



# Co-governing common goods: Interaction patterns of private and public actors

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## Abstract

This article addresses co-governance which can be defined as a dynamic interaction between public and private actors to secure the provision of common goods. Which types of relationship between public and private actors exist? Do the forms of co-governance change over time? When is the relationship between public and private actors cooperative, when is it competitive, and when do we witness conflictual relationships? These research questions lie at the heart of this introductory article, which seeks to shed further light on the origins and impacts of the various co-governance patterns. By reviewing the body of research on this topic, we show that different relationships between public and private actors exist, and that the forms of co-governance can also change over time. While the dominant form of co-governance is cooperation, one can also observe instances of competition or even conflict between public and private actors. Most importantly, we find that both public and private actors are ready to reclaim competences in areas where they perceive the other actor to have gained too much influence. As we discuss in this article, the degree of cooperation and competition mostly depends on the existing regulatory arrangements, the congruence of goals of the different actor groups, and the institutionalization of industrial relations. These insights help us to better understand the role co-governance can play in addressing complex public problems.

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## 1. Introduction

Ever since Mancur Olson's (1965) path-breaking book on the logic of collective action, social scientists have elaborated on how individuals in a given group can be induced to provide common goods instead of taking the bait of free-riding on the efforts of the others in the same group. The most straightforward approach to impeding free-riding is to have public authorities define, monitor, and enforce legally binding rules – a type of state activity known as regulatory governance (see Levi-Faur, 2011: 16). The global climate is widely regarded as a common good that is typically under-supplied by markets since it is hard to exclude those who do not pay for emitting carbon dioxide (Sternier, 2003: 2). Preserving common goods reflects the central aim of sustainable development, defined by the

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Brundtland Report as “minimizing the use of natural resources, toxic materials, and emissions of waste and pollutants over the life cycle, so as not to jeopardize the needs of future generations” (OECD, 2002: 16). Therefore, to provide a favourable global climate or to achieve sustainable development in general, state regulation is needed, which equally entails monitoring and enforcement to ensure that the regulatees comply with the regulation (Goeschl & Jürgens, 2012; Tosun, 2012). The effectiveness of regulation for the provision of common goods, however, depends on effective government (see, e.g., Andonova & Tuta, 2014; Börzel, Hönke, & Thauer, 2012; Krasner & Risse, 2014; Mayntz, 2002; Mills & Koliba, 2015; Tosun, 2013). Yet, governments often fail in securing common goods – for example, due to capture by interest groups, territoriality of jurisdiction, or a situation characterized by “a combination of inefficiency, high transaction costs, poor information and high delivery costs” (Bénabou & Tirole, 2010: 2).

How can common goods be provided and managed when states lack the adequate government capacity to do so? This is the key question posed by different strands of research, which nevertheless share the common interest in the question as to why non-state actors, such as consumers, workers, and corporations, take matters into their own hands and act as substitutes for government. The involvement of non-state actors is an essential component of the governance literature, which, despite a myriad of definitions (Kohler-Koch & Rittberger, 2006; Weiss, 2000), can actually be defined in a rather straightforward manner: the cooperation of state and non-state actors in solving societal problems, which, according to Biermann and Pattberg (2008: 278), also “generally implies some degree of self-regulation by societal actors” (see also, e.g., Colebatch, 2014; Howlett & Ramesh, 2014; Levi-Faur, 2011; Papadopoulos, 2013a: 86; Peters, 2014; Pierre, 2000; Steen-Johnsen, Eynaud, & Wijkström, 2011). The focus here is on a specific strand of research on governance, one which places particular emphasis on the diffusion of global production chains and therefore brings the importance of corporations to the fore. To overcome what some have called the ‘global governance gap’ between global markets and the territoriality of jurisdiction (Ruggie, 2007: 35), the past decades have witnessed an increase in the governance of common goods involving public and private – or state and non-state – actors (Bartley, 2007; Lim & Tsutsui, 2012; Waddock, 2008). This phenomenon has been analysed by many different terms including private governance (see, e.g., Green, 2014; Pattberg, 2005; Vogel, 2008, 2010), civil regulation (see, e.g., William, Heery, & Abbott, 2011; Williams et al., 2011), voluntary governance (see, e.g., Potoski & Prakash, 2005; Prakash & Gugerty, 2010; Prakash & Potoski, 2007; Töller & Böcher, 2013), co-governance (see, e.g., Ackerman, 2004; Bode, 2006; Johnson & Osborne, 2003; Kooiman & Bavinck, 2005; Somerville & Haines, 2008), transnational or global governance (see, e.g., Andonova, Betsill, & Bulkeley, 2009; Bartley & Smith, 2010; Betsill & Bulkeley, 2004; Bulkeley et al., 2014; Graz & Nölke, 2007; Hale & Held, 2010; Held & Young, 2013; Hickmann, 2015; Kay, 2005), or even corporate social responsibility (CSR; see, e.g., Auld, Bernstein, & Cashore, 2008; Bénabou & Tirole, 2010; Bernhagen & Mitchell, 2010; Kinderman, 2012; Koos, 2012a; Martin & Swank, 2012; Menz, 2010; Steurer, 2010, 2013; Swank & Martin, 2001). However, CSR might be understood as a distinct approach to the provision or regulation of common goods, as it tends to be a purely private business undertaking and need not directly involve public actors.

