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This is the submitted version of a paper published in *Critical Policy Studies*.

Citation for the original published paper (version of record):

Larsson, O. (2019)

A theoretical framework for analyzing institutionalized domination in network governance arrangements

Critical Policy Studies, 13(1): 81-100

<https://doi.org/10.1080/19460171.2017.1393440>

Access to the published version may require subscription.

N.B. When citing this work, cite the original published paper.

Permanent link to this version:

<http://urn.kb.se/resolve?urn=urn:nbn:se:uu:diva-332408>

Title: A Theoretical Framework for Analyzing Institutionalized Domination in Network Governance Arrangements – a pre-edited version accepted for publication in *Critical Policy Studies*

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Abstract: Network governance, which involves an informal and self-regulated set of public and private actors who together address various political and social problems, has substantially altered the institutional landscape concerning the formation and implementation of public policy. A common view is that this has made it possible to enhance pluralism and disperse political power by transferring power from the sovereign state to a wider set of private actors and stakeholders. I argue in this article that we need to analyze network governance in reference to the concept of domination and the theoretical tradition of neo-republicanism. For this purpose, I develop a theoretical framework that specifies five dimensions in which domination may arise and, conversely, be mitigated. An alternative image of network governance emerges which reveals that this type of governance may in fact generate a form of institutional domination that encompasses both citizens and civil society actors due to the arbitrary influence that certain network participants come to exercise upon the life choices of non-participants.

Acknowledgments: An early version of this article was presented at the Seminar for Public Policy and Administration, Department of Government, Uppsala University. The author is grateful for the comments of the seminar participants as well as those of colleagues who read and discussed the text during the working process. A special thanks is extended to Andrew Blasko for his proofreading of the manuscript. The author also wishes to thank the two anonymous reviewers for their insightful remarks that helped improve the article as a whole, including its core arguments.

BIO: Oscar L. Larsson currently (2017–2019) holds a post-doctoral position at the Swedish University of Agricultural Sciences (SLU). His ongoing project investigates local governance models for integration in urban and rural contexts. Larsson's main research interest is network governance, and he explores such related themes as democracy, legitimacy, participation, power, and domination. He has previously published articles on network governance in *Critical Policy Studies*, on institutionalism in *Critical Review*, and on collaborative crisis management in *Risk, Hazards and Crisis in Public Policy*.

Introduction

How does network governance influence the overall policy process and how can scholars interested in public policy analyze the roles of networks and extensive collaboration? Since the growing number and influence of networks consisting of public and private actors substantially alters the institutional landscape of policy implementation, having an impact upon policy making as well, it is important both to develop appropriate theoretical models, and to analyze the effect of network governance on policy processes and on relationships between participants and non-participants. I argue in this article that the emergence of network collaboration has substantially refurnished political spaces within the state, undercut the critical voice and function of civil society actors within policy processes, and created the possibility for new relations of domination that the current pluralist approach to network governance has not yet taken into consideration. The analytical framework provided in this article specifies critical dimensions of network governance that, taken together, can assess the extent to which domination emerges as a result of institutionalized network governance. Moreover, this article problematizes the participation of civil society actors as the supposedly natural basis for the legitimacy of network governance and the post-liberal democratic order. Stated otherwise, the type of analysis and theorization provided below seeks to advance the present discussion in the literature concerning the democratic qualities of network governance and the alterations in policy processes that are underway by examining the role of civil society organizations in governance.

Michael Howlett and Raul P. Lejano have argued that active policy design has been overshadowed by an often normative desire to create governance arrangements in order to quickly resolve “wicked” problems through collaboration and deliberation without pausing to take into account the specific problem at hand (Howlett and Lejano 2013, 370). Network

governance has in fact become a management “ideology” that is manifest in the increasing creation and adoption of network arrangements, which comprises a normative “meta-governance stance” (Larsson 2015, 175; Larsson 2017a). Weible and Carter have recently observed that a convergence between policy process research, public management scholarship, and studies of non-profit and voluntary activities may strengthen the process and outcomes of governance (Weible and Carter 2017, 1). I would like to add that scholars who engage in research concerning network governance must also critically examine the normative foundations of network arrangements, which requires being attentive to changes in existing power balances and the creation of new ones.

Although the widely recognized shift from *government* to *governance* has spurred intense academic interest and given rise to both empirical and normative discussion in public management scholarship (Rhodes 1996, 1997; Pierre and Peters 2000; Ansell 2000; Kickert, Klijn, and Koppenjan 1997; Bellamy and Palumbo 2010), relatively little attention has been directed to their implications for the study of policy processes within the new institutional landscape that has been created. This article also aims to address such shortcomings by invoking the tradition of neo-republicanism and the concept of domination as a specific type of power. This will enable us to better understand the substantial role that civil society actors have come to play in the making of public policy as a result of the growth of network governance and widespread collaboration.

The first section of the article, which addresses the body of literature that has emerged in relation to network governance, focuses on key authors who describe networks in positive terms and regard the inclusion of civil society actors as the primary basis of legitimacy in embracing and promoting network governance from a pluralist perspective. The second section discusses the concepts of power, domination, and political spaces. A theoretical examination of the concept of domination and of the notion of arbitrary power over other

forms the foundation of the argument, pointing to the new type of analysis needed in order to understand the role that civil society actors play in network governance. Section three presents an analysis of network governance in respect to the possibility of domination by specifying five dimensions in which it can arise, be empirically analyzed, and, consequently, be mitigated by means of careful network design and increased awareness of potential problems in this regard. The final section provides a brief summary of the overall argument, discusses its implications, indicates the contribution of the article to the literature, and reflects upon the way forward.

