

PARTNERING AND THE TRADITIONAL: INSTITUTIONAL DETERMINANTS OF GOVERNANCE IN DANISH CONSTRUCTION

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Abstract

Projects have traditionally been constituted by contracts, whose enforcement is held in place by governance mechanisms that involve high degrees of surveillance. In this light, partnering is advocated as a project specific, communicative alternative to this traditional legal coordination process of the construction industry. In a Danish context partnering has, however, so far not been able to offer a well-defined alternative to this traditional regulatory governance frame. However, rather than providing a well-defined alternative, in this paper we argue that partnering can be seen as a nullification of the traditional, i.e. as a counter-concept to a juridico-discursive conception of project governance that otherwise has been instrumental in organizing and coordinating various aspects of the construction process according to a more or less taken-for-granted regulative schemata of institutional order. Accordingly, it is suggested that the effects of partnering in the first instance stem from a series of interventions in the institutional and regulative context of the construction process, and that future case studies could benefit by paying closer attention to the institutional determinants of management thinking and practice.

Keywords: Collaboration, partnering, institutional history, governance, the traditional.

INTRODUCTION: PARTNERING AND THE TRADITIONAL

In this article, we explore how the concept of partnering has emerged and become institutionalized as a certain governance form in Danish construction. Our main argument is that partnering should be seen as a thoroughly historical phenomenon that constitutes a counter-concept to a 'traditional' *juridico-discursively* institutionalized way of governing project delivery, which rests on a strong technical-rationalistic thinking. By means of an institutional history approach, we trace the development of partnering and point to the processes through which partnering has become problematized, articulated and institutionalized.

In Denmark as well as in the rest of Europe, the last two decades have seen a proliferation of change initiatives and new ways of working that have taken as their starting point and main objective to improve the industry's productivity and level of innovation by changing traditional ways of working. Flanagan *et al.* (1998: 15) have thus argued that: "[e]veryone agrees the industry must respond to the customer's demands instead of continuing to offer the

traditional approach" and (Ferne et al., 2006: 94) have argued that new management ideas (cf. Bresnen and Marshall, 2001) or change reforms are continuously and increasingly launched in an attempt to abolish: "...the 'illnesses' of the sector [...] [and the] 'traditional bad ways of both thinking and practice'" (Ferne et al., 2006: 94).

However, what this notion of the 'traditional' refers to is somewhat difficult to get a firm grasp of, especially if we are on a quest for unambiguity and clear-cut definitions. Taking much contemporary construction management related literature as a starting point, we would argue that there are just as many understandings of the 'traditional' as there are concepts and new management ideas proposed. In fact, it would appear that each of the solutions to the construction industry's problems, *i.e.* each of the proposed treatments to the industry's illnesses, carries along with it a diagnosis and problem representation that is more or less explicitly formulated and valid in terms of its ability to mirror an actual social problem. Paraphrasing Cohen *et al.* (1972), we would argue that new management ideas at large whether BIM, partnering, lean, Business Process Reengineering (BPR), etc., are solutions looking for or indeed defining a problem.

As an example, Green and May (2003) argue that the BPR wave of the 1980s and early 1990s addressed the construction industry as a backward industry compared with other industries and constituted 'the traditional' in terms of an unresponsiveness towards the "...customer in the marketplace." (Green and May, 2003: 104). In the case of partnering, we are faced with a situation in which trust, openness and mutuality are constituted as the cure to the adversarial, conflict-ridden nature of the industry, where time-honored practices, process technologies, qualifications and forms of organization have established a cultural and social hegemony, which has to be broken for the sector to advance into the 21st century (ATV, 1999).

Even though we can argue that new management ideas and concepts shape industry discourses and are constitutive of social practice they do, however, not just appear from nowhere. Several different models of explanation can be applied. Some would argue that the emergence of new concepts in a given institutional field can be understood analytically as a result of a transition from one institutional 'logic' to another (Friedland and Alford, 1991), whilst others would opt for more structural or evolutionary explanations (cf. Geels, 2010). In this paper, we take an institutional history approach to the study of the emergence and institutionalization of the concept of partnering in a Danish context.

While there might be consensus on what partnering as a surface phenomenon entails, e.g. trust, openness, economic incentives, etc. (cf. Nyström, 2005), this paper aims at providing an understanding of how such concepts and elements in the first instance become part of an institutional vocabulary. Thus, the objective of the paper is to provide an input to how regulatory industry change takes place, and how the determinants of a certain management/governance knowledge and practice become institutionalized in a certain context.

