

RESEÑA

**Book Review - *The Neoliberal Republic -
Corporate Lawyers, Statecraft, and the Making
of Public-Private France* by Antoine Vauchez and
Pierre France. Translated by Meg Morley. Cornell
University Press, Ithaca and London, 2021**

Heraclitos Muhire 

heraclitos.muhire@soclaw.lu.se

Sociology of Law Department, Lund University, Sweden

The Making of the ‘Corporate Lawyer’

In their exploration and analysis of lawyers operating at the public-private border in France, Antoine Vauchez and Pierre France examine several factors and analyze their contribution to the growth and pervasiveness of “revolving doors” between the state and private sectors. Their opening chapter is a comprehensive historical overview of the legal profession’s transformation from the latter decades of the 20th century to the present. They depart from the point where the Bar Associations and other legal professional associations, far from acting strictly as autonomous professional organizations, started to serve as breeding grounds of political elites for the French political, administrative, and bureaucratic systems, and thus became part and parcel of the state (p. 18). By the 1980s, successive neoliberal reforms saw several state institutions privatized, and it is here that the authors chronicle the crucial role played by these lawyers-turned-state officials in driving the legal aspects of this privatization, converting the lawyer into a *corporate lawyer* (p. 19).



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The authors delve into the myriad of tax laws, financial market laws, and market competition laws that made up a field of private law previously served by public law specialists (state lawyers); corporate lawyers were now able to exploit this field thanks to the transition to market-oriented public policies and the handing over of public services to private corporations (in which these lawyers were becoming a leading force) (p. 20-21). Meanwhile, private law companies, both local Parisian firms and major Anglo-American corporate firms with Paris offices, saw the ushering in of neoliberal forms as an opportunity for specialization in public law from which they could reap large profits. This account of the neoliberal transformation of France also highlights the pressures exerted by the then European Common Market, that placed imperatives on the state and its services to compete on an equal footing with their private counterparts (p. 19).

This created room for corporate law firms to specialize in EU Law and to represent corporate clients in their fight against any state overreach in the market, allowing lawyers to exist in the borderland between public institutions and corporations. This in turn increased the revolving doors between the two sectors for lawyers with competence in both legal landscapes, and with contacts and personal relationships in both sectors (p. 97).

It is the authors' choice of context, and their focus on the lawyers active in this context, that makes this book an innovative addition to the growing literature in this area (p. 15). They expand the focus of their study beyond the ubiquitous focus on state officials moving between key positions in the state and the private sector, to explore the confluence, and the tandem evolution, of the French legal profession and the neoliberalization of the French state; and most importantly, they consider how these two phenomena have contributed to shaping each other's metamorphosis in a dialectical process (p. 17).

Neoliberalism and Lawyers at the Nexus of Public and Private

Having thus set the scene, Vauchez and France present one of their main arguments: how the previous robust separation between state and private was replaced by blurred lines between the two spheres, leading to the adoption by each sector of the other's ethos to varying but substantial degrees. The public sectors started to adapt to the new reality prevailing in the market, while private law firms became consultants and guides in this transition by which the private sector became the guardians of the 'public good' (as they were now in charge of public services) (p. 109). Private law firms therefore had to create legal teams tasked with projecting a message stressing their authority, knowledge and competence, while establishing direct social links with public institutions who were now their partners in the new age of public management.

Vauchez and France paint a picture of this growing legal field at the intersection of politics and business, appropriately utilizing Pierre Bourdieu's toolbox. Aside from an extensive depiction of the different positions, agents, and rules of the field, they also describe exhaustively the struggles that took place between the agents involved (lawyer-officials, law firms, and state institutions). They demonstrate the different essential capitals wielded by agents to establish dominance in the field, as well as the points of convergence between agents to reproduce the field. For the authors, the successful struggle over the public-private legal field required a professional habitus made up of certain capitals, demanding knowledge and social capital in both the public and the private sector (p. 98).

The main point of convergence of the two sectors, in which the authors argue that there is seldom disagreement between agents, is that the neoliberal model of the public-private amalgam is worth preserving (p. 102-103). Accordingly, throughout the revolving door pipeline (to mix metaphors) – from the elite school institutions training future lawyer-officials (e.g. *Sciences Po* and *École Nationale d'Administration*, ENA) to the administrative courts and public and government agencies (*Conseil d'État*, *Cour des Comptes*, *Élysée Palace*, etc.), and further to the top positions in the corporate sector – the status quo is that neoliberal market competition and the good of the private sector is indistinguishable from the public good (p. 99; p. 103). In short, there is a shared understanding of the necessity (and tacitly, profitability) of lawyers acting as intermediaries between the two spheres.