Of the various terms available for the subject in which we are interested, we opt to use *co-governance* as a process of interaction in which either the state “invites” social and business actors to participate in its core activities (Ackerman, 2004: 448) or when the latter actors mobilize the state to engage in joint solutions of common good problems. Different from other concepts discussed above, co-governance indicates that there is a dynamic pattern of interaction between private and public actors linked to a mutual orientation vis-à-vis one other. It must however be noted that neither co-governance nor the many other labels for the phenomenon of interest can be described as a new occurrence. A wealth of literature in addition to the studies mentioned above has documented that governance tends to be *hybrid* in nature (Falkner, 2003). From our viewpoint, the concept of co-governance is however particularly well-suited to linking this themed issue with the growing body of literature acknowledging that actions taken by private actors must be seen in the context of actions taken by the state at both the national and international levels (Vogel, 2010: 68; see also Compagnon, Chan, & Mert, 2012). The main research interest of this article and the themed issue in general is to learn about how exactly co-governance works and what its effects are: Which types of relationship between public and private actors exist? Do the forms of co-governance change over time? When is the relationship between public and private actors cooperative, when is it competitive, and when do we witness conflictual relationships? These are the research questions addressed in this article which reviews the existing literature as well as discusses the contributions to the themed issue.

Our discussion of the literature and the studies included in this themed issue show that different relationships between public and private actors exist, and that the forms of co-governance can also change over time. While the dominant form of co-governance is cooperation, state and non-state actors also compete with one another over

regulatory competences, and even display a conflictual relationship. Particularly interesting is the finding that both public and private actors reclaim competences in areas where they perceive the other actor to have gained too much influence. As we show, the degree of competition mostly depends on the specific regulatory arrangements, the congruence of goals of the different actor groups, and institutionalization of industrial relations. From this, we conclude that it is not government failure per se that determines the co-governance of common goods, but the constellations of interests of the different actors groups and the opportunity structures in which they can pursue their interests.

The term *common goods*, as used throughout this introduction and as a guiding theme of the articles in this themed issue, is likewise not without its terminological rivals. From an economic perspective, common goods encompass public goods, common pool resources, and club and/or toll goods. Whether a given common good is non-excludable or non-rival is often a matter of perspective, what they all share, however, are the challenges in their provision and governance (Héritier, 2002: 1–2).

The remainder of this article consists of four main parts. First, we summarize the main insights provided by the existing research on co-governance. Second, we present the contributions to this themed issue and discuss how they further the understanding of the patterns and nuances of co-governance. Next, by drawing on the contributions we formulate a set of expectations for explaining the three different outcomes of co-governance: cooperation, competition, and conflict. Finally, we formulate an agenda for future research, which builds on the insights presented in this themed issue.