INSTITUTIONAL HISTORY

We take as a starting-point the notion that society and all its subsystems, including and most relevant for this paper the various national construction business systems, should be seen as institutional constructions. Following March and Olsen (1984), we observe political institutions not just as the aggregate consequences of individual behavior, but as ordering and constitutive forces; that is as shaping mechanisms for conditions of possibility and thus positions from which subjects can observe themselves as rational actors (Andersen, 1995). In

this paper we will not discuss the question of why to apply institutional theory, but address how an institutional analysis can be conducted on a specific field. In doing so, we have chosen to follow an institutional history approach as advocated by e.g. Andersen (1995; 2003).

In essence institutional history is an approach to the observation of the institutional construction and the possibilities and limitations it entails (Andersen, 1995: 258). The crux of the argument is that institutions are endowed with a certain taken-for-grantedness: “...*Institutions are taken for granted, then, in the sense that they are both treated as relative fixtures in a social environment and explicated (accounted for) as functional elements of that environment.*” (Jepperson, 1991: 147).

Institutional history therefore becomes an approach with which to problematize and question contemporary institutions by referring them to the conditions of hegemony and power under which they are established (Foucault, 2001). Institutional history consists of two juxtaposed analytical constituents: a diachronic and a synchronic analytical perspective. With the diachronic analysis, we are interested in establishing the system of transformations that constitutes change, whereas the synchronic analysis is concerned with describing the unity of the system at a given point in time.

Two perspectives: diachronic and synchronic analysis

The diachronic analysis is concerned with the analysis of the constitution of institutions. Inspired by Andersen (1995) and Kjær (1998) we observe the analytics of institutional history as consisting of the following processes and elements:

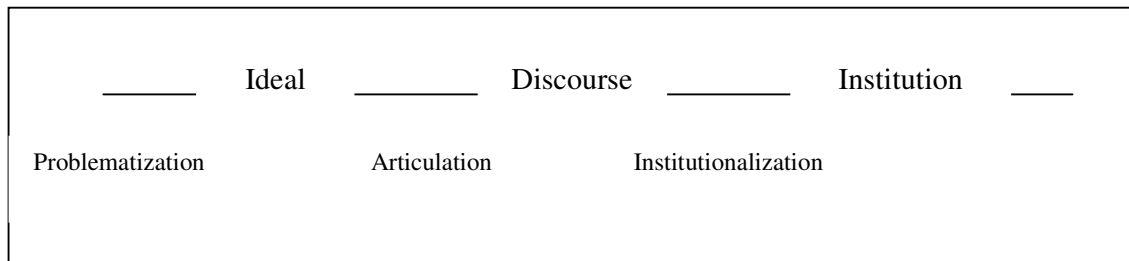


Figure 1: Three steps in institutional history (adapted from Andersen, 1995: 263).

An *ideal* is an anchorage point for a discourse. It is the point of convergence for the processes of problematization, or in other words, the creation of mutual awareness of a common enterprise (cf. DiMaggio and Powell, 1991: 65). An ideal is an idealized conception of a social field on the basis of a set of constitutive distinctions (Kjær, 1998: 7). A *discourse* is based on an ideal. The transition from ideal to discourse takes place through processes of articulation and discursive formation. A discourse can be seen as a set of rules that govern the formation of subjects, objects, concepts and strategies and constitutes: “...*the stuff beyond the text functioning as a powerful ordering force.*” (Alvesson and Kärreman, 2000: 1127). The transition from ideal to discourse entails a process of autonomization of the ideal in which the relations between objects, subjects, concepts and strategies that otherwise have been articulated from another discourse become reordered. Finally, an *institution* is seen as a stabilization and formalization of the relations of power and authority constituted by discourse. According to Scott (2003) institutions can be seen as social structures that have attained a high degree of resilience and are able to inform social interaction. Institutions consist of both regulative, cognitive-cultural and normative elements. Institutionalization, then, denotes the process through which discursively articulated ideals are authorized, attain a

basis of legitimacy and secure resources. The diachronic analysis thus becomes an analysis of how new ideals are formed, articulated and institutionalized, and how of breaks and ruptures in an established discursive order take place.