I. Network Governance and the Role of Civil Society Actors

Governance theorists maintain that a major transition is underway today in the way contemporary societies are ruled, arguing that we are in the midst of a political and institutional change that comprises a general move from *government* to *governance* (Rhodes 1996, 1997; Pierre and Peters 2000; Ansell 2000; Kickert, Klijn, and Koppenjan 1997; Bellamy and Palumbo 2010). The term government refers to the exercise of formal sovereign rule with specific policy instruments, including executive, legislative, judicial, and coercive powers. It is claimed, however, that a series of various challenges, reforms, and trends during the twentieth century have both complicated and disrupted the modern image of political spheres and processes within sovereign states (Goodin, Rein, and Moran 2009, 895; Emerson and Nabatchi 2015, 8-9; Klijn and Koppenjan 2016, 22). As a result, alternative analytical models of governance, in which a multitude of public and private actors cooperate in order to govern society, have come to be utilized in an effort to grasp the new set of complex processes that have emerged. The underlying premise is that networks constitute a necessary response to the many problems that modern states face due to the changed social and political

conditions of late modernity (Rhodes 1997, 19f; Kooiman 2000, 139; Hooghe and Marks 2003; Klijn and Koppenjan 2016, 21).

Networks can thus be regarded as a specific type of governance. For example, Rhodes maintains in this regard that “governance refers to self-organizing, interorganizational networks characterized by interdependence, resource exchange, rules of the game and significant autonomy from the state” (Rhodes 1997, 15). Ansell and Gash emphasize in their definition of collaborative governance that the new connections between public and private agents comprise

[a] governing arrangement where one or more public agencies directly engage non-state stakeholders in a collective decision-making process that is formal, consensus-oriented and deliberative and that aims to make or implement public policy or manage public programs or assets (Ansell and Gash 2008, 544).

Emerson et al. (2012) define such types of collaboration as

[t]he processes and structures of public policy decision making and management that engage people constructively across the boundaries of public agencies, levels of government, and/or the public, private and civic spheres in order to carry out a public purpose that could not otherwise be accomplished (Emerson, Nabatchi, and Balogh 2012, 2).

Governance by networks purportedly both promotes and is characterized by, among other issues, informality and the pre-empting of legislation (Héritier and Lehmkuhl 2010, 133); consensus-orientation and deliberation (Ansell and Gash 2008, 544); and the benefits supposedly connected with shared interests and the pooling of resources (Kooiman 2000; Pierre and Peters 2000, 25). As a result, network governance is often described as a type of

governance that utilizes knowledge, expertise, and practical experience, in which the opinions and interests of stakeholders, including private businesses, are regarded as valuable inputs. In addition, certain scholars claim that networks are often created in order to address communal and public problems that would otherwise have allegedly gone unaddressed (Hewitt de Alcántara 1998; Emerson, Nabatchi, and Balogh 2012, 2).

The democratic merits of networks are of great interest given their growing presence in the management of public problems and the increased advocacy for collaboration. In the most optimistic accounts, network governance is deemed capable of fostering a new deliberative pluralism that has the potential to develop a trust-based consensus concerning the means and ends of social life. Networks are viewed from this perspective as promoting an expansion of the public sphere, the empowering of communities, a cultivation of inclusive policy making, and the involvement of a broader range of actors in the management of public issues (Bevir 2010, 116f). Networks would thus make possible new ways of connecting public policy-making to citizens and stakeholders, thereby overcoming the supposed constraints and limitations associated with representative democracy and party politics (Emerson and Nabatchi 2015, 8). This pluralist notion of networks underlies the view that the horizontal interdependencies characteristic of networks empower actors to collectively steer both the development and the implementation of policy (Klijn and Skelcher 2007, 588; Esmark 2007).

While this obviously constitutes an intriguing point of view, does it in fact comprise the grounds for claiming that networks are capable of replacing the traditional institutions and mechanisms of representative democracy? Olsen argues, for example, that accountability is a key principle of legitimacy and, consequently, for organizing relations between rulers and those ruled (Olsen 2015, 425). Klijn and Koppenjan (2016) view the importance of network accountability as residing upon its contribution to both the effectiveness and legitimacy of networks. Stated briefly, network accountability concerns the relationships between

collaborating partners within the governance network as well as the relationships of that network with third parties, the broader public, the courts, and the media (Klijn and Koppenjan 2016, 237). Accountability thus constitutes a key principle by which to judge the supposed democratic potential of networks. Since Klijn has previously identified two additional principles that purportedly supplement accountability, we may list the three principles that, from his perspective, underlie the democratic legitimacy of networks:

- 1) *Accountability*, which emphasizes that political leaders are responsible for decisions and decision-making processes. Office holders can be both elected and replaced in fair elections that are normally organized in such a way that they guarantee political equality (one person – one vote).
- 2) *Voice*, which indicates that citizens can make themselves heard and influence decisions. This notion goes beyond the act of voting, instead emphasizing the ways in which citizens can actively participate in concrete political decisions and in the processes through which decisions are reached. Aspects of voice include the depth of participation, or the intensity and influence of stakeholders, and its breadth, or the numbers of stakeholders included.
- 3) *Due deliberation*, which is concerned with how interaction and the process of deliberation are organized. Democratic legitimacy arises out of a deliberative process that should be fair and accepted by the actors involved, in which they share knowledge, explore possible solutions, and exchange value judgments. Klijn states that we should not confuse due deliberation with a power-free dialogue, such as Habermas' ideal speech situation.