## 2. Insights on co-governance from existing research

The objective of this section is to summarize what we know about co-governance on the basis of the existing literature. This is not an easy endeavour since – as already hinted above – we must consult different strands of literature. The literatures vary with regard to their focus: the most encompassing focus we can observe can be found in studies of transnational or global governance, which focus on the participation of a large number of actors, including non-governmental organizations (NGOs), epistemic communities, experts, corporations, international governmental organizations, and even regions and cities (Biermann & Pattberg, 2008: 289; see also, e.g., Andonova et al., 2009; Bartley & Smith, 2010; Bartley, 2007; Betsill & Bulkeley, 2004; Bulkeley et al., 2014; Graz & Nölke, 2007; Green, 2014; Hale & Held, 2010; Held & Young, 2013; Hickmann, 2015; Kay, 2005). As a result, this body of literature tends to concentrate on the different governance layers and how fragmented or segmented they are, as well as how this affects the attainment of governance goals (see, e.g., Biermann, Pattberg, van Asselt, & Zelli, 2009).

The other extreme is represented by the literature on CSR, which acknowledges the many different forms in which CSR can be practiced (see, e.g., Auld et al., 2008), but, at the same time, exclusively concentrates on business actors. A large part of CSR research focuses on the ‘business case’ for firm officials addressing environmental or social concerns arising from a firm’s core business activity, that is, the financial benefits related to this behaviour (see, e.g., Orlitzky, Schmidt, & Rynes, 2003). Only a small but steadily growing body of research focuses on the interaction of CSR with regulation (Berliner & Prakash, 2014; Bernhagen, Mitchell, & Thissen-Smits, 2013; Brown & Knudsen, 2015; Gjølborg, 2009; Jackson & Apostolakou, 2010; Kinderman, 2012; Knudsen, Moon, & Slager, 2015; Kollman & Prakash, 2001; Koos, 2012a; Potoski & Prakash, 2004; Steurer, 2010). These studies examine the embeddedness of CSR in institutions of the political economy that constitute various national business systems, varieties of capitalism and worlds of welfare, or environmental regulation (Esping-Andersen, 1990; Hall & Soskice, 2001; Martin & Swank, 2012; Swank & Martin, 2001; Whitley, 1999). The concepts of private governance and voluntary governance share with CSR their predominant focus on corporations.

Co-governance – as discussed in the literature – is not restricted to corporations, but refers to the different ways in which public actors work together with private actors, which could also be termed as co-working (Somerville & Haines, 2008: 61) or co-management (Kooiman & Bavinck, 2005: 20). From this, it follows that co-governance can also be used to address private governance, voluntary governance, and specific forms of CSR. As stated above, Auld et al. (2008) distinguish between different forms of CSR: individual firm CSR policies (Koos, 2012a), specific industry standards (see, e.g., Reinecke, Manning, & Von Hagen, 2012), partnerships between firms and NGOs (e.g., World Wide Fund for Nature), public-private partnerships (see, e.g., Brinkerhoff & Brinkerhoff, 2011), information approaches (e.g., Global Reporting Initiative; see, e.g., Fernandez-Feijoo, Romero, & Ruiz, 2014), environmental management systems (e.g., International Standardization Organization; see, e.g., Prakash & Potoski, 2006), industry

association codes of conduct (e.g., Responsible Care), and private sector hard law (e.g., Forest Stewardship Council; see Bartley, 2007; Cashore, van Kooten, Vertinsky, Auld, & Affolderbach, 2005). We can speak of co-governance in cases where state actors are involved in CSR activities: public-private partnerships, information approaches, and environmental management systems. In this context, co-governance is often discussed as an ‘outsourcing’ of state activities such as regulation, monitoring, or enforcement (see, e.g., O’Rourke, 2003).

The literature has furthermore provided insights into co-governance at the global level (see, e.g., Büthe & Mattli, 2011; Held & Young, 2013; Ronit & Schneider, 1999; Ruggie, 2007; Weiss, 2000; Zürn, 2004), the national level (see, e.g., Brown & Knudsen, 2015; Cashore et al., 2005; Hönke & Thauer, 2014; Kay, 2005; Kinderman, 2012; Töller & Böcher, 2013), and the local level (see, e.g., Johnson & Osborne, 2003; Somerville & Haines, 2008). It can however be observed that scientific attention has gradually shifted from local and national perspectives to transnational and global perspectives (Fransen, 2013). Areas as diverse as environmental protection (see, e.g., Andonova & Tuta, 2014; Bartley & Smith, 2010; Bartley, 2007; Berliner & Prakash, 2013; Green, 2014; Mills & Koliba, 2015), climate change (Andonova et al., 2009; Betsill & Bulkeley, 2004; Bulkeley et al., 2014; Hickmann, 2015; Termeer, Dewulf, & Breeman, 2013), labour (see, e.g., Kay, 2005; Bartley, 2007; Fransen, 2011), accounting (see, e.g., Mattli & Büthe, 2005), health care (see, e.g., Jarman, 2014; Hönke & Thauer, 2014), human rights (see, e.g., Kobrin, 2009), and education (see, e.g., Bhanji, 2012) are likely to be subject to co-governance.

