; Bel & Warner, 2015; Carlström et al., 2021). Many see the effects of privatization and commercialization first-hand and have felt its impact on themselves and their communities. In the city of Paris, for example, municipal bureaucrats worked closely with elected officials to bring water services back in-house when the 25-year contracts with Suez and Veolia came to an end in 2010 (all the more remarkable given that these giant French water multinationals have their headquarters in Paris, with a history of lucrative employment opportunities for city officials) (Valdovinos, 2012). Administrators of the new *Eau de Paris* have since been active in developing progressive upstream water management practices with farmers, developing social tariffs for low-income households, and assisting other municipalities in their efforts to remunicipalize (Le Strat, 2014). In fact, it is at the bureaucratic level that we have seen some of the most progressive and internationally-networked efforts to remunicipalize water services, with organizations such as *Aqua Publica Europea* driving institutional, legislative and ideological change amongst public water operator managers across the continent, including engineers and accountants.

Another example of progressive bureaucrat-led reform is that of Costa Rica's Banco Popular and Germany"s Kreditanstalt für Wideraufbau, public banks that have led the way in funding the transition to renewable energy using public finance (Marois, 2017). Although very different in their structure and management, both public institutions have mandates to promote sustainable environmental initiatives and have been catalytic factors

in each country's move to greener sources of electricity. In Costa Rica this has been augmented by a commitment to gender equity and the inclusion of workers voices in the development of new green infrastructure.

Not all bureaucratic change is done for progressive reasons, however, and in some cases efforts to strengthen public services can result in a deepening of their commercialization. Municipal managers in the United States, for example, have brought dozens of water services back in-house, but their reasons for doing so have been largely pragmatic and commercial, driven by the cost savings associated with internalizing monopoly production, with decision makers regularly swinging back and forth between public and private service delivery, depending on the perceived financial benefits of insourcing versus outsourcing, serving to perpetuate the trap of a public-private continuum rather than disrupting it (Warner & Aldag, 2021; Warner & Hefetz, 2012). Similar dynamics have occurred elsewhere (Lindholst, 2021).

Front-Line Workers and Public Sector Unions

A third major actor working within the state is that of front-line public sector service workers and their unions. While union membership in general has been falling steadily over the past 50 years, public sector unionization has held its ground, and even expanded in some countries (Reder, 1988; Ross & Savage, 2013). In Canada, public sector union density increased from 12% in 1960 to more than 70% in 2010, while in the United States it increased from 11% to 36%, with nearly half of all union members in that country working for various levels of government (Economist, 2011; Hower, 2017; OECD, 2017).

Many public sector workers and their unions see public service reforms as central to the work they do. They experience the impact of privatization and commercialization first-hand (at work and at home), with many pushing for more equitable and transparent forms of public services. Public sector unions have been some of the most active and sophisticated public sector reform advocates in the world, with organizations such as the Canadian Union of Public Employees (CUPE), UNISON in the UK, the Kenya County Government Workers Union (KLGWU), the Sindicato de Trabajadores de Acuavalle SA ESP (SINTRACUAVALLE) in Colombia, and the Philippine Government Employees" Association (PGEA) being just a few examples of those which have both resisted privatization as well as pushed for democratic reforms. There are also regional and global federations of public sector unions, such as the European Public Service Union (EPSU) and Public Services International (PSI), with the latter representing 20 million workers in 700 unions in 163 countries and territories, all of which are able to mobilize for pro-public change to varying degrees, and on a scale that few other organizations can match (see world-psi.org).

Many of these unions and their federations have extensive research programmes, training for members, and campaigns with other (non-union)

organizations to promote and improve public service delivery (such as the effort co-led by EPSU to formalize the human right to water and sanitation in the European Union, collecting more than 1.8 million signatures from EU citizens – see right2water.eu). In some cases unions also coordinate efforts of civil disobedience within the state, encouraging workers to resist efforts to commercialize, or by extending public services to those who might otherwise be denied (such as campaigns in the United States to ensure service delivery to undocumented migrants in "sanctuary cities"). In some cases, public sector unions have worked with communities to create coalitions for service delivery (such as the worker-community coalition for public water provision in a peri-urban neighbourhood in Colombia, described later in this chapter).