Klijn and others add that an institutional setup characterized by fair and open entry, reciprocity, freedom from coercion, open access to information, and a lack of manipulation is

likely sufficient for due deliberation to take place (Klijn 2013, 209; Skelcher and Sullivan 2008; Klijn and Koppenjan 2016, 243).

But although it is recognized in the literature that networks encounter problems in respect to accountability, it is also claimed that this issue can be resolved by virtue of *voice* and *due deliberation*. Dryzek argues, however, that it is generally not acceptable to assume that the lack of a given democratic quality, such as *accountability*, can be compensated for by pre-eminence in another, such as *due deliberation* (Dryzek 2007). There is in fact no institutional requirement that ensures equal participation in network governance within a given territory or policy sector (Sorensen and Torfing 2009, 243). As a result, the need to include all relevant stakeholders brings ethical as well as political pressure to bear upon those who initiate, design, and facilitate networks (Johnston et al. 2010, 2).

Those designing and convening networks thus face an ethical demand to include, if not all, at least as many of the affected population of stakeholders as possible in order to safeguard the democratic nature of governance processes. Johnston et al. state in this regard that “If a collaborative process is seen as excluding relevant stakeholders, it may be viewed as illegitimate, a conclusion that will threaten its political viability” (Johnston et al. 2010, 2). Stijn draws the conclusion that even though networks have the image of being characterized by horizontal relations and being open, this in fact is rarely the case in reality (Smismans 2008). Davies points to “network closure” as a major threat to the emergence of the new pluralism that is supposedly associated with network governance (Davies 2011, 62). Emerson et al. (2012) argue that network collaboration requires the “principled engagement” of all significant and relevant interests, and that it needs to be informed by the perspectives and knowledge of all participants. Moreover, inclusion and diversity are valued not only as normative organizing principles, but also for instrumental reasons since multiple perspectives and interests allow for the development of more enlightened decisions that take a broader

view concerning who will either benefit from, or be harmed in some sense, by a given action (Emerson, Nabatchi, and Balogh 2012, 2).

Critical voices have observed that networks can neither replace, nor complement traditional democratic institutions because their lack of the important democratic characteristic of representation and inclusion disrupts the possibility of holding the network accountable. For example, if a network is not inclusive in respect to all potential voices, either when it is created or during its life span, the principle of *due deliberation* is impaired. The extent to which a network is open for scrutiny to the broader public, the courts, and the media is also very important. That is to say that because network governance relocates public reasoning and deliberations into closed settings of affected stakeholders, those who are non-participants, including excluded stakeholders as well as citizens affected by network activities, may have little opportunity to review decisions as well as decision-making processes (Fung 2006, 70; Weale 2011, 75; Hazenberg 2013, 7).

It is also noteworthy that certain authors claim that networks should be evaluated in respect to different standards than those which apply to traditional democratic institutions, namely, in terms of their input-, throughput-, and output-legitimacy (Bekkers and Edwards 2007, 55). Klijn argues that although classic theories of democracy maintain that legitimacy stems primarily from input arrangements in terms of the representation of those governed, such other factors as output legitimacy, efficiency, and the types of service improvements that can be produced by a network may be equally important (Klijn 2013, 211). Throughput legitimacy, which is associated with the notion of governance as a process and with the quality of processes within networks that lead to specific outcomes, is taken to indicate how well networks manage complex decision-making and coordination between different stakeholders. It has also been frequently argued that the greatest promise of network governance may well reside upon its alleged ability to foster social equity and promote

deliberation (Sorensen and Torfing 2009; H eritier and Lehmkuhl 2010; Zyl 2014; Jos 2016). But although network governance thus seems to possess the potential to promote deliberation and improve both flexibility and responsiveness in providing services, it nonetheless often encounters problems concerning equity, accountability, and democratic legitimacy (Bogason and Musso 2006).

Civil society organizations have often been regarded as a vital source of legitimacy in network governance in the absence of formal representation, transparency, and accountability. Eva S orensen and Jacob Torfing maintain that

governance networks provide a means to increase the flexibility of our democratic institutions and to increase the number of citizens who participate actively in processes of political decision-making (Sorensen and Torfing 2007, 245).

Skelcher and Mathur present a similar line of reasoning, arguing that

network governance obscures the process of and accountability for public policy formulation, decision making, and execution. Yet conversely, it opens the door for the involvement by a wider range of actors and in ways that are less constrained than those applying to institutions of elected political authority (Mathur and Skelcher 2007, 235).

Others claim that the involvement of civil society actors not only nurtures public dialogue and responsiveness to citizens, it also provides legitimacy to the political processes that take place within networks (H eritier and Lehmkuhl 2010, Zyl 2014).

Nevertheless, I am not convinced that private organizations can compensate for a lack of transparency and accountability in the manner that proponents of network governance

suggest. A network, depending on its nature and purpose, may include elected officials, public managers, planners and other administrative officials, executives or representatives of private business or corporations, directors of community groups, representatives of NGOs, as well as academics and experts (Emerson and Nabatchi 2015, 31; Klijn and Koppenjan 2016, 19). However, it remains unclear what possibilities people *outside* a given network might have to resist or contest the outcome of political processes that have taken place within that network insofar as satisfaction among the active participants may still lead to outcomes that are unattractive both for outsiders, and for the recipients of policies and services. This issue is too important to be simply brushed aside with the general suggestion that (some) civil society organizations are capable of adequately replacing important democratic mechanisms and political accountability. The establishment of networks with substantial autonomy from the state and existing legal frameworks may in fact constitute a substantial reorganization of the political spaces within a state that can seriously undercut the notion that civil society organizations comprise a critical voice and a counterforce to state power.