Two main questions are present in the literature. The first addresses why non-state actors seek to get involved in governance processes. In examining the participation of NGOs and civil-society actors in particular, the predominant explanation refers to government failure. The second explanation is that these actors may promote values that are not shared by policy-makers – since preferences are heterogeneous and policy-makers have limited resources, not all values will be fully reflected in the public policies proposed (Bénabou & Tirole, 2010: 2). With regard to corporations, the literature generally argues that they are willing to participate in co-governance if there is a ‘business case’ for it (see, e.g., Carroll & Shabana, 2010; Vogel, 2005). This argument is closely associated with the CSR literature, and the voluntary standards adopted have the potential to attract increased profits. In this context, the business case is often discussed with ‘political consumerism’ (i.e., boycotts and buycotts of products) as an instrument to induce firms to behave in socially responsible ways (see, e.g., Stolle, Hooghe, & Micheletti, 2005; Koos, 2012b; de Zúñiga, Copeland, & Bimber, 2014; Bartley, Koos, Samel, Setrini, & Summers, 2015). Beyond CSR, this perspective is in line with the literature on the exportation of production standards (see, e.g., Prakash, 2000). For example, Garcia-Johnson (2000) shows that multinational corporations have incentives to raise the environmental, health, and safety standards of domestic companies in their host countries to maintain their competitive advantage – regardless of where their production is based. This reasoning reflects the view that private or voluntary standards substitute for regulation, suggesting that firm commitments and regulation are mutually exclusive.

Another reason why private actors engage in co-governance points to their engagement in philanthropy on behalf of their investors, customers, or employees; voluntary standards may also reflect the management’s own desire to engage in prosocial activities (Bénabou & Tirole, 2010: 9–12). This view corresponds to the notion of co-governance, in that state and non-state actors seek to jointly provide a common good. Yet, in this understanding, a lack of regulation and enforcement are detrimental to private governance commitments. Regulation here refers to the institutional embedding of the political economy by the state or corporatist arrangements. Following the first logic, Matten and Moon (2008) claim that in liberal market economies and residual welfare states ‘explicit’ forms of voluntary standards substitute for lacking institutional arrangements. From this perspective, excessive regulation in coordinated market economies constitute an implicit, yet involuntary form of voluntary standards. On the contrary, Campbell (2007) develops a more cooperative perspective, arguing that coordinated market economies and extensive welfare states provide the regulative and ideational basis for business commitment to social responsibility. State regulations are thus thought to increase the likelihood of CSR adoption (see also Martin & Swank, 2012; Steurer, 2010).

Empirical research, however, presents an inconsistent picture. Several studies provide evidence that voluntary standards are a substitute for existing political economy institutions. Kinderman (2009), for instance, shows that liberal market economies started voluntary standards programmes earlier and have had higher membership rates than in coordinated or state-led market economies (see also, e.g., Jackson & Apostolakou, 2010; Lim & Tsutsui, 2012). Midttun, Gautesen, and Gjølberg (2006) find a positive relationship between ‘old’ forms of social embeddedness, like the degree of welfare state development, modes of coordination, or the level of corporatism, and ‘new’ forms of social embeddedness, such as average national membership in CSR measures (e.g., participation rates in the Global Reporting Initiative). In a similar vein, Gjølberg (2009) shows a positive impact of extensive welfare states and

corporatist arrangements on national CSR scores. While this does not reflect regulation as such, it can be argued that in more coordinated market economies we find a higher level of regulation than in liberal market economies. Finally, [Berliner and Prakash \(2013\)](#) find that greater control of corruption, and therefore more stringent economic regulation, has a positive impact on the uptake of environmental management systems. Contrasting these findings, [Koos \(2012a\)](#) shows that depending on the institutional complementarity of welfare and corporatist institutions, civic engagement can both substitute and complement public authority. Yet, only few studies take into account the temporal dimension of interaction patterns in co-governance.