Vauchez and France map out revolving door situations by combining material from sources such as *Who's Who*, the website *biographies.com*, the ENA yearbook (*Annuaire de l'ENA*), biographical and historical dictionaries for various grands corps (*Conseil d'État*, *Cour des Comptes*, *Inspection des finances*), periodicals, and media sources produced by the legal profession (p. 58). They use this material to create 217 profiles of top civil servants and officials-turned-lawyers in firms in the Paris and Haute Seine region in the period 1990–2015. Furthermore, they conducted 25 in-depth interviews with individuals who crossed over from the state to private law firms (p. 59). Their findings point to four main categories among the 217 'crossers': those who crossed from legal positions in the state such as administrative agencies and courts and central administration (32.5%); from the economic wing of the state (e.g. economy ministry and regulatory agencies) (18%); from the political branch (e.g. elected officials and their staff members) (13.5%); and from ministries responsible for state affairs (foreign office, interior ministry, and defense) (11%) (p. 75).

According to the authors, these *pantoufleurs* (from *pantouflage*, expression for crossing over from state to private) pass through certain 'sector-specific [public-private] circuits of the regulatory state.' These circuits are the fiscal circuit (e.g. former tax inspectors working for law firms that represent large companies) (p. 85); the pub-

lic-procurement circuit (pertaining to infrastructure and defense institutions) (p. 86); the competition [law] circuit (related to European law and the EU market in the energy, transportation, and telecommunications sectors) (p. 87); the securities and financial affairs circuit (p. 88); and the central state circuit (e.g. former ambassadors, interior and foreign ministries) (p. 89).

In an attempt to shed light on the structural role of the political dimension of crossovers from state to private, Vauchez and France combine their analysis of the history of the modern French administrative system, and the legal profession's role in it, with remarks on how, slowly but surely, these factors and the effects of crossovers have eroded democratic principles by creating an 'elite of elites' (p. 72). The authors do this, however, without marginalizing the role played by specific actors at certain historical points; this makes the book a succinct and informative piece on the modern evolution of politico-administrative France, but also provides an eye-opening analysis of the idiosyncrasies of key figures at the intersection of French politics, law, and business.

Concluding Discussion

The ambitious effort of this book in mapping out the crossovers from state to private – analyzing the intricacies of the mutual effects that economic reforms, political appointments, and private sector changes have on each other to create these lawyer crossovers – is undeniable. Equally important is the effort to include so many examples of *pantouflage*, a list too exhaustive to examine in detail in this review. Three stark examples, however, are Dominique de Villepin and Bernard Cazeneuve (former prime ministers under Nicolas Sarkozy and François Hollande, respectively), and Claude Guéant (former *Élysée* secretary under Sarkozy), who all became business lawyers representing defense, energy, oil, and telecommunications companies which conduct business in and with French-speaking African states (pp. 33-34; p. 89).

In the authors' attempt to expose the problem of the democratic deficit connected to *pantouflage*, it is perhaps in these last two examples that one senses a missed opportunity to reflect on the further implications of *pantouflage* in countries that belong to the class of old empires. In this particular case, the ties between government and the private sector through crossovers can be seen as a pragmatic way for the state to secure its neo-colonial and imperialist missions (see for example Walter Rodney 2018, Kwame Nkrumah 1987, and, contemporary view, Radha D'Souza 2022). For contemporary illustrations of French neo-colonial policies, Fanny Pigeaud and Ndongo Samba Sylla highlight this issue in their book on French monetary hegemony through the West African CFA franc (Pigeaud & Samba Sylla, 2021). Thus, former high-ranking officials stepping away from the state to represent former state institutions-turned private businesses (and thus lending legitimacy and goodwill) in

crucial sectors to secure raw materials and establish business monopolies in former colonial countries is not a far-fetched conclusion. This is particularly so in the light of the sustained protests of citizens in countries such as Mali and Burkina Faso, and declarations of governments in these countries, against French hegemony in their territory (Reuters, 2023; RFI, 2023).

This last point is of course beyond the scope of the authors' objectives in this book, as they hold on to a (somewhat idealized) view of the rigid separation of powers as part of the Western democratic tradition. This pertains especially to their limited engagement with the class character of the 'state nobility' and elite lawyers in France (p. 19-20), as well as their (almost nostalgic) claim of a clear separation between state institutions and the private sector in the pre-neoliberal period (p. 153). They engage with the class character of the state nobility and elite lawyers only superficially, classifying these individuals simply as a privileged class that was selected to run the state, but without probing into the relation between their class positions and the productive forces of society in the first place, and how that relation is connected with their political power (p. 73).

This gives way to what is referred to above as an idealized view of the Western democratic separation of powers, as the authors assume that the ruling political class and the economic ruling class in the private sector have contradicting interests. Instead, I contend that future researchers and advocates of democracy must maintain an analytical focus on the functional distinction between public institutions and the private sector in capitalist countries, without failing to engage critically with the class character of individuals in both spheres, especially in countries—such as France – with an imperial history.

Sobre el autor

Heraclitos Muhire is a PhD student at the Sociology of Law Department, Lund University, Sweden. He holds a bachelor's degree in criminology and a master's degree in sociology of law from Lund University. His research interests include revolving doors between the public and private sectors, labour exploitation of migrant workers and access to justice.

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