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## **Unleashing Social Justice through EU Public Procurement**

By Antoinette Calleja

London and New York: Routledge, 2015. ISBN: 978-1-138-93089-6, £95.00 (hbk).

Anna McLauchlan

The material impact of the European Union (EU) public procurement regime is intended to be pervasive. Applicable to all 28 EU member countries, it requires over 250,000 public authorities to consider whether or not tenders for their purchases should be open to internal EU competition. Aiming to generate efficiency savings and drive economic growth, it influences activities ranging from major infrastructure projects tendered via the Official Journal of the European Union, to contracting out of care services. As a result, whether social imperatives are integrated into the workings of EU public procurement is of widespread relevance to those with an interest in social policy and administration.

Unleashing Social Justice through EU Public Procurement provides some overview of the development and immensity of this complex regime. Organised into three parts – 1) the status quo; 2) closing the gap; and 3) the solution – the book engages with the problematics of an EU moving unsteadily towards closer political and economic integration of its member countries. Suggesting that the single market prioritisation of economic growth and competition may suit business, the book deems it problematic that public authorities purchasing decisions be required to operate under the same free market principles. The EU's ambition for growth is considered to support a utilitarian perspective of social well-being, ignoring the distributional inequalities evident from “persistent levels of poverty across the EU” (p.9), thus contradicting the EU's developing Social Policy Agenda.

Unleashing Social Justice demonstrates scholarly engagement with a breath of practical matters, pointing out where the EU has failed to meet its many aspirations for public procurement including participation of small and medium-sized enterprises, cross border procurement or transparency in the awarding of contracts (p.7-8). However, it demonstrates the difficulty of navigating a wealth of empirical data from secondary sources, which may explain the lack of some basic context: for example Chapter 3 discusses the two main types of procurement contract at length but does not clearly indicate their monetary thresholds and therefore that significant amounts of low level purchasing will never be captured via these rules. More fundamentally, throughout the book's three parts, a challengeable solution is actively promoted: reorientation of the public procurement regime (and indeed the entirety of EU governance) via a set of principles that, in contrast to utilitarian perspectives, prioritise the individual. This would be aided by the installation of a Rawlsian property owning democracy (with no or limited social welfare) and endorsement of Public Private Partnership projects.

The principles advocated, “dignity, equality and freedom of participatory action” (p.193), derive from a reading of Amartya Sen's understanding of capabilities modified by an interpretation of natural law theory. There is no substantive guidance about how these will take effect, including tackling the persistent tricky question of how to truly recognise individuals in representative democracies. Associated complications, that confront any author attempting to contribute to dynamic policy debates, mark this text: timing and integration, with the latter

relating both to the member country context and other procedures. The book proposes solutions to a public procurement situation already changed by a number of recent Directives (the main one being 2014/24/EU) in various states of integration dependent on the member state. Public procurement also integrates with other mechanisms of tremendous relevance to social justice such as the ubiquitous ‘equalities’ agenda, or, indeed, member countries’ own laws and guidance. Similarly, the focus is the economic and the social, with little reference made to the environment, widely acknowledged – not least by the EU itself through commitments to sustainable development – as fundamental to perpetuating human flourishing.

Thinking further to the solution, the book reports that the form of property owning democracy advocated by Rawls has necessary conditions including: “1) widespread dispersal of capital... 2) Blocking the intergenerational transmission of advantage... 3) Safeguards against the corruption of politics...” (p.206). The book recognises that instigating these conditions lie outside of policy making on public procurement then uses Rawls’ ideas out of context, adapting their meaning. For example, major public procurement contracts could be split into lots and this might have some impact on transmission of wealth (in support of point 2, blocking intergenerational transmission of advantage) by interrupting certain types of commercial advantage. However, this is different from Rawls’ condition of blocking inherited wealth and the related experience of people who cannot access mortgages in overinflated property markets because they lack deposits.

Rawls’ hugely influential liberal ideals developed from and are reflective of the US context (in spite of his device of the veil of ignorance), and whilst providing useful correctives his framing literally does not fit the expansive and diverse relationship to welfare and property evident across the EU. Moreover, the US subprime mortgage crisis, widely credited with kick starting the recession beginning in 2007-8, provides salutary warnings about the role of the property owning democracy in perpetuating inequality. The book notes that “the UK captured the largest [Public Private Partnership] market in Europe both in terms of value and number of projects (p.195), whereas the positives examples invoked (developing anti-malarial approaches and achieving urban development in Durban) bear little relation to their hugely controversial uses in the UK, such as financing schools, hospitals or prisons. Consequently, although Unleashing Social Justice does get to grips with some of the complexity of EU public procurement, it endorses the further instigation of property owning democracies and Public Private Partnerships – two loose ‘regimes’ which growing evidence suggest have amplified, rather than ameliorated, inequality. By providing Universalist solutions (albeit with many conditions) the book imitates one of key problems it identifies with EU public procurement: is not responsive to context.