At this venture, it is fruitful to turn to the public philosophy of (neo-)republicanism and the key concept of *domination* in the effort to specify and conceptualize the new relationships that emerge in civil society due to network governance.

II. Power, Domination, and Space(s)

We noted above that network governance discourse claims that civil society actors perform a range of democratic functions, and that this allegedly leads to increased pluralism and improved deliberation. However, since network governance blurs the previously accepted distinction between the public and private spheres, it is not immediately obvious how civil society actors can participate in and influence public rule while also vouching for democratic quality by virtue of comprising a critical voice from the outside. My concern is that network

governance in reality produces new relations of domination within civil society. The neo-republican perspective, further discussed below, provides a new insight into how network governance may in fact be destructive in respect both to the democratic quality of public rule, and to the critical voice and function of civil society.

The private sphere and civil society, which is term that derives from Cicero's *societas civilis* and Aristotle's *koinônia politiké* (Kumar 1993), are understood in contemporary liberal discourse as constituting a space for autonomy and freedom from interference and intrusion by the state (Akman 2012, 322). The positive image of civil society as a counterforce to the state is particularly visible in the writings of Ernest Gellner, who remarks that

Civil society is that set of diverse non-governmental institutions which is strong enough to counterbalance the state and, while not preventing the state from fulfilling its role of keeper of the peace and arbitrator between major interests, can nevertheless prevent it from dominating and atomizing the rest of society (Gellner 1994, 5).

Gellner thus understands and frames civil society as a power center detached from the state that is capable of preventing the latter from dominating every aspect of social life. Civil society is often taken in this vein to be a location of complexity, choice, and dynamism, whereby it constitutes “the nemesis of all forms of political despotism” (Keane 2004, 43). Ayhan Akman refers to this view, which he summarizes in the following two postulates, as the “objectivist conception of civil society” (Akman 2012).

Postulate 1: Civil society comprises a set of institutions, organizations and groups that together form an entity whose material properties (strength, size, structure, etc.) we can objectively observe and assess. These properties constitute the ontological aspect of civil society and specify its ontological autonomy as an objective entity.

Postulate 2: Civil society is the opponent and antidote to state power.

Its existence and strength are thus closely related to the democratic quality of a given polity. The stronger civil society is, the better are the prospects for state democracy and the greater is the quality of democracy.

This emphasis on the ontological autonomy of civil society from the state, together with its functioning as an antidote to state power, informs the way in which scholars and activists have construed and theorized the relationship between civil society and democracy (Akman 2012, 323). This influence is particularly evident in the discourse of network governance concerning claims that network governance fosters pluralism through the involvement of civil society actors. It is important to note, however, that the neo-republican tradition and the notion of freedom as non-domination contrast in important ways both with the liberal understanding of freedom as non-interference, and with the conception of civil society as a natural and spontaneous order (Pettit 1997, 66; Shnayderman 2012).

The neo-republican tradition underlies Philip Pettit's proposed moral principle that freedom is to be understood "as the absence of mastery by others" (Pettit 1997, 22). Not only is freedom taken as non-domination Pettit's central political value for both communities and individuals, the neo-republican tradition regards non-domination as the primary goal of democratic institutional arrangements (Watkins 2015, 510). This conception of freedom is clearly applicable when analyzing governance networks insofar as networks obviously interfere with non-participants in the sense that they produce outcomes, policies, or services that affect people to various degrees in their everyday lives. The main question in the present context thus becomes how to understand and possibly achieve non-domination in respect to governance by networks.

Pettit defines domination as a power relationship between agents that possesses an arbitrary character. He argues that

One agent dominates another if and only if they have a certain power over that other, in particular power of interference on an *arbitrary* basis.... They have sway over the other, in the old phrase, and that sway is arbitrary (Pettit 1997, 52).

An act of interference is then arbitrary and gives rise to domination if it is subject only to the judgment of the interfering agent, such as when a decision to interfere is taken without regard to the interests of those who are interfered with; remains unchecked; and leaves one party with little or no ability for resistance and reciprocal action. Stated otherwise, an act of interference is arbitrary when the procedure through which the decision to interfere was taken was not subject to controls that forced the agent of interference to take into consideration the interests of the person(s) affected.

Blunt argues in this regard that the normative essence of arbitrary power becomes evident when a person is affected by power over which she has no control (Blunt 2015). That is to say that if specific institutionalized structures eliminate all elements of reciprocity, we may indeed conclude that they make domination possible insofar as the person interfered with has no opportunity to raise her concerns prior to a given decision being taken, has no access to the procedures and deliberations of decision making, and has no recourse to redress concerning decisions and their implementation. Pettit's term "anti-power" sheds useful light on the fact that domination implies that a social subject can challenge neither a given agency, nor the rules of the game (Haugaard 2015).