Unions are no panacea, of course. They are constantly short on resources, often stretched to their limits, and regularly forced to dedicate most of their time fighting rear-guard battles to protect jobs from privatization and austerity rather than working proactively to promote a new vision of publicness. As a result, some public sector unions have understandably become stuck in anti-privatization mode, protecting existing public services regardless of their flaws. In these instances public sector unions and their workers can be obstacles to progressive public service reform, having become just as rooted in the benefits of the status quo as their white-collar counterparts, entrenching a system of public service delivery that is not as equitable or as universal as it could be.

Nor are public sector unions always opposed to privatization, with some seeing private sector engagement as an opportunity for themselves and their members to benefit from profit-sharing and other commercialized performance incentives (Jalette & Hebdon, 2012; Marois, 2008; Skerrett, 2018; Swift & Stewart, 2005; Warner & Hefetz, 2020). In some cases unions have even resisted the reversal of privatization, such as in Barcelona where the union representing workers at the private water company have been fighting efforts by *Barcelona en Comú* and others to municipalize the service (driven in part by fear mongering around job security on the part of the private firm (March et al., 2019; for similar dynamics in Bulgaria see Medarov & McDonald, 2019)).

These are real-life choices that public sector unions face in terms of pushing for reform versus protecting the status quo, illustrating the inherent tensions associated with any inside strategy for change. As such, working within the state is always insufficient on its own, with vested interests often reluctant to introduce change, and with market-oriented "institutions of the capitalist state…continually seeking to frustrate such endeavours" (Angel, 2017, p. 573).

Working against the State

The second component of a pro-public strategy is that of working against the state, defined here as activity taken by non-state actors outside of official state apparatuses intended to create change with existing state mechanisms

or new systems altogether. Once again, efforts to work "against the state" are often done in conjunction with efforts to work "within the state", but for heuristic purposes it is important to explore these external activities and strategies separately, starting with protests against governments.

Protests

Mass protests have long been a tool for attempting to change policies of the state, and public services are no different. The most common are protests against privatization, many of which have been effective in forcing governments to terminate private contracts or not to privatize in the first place (Fletcher et al., 2018; Kingstone et al., 2013; Kwon & Kim, 2017; Uba, 2005). Tactics vary across time and place – with "virtual" campaigns overtaking feet-on-the-ground protests in many locales (Poster, 2021; Saura et al., 2017) – but the use of mass protest remains a potent and effective tool for creating pro-public change from outside the state.

A new form of public service protest has also begun to emerge: that of protesting against governments which claim to be promoting "public" services but which have failed to deliver them equitably and transparently. I refer to these as "anti-public public protests", and they typically occur in locations where governments have opted to keep services in public hands but have implemented commercially-oriented or undemocratic public sector reforms. One example is that of South Africa, where the post-apartheid government resisted World Bank pressures to privatize services when they first came to power in the mid-1990s, but then introduced neoliberal forms of corporatization in the name of staying "public". The result has been deeply commercialized forms of public services founded on private-sector operating principles, with widespread service cutoffs for nonpayment and poor quality services in low-income neighbourhoods (McDonald & Ruiters, 2005; Miraftab & Wills, 2005). Initially, residents of low-income and largely black communities were reluctant to protest – in no small part due to the moral pressures applied by the newly-elected government of Nelson Mandela in the mid-1990s, which insisted that paying for public services was their moral duty, despite ongoing inequalities. Two and a half decades on, however, most low-income South Africans remain frustrated with the lack of meaningful public service reforms and the country now witnesses the largest number of anti-public public protests of any country in the world (Alexander, 2010; Alexander & Pfaffe, 2014; Breakfast et al., 2021; De Juan & Wegner, 2019; Netswera, 2014). National, regional and local governments in South Africa, meanwhile, continue to insist that they offer progressive and democratic public services.