Where the diachronic analysis is concerned with the deconstruction of differences, the synchronic analysis seek to create unity and pinpoint the mechanisms at play in in given social fields. The synchronic analysis of institutions, then, is the analysis of how historically constituted institutions function as a pattern or principle of organization. Or as Kjær (1998) puts it: Where the diachronic perspective "...may bring to the fore *"the conflict-laden processes that define fields and set them upon trajectories that eventually appear as "natural" developments to participants and observers alike"* (DiMaggio, 1991: 268)" (Kjær, 1998: 5), with the synchronic analysis we are interested in identifying field level mechanisms that produce sub-field effects.

Below we will apply these two perspectives of institutional history in an analysis of the development partnering. The paper sets out to analyze how partnering in Denmark the last 15-20 years has developed as a counter-concept to a traditional hegemonic *juridico-discursive* institutionalization of construction project governance. This is accomplished through a diachronic analysis of debates and controversies from 1990 to present day. Then, in conclusion, we shift focus to a synchronic analysis how a new institutional order is shaped as a result of a negation of the traditional institutional ordering of the construction industry. In the analysis, we focus first and foremost on the regulative context and on how partnering has become a legitimate practice in Danish construction while downplaying questions of how partnering become taken-for-granted on an everyday project level. These more normative and cognitive-cultural elements of the institutionalization process will, however, be illustrated by pointing to how certain hegemonic discursive elements become problematized and reordered in the development of partnering.

AN INSTITUTIONAL HISTORY OF THE DEVELOPMENT OF PARTNERING

The Danish partnering policy development was formally launched in April 1998, when the Ministry of Housing and Urban Affairs published their construction policy action plan (BM, 1998), which for the first time mentioned the term partnering as a new form of cooperation in an official government document. However, the emergence of partnering dates back a few more years, at least to 1990 where a number of actors attempted to put the inter-linked problem of cooperation of productivity on the political agenda. The following analysis will thus start in 1990 and continue up to 2007, where partnering has become rather stabilized and formalized as a regulative phenomenon. The analysis will focus exclusively on the Danish establishment of partnering, and not take into consideration the progress in other Nordic or European countries, neither when discussing international influences on the Danish development, nor in relation to the 'cultural traffic' of national principles and recipes across nation states.

The analysis will be presented in three sections, analogous to the analytical framework presented above. First, an analysis of the policy development in the early 1990s leading to a description of how productivity was problematized and collaboration seen as an ideal. Second, we highlight how certain conceptions of the solutions to the problems were articulated and established. This account will also point to the central actors in the national debate on new forms of collaboration. Third, we focus on how various institutional

arrangements have been set up and become stabilized to deal with the problems of collaboration in guise of the concept of 'partnering.'

Problematizing productivity and the 'traditional'

The last 20 years the Danish construction industry has been subjected to a series of industry level development initiatives, one of which is partnering. The precondition for the different initiatives was an industry level problematization in the early 1990s, which framed the Danish construction industry as a coherent institutional field in need of strategic intervention.

This problematization was initiated by the Danish Building Development Council (BUR, 1990) who released a report on the productivity of the Danish construction sector. This report, which played an integral part in the following year's debate on the problems of the sector, documented that the resource use in the construction of a housing project had almost doubled from 1969 to 1986. Based hereon, it was concluded that although the complexity of the construction process had drastically increased, something had to be wrong with the way in which the construction industry in its totality was organized. The report thus rejected more local interpretations of the productivity problem, by framing productivity as a problem pertaining to the overall sectoral organization of the industry.

This field level problematization was further strengthened in 1993, when a series of working groups under the Ministry of Business and Industries published eight resource-area analyses, which said to: "*...draw a picture of the Danish business conditions and put the development opportunities in the 90's into perspective.*" (EfS, 1993: 7). The aim of these analyses was to establish a new and forward-reaching basis for the future business policy in Denmark. The work triggered a series of attempts to put productivity and innovation on the agenda, and perhaps more important: to do so from a resource area perspective. The construction/housing area was identified as one of these resource areas, and it was described as rather peculiar or idiosyncratic when compared to other industries, most prominently the manufacturing industry.