Pettit maintains that domination encompasses a wide range of possible behavior, including coercion of the body, as in restraint or obstruction, and coercion of the will, as in punishment, the threat of punishment, or manipulation. It also includes such covert forms of

interference as agenda fixing, the deceptive or non-rational shaping of people's beliefs or desires, and rigging the consequences of people's actions (Pettit 1997, 53). We should thus differentiate between power, which presupposes that the subject is free to some degree to act in a manner different from what is desirable to the stronger agent, and domination, which excludes this possibility.

These specifications of power and domination derive from Michel Foucault, who states that

[W]e must distinguish between the relationship of power as strategic games between liberties – strategic games that result in the fact that some people try to determine the conduct of others – and states of domination, which are what we ordinarily call power (Foucault 1987).

Domination emerges as a potential outcome of network governance to the extent that the latter lacks specific channels for managing reciprocity and discontent among those policy recipients who are, and remain, non-participants in networks that affect their lives and their choices.

The ways in which various types of institutional arrangements are organized are clearly important for contravening potential domination. In this regard, democratic governance, public institutions, and democratic procedures for ensuring the influence of the citizenry who are governed by the state and public laws comprise necessary conditions for the realization of republican freedom (Watkins 2015, 512). The state and public institutions have long been central to the ideal of non-domination because it has been possible to design them in such a way that the element of arbitrariness is minimized. Pettit observes that the strategy of constitutional provision has been particularly valuable in efforts to eliminate domination since it introduces an authority that enables the parties who are governed to defend themselves against those who would interfere with them arbitrarily (Pettit 1997, 67; 2012, 5).

The neo-republican tradition, in light of its stated democratic concerns, seeks to construct a political system in which domination is minimized (Pettit 2012, 25). Pettit, for one, is acutely aware of the risk of domination created by a powerful and resourceful state, but he gives less consideration to private and semi-private sources of domination. In contrast, Watkins states that domination is a threat to freedom regardless of its source, and he argues that it is of secondary importance whether domination arises from the state or non-state actors since its intensity, scope, and duration are what determine the extent of the threat it poses to freedom. He consequently maintains that we must look beyond government and formal institutions in order to see how it is possible for civil society actors and groups to resist and combat domination through “means other than the official contestatory institutional channels that comprise democracy’s second dimension” (Watkins 2015, 515).

Although this provides another example of the positive role civil society actors may play as liberating agents in respect to the power of public institutions, I argue that we need to examine how civil society actors can instead constitute a source of domination when they participate in governance networks. Doing so also provides the opportunity for a more systematic analysis, not only of the ways in which different institutional arrangements and structures may lead to domination, but also of how domination can be mitigated through network design.

Networks may either emerge gradually, or be actively promoted in a top-down fashion by public managers and elected politicians. In either case, they give rise to a specific *institutional* arrangement for managing public problems (Klijn and Koppenjan 2016, 249). Blunt argues that the conception of domination is applicable to a given *institution* when that institution makes it possible for certain agents to arbitrarily interfere in the choices available to others, who are thereby dominated (Blunt 2015, 18). An analysis of possible institutional settings thus enables the researcher to identify various types and levels of *institutional*

domination, which leads to an understanding of *how* specific agents acquire a greater capacity to interfere arbitrarily in other people's life choices when networks are at play.

We will now turn to an examination of certain key issues that must be taken into consideration in an analysis of governance networks in respect to domination. They may also serve as normative guidelines for how to alleviate the domination that may arise subsequent to the new institutional arrangement of governance networks.

III. Dimensions of Governance Networks

The various types of governance and social design are clearly important for contravening potential domination. Democratic governance, public institutions, and democratic procedures for ensuring the influence of the citizenry who are governed by the state and public laws have long been viewed as necessary conditions for the realization of republican freedom (Watkins 2015, 512). Paradoxically, the majority of theorists have also concluded that the state is the collective actor that has proven to be most capable of creating relationships of domination in modern societies. For example, the modern state has a clear association with coercive force, and by definition enjoys the power to ensure domestic order by virtue of its acknowledged right to employ violence hold the law (Dean 2007, 136).

The neo-republican tradition has thus been concerned primarily with the creation of a system in which the possibility of *state domination* is minimized (Lovett and Pettit 2009; Watkins 2015; Haugaard 2015). Governance networks have seemed to provide a solution to this potential difficulty since they supposedly counteract potential state domination through the creation of a space in which the voices of civil society actors can be heard. However, since both the state and civil society actors thereby become caught up in a new institutional design for public rule, it becomes necessary to inquire whether and how new relations of domination can emerge between governors (state actors together with stakeholders and participants from

civil society) and the governed (ordinary and un-organized citizens and non-participating stakeholders from civil society).

Any analytical framework utilized in such an investigation must make possible an empirical assessment of a variety of institutional arrangements insofar as networks vary in design, purpose, scope, and coverage, and in their levels of openness and transparency. Such frameworks must also be capable of specifying tangible dimensions of networks that may lead to domination involving civil society actors and citizens. The novelty of contemporary governance networks lies in their ability to reshape both political spaces and the institutional framework for public policy making in democratic states, which follows from their autonomy from the state and the significant political influence of the private actors for which they provide (Pierre and Peters 2000, 20; Rhodes 1997, 17). It is thus important to differentiate between particular types of networks (Van Waarden 1992; Emerson and Nabatchi 2015) insofar as networks differ in their institutional design and ability to exert influence upon non-participants.

