

Philosophy in Review



Chiara Cordelli "The Privatized State"

Justin Patrick

Volume 43, numéro 3, août 2023

URI : <https://id.erudit.org/iderudit/1106155ar>

DOI : <https://doi.org/10.7202/1106155ar>

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Éditeur(s)

University of Victoria

ISSN

1206-5269 (imprimé)

1920-8936 (numérique)

[Découvrir la revue](#)

Résumé de l'article

I praise the book for its strong argument and provide recommendations for further research about how the book's arguments can be applied to student government contexts.

Citer ce compte rendu

Patrick, J. (2023). Compte rendu de [Chiara Cordelli "The Privatized State"]. *Philosophy in Review*, 43(3), 14–16. <https://doi.org/10.7202/1106155ar>

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Chiara Cordelli. *The Privatized State*. Princeton University Press 2020. 348 pp. \$38 USD (Paperback ISBN 9780691211725).

Chiara Cordelli's *The Privatized State* provides a comprehensive philosophical argument outlining the problems privatization poses for citizens' political empowerment and rights. Cordelli also offers some recommendations for how a privatized state can transition back to a healthier democracy. Reframing the argument against privatization as an inherent infringement on citizen's role in decision-making, Cordelli illustrates the extent to which privatization permeates contemporary society and how it risks eroding democracy. By identifying core problems with privatization, Cordelli offers political philosophers and political scientists a beneficial roadmap to encourage more intricate theories and research designed to overcome privatization and replenish government structures for the public.

The book's primary purpose is to provide a philosophical counter to privatization, by defining it as people being 'made systematically dependent on private and merely unilateral exercises of power, rather than on an "omnilateral," that is genuinely public and representative, will' (11). This contrasts with other arguments against privatization, such as those that hinge on wealth distribution, disagreement on private practices and moral limits, which roles were historically public functions, and what should be public or private, among others (23-42).

The book contains nine chapters, categorized into three parts of three chapters each, plus an introduction. Chapters 1-3 establish the foundation of privatization being wrong because it is a threat to political legitimacy. The first chapter critiques the other arguments against privatization mentioned above, arguing that past precedents and the market's failure to provide certain goods are less effective at providing a justification against privatization than a foundation of public services necessary to maintain a just society (23-30). Liberal-egalitarian perspectives focusing on wealth distribution and arguments hinging on the inherent nature of privatized entities being less moral than public ones are critiqued as focusing too much on efficiency and not enough on whether the act of privatization is politically legitimate; arguments about private motivations do not effectively counter public authorization of private entities or non-profits (31-39). Cordelli instead states that the central premise against privatization should be that it infringes on rights and freedoms (39-44).

In chapter two, Cordelli visualizes privatization as a regression to a Kantian state of nature in which people are subjected to wills of individuals or particular groups as opposed to a collective will of the population, thus political institutions must represent and maintain the omnilateral will of the people (45-81). Furthermore, 'some processes of privatization, including the privatization of adjudication, partly reproduce, within a putatively civil condition, the very same problem of unilateral subjection that characterizes the state of nature' (81).

Chapter three attempts to defend public administration, and particularly administrative discretion, as more optimal than when such discretion is left to private actors (82-116). Cordelli argues that privatization results in private actors making their own de facto quasi-legislation when implementing government policy that represents a unilateral will rather than an omnilateral one (82-84). Administrative discretion is understood as inevitable (84-86). Even decisions by low-level



bureaucrats can have an inherently legislative nature by shaping rules in practice that could impact outcomes for citizens navigating governmental processes (88-97). This discretion should combine oversight by elected representatives, fiduciary discretion, and bottom-up citizen input in a democratic fashion (97-113).