What should be noted is that co-governance generally entails costs for non-states actors. Corporations, for instance, are likely to have higher production costs, while NGOs must bear costs related to information gathering and the development and maintenance of organizational capacity. In addition to the explanations outlined above, non-state actors might be willing to engage in co-governance due to the access they may gain to policy-makers, not only to substitute for absent regulation but also in an attempt to influence regulation that corresponds to private interests. From this, it follows that non-state actors might participate in co-governance to benefit from a strategic advantage in prospective regulatory activities. This can, for instance, lead to a situation in which the co-governance partners from business encourage regulation that burdens rivals ([Lyon & Maxwell, 2008](#)). Likewise, voluntary standards can also be adopted to pre-empt government regulation ([Campbell, 2007](#); [Kinderman, 2012](#); [Knox-Hayes & Levy, 2011](#); [Lyon & Maxwell, 2008](#)), which could impose higher costs on corporations. Overall, there are several plausible reasons as to why non-states actors in general and corporations in particular should engage in co-governance.

The second main question in the context of co-governance addresses why the state should be willing to delegate the provision and management of common goods to private actors. The emergence of ‘privatized’ regulation ([O’Rourke, 2003](#): 4) can be explained by similar arguments made in the literature on privatization. In this context, the literature has identified fiscal stress, economic efficiency, and ideological attitudes (e.g., Liberal-Conservative vs. Social Democratic) as possible reasons why governments decide to pursue privatization (see, e.g., [Bel & Fageda, 2009](#)). The literature on weak or failed statehood additionally argues that some governments simply lack the fundamental capacity to provide common goods (see, e.g., [Börzel & Risse, 2010](#); [Börzel et al., 2012](#); [Krasner & Risse, 2014](#); [Risse, 2013](#)). Turning to states with a state capacity that is principally well developed, there may nevertheless be areas where capacity is inadequate and thus necessitates delegation to private actors, such as in the area of elderly care (see [Bode, 2006](#)). Co-governance can thus also result from public demand – particularly in affluent democracies (see, e.g., [Pattberg, 2005](#)). In such a situation, public demand can lead to the existence of parallel private and public regulation, as is the case, for example, in food safety governance (see, e.g., [Martinez, Fearne, Caswell, & Henson, 2007](#)).

Summing up, regulation is privatized when public regulation is not possible or desirable given high transaction costs or lacking legitimacy ([Papadopoulos, 2013b](#): 3). It thus follows that while the state – under such circumstances – may be willing to outsource regulation to non-state actors, it may, at the same time, also seek to reclaim its competences when it has developed sufficient capacity. Similarly, following the study by [Bel and Fageda \(2009\)](#), the state might also reclaim its authority when there are changes in the ideological composition of the government. Consequently, we can expect that the patterns of co-governance are not only likely to vary over countries and sectors, but also over time. As some of the contributions in this themed issue illustrate, we do in fact witness changing and evolving relationships between actors: At times the state is in the foreground, while in other instances private actors take the reins. Moreover, how the relationships between public and private actors may change over time is related to state capacity, delivery costs, and goal congruency, which may likewise shift over time. We return to this point in Section 4. The nature of the co-governance relationships along with their covariates and dynamics has, to the best of our knowledge, received relatively little attention in the otherwise rich and multifaceted body of research. As such, it is this gap in the literature that this themed issue seeks to address.

### 3. Overview of the themed issue

This special issue brings together a diverse group of contributions that analyse the relationships and dynamics between public and private actors in pursuit of providing or managing common goods. As we have outlined above and describe in the following, private governance is by no means a one-size-fits-all approach to regulation or the provision of common goods. There are many factors that intervene in the relationship between the public and the private, such as the nature of the issue, congruency of goals, contextual idiosyncrasies, or even major events or crises. The contributions briefly outlined below reveal nuanced and evolving relationships between state and private interests.

The studies provide in-depth insights into the dynamic interplays, the factors influencing them, and the outcomes with regard to the co-governance of the commons.