Networks exist on different levels, ranging from the global to the regional (such as the EU), national, local, and even sub-local levels; may take on many different forms; and emerge or are created for a variety of different purposes. In addition, a distinction is commonly drawn between *policy networks* and *service and implementation networks* (Klijn and Koppenjan 2016, 238). It should be noted, however, that such a clear distinction between policy-making and policy implementation (Ansell and Gash 2008, 544) is difficult to uphold insofar as other intervening factors can have a significant impact upon on the roles and influence that stakeholders have in shaping decisions and outcomes. For example, collaborative output actions may possess a number of differing characteristics, such as securing endorsement; enacting policies, laws, or rules; marshalling resources; enacting new management practices; enforcing compliance; and monitoring implementation (Emerson, Nabatchi, and Balogh 2012,

7). Moreover, networks engaged in implementation and service delivery are typically permitted – or take the opportunity – to create new rules and standards for specific services, which gives rise to informal and local rules that policy recipients and non-participants find very difficult to contest. In addition, there is often no clear division between policy-making and policy implementation since these two dimensions often collapse into each other within the *governance process* or change as networks evolve over time (Klijn and Koppenjan 2016, 23; Provan and Kenis 2008).

In what follows, I will specify five important dimensions of networks that can be utilized in empirical analyses in order to test and evaluate the level of domination that can arise due to a specific institutional arrangement.

i) Network Arrangements and the (Potential) Interference of Private Actors

Insofar as domination emerges when persons or organizations are affected by power or decisions over which they have no control, it is necessary to consider the nature of a given collaboration or network as well as the roles and influence that non-public participants have in that regard. Provan and Kenis (2008) argue that it is important to distinguish between *lead-organization-governed networks* and *participant-governed networks*. A single member coordinates all major activities and key decisions in lead-organization governance, which generates a highly centralized and brokered network (see also Emerson et al. 2012, 9). In contrast, a participant-governed network, which is the simplest and most common form, is dependent upon the involvement and engagement of all of its members. The level and extent of such involvement can clearly change over time, however, because of power asymmetries among the participants (Provan and Kenis 2008).

The particular roles and tasks carried out by the participants, and the degree of interdependence among stakeholders, are also important for determining the specific character

of a given network (Rhodes 1997, 138; Emerson, Nabatchi, and Balogh 2012, 9). The extent of stakeholder participation ranges from *information* (actors are only informed), to *consultation* (stakeholders express opinions in meetings and their voices constitute valuable input in decision-making processes), *co-production* (stakeholders are engaged in the search for solutions, but have limited co-decision authority), and *co-decision* (stakeholders have the authority to co-decide on policy outcomes and issues concerning service delivery) (Verweij et al. 2013, 1037). Arnstein noted as early as 1969 that the questions of “citizen participation,” “citizen control,” including potential influence over policy, and “maximum feasible involvement of the poor” were largely accompanied by exaggerated rhetoric and misleading euphemisms (Arnstein 1969). For such reasons, the issue of whether stakeholders enjoy decision-making abilities or merely play advisory roles is significant when analyzing network constellations. For example, empirical studies have revealed that a major source of disappointment among network participants is that their functions are reduced to an advisory role in relation to public actors who exert strong leadership and have fixed agendas (McGuire and Agranoff 2011, 277; Bell and Park 2006). In respect to the main line of argumentation in the present discussion, new relations of domination between civil society actors and citizens are more likely to emerge when no strong public actor controls a given network and/or when stakeholders are engaged in co-decision-making and create new rules and standards for services or other tasks. Consequently, it is necessary to analyze the inclusion and exclusion of stakeholders as well as a particular network’s degree of responsiveness to both policy recipients and the general public.

ii) Inclusion/Exclusion

There is a concern among scholars regarding grounds for exclusion and the extent to which governance networks are truly inclusive (Ansell and Gash 2008; Johnston et al. 2010;

Sørensen and Torfing 2016, 8; Emerson and Nabatchi 2015, 32; Klijn and Koppenjan 2016, 142). It may also be the case that certain stakeholders are initially included, but excluded at a later point in the governance process because they have come to be regarded as possessing insufficient resources or are judged to represent an alternative or overly critical voice that hinders reaching consensus and establishing a common policy (Davies 2011, 62).

As noted above, domination may arise when an agent acts without regard for the interests of those with whom she interferes, leaving them with little or no opportunity for resistance or reciprocal action. The issue of inclusion/exclusion is thus highly relevant in this regard. However, it is necessary to distinguish between, on the one hand, cases in which errors were made concerning inclusion because network participants/leaders could not anticipate the interests all stakeholders and policy recipients, and, on the other, those marked by the deliberate exclusion of particular stakeholders. Domination arises in both instances, but deliberate exclusion constitutes a more serious instance of domination in light of the intent of leading actors.

Furthermore, since the issue of inclusion and exclusion is not completely settled when a network is created, it may become necessary to reconsider whose interests are affected as the network evolves and/or takes on new tasks, producing new policies, decisions, and services. In addition, networks seldom have formal channels of representation, and even though affected and ambitious stakeholders from civil society, as well as business organizations, often participate in networks, we cannot regard such actors as representing anyone other than themselves. Fung observes in this regard that

[I]njustice often results from political inequality. When some groups cannot influence the political agenda, affect decision-making, or gain information relevant to assessing how well policy alternatives serve

their interests because they are excluded, un-organized or too weak, they are likely to be ill served by laws and policies (Fung 2006, 70).

The issue of inclusion and exclusion thus plays a key role in determining whether networks disperse political power and comprise new arenas for democratic practice, or give rise to domination.