A distinctive trait identified in the analyses was that the production in the on-site construction-market segment was said to be characterized by fragmentation and discontinuity in the form of changing collaborative constellations at different locations each time. The construction sector was furthermore characterized as a distinct home-market business with great dependency of the public sector both as a purchaser and as regulative authority. The analysis therefore pointed to the need of increased competitiveness of the industry through a streamlining of the construction process and vertical collaboration in the delivery system (EfS, 1993: 13). In summary, four central problems were identified pertaining to:

- Internationalization: Companies lack competencies and capital strength to enter foreign markets.
- Transition: Companies lack the abilities and production methods to operate within more than one market segment.
- Collaboration: Increasing future price competition leads to demands to increased long-term collaboration between companies in order of developing the industry's productivity.
- Innovation: Limited strategic process and product development and collaboration between manufacturers and construction firms.

In essence, the problematization processes of the early 1990s established a distinct industry level perception of the innovation and productivity challenges, and in the following decades

this problematization framed and catalyzed multiple activities aiming at producing coherent industry level solutions to the four challenges.

One of the most influential political measures utilized in these activities was the idea of the public sector as purchaser. The public sector was envisioned to use its collective buying power to force new technologies onto the market, as the current technological totality of the construction sector, comprising "...the complex of scientific knowledge, engineering practice, process technologies, infrastructure, product features, qualifications, and procedures" (EfS, 2001b: 71, own translation), had created a lock-in situation, which the primary actors themselves were unable to exceed. A prevailing conviction was accordingly the need for strong governmental involvement, and rather than working from the premises that the market could regulate itself, the basic point-of-departure was that there was the need for strong public intervention - much as it was the case in the immediate post-WW2 period (Gottlieb, 2010).

Articulating the ideal of collaboration

While the problematization processes of the early 1990s succeeded to establish a distinct industry level perception of the innovation and productivity problems, more challenges were encountered as the industry level diagnosis had to be translated into organized development efforts at local levels. The immediate effect of the industry level problematization led to a proliferation of largely uncoordinated and experimental articulation and development processes, and although these activities represented largely uncoordinated responses in relation to the industry level problematization, they also generated a series of discursive elements, which later became a resource for the articulation of more coherent responses to the problematization.

Utilizing the discursive elements as resources, several ideals thus were mobilized - each claiming to deliver an integrated industry level response to the challenges of productivity and innovation. Beside the ideal of collaboration, which is analyzed in more detail below, the elements included different types of industrialization and digitalization efforts. The immediate effect of the industry level problematization was, however, a strategy to launch three large scale development programs: Project Refurbishment, Project House, and Project Productivity with the below foci:

	Project Refurbishment	Project House	Project Productivity
International market development			
Demonstration projects	x	x	
The public sector as purchaser			
Development contracts	x		x
Development projects		x	x
R&D and information-infrastructure			
Strategic research program for construction	x	x	x
Other ministries	x	x	
Integrated business promotion			
Business support	x	x	x

Figure 2: Main areas of action in the three core programs (EfS, 1993: 16).

In effect, the most important of these programs turned out to be Project Productivity whereas the other programs had less effect. Project Refurbishment was highly experimental and

consisted of approximately 100 individual demonstration projects; however, due to the experimental design of the program, the strategic effects were marginal. Product House, on the other hand, was oriented towards a large-scale strategic intervention, but was never fully realized, and after an initial idea phase, the initiative was terminated.

It was therefore Project Productivity, whose 'public sector push' strategy, combining issues of productivity with collaboration that paved the road for the initial development of partnering as a strategy for increasing the productivity of the sector. This initiative was initiated in March 1994 when the Ministry of Housing and Urban Affairs invited the actors of the building industry to take part in a competition on process and product development (Clausen, 2002: 108). By November 1994 four consortia were appointed to participate in the program and carry out the suggested development programs and demonstration projects.

One consortium in specific can be seen as the paradigmatic case for the introduction and development of partnering in a Danish context: the so-called PPU-consortium. This consortium set out to make the building process more efficient by realizing vertical integration between project designers and contractors (EfS, 1997: 5). The central contribution from the PPU-consortium was the development of a new 3-stage phase model (see Figure 3) to replace the traditional phase-model, which was introduced by the association of engineers and the architect's association in a white paper in September 1968 as a response to the Ministry of Housing's launch of a fixed price/time circular that effectively subordinated the engineers and architects to the control of the client (Gottlieb, 2010: 172).