Similar dynamics have unfolded in Ghana, where the national government awarded a five-year contract in 2006 to Aqua Vitens Rand Ltd (AVRL), a joint venture of the public Dutch company Vitens and the public South African company Rand Water. Notably, the Ghanaian government

had rejected an earlier World Bank-backed bid for a contract with a private American firm (Azurix), in part so it could argue that the contract with AVRL was not "privatization". They then actively touted the "public" credentials of the two outside firms. Dramatic rises in prices, failures to meet requirements for new connections and a host of other problems plagued the contract from the start and it was not renewed in 2011, largely because of protests by civil society organizations who saw the reforms as little more than a disguised form of privatization in the name of being public (Agyeman, 2007; Mvulirwenande et al., 2019).

I cite these examples to demonstrate not just the importance of protests against privatization, but the growing need for organized resistance against governments that introduce public service reforms that reproduce the logic of private sector management within the public sector. Anti-public public protests will likely need to become a larger part of the pro-public protest *modus operandi* in the future if we are to develop better awareness of the compromised nature of many "public" services as well as the need to accommodate more diverse and nuanced notions of "publics".

Legal Action Against the State

There has also been a rise in formal legal action against the state in an effort to force progressive public service reform. The two most common instruments are referenda and litigation, with the water sector once again illustrating how effective these methods can be. Uruguay was the first country in the world to use a referendum to reverse water privatization in 2004 (Moshman, 2011). Success in that country spawned similar efforts elsewhere, including a referendum in Berlin in 2011 which saw residents vote by a margin of more than 98% to force the municipal administration to disclose secret agreements on the partial privatization of the city's water services, eventually leading to the remunicipalization of that city's water (Becker et al., 2015). Activists in Italy also employed a referendum in which 96% of voters rejected plans to privatize water, which has helped with remunicipalization campaigns in various Italian cities (Bieler, 2015; Carrozza & Fantini, 2016; for a review of Turkey's experience see Zaifer, 2020).

There have been successful cases of litigation against governments as well. The remunicipalization of water in Grenoble (France) in 2000, for example, was the result of several court cases over a ten-year period where judges eventually declared the private contract to be illegal due to corruption and false information, with water services being returned to public ownership to avoid related forms of contract bribery (Lobina & Hall, 2007). A similarly long legal battle has been fought in Jakarta, Indonesia, where activists have been attempting to annul a contract with two private water companies on legal grounds, including arguments that the contracts breach a Constitutional right to water. A partial remunicipalization of the service

is possible, but resistance from private companies and factions of the state remain strong (Lobina et al., 2019).

Legal tactics have their limits as well. Individual laws should be seen as part of a larger legal framework that regulates service provision, not all of which is favourable to public options. Ongoing and dedicated reviews of the legal status of public delivery is essential, ideally tied to a larger public education campaign to inform citizens of their rights, without which legal change can be worth little more than the paper it is written on. In Uruguay, for example, foreign private water companies were effectively ousted from the country, and water services are amongst the best in Latin America, but public-private partnerships continue, contravening the hard-fought Constitutional amendment to make it illegal to privatize water in that country (Dugard & Drage, 2012; Chavez, 2019; Santos, 2021).

Finally, it is essential that activists are not lulled into a false sense of accomplishment when working with progressive, but still market-oriented, state regimes. Partial successes should always be celebrated, but the potential for these gains to be clawed back or overwhelmed by broader market forces cannot be forgotten. Unless governments are explicitly committed to confronting the commodification of public services and disrupting the role essential infrastructure plays in the accumulation goals of private capital the threat of ongoing capture in our bourgeoise public sphere remains. Nowhere is this more true than with market-oriented liberal governments which insist that services are in "public hands" but continue to commercialize through the back door (such as the Canadian government's so-called "public infrastructure bank" who's actual mandate is to invest in "revenue-generating infrastructure projects… that attract private capital" in public services (see cib-bic.ca)). In some respects, these are the most treacherous of "public" reforms, creating an illusion of pro-public change while deepening the penetration of private capital and undermining the potential for more meaningful public service transformation.

Working Beyond the State

A third cluster of activities relates to working "beyond the state", by which I mean actions taken by non-state actors to develop (relatively) autonomous non-state mechanisms, practices and ideologies for public service delivery. I place *relatively* in brackets here because some of these activities are a form of co-production with the state, while others are done at arm's length with little or no state involvement. The rationale and outcomes of these two strategies are dissimilar and demand separate discussions.