But although such issues, depending on their concrete status, may readily undermine the usual claims concerning the democratic character of networks, they do not fully address the extent to which civil society actors who participate in network governance relate to those who do not, particularly unorganized citizens. An important dimension in this regard concerns how networks manage discontent.

iii) The Management of Discontent

Network governance is a specific type of institutionalized arrangement in which participating stakeholders enjoy the power to influence policies, rules, strategies, and policy implementation in respect to concrete issues. The fact that networks address public problems that affect a number of people greater than those who take part in them makes it necessary to understand the relationships between participants and non-participants. For example, at certain times output legitimacy, including the effectiveness and quality of policies, is primarily focused on stakeholder satisfaction in respect to decisions, costs, processes, or the capability of the network to improve conditions for future cooperation (Klijn and Koppenjan 2016, 236; Johnston et al. 2010; Torfing et al. 2012, 176-180). However, in order to determine whether networks have in fact created new relations of domination in civil society, we need to analyze how the outcomes of specific policies, services, and other tasks may affect non-participating stakeholders, the public at large, and the interests and life choices of unorganized citizens and policy recipients.

It is also necessary to determine whether the network has established any specific procedures for managing *discontent* among non-participants. This could be done by investigating whether network participants have understood their role in creating and implementing policy, whether they have reflected upon the possibility of discontent among the recipients of these policies, and whether they have considered ways in which to manage discontent. For example, the network could appoint participants, producers, and/or contact persons to address potential discontent and manage complaints from policy recipients or the wider public. This way of extending the assessment of output legitimacy beyond the circle of active participants is not only crucial for managing discontent, it also establishes channels of reciprocity for those who are affected by the network and its policies.

iv) Constitutional and Legal Frameworks and the Risk of Arbitrary Rule

Governance networks include both public and private actors as well as formal and informal institutions and rules (Hajer 2003; Mathur and Skelcher 2007, 229; Klijn and Koppenjan 2016, 276; Emerson, Nabatchi, and Balogh 2012, 3). There are an increasing number of situations in which public actors arrange policymaking, service delivery, or policy implementation within a networked administration that operates by means of a web of relationships that involves administration and public agencies, businesses, civil society actors, and other public agencies on a number of different levels (Verweij et al. 2013). Politicians and bureaucrats have thus “embraced network governance as a means for dealing with contemporary governing issues, as is demonstrated by the rapid proliferation of new governance arrangements” (Lewis 2011).

Klijn and Koppenjan state in this regard that

[N]etworks gradually emerge because actors begin to interact. This also means that when networks exist for a longer period institutional

characteristics like interaction patterns, patterns of perceptions, and rules emerge that were not in place when the network started (Klijn and Koppenjan 2016, 117).

But while policy processes within a networked administration consist of a type of interaction in which actors exchange information about problems, preferences, means, goals, and resources, the wider implications go well beyond specific policies or services insofar as governance networks rearrange the political space within the state (Larsson 2013).

Hajer remarks in this regard that “governance networks typically function in the absence of clearly defined constitutional rules” (Hajer and Versteeg 2005, 340), while Mathur and Skelcher explicitly add that

[U]nder conditions of network governance, the formal political institutions of party legislature, executive, and so on are participants in the bigger game.... [T]he network governance system is “*aconstitutional*” in the sense that it is neither purely the result of intentional design by political principals nor “constituted” in a legal sense through statute or administrative regulations (Mathur and Skelcher 2007, 229).

It may also be the case, however, that a given network can be more or less circumscribed by legal frameworks as well as guided by a publicly-led organization with a clear agenda that simply does not allow the bending or breaking of rules.

In addition, networks may have differing degrees and types of institutionalized arrangements that vary over the life cycle of the network. For example, a network can be fairly open and contestable when it emerges, but then become more fixed over time, both in regard to who is regarded as a stakeholder, and to the rules that pertain to policy making and

policy implementation. Crisis and contestation can also lead to a reshaping of the constellation and procedures of a network. But although networks have become an attractive style of governance for many politicians and bureaucrats, their legal status and mandate nevertheless remain very unclear.

The constitutional void and unclear legal framework that either result from the governance process, or arise as networks replace public administration are issues of central importance in respect to the concept of domination. Democratic governance, constitutional provision, public institutions, and democratic procedures for ensuring the influence of the citizenry have been key mechanisms throughout modern history for minimizing, and possibly eliminating, the element of arbitrariness (Watkins 2015, 512). However, the presence of networks tends to threaten the constitutional framework as a whole not only because of their unclear legal status as policy makers, but also by their ability to alter the entire formal political system.

The informality of a given network, as well as the manner in which it records and codifies its policies and rules, are key issues when evaluating whether non-participants are able to know and contest the outcomes of network collaboration. Klijn and Koppenjan argue that it is crucially important in institutional analysis that researchers investigate both the formal rules and juridical procedures, as well as the informal rules that pertain to a specific governance network (Klijn and Koppenjan 2016, 276). This can also be done in an introspective manner by the network as a whole and its respective members, which could then constitute a positive response to demands for greater transparency, serve to diminish the level of informality and discretion in governance networks, and enhance the democratic character of networks.

v) Transparency and Scrutiny

Increasing the transparency of governance networks is thus needed in order to assess and mitigate domination. But although it is very important for a network to establish channels for managing discontent and resistance, it is also necessary for it to keep public records of its decisions and actions so that non-participants will be able to examine the procedures used to address policies, services, and other relevant issues. It is not enough to simply set up channels for managing discontent if there is no public record of who has participated, their reasoning and level of involvement in decision making, and the specific facts that underlay the decisions taken. Organizing public meetings and hearings, as well as providing access to protocols and decisions, comprise ways in which to increase openness and clarity and allow for scrutiny by non-participating stakeholders, individual citizens, and the media. It is noteworthy that the media have appeared to be unfamiliar with the character of governance networks and with how to examine the more informal decision-making that now takes place in many policy sectors.