Traditional process	PPU-process
Construction client's program	Construction client's program
1. Project disposition suggestion	1. Program project
Collaboration between client, consultants and authorities	Collaboration between client, consultants, contractor and authorities
2. Project proposal	2. Project proposal
Collaboration between client, consultants and authorities	Collaboration between client, consultants, contractor, subcontractors, manufacturers, suppliers and authorities
3. Scheme design	Contracting
Collaboration between consultants and authorities	
4. Final design	3. Execution project
Collaboration between consultants	Collaboration between consultants, contractor, subcontractors, manufacturers and suppliers
Call for tender – Award – Negotiation	
Contracting	
Execution	Execution

Figure 3: Differences between the traditional project design process and the PPU-process (EfS, 2001b: 29)

The 3-phase model was formulated as an attempt to establish an overarching and systematic frame for all relevant parties in the project design phase. This included e.g. a staged contract formation with the construction client and most importantly a focus on economic clarification in the very early parts of the project. In contrast to the traditional phase-model, the recast 3-phase model was articulated as a means to ensure integration between the consulting and the

producing parties and as a means of involving clients and contractors more actively in the design process.

In the debate of this new conceptual model concerns were, however, raised by clients, contractors and architects alike in relation to areas of responsibility (EfS, 1998). The 3-phase model was articulated as a dilution of the certainties required for rational governance that had been the rationality of the traditional phase model with its unequivocal assignment of roles, tasks and responsibilities. Thus, where the traditional phase-model, with its fixed and *juridico-institutionalized* responsibilities, previously had been seen as the ideal political technology needed for the unequivocal and effective production of projects, the proposed 3-phase model was put forward as an attempt to recast the functionally differentiated construction industry that had evolved as a consequence hereof. Other principle concerns were, however, also raised towards the consortium's remuneration scheme, price formation model and use of open project finances, which were said to bypass all safeguarded 'good practices' of project governance.

Moreover, where the PPU-consortium succeeded in empowering the contractor in the early phases of the process, to such an extent that vertical integration was articulated as turnkey contracting in a new guise (EfS, 1998: 3-7), the client was not placed in the central role envisioned from the outset of the program. The reason for this was argued to rest on the fact, that the client's role was not formulated in binding terms (EfS, 2001a: 6). In contrast to the 1950s and 1960s construction development agenda, which to large extent had dictated the clients' room for maneuver through laws, executive orders and circulars, requiring the clients to conform to certain requirements and conditions in order to achieve finance (*cf.* the 1953 circular on state loans for non-traditional buildings (Indenrigs- og Boligministeriet, 1953)), a turn can be observed in the Project Productivity program. Here the client was discursively constituted as an active player in the creation of new markets and products. This turn was instigated as a response to the drastic decrease in public expenditures for social housing, which was experienced from the 1980s onwards, where the ratio of social housing to total building volume dropped from 26 pct. to 10 pct. Thus, productivity could not be coded in terms of capital intensification, mass production and expansive economics in the housing segment as was the case previously. Rather, with the absence of a regulated market absorbing mass commodities, a strategy of co-production was articulated as a way of breaking the deadlock.

Interestingly, all of the above discursive elements that were articulated as cause and solutions to the lock-in situation represent a move away from traditional, safeguarded *juridico-discursive* governance mechanisms. As such, we argue that the discourse underlying the development process was based on discursive negation of the hitherto predominant practices of construction.

Partnering: institutionalizing collaboration

Based on the preceding analysis of the problem of productivity and the articulation of the ideal of collaboration, in this section we discuss how the institution of partnering has emerged. We outline three events in the institutionalization of partnering in Denmark: (i) the Construction Policy Action Plan from the Ministry of Housing and Urban Affairs from 1998; (ii) the establishment of 'Project New Forms of Collaboration' in 2001; and (iii) the development of a governmental guide to partnering for public clients and the passing of a statutory order on partnering in 2004. These three events are chosen as they provide a view

into the process through which the discursively articulated ideal of collaboration was authorized, secured resources and attained a basis of legitimacy.