The second part examines how the privatized state operates and why it is problematic. Chapter four identifies the problem of authorization, and explores limits on what should be delegated to private entities (119-155). Cordelli challenges the forms of the nondelegation doctrine that hinge on public trust or contract as effective counters to privatization. Instead such a doctrine should be based on the idea that ‘insofar as citizens, understood as a collective body, lack the moral authority to abdicate their ability to rule themselves democratically, a democratic government necessarily lacks the authority to issue laws or undertake policies that amount to such abdication’ (121). Privatization makes it more difficult for the people to have a say over various aspects of government, and maintain oversight; it gives private entities a disproportionate voice in the political system, undermining the people’s capacity for self-rule (121-151).

Chapter five outlines the problem of representative agency. This consists of private actors being able to avoid accountability mechanisms public administration is subject to. Along with this, private actors have to balance two goals: the goals of the private actors, usually capital accumulation, and the conditions outlined in the private actors’ contracts with the government (156-195). Cordelli provides a useful case study of a private firm implementing a United States government policy in the 1990s to help increase employment through a social work program. Due to having to balance its two goals of making profit and implementing the policy, the firm prioritized low-quality job placements that could be secured faster to meet quotas instead of fostering citizens’ professional development capacities. The employees in these jobs could not obtain more sustainable careers, and those most in need were left behind in the process (171-193).

Chapter six highlights that due to private actors’ ‘conflicting loyalties,’ ‘lack of a bureaucratic ethos of public service,’ as well as a ‘lack of integration in a unified procedural structure’ linking ‘the bureaucratic and the democratic,’ these entities ‘often fail both to have the right kind of intentional orientation and to relate to other participants in the appropriate way’ (199). Cordelli argues for an appropriate ethos for effective public administration, which entails being motivated for the right reasons and working cooperatively, as opposed to focusing on competition with other stakeholders within the public (196-222). By contrast, privatization, in addition to being incapable of demonstrating an appropriate ethos, promotes alienation between stakeholders and makes cooperation more difficult (222-233).

Part three explores normative recommendations about how to bring society back from privatization. Chapter seven argues that private donors and philanthropists are not sufficient to fill the void of a deteriorated public because their private donations are motivated by a unilateral will (237-248). However, to rebound from the privatized state, these private donors could in the interim organize to provide reparative assistance to those worst off and to direct efforts to rebuild public institutions (248-256). In this process, it is essential that ‘the poor are fully and actively included’ (252).

Chapter eight focuses on what private providers can do to rebuild the public. Cordelli frames this topic within the context of the standards ‘political institutions and nonpolitical associations’ should be subject to (257), arguing that the associations should have a duty to uphold and promote healthy standards for democracy and justice in society (257-282). One interesting proposal involves ensuring that contracts between associations and government are ‘treated as an integral part of public administrative law’ as opposed to private contract law (269). Another proposal involves allowing more opportunities for citizen input and deliberation (268-275). Cordelli also argues that privatization threatens freedom of association by government contracts limiting what association members can do and making associations dependent on public funding (277-281). It is important to understand that Cordelli views the above as a transitional state, with the goal being a restoration of clear distinctions between public and private (281-282).

Chapter nine and a brief epilogue afterward contain more recommendations for restoring the public. Cordelli advocates for limits on privatization embedded in constitutions that understand privatization as a threat to ensuring government represents the omnilateral will of the people, enshrining a bureaucratic ethos conducive to democracy and strong public institutions through effective education programs for public servants as well as civil education for all citizens (283-292). These are to be supported by democratic ‘top-down controls’ over public administration (293), clear distinctions between offices and contract positions, ‘procedural integration between the bureaucratic and the democratic’ (295), and allowing for bottom-up deliberative processes (293-302).

The book offers a powerful argument against privatization by framing it as a threat to the fundamental principles of democratic society, namely political legitimacy. For further research to build from the philosophical foundation Cordelli has constructed, I would recommend exploring where student governments fit within privatization discourse, especially those that became non-profits to achieve autonomy from non-student education stakeholders. Do these entities blur the lines of public and private? Are they governments trapped within the confines of incorporation legislation? How should they be best constituted to ensure that they do not fall prey to privatization’s ills? Moreover, for student governments that employ staff, how can these roles reflect good public administration as Cordelli recommends?

Justin Patrick, University of Toronto