Co-production

A popular term for public services that involve the collaboration of state and non-state actors is "co-production", and refers to regularized, long-term

arrangements between state agencies and groups of citizens, NGOs and other formal or informal non-profit groups, where both make substantial contributions to decision making or delivery (Bovaird, 2007; Nabatchi et al., 2017). The rationale for this model is that top-down centralized state-driven services operating on their own become detached from the people they serve – failing to perform as well as they could – while service users become docile consumers, unconnected to and uninformed about the services provided to them. Direct involvement of citizens therefore has a double benefit: it "transforms the service, but [citizens] are themselves transformed by the service…. Some aspects or components of the system rub off on one another through the production process. This means we must go beyond the perspective of a one-way relationship between state and third sector as principal and agent, or provider and recipient" (Brandsen & Pestoff, 2006, p. 496).

Co-production is not a new idea, with roots in the corporatist models of welfare development in northern Europe in the 19th century, although it is has been more recently associated with the growth of outsourcing and New Public Management from the 1990s (a point we return to below) (Brandsen & Pestoff, 2006). As such, there is no singular ideological or institutional model of co-production, with definitions as diverse as its practices. I would argue, however, that we can categorize co-production activities into two broad groups: those that are done out of necessity (where the state is either unable or unwilling to provide a service to a particular location/group), and those done by choice (where non-state organizations have deliberately chosen to engage with governments, and vice versa, in an effort to create a hybrid model of delivery).

The first category is not uncommon in low-income neighbourhoods, particularly in countries in the South, where state failure has obligated citizen engagement. Examples include self-help sanitation programmes in Pakistan, community water projects in Cameroon, electricity extension in Egypt, and solid waste management in Thailand (Hasan, 2006; Ibrahim, 2006; Mongkolnchaiarunya, 2005; Njoh, 2003). It is tempting to dismiss these models of co-production as either a false example of collaboration (given that people have been *forced* to co-produce rather than having done so of their own volition), or as a neoliberal celebration of entrepreneurialism and a quasi-privatization of service delivery (Adams & Boateng, 2018; Johnston, 2016). Both criticisms can be valid, with many co-produced services being exploitative of the most marginalized groups of society or simply leading to more extensive forms of privatization, with the citizen co-producer taking over from the state and operating on a for-profit basis. Nevertheless, many forms of co-production have no pre-determined outcome, being simply a politics of desperation rather than any coherent political strategy. Some have proved to be relatively democratic and equitable in practice due to the social pressures of community engagement and their proximity to end consumers (Jakobsen & Andersen, 2013; McMillan et al., 2014; Xu & Tang, 2020).

Good or bad, these involuntary forms of co-production are so widespread and so essential to the survival of hundreds of millions of people that they cannot be dismissed from our public service lexicon simply because they are not "pure" or inherently "progressive" forms of publicness. One illustrative example is that of faith-based health care in Uganda (Dambisya et al., 2014). Originally introduced as a Christian missionary project during the colonial era, faith-based health care in the country now includes Islamic institutions and provides a full range of health services in more than 300 facilities, predominantly in poor rural areas, with limited financial support from the state. While critics argue that reliance on these non-state organizations allows the state to ignore its responsibility for health care provision (morally and financially), Dambisya et al found positive co-production outcomes that are arguably better than state-run health facilities. They identified effective multi-stakeholder engagement, cross-subsidization schemes that protect users against catastrophic health expenditure, and equitable access to health services without discrimination on the basis of religion, ethnic group or place of origin. Faith-based organizations were also involved in facilitating the extension of amenities such as electricity and water. Although "in principle it remains inherently unfair for government not to establish its own facilities in all parts of the country … and in some cases anti-liberal positions on questions such as contraception, homosexuality and divorce" have negatively impacted health outcomes, faith-based provision is deeply "integrated in the health system [of Uganda], and is embedded in the national psyche …. It is our view that the [faith-based] model can be replicated in other African countries due to the strong religious attachments of many communities on the continent, and should be promoted to complement government efforts as an alternative to privatization" (Dambisya et al., 2014, pp. 2–3).