Authorizing collaboration: The ideal of collaboration opened up for a process of articulation in which it was made possible for a variety of different actors to discuss and account for the problem of productivity from a common conceptual ground and theorize the relationship between productivity and collaboration. This grounded the current institutional basis for partnering in Denmark. Based on the work conducted in the wake of the 1993 business economic analysis of the construction sector, the government presented a policy action plan in April 1998 highlighting the practical implementation of the political initiatives within the construction political area in the years ahead. A total of 13 specific initiatives were specified, three of which located within the area of 'The construction sector's productivity and collaborative conditions.' Here it read that the future efforts to increase the productivity of the sector should be focused on the development of new, more flexible forms of collaboration and precautions to improve the planning and management of the building process. In the description of actual initiatives, the term 'partnering' was mentioned for the first time in a public policy report. Partnering was presented as one of three new modes of collaboration, which were to be tested through a series of demonstration projects. The other two collaborative models proposed in the action plan was 'horizontal industrialization', focusing on better collaboration and organization at site level through use of planning principles from the stationary industry, and 'in-between tender' being a form of tender procedure based on outline proposal rather than on main project proposal as most often is the case in design and build contracts. Both of these other collaborative models have later been articulated as elements in the Danish partnering and Lean Construction discourse, where the latter often is argued to be an extension of the former at a craftsman-level, notwithstanding that partnering could be argued to represent a substantive rationality whereas Lean Construction is basically procedural.

Securing resources: In order to pursue the objectives in the governmental action plan, resources were given to a series of demonstration projects under a newly established program was instigated in 2001. These projects build on the foundation laid in the Project Productivity program and focused more specifically on the concept of partnering. During the four years of operation, a total of nine projects were completed and documented, however, in addition to these projects the report concluded that the construction sector had undergone a quite substantial change, in that the use new forms of collaboration had increased remarkably. Partnering was here used as a collective designation for a series of new forms of collaboration (*i.a.* framework agreements and strategic partnerships) in which dialogue and trust played a decisive role. The report noted that 'Project New Forms of Collaboration' had documented the following results:

- Substantial economic savings (5 – 20 pct.) in design and construction coupled with the prospect of increased contribution margins for the companies.
- Increased product quality through closer and more trustful collaboration.
- Fewer resources tied in disputes and no settlements in arbitration.
- Better working climate throughout the entire construction process.

On this basis, it was concluded that the good results were positively correlated with a change in the mode of collaboration towards dialogue and trust instead of the traditional opposition and distrust. Thus, to further extend and capitalize on these argued benefits on a wider sectoral level, a construction clients' network was established in 2001. This network, consisting of major construction clients within the public sector, was in the following six year

responsible for the completion and evaluation of 30 demonstration projects testing new forms of cooperation. The results from the 30 projects were used in the development of a series of guidelines on the topic of new forms of collaboration and procurement that eventually formed the basis for the development of a governmental guide to partnering for public clients in 2004 (EBST, 2004). This will be discussed further below.

Basis of legitimacy: Let us, however, first observe why a *quasi-public* organization could provide the basis for the formulation of a governmental guideline and later a statutory order on partnering. Following the Danish 2001 national election, the newly elected government chose to abolish the Ministry of Housing and Urban Affairs that otherwise had been the cornerstone in the efforts to develop the Danish construction sector since WW2. Instead, the collective construction/housing resource area was split up and placed at several independent ministries and authorities each governing their own discrete part of the complex. Thus, in order to secure some kind of concerted action across the different segments of the construction industry, a new brokering agent or institution had to be established. Accordingly, it was envisioned that the development activities by the construction clients' network should provide the 'nodal point' in a partnership between the Danish Enterprise and Construction Agency, the Ministry of Social Affairs and construction clients from the public, private, and social housing sector.

The primary drivers of this partnership were the administrative authorities commissioning various demonstration projects to be evaluated and 'translated' into policy proposals or recommendations by the construction clients' network. As an example of this process we can turn to the aforementioned governmental partnering guidelines to public construction clients (EBST, 2004), which was developed on the basis of the work of the network. The partnering guidelines stipulate the legal as well as practical foundations for the completion of partnering projects within the public sector. The purpose of the guidelines were to (EBST, 2004: 7):

- Provide the public client with an outline of the contents of partnering.
- Assign a systematic basis on which to assess whether a project should be completed under a partnering scheme.
- Assign a set of practical procedures and describe tools that can be used to support a partnering process.