*Christian Ewert* and *Martino Maggetti's* analysis of the complexities of the transnational governance of environmental sustainability highlights examples of cooperative co-governance. They examine 12 hybrid bodies comprising public, commercial, and civil society actors that occupy a common issue, finding that state actors often must struggle to find their role within these hybrid regimes. Often bordering on purely private self-governance, the state can nevertheless play a supporting role by enforcing sanctions or increasing the legitimacy of the organization. Moreover, they find that state support can positively affect the extent to which hybrid regulatory bodies are able to manage their regulatory tasks.

*Eva Thomann, Eva Lieberherr,* and *Karin Ingold* tackle the issue of goal congruency by comparatively examining the conflicting goals of states vs. markets in their seven case studies in Switzerland, the United Kingdom, and the United States. The authors argue that (1) an institutional logics approach aids our understanding of policy implementation and (2) that policy design elements – goal ambiguity, accountability mechanisms, and the degree of hybridity in the implementation setting – can ultimately interfere with achieving policy goals. Their case studies of food safety, welfare provision, telecommunications, and water run the gamut of the types of relationships between public and private actors, illustrating the conditions under which cooperation or conflict can arise depending on the actors' ability to reconcile the underlying differences between state and private logics.

In his study on the development of airline safety programmes, *Russell Mills* also examines the role of goal congruency in the co-governance relationship, demonstrating how a high degree of goal congruency between public and private actors has led to a highly successful case of self-regulation. Despite the airline industry's successes, competing public programmes threaten to displace private initiatives due to political pressures and high public demand. In other words, we may be witnessing a shift in the type of public-private relationship to one in which the state plays a more central and authoritative role.

*Olha Cherednychenko's* study examines the interplay between private regulators and public supervisors in the post-crisis in the field of European retail financial services. Her findings show that the co-governance of how compliance with such regulatory frameworks is monitored and enforced can, in principle, take two forms: cooperative or competitive. Yet the study stresses that in the post-crisis era, a predominantly competitive relationship between private regulators and public watchdogs has materialized, which may potentially undermine the effectiveness of co-governance arrangements. What seems more promising for attaining the desired policy goals is to strengthen the cooperation between private regulators and public supervisors. This contribution opens up a new perspective on the study of co-governance by arguing that public supervision and enforcement must be responsive to the peculiarities of co-governance arrangements.

*Lukas Giessen, Sarah Burns, Alif Sahide,* and *Agung Wibowo* also document a transformation in the dynamic interplay between private and public interests. Their qualitative case studies of the recent developments in forest, timber, and palm oil certification systems in Argentina and Indonesia reveal a conflictual relationship between private and state actors. Drawing on bureaucratic politics theory and international relations concepts relating to state-driven and private transnational regimes, they, similar to *Mills*, find that instances of successful private governance have been reclaimed by state bureaucracies to create competing certification regimes. In other words, with these two studies we see evidence of public actors attempting to crowd out private efforts of self-regulation and thus a more conflictual relationship between the different sets of actors.

Two of the contributions in this themed issue explicitly address corporate social responsibility (CSR): *Daniel Kinderman's* study of the EU's non-financial disclosure Directive and other global attempts to regulate CSR and *Alvise Favotto, Kelly Kollman,* and *Patrick Bernhagen's* study of CSR in US and European firms. Both studies reveal a trend towards private self-governance with less state cooperation. *Kinderman*, for example, finds that public authorities' attempts to regulate CSR are met with fierce opposition from the side of businesses, which tend to be less keen on accepting so-called smart-mix approaches, instead favouring volunteerism and soft law. Moreover, the public-private governance conflicts come particularly to fore when proposed regulation is more stringent. *Favotto et al.* look at the CSR case from a varieties of capitalism approach, finding that the national patterns of state-society relationships shape the degree to which firms engage with CSR norms. Like *Kinderman*, they find evidence that firms have resisted engaging with norms and practices aimed at improving their labour and human rights impacts and performance, especially in the US. The authors then turn their analyses to the environmental practices of firms in Europe and the US, finding national context to play a much smaller role. The studies highlight that the degree of conflict between public

and private actors is contingent on intervening factors, such as the stringency of regulation (*Kinderman*) and the national landscape of industrial relations (*Favotto et al.*).