The second category of co-production are cases where governments and non-state actors collaborate *by choice* in locations where governance capacity is relatively strong. User cooperatives are one such example – i.e. agencies owned and operated by consumers of a service, and managed for their benefit on a non-profit basis, tied into broader state infrastructures. Energy cooperatives are a popular example, and although they date back to the early 20th century, the push for renewable forms of electricity has seen a rapid rise in their formation in the past few decades (Capellán-Pérez et al., 2018; Klagge & Meister, 2018). The GoiEner Cooperative in northern Spain is one such case, formed as a response to the oligopolistic nature of electricity provision in the country, as well as growing energy poverty in the region. Since 2012 the cooperative has grown to include nearly 9000 members, with the aim of providing affordable energy, increasing democratic engagement, and ensuring equal representation of women and men in the governance of the organization.[1] The cooperative does not replace a failed state, but works with existing government institutions to create a hybridized public service on a non-commercial, democratic and transparent basis.

Participatory budgeting is another popular co-production activity, where community members are able to participate in certain spending decisions on government budgets (Baiocchi & Ganuza, 2014; Sintomer et al., 2016). First established in Brazil in the late 1980s, participatory budgeting has spread to thousands of cities around the world and has been used to allocate spending priorities in services as diverse as education, housing and transportation, with tens of thousands of people often engaged in the process (Wampler, 2010). Critics have pointed to the limited authority of their budget decisions, and cooptation of the process by state forces and other powerful interests, but participatory budgeting nevertheless illustrates the *potential* for non-state actors to work outside formal state institutions while still engaging with them to make a difference in the way public services are operationalized (Baiocchi & Ganuza, 2014).

Semi-autonomous Production

A very different approach to working beyond the state is that of semi-autonomous production, with non-state entities working with a significant degree of independence from government. As Frenk (2018, p. 5) explains with respect to water provision in rural parts of Mexico, many residents feel that municipal government procedures "rule out participation by local residents and instead foster clientelism and corruption". As such they are opposed to putting public water entirely into state hands, demanding considerable control over how services are provided.

I am not speaking here of demands for *fully autonomous* forms of production of the kinds outlined by Esteva (2014, i157) – "No leaders, No parties" – where there is no formal state engagement at all. I am referring to quasi autonomous systems that operate intentionally with, but largely outside of, formal state apparatuses. One such example is a worker-community collective that provides water to low-income residents in a peri-urban area of Cali, Colombia, where there is a rich tradition of community-owned water services (*acueductos comunitarios*) (Bélanger et al., 2014). In this case the community system was under threat of privatization, which resulted in a coalition of workers from the municipally owned water operator, representatives from the state environmental agency, and local citizens. It took years to build the trust necessary to come to a formal agreement between the groups but eventually they were able to stave off privatization and expand the community-run service. In the process, the community's aqueduct staff "found that learning about laws and norms was an especially valuable payoff from the partnership because they had no formal training in managing water systems" (Bélanger et al., 2014, 3). They received information from the municipal workers on how to improve metering and tariff structures for more equitable pricing, which also served to create a more socially and financially sustainable community aqueduct. Since the creation of the alliance, "the service network has expanded, leaks have been fixed, and there has been no water

rationing (formerly a common problem in summer months). On the environmental front, staff from the community association have learned to monitor the watersheds regularly and to report violations; they are now collaborating with neighbouring aqueducts in recognition of their shared responsibility to protect the watersheds they all rely on" (Bélanger et al., 2014, 3).

Water activists in Colombia see this project as a promising alternative to both marketized public management as well as top-down state-centric systems, demonstrating that democratic, non-profit, community-run and locally controlled public services are viable. Nevertheless, coordinating groups with very different organizational forms, capacities, ideologies and histories is never guaranteed, requiring sustained effort and trust on all sides. Nor is it a model that can be easily reproduced elsewhere. In Bolivia, for example, peri-urban indigenous communities were an important part of the fight to reclaim public water in Cochabamba after a private contractor was ousted in 2001, but these groups then rejected municipal control because they wanted to reclaim their usufruct rights to water, a form of collective management based on social agreements negotiated and renegotiated over time known as *usos y costumbres* (uses and customs) (Boelens et al., 2010; Marston, 2015; Terhorst et al., 2013). There have been some efforts to integrate this semi-autonomous model of water management within the larger restructuring of the new public water agency, but it continues to be a major stumbling block in finding a broadly acceptable new public service model in that city (Marston, 2014; Razavi, 2021).