Furthermore, the guidelines provide the legal implications of a partnering approach, including the linkages to the statutory orders and consolidated acts that have been passed as a result of the activities conducted in this network. The most important of these are statutory orders no. 1135, 1394 and 948 (OEM, 2003; 2004; 2006) and consolidated act no. 338 (OEM, 2005). Speaking from the perspective of the traditional regulative foundations of project procurement and execution, we argue that all of the above legal documents can be seen as regulative mechanisms, which exempt the actors from certain safeguarded *juridico-discursive* obligations that otherwise frame their actions. We thus argue that the formal rationality of the traditional governance mechanisms is substituted with a substantive rationality in which an orientation towards values, performativity and actorial pluralism is preferred over correspondence, surveillance and standardization (*cf.* Clegg *et al.*, 2002: 324-326). This can e.g. be seen in the remarks to consolidated act no. 338 on framework agreements, where it reads that strategic partnerships and framework agreements will lead to a more efficient process and lower prices as suppliers will have economies of scale and the opportunity to learn from one another as well as from project to project. Importantly, the act does, however, not contain any explicit procedures for how to develop innovative capabilities in firms, nor does it promote any specific construction technologies or standard procurement methods and

procedures to follow. The primary actors of regulation are, in other words, expected to be able to act autonomously in order to realize any benefits of establishing collaborative relationships.

In summary, it can be said that the construction clients' network assumed a pivotal role in acting as a nodal point in relation to construction process development and innovation within the field of new forms of collaboration. The network was central in the process of authorizing, securing and delegating resources and providing a basis of legitimacy for partnering. This *i.a.* included overseeing the transition of partnering from a policy focus area, in need of strong governmental intervention and control, to a more or less well-established regulative phenomenon, which has achieved a specific conceptual form and direction based on a turn away from *juridico-discursive* governance mechanisms towards a much more dispersed image of rational agency.

CONCLUSION AND FUTURE DIRECTIONS

So far, we have focused on the diachronic dimension in the institutionalization of partnering in Denmark, illustrating how the ideal of collaboration has been articulated as partnering discourse that has become institutionalized as a regulative macro-level phenomenon. We will now turn our attention towards pinpointing the mechanisms at play in construction, when observed from the perspective of partnering.

In the foregoing diachronic analysis:

1. We have shown how partnering since 1990 has emerged as a response to a sectoral problematization of the construction industry's insufficient productivity development due to a lock-in to *traditional* ways of thinking and practicing.
2. It is demonstrated that the discourse on partnering is based on an ideal conception of collaboration as a means of breaking the lock-in.
3. We have attempted to illustrate that even though the various activities in the development of partnering have focused on providing tools with which to manage and facilitate collaboration at a project-level, partnering has primarily been stabilized and formalized in the legal and regulative apparatus of the Danish construction industry.
4. We have argued that this institutionalization of partnering has followed a trajectory based on a discursive negation of the notion of the traditional, which has constituted partnering not as a new well-defined operational alternative, rather as a regulative mechanism with strong normative and cognitive-cultural underpinnings (Scott, 2003).

On this basis we conclude that the central element in the institutionalization of partnering has been a specific de-institutionalization or rather politicization (cf Laclau and Mouffe, 1985), of the notion of the traditional as a *juridico-discursive* governance phenomenon. This problematization of has taken several forms: both as (i) an ideal in favor of a new order of project governance based on negotiation and trust, and as (ii) a series of negations to the *juridico-discursive* institutionalization of project governance.

Observed in a diachronic perspective, partnering seemingly forms a *counter-concept*, i.e. a concept that is in constitutive opposition to another concept from which it obtains its meaning. In this particular case, we suggest that partnering forms a counter-concept to what we have termed *juridico-discursive* governance. We further argue that the predominantly regulative-institutional (Orr, 2004) constitution and stabilization of partnering as a continuous critique and negation of *juridico-discursive* means of project governance entails a series of

distinct consequences for how expedient governance and management is thought and understood in a project practice setting. In essence, we argue that the emergence of partnering has radically altered the basic “*rules of the game*” (North, 1990: 3) in the very institutional foundations or determinants of management and governance:

The development of partnering does thus not represent an institutionalization of a new practice. Rather, partnering should be seen as an institutionalized critique of the traditional in guise of the *juridco-discursive* complex of project governance. In this perspective, partnering has not emerged, once and for all, on the horizon of management thinking as a finite or *centered* system of signs. Partnering like any other concept should be seen as a condensation of a wide range of social and political meanings that only through a historical awareness and deconstruction can be unraveled. Based on such a conceptualization of the institutional determinants of partnering, we believe that further synchronic studies, e.g. ethnographic case studies, can shed renewed light on several ‘sticky’ as well as topical problems in partnering research, including questions of what partnering actually involves, why it is so difficult to implement partnering in practice, and not least how to understand the relationships between macro-level industrial change and local project-practices.

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