The diverse group of contributions in this special issue broadens our understanding of how public and private actors strive to provide and manage common goods – in some cases *in tandem with* one another and in others *in spite of* the other. Very few studies reveal purely state-led or privately conducted incidences of governance, but rather demonstrate that the lines between public and private are often blurred. Moreover, these relationships are by no means static; many of the articles demonstrate the evolution and changing nature of the relationships between public and private actors. Taken as a whole, the studies, with their different cases, levels of government, and issue foci, serve to advance our knowledge of the conditions under which cooperative or conflictual relationships between public and private interests emerge as well as how the nature of these relationships may hinder or support the provision of common goods.

Moreover, the contributions show the wide array of theoretical perspectives from which the topic of co-governance can be approached. Some studies emphasize the importance of institutional arrangements (*Favotto et al.*; *Kinderman*), while others stress the importance of goal definition and congruence (*Mills*; *Thomann et al.*), and again others adopt a managerial perspective on efficiency gains (*Ewert and Maggetti*) or concentrate on legal issues (*Cherednychenko*). Most importantly, the variety of theoretical perspectives the authors employ enriches our understanding of the complex nature of co-governance as well as showcases why it is one of the few areas where transdisciplinary research is thriving.

#### 4. Deriving expectations

Based on the review of the contributions to this themed issue as well as the existing literature, we are able to formulate some initial expectations regarding the patterns of co-governance. Our reasoning rests on the assumption that the state actors' capacity and delivery costs for common goods greatly influence whether there is a move from government to co-governance (see, e.g., [Fransen, 2013](#); [Potoski & Prakash, 2004](#); [Steurer, 2013](#)). We furthermore assume that there is a negative relationship between state capacity and delivery costs: High state capacity will entail low delivery costs and vice versa. We model the different co-governance patterns from the perspective of the state since we assume that co-governance is only possible when the state either deliberately takes the decision to delegate certain competences to non-state actors or in cases where, at the very least, the state does not object or intervene when “citizens and corporations empower themselves and substitute for elected government” ([Bénabou & Tirole, 2010](#): 2). The focus on state capacity acknowledges that it can range from fragile or failed statehood ([Krasner & Risse, 2014](#)) to having abundant capacity to practice ‘good governance’ ([Weiss, 2000](#)).

If state capacity is low and/or delivery costs high, the state actors are likely to engage in cooperative co-governance. In such a situation, the state actors may invite non-state actors to participate in co-governance relationships, and the non-state actors will be likely to accept this invitation since it provides them with an opportunity to realize their own interests. When state capacity is high and/or delivery costs low, co-governance is still likely to occur, but will tend to be characterized by a competitive relationship between state and non-state actors. This competitive relationship may still be rather cooperative or conflictive – the direction it tends towards will ultimately depend on the degree to which state and non-state actors pursue congruent goals. When there is goal congruence, although the relationship is expected to remain cooperative, competition between the actors is nevertheless likely. Such a situation is characterized by instances in which one side seeks to claim or reclaim dominance over the co-governance process. By the same token, if the goals between state and non-state actors are incongruent, the relationship will not only be competitive, but will also tend towards conflict. This scenario can also occur when there are several private actors with diverging interests that fail to formulate a common co-governance goal. The intuitive expectation would predict a complete lack of co-governance when the goals of public and private actors are incongruent with one another; as illustrated in the paper by *Thomann et al.*, however, we do see cases in which co-governance takes place *despite* divergent goals. [Table 1](#) provides an overview of the relationships with regard to state capacity, delivery costs, and goal congruency.

Which of the three scenarios (cooperation; cooperative competition; conflictual competition) can be observed furthermore depends on the observation period – as several contributions to this themed issues have shown, the relationship between state and non-state actors tends to be dynamic, which can be the result of an increase or decrease in overall state capacity, the willingness of the non-states actors to participate in co-governance, but also cases in which states with generally high state capacity lack adequate capacity in specific areas. A case in point is climate change governance, which, due to its complexity, has largely induced state actors to seek cooperation with non-states

Table 1  
Patterns of co-governance: state capacity, delivery costs, and goal congruency.

Cooperative co-governance	Competitive co-governance
State capacity = low Delivery costs = high	State capacity = high Delivery costs = low Congruent goals?
	Yes: <i>Cooperative competition</i> No: <i>Conflictual competition</i>

actors – at local, national, and transnational levels – to develop innovative solutions, facilitate their diffusion, and assess their effectiveness (see, e.g., [Jordan et al., 2015](#)).