There are also limits to what is possible from non-state actors. Most people have limited energy to commit to activities outside work and family – particularly in marginalize low-income neighbourhoods – and with so many important public services to contend with it is not clear how much or how long people can participate in the co-production of services. As Mansbridge (1998, p. 12) notes: "Most of us…cannot wage this struggle everyday"; a point reinforced by Angel's (2016, 31) observation that "Few of us have the time to take part in complex decision-making when we spend so much time at work". Just how much citizen energy and capacity is available "beyond the state" will vary across place and sector, but the potential for non-paid, non-state actors to sustain their commitments to public service delivery across a wide range of sector in perpetuity is necessarily limited and must be factored into any long-term pro-public advocacy strategy.

Scaling Up (Again)

Working within, against and beyond the state to reclaim and remake state-led public services will be difficult at the local level where people are most able to engage. Implementing such a strategy at a global level will be exponentially more challenging. And yet international state-led action is essential if we are to address public service challenges and reforms on a global scale.

The most immediate obstacle in this regard is a lack of effective (and progressive) global state institutions. Many UN agencies have a global presence but none have the resources or the political authority to provide services at scale or to operate freely within the boundaries of sovereign states (with the exception of Security Council orders for armed interventions or economic sanctions, which do little to advance progressive public service reforms). Nor is there evidence that the UN would be inclined to introduce pro-public market reforms of the type being discussed in this book, given the organization's general neoliberal drift over the past few decades, including overt support for privatization in many of its agencies and in its Sustainable Development Goals (Joshi & O'Dell, 2013; Martens, 2020; Utting & Zammit, 2009).

Other multilateral organizations are even more problematic, with mainstream international financial institutions such as the World Bank having been at the forefront of pushing for private sector participation in service delivery. Although many of these organizations have begun to question their zealous support for privatization most remain committed to commercialized forms of public management and, in particular, the private funding of public services through mechanisms such as blended finance (Dimakou et al., 2021; Murray & Spronk, 2019). The potential for progressive pro-public change driven by these agencies is remote. Extensive interviews with a broad cross-section of powerful international agencies on the question of remunicipalization in the water sector, for example, found little in the way of awareness of the trend and virtually no support for it (McDonald, 2019).

Nevertheless, we cannot abandon efforts to work "within" these global organizations. There are agencies in the UN system which are actively pushing for progressive public service reforms. One such example is the United Nations Conference on Trade and Development, which has become increasingly critical of the privatization agenda of other multilateral agencies (e.g. UNCTAD, 2019). The Global Water Operators' Partnerships Alliance (Gwopa) is another illustration of this potential. Founded by UN-Habitat in 2009, Gwopa is a platform for bringing together public water operators from around the world to build public-public partnerships with the aim of creating "solidarity, learning, friendship, cultural experience, career development and integrity". Many innovative north-south and south-south linkages have emerged, and Gwopa has contributed to a growing international awareness of progressive public water practices, including hosting important networking initiatives amongst public water operators during the peak of the COVID-19 crisis (Laird & Bernal, 2020). Participation in Gwopa is open to organized labour, NGOs, community groups and academics. It is a relatively small but important institution that has the potential to create meaningful networks, conduct critical research, and build links between pro-public state institutions, unions, researchers and communities.

Gwopa has its internal tensions, however. From the outset, the association has been open to private water companies (represented by Aquafed,

the largest federation of private water multinationals in the world). Gwopa documentation also refers to the need for "commercially viable" water services, and its water operator members tend to use the same narrow financial performance indicators as private companies, encouraging market-based operating principles (Boag & McDonald, 2010). The bilateral and multilateral aid agencies that fund Gwopa can reinforce these trends, with one senior bilateral aid representative claiming that she "does not care if the water providers [in Gwopa] are public or private, as long as they get the job done" (McDonald, 2013).