In addition, it is an empirical and debatable matter whether networks are characterized by power struggles (Marsh, Richards, and Smith 2003), due deliberation (Klijn 2013, 209, Klijn and Koppenjan 2016, 236), and principled engagement (Emerson and Nabatchi 2015, 58). It nevertheless remains the case that networks produce specific, but often informal, policies and solutions concerning public problems, including regulations and means for implementation, and that there can be no meaningful reciprocity between governors and those governed if decision-making is not documented and codified in written form. In the absence of a sufficient degree of transparency, it is difficult to reconstruct any reasoning and deliberation that might legitimize specific outcomes of network governance (Weale 2011). Furthermore, since discussion and decision making within networks also affect those who are

absent, there must be an opportunity to review and scrutinize the processes leading to policy decisions after the fact.

The lack of transparency is a very significant problem that gives rise to potential and unwarranted domination on the basis of network governance. This can be evaluated by investigating whether a given network has explicit policies and views regarding its political relations with non-participants and the public in general. The level of transparency can also be assessed by reviewing whether the network organizes open meetings and hearings, provides a public record of minutes from meetings, and encourages communication with individual stakeholders outside the network. A governance network that to a great degree is closed to public scrutiny generates by definition an uncontrolled influence upon non-participants, which leads to an arbitrary interference in their lives that gives rise to domination. And although a more open network may make reciprocity possible, it can still give rise to a substantial level of domination, with low scores on Arnstein's ladder of participation (Arnstein 1969), by not permitting meaningful participation on the part of citizens and policy recipients.

IV. Conclusion

The benevolent images that have often been associated with network governance reside, above all, upon promises of pluralism and the incorporation of civil society actors into public rule. Since networks consist of both public and private actors, it would seem that the involvement of civil society actors somehow could and should counterbalance the weight of the sovereign state and its governing instruments, which ultimately rely upon command and coercion. However, the emergence of networks disrupts and alters the relationships between the state and civil society insofar as particular civil society actors come to exert greater influence upon political processes and, as a result, may become governing actors who exert authority over non-participants and unorganized citizens. Networks thereby give rise to a

substantial rearrangement of political spaces within the state and operate under unclear constitutional rules. And insofar as civil society actors participate in the new type of political structure that has emerged and shape policy outcomes, it seems odd to say that they would continue to be able to serve as a critical voice and provide an antidote to state power.

Indeed, the existence of governance networks may lead to the emergence of new relations of domination between the civil society actors who participate in those networks, those who do not, and non-participating citizens. Moreover, to the extent that networks are understood as institutional arrangements, it becomes necessary to analyze how such arrangements are capable of giving rise to *institutional domination*.

I argued above in the discussion concerning domination that an act of interference is arbitrary and gives rise to domination if it is subject only to the judgment of the interfering agent, remains unchecked, and leaves one party with little or no possibility for resistance and reciprocal action. These key issues must be taken into consideration when analyzing specific network institutional arrangements. This includes the extent to which they make domination possible insofar as they create and entrench particular types of relations between agents, particularly the relations between participants and non-participants in policy processes.

Efforts to investigate potential institutional domination can be facilitated by means of the analytical framework provided in this article, which specifies five important dimensions and grounds for potential domination. These are (i) network arrangements and the (potential) interference of private actors, (ii) inclusion and exclusion, (iii) the management of discontent, (iv) constitutional and legal frameworks and the risk of arbitrary rule, and (v) the maintenance of transparency and public scrutiny. While this framework makes possible an analysis of potential institutional domination by network participants over non-participants and the recipients of policies and services, it also indicates important issues that networks and public

agencies involved in network management need to address if they themselves seek to mitigate and avoid potential domination.

I have argued in this article that new relations of domination can emerge as the result of network governance and illustrated how this can be theoretically and analytically addressed. The fact that networks possess this particular potential indicates the need to further examine the widely disseminated positive image of network governance as well as the latter's basis of legitimacy. In this regard, the concept of domination makes possible a more precise and critical analysis of how both accountability and legitimacy can be distorted through network governance and new political procedures, which have often failed to take into consideration the interests of non-participants, unorganized citizens, and policy recipients. Furthermore, insofar as the involvement of civil society actors in network governance can give rise to new relations of domination by virtue of the subsequent refurnishing of political spaces within the state that takes place, their critical voice and function are invalidated. This insight calls into question whether or not the participation of civil actors is in fact capable of providing a basis for the legitimacy of network governance and the post-liberal democratic order.

The type of analysis presented here is intended to advance the present theoretical discussion concerning the democratic qualities of network governance, raise awareness of the fact that civil society organizations can exercise domination over non-participating organizations and citizens, and encourage empirical investigation of such questions. It also aims to demonstrate how domination can be mitigated in respect to the five dimensions identified above. In addition, it reveals that policy studies need to pay greater attention to these new structures that have emerged, which have important implications for both policy production and policy implementation. I would encourage further exploration of these issues, and believe that synergy can emerge from a more explicit exchange between policy process research, public management scholarship, and studies of non-profit and voluntary activities.

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