## 5. Conclusion and the way forward

The relationships between state and non-state actors in the provision and management of common goods are complex. This themed issue shows that non-state actors often complement the actions of state actors. Moreover, there are very few instances in which business and society can act without being affected by public authorities. Likewise, the contributions demonstrate that the state is indeed dependent on the support of both business and society in order to provide common goods and services. In this regard, the concept of co-governance is well-suited to capture the relationships between state and non-state actors. Furthermore, by drawing on a wide array of cases that deal with different degrees of state capacity and policy sectors, this themed issue highlights the plethora of relationships between state and private actors and how these nuances affect the co-governance of the commons.

In addition to the knowledge generated by the contributions in this issue, there are indeed additional areas to examine for an even better understanding of the co-governing of common goods. In line with [Papadopoulos \(2003, 2013a,b\)](#), we contend that the existing research has yet to exhaustively address questions related to the legitimacy of different forms of co-governance. Interestingly, the most insightful literature on this topic deals with how standards are defined and implemented (see, e.g., [Graz & Nölke, 2007](#); [Mattli & Büthe, 2005](#); [Potoski & Prakash, 2004](#); [Prakash & Potoski, 2006](#)). These tend to be technical standards and are not being questioned in terms of their legitimacy. In other areas, however, where the state does not depend on input from the target groups, one could reasonably expect that forms of co-governance characterized by dominant private actors may be confronted with legitimacy concerns. A comparative study of Microsoft's 'Partners in Learning' programme by [Bhanji \(2012\)](#) underscores the importance of the nature of relationship between state and non-state actors for the perceived legitimacy of co-governance undertakings. In Jordan, it was a stand-alone programme implemented parallel to public sector activities, while in South Africa it was tightly woven into government programmes and activities. Microsoft's collaboration with the public sector in South Africa ultimately helped to increase the programme's legitimacy. While this example clearly shows that the legitimacy of co-governance varies depending on how state and non-state actors relate to one another, it does not however provide us with a basis for deriving expectations as to when exactly the degree of state involvement is sufficient for enhancing legitimacy.

Again building on the observation that a substantial portion of the literature deals with technical standards, only recently has attention shifted to the question of how more complex problems can be co-governed. A topic that is attracting growing attention in this context is the transnational governance of climate change (see, e.g., [Andonova et al., 2009](#); [Bäckstrand, 2008](#); [Termeer et al., 2013](#)). This steadily expanding body of literature stresses the importance of transnational and/or local forms of climate action, but has thus far largely neglected the role of states ([Jordan & Huitema, 2014](#)). At the same time, [Pollitt \(2015\)](#) calls for a perspective that truly integrates the tasks that need to be carried out by public authorities and those that can or should be carried out by business and civil society. Similarly, [Hickmann \(2015\)](#) contends that transnational climate initiatives do not work independently of state-based forms of governance, but rely on the existence of a public regulatory framework in order to effectively contribute to the global response to climate change. Therefore, we argue that the concept of co-governance is useful for bringing back the state in the analysis of complex topics such as international climate governance.

A third perspective for future research involves connecting the literature on co-governance with that of learning (see, e.g., Howlett & Rayner, 2007). More specifically, it is worth exploring the extent to which state actors learn from non-states actors (and vice versa) when engaging in co-governance activities. The new public management literature suggests that public authorities have learned from private actors and reorganized their processes accordingly (see, e.g., Peters & Pierre, 1998). How is this learning related to co-governance activities? And do non-state actors learn from public authorities? These are two questions that deserve far more attention in the future.

Finally, future studies may also seek to address what co-governance means for the overall policy tableau of states. Howlett and Rayner (2007) explicitly address this aspect and inquire into the cohesion and coherence of co-governance activities. For example, we could broaden our understanding by studying whether similar problems in a jurisdiction tend to be addressed by similar means in terms of co-governance relationships or whether we can observe variation in how state and non-state actors interact when faced with relatively similar problems.

The contributions in this themed issue advance our knowledge of co-governance – a topic which goes by many names and transcends disciplinary boundaries, from political science, public administration, and international relations to sociology, law, environmental studies, and economics. While the studies increase our understanding of the patterns and interplays in the relationships between public and private actors, as we have discussed above, they also open up new set of questions for future research to examine.

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