The most effective way to engage with multilateral public agencies may therefore be to work *against* them, particularly those that actively promote privatized or commercialized forms of public services. It will also be important to watch for newly emerging multilateral actors such as the China-backed Asian Infrastructure Investment Bank, which employs the language of public financing for public services, and is often viewed as a challenge to the neoliberal hegemony of the Bretton Woods institutions, but in many respects reproduces and reinforces the push for various forms of privatization (Pandita, 2015). There are also large sovereign wealth funds and public pension funds which have been investing in public infrastructure on an international scale, and although they are less well-known and less transparent than multilateral banks, they have begun to play a significant role in financing and investing equity in key public service sectors such as electricity and transportation (Skerrett, 2018). For the most part, their aim is to maximize their returns, often promoting commercialization and privatization. One such example (discussed in more detail later in the book) is the Ontario Teachers' Pension Fund, which represents public sector teachers in Canada and is the majority owner of privatized water and sanitation services in Chile (OTPP, 2011). Attempts have been made by public sector unions to challenge these investment strategies, but aggressive counter-campaigns by pension fund managers, and the fact that many public pension funds have been effectively privatized and now operate independently from their members, make it difficult to change (Orenstein, 2013). Working *against* these multilateral public finance institutions in the form of "anti-public public protests" will become increasingly necessary in the future.

Finally, it is also important to go *beyond* the state when engaging with multilateral agencies. International NGOs such as the Transnational Institute and Focus on the Global South have been enormously effective in creating global alliances of civil society organizations, unions, academics and others to promote pro-public agendas and propose alternative institutions. So have global union umbrella organizations such as Public Services International, often working with NGOs and community organizations to create powerful pro-public coalitions demanding global change outside formalized international networks. One such example is Trade Unions for Energy Democracy (TUED), whose goal is to "Connect the energy democracy agenda to union struggles and campaigns in ways that build broad membership engagement,

increase worker power, and facilitate solidarity across movements that share similar goals".[2] Another example is energy-democracy.net, a coalition of activists, academics and practitioners "taking back power over the energy sector, kicking-back against the rule of the market and reimagining how energy might be produced, distributed and used". In some cases these networks operate collaboratively with progressive multilateral institutions, but for the most part they work outside and against these global apparatuses in an effort to create a new type of dialogue on non-commercialized public service reform.

Conclusion

A strategy of working "within, against and beyond" the state helps moves us beyond the neoclassical trap of "state versus private", but we are nevertheless left with a series of tensions: What is the right balance between state and non-state actors? Can private groups such as NGOs and local community associations be expected to work towards universal goals when their interests are necessarily bound up by geographic constraints and particular social interests? Is co-production merely a form of exploitation in the name of participation, offloading costs on to communities, or can it drive substantial public service transformation? Have these public service reforms moved us sufficiently beyond the narrow logic of the market to less commodified systems of production and consumption, or have they served to obfuscate ongoing dynamics of private capital accumulation?

The examples of pro-public state reforms outlined in this chapter all suffer from these pressures and contradictions to varying degrees. There are no "perfect" examples of pro-public reforms, and all require intensive empirical investigation to gauge the degree of change taking place on the ground. Some of the examples highlighted here may ultimately serve to entrench commodification rather than dissolve it.

My goal, however, has been to demonstrate the *potential for* and *necessity of* remodelling the state for improved public services, arguing that the state should be framed as an institutionalized form of malleable social relations open to struggle and re-assembly. Remaking the state is both constitutive of and vital to the remaking of our public spheres. In fighting for new state formations we are creating both the potential for renewed forms of public services as well as building new norms and expectations for what constitutes a public process. There is no guarantee of positive change, and any effort to (re)capture the state must be multifaceted and creative in its approach, but for those on the left who think that state power has no role to play in political transformations I once again quote David Harvey, who insists that "they're crazy. Incredible power is located there and you can't walk away from it as though it doesn't matter" (as cited in Berlinguer & Wainwright, 2009).

Calling out *inadequate* models of state capture and public reform will be an important part of this pro-public process. But for this to happen there

must also be a shared model of measuring pro-public change, as well as comparable indicators across sectors and locations. It is only with some form of flexibilized universal measurement that we can determine if a particular set of public service reforms offer us an alternative to marketized public service provision, or not. It is to this question of public service performance measurement that I now turn.

Notes

1. See www.energy-democracy.net/?p=1190
2. http://unionsforenergydemocracy.org/about/about-the-initiative/