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WATCHING OUT FOR “GOVERNANCE”: THE NATURE AND FUTURE OF AN ILLUSION¹

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Something of immense political significance is happening in the world. As far as I can make out, this development has – with a few extraordinary and praiseworthy exceptions – hardly been understood and treated in its true and full import.

The phenomenon in question is the spread not just of the idea but of the practice of so-called “governance” – corporate governance, urban governance, European governance, world governance *e tutti quanti*. This spread of this “governance way” is what some commentators call the “end of democracy”. Not an insignificant occurrence.

Governance is of course a term of art, without a reliable scientific basis. It is indeed often ridiculed, as an academic concept, by serious administrative scientists. But it is precisely its “conceptual flexibility” (see below) that provides it with potentially destructive political, economic and social power. We might say, together with some commentators, that governance is an *illusion*. That is perhaps true: it is not what it seems to be. Indeed, it has its illusionists, whose interest and skill is to “make us believe it”. But it is an immensely effective illusion, one component in a massively influential trend in the mutation of Western life.

By far the best and most important study of the phenomenon, among those which I have been able to track down, is the essay by John Brown, “De la gouvernance ou la constitution politique du néo-libéralisme”.² It is symptomatic of the contemporary situation in the academic and political world that this essay was, as I understand – the author’s name is a pseudonym – not the work of an academic political scientist, and in any case did not appear in an academic journal. The scientific journals, indeed, though they publish countless contributions on the most diverse aspects of what is modishly called “governance”, contain little that succeeds in grasping the essence of the trend which this term at one and the same time reveals and conceals. One might go so far as to interpret this situation as a warning sign of the bankruptcy of a central sector of professional political science, especially in the English-speaking world, that can no longer see the wood for the trees.

Let us therefore turn to the literature which, in spite of its apparently marginal status, leads us quickly to the heart of the problem. Because the relevant texts are often in French, and not available in English translation, I shall devote a considerable part of the present article to presenting their key ideas, with extensive quotations, as an inventory of positions. I use the broadest of brushes: the details of any phenomenon are of course of great importance; but the problem in this case is getting a clear view of the meaning of the process as a whole.

Plunging in at the deep end, let me begin with a quote from Brown’s critique:

“Often, when considering the phenomenon of governance, commentators see in it no more than a simple change of style in the way in which things are governed, without any fundamental political modification being involved. Governance is supposed to improve the efficiency of the State while flexibilizing social and economic life. It is even claimed ... to be capable of ‘democratizing democracy’, by releasing this system from the weight of the welfare State and bring it closer to ‘civil society’. Yet a simple examination of the explicit objectives [of those promoting the governance project] reveals a fundamental incompatibility with the basic concepts and institutions of democracy. Popular sovereignty, the principle of legality, the

¹ Published in *Episteme, Revista de Epistemologia e Historia das Ciencias e das Tecnicas*, ano VI, nos. 15–16–17, 2006.

² This piece, which was originally published in French, was made available at attac.org/fra/list/doc/brown.htm, and in German, Spanish and other translations.

separation of powers, the very idea of law, the distinction between public and private – all these things are abandoned as obsolete notions. The change in political model ever more overtly implied by the governance idea has all the characteristics of a real constitutive process, whose goal is to provide a political and legal sanction for the economic and social realities already deliberately brought into being by thirty years of neo-liberalism.”³

A fundamental modification has occurred, then, in political structures and in political behaviour, all over the (western and westernizing) world – but a modification already long contained in germ in the capitalist social formation, as well as in consequent versions of liberal ideology.

Jean-Gustave Padioleau, in an assault on the “halfwits of governance”,⁴ offers a partial list of other concepts associated with and exploited by the governance idea: for instance “complexity”, “flexibility”, “regulation” (and of course “deregulation”), “project”, “partnership”, “coordination”, “negotiation”, “contract”, “private-public”, and so on. Whenever one comes across a mix of these and similar terms, one knows that the dogma of our age, the dogma of governance, is at its disturbing work.

Padioleau adds: in such a system “the regime of the opinion polls is sovereign. Thus the continuous supervision of public action is guaranteed by consumer ‘focus groups’ put together by communication experts. As circumstances and contracts demand, private bureaus raise or lower the momentary barometric pressure of audits and evaluations. Governance is a manipulation of a market of ‘forums’ and gullible individuals, held under expert control in the spider’s web.”⁵

Similarly, Bernard Cassen remarks that “there are terms which insinuate themselves into the political lexicon without anyone paying much attention... It is only when they are more or less established in the landscape that they reveal themselves for what they were from the very first moment: not just words, but ideas structuring a whole ideological edifice. This is how it is in the case of two apparently all-embracing terms, much used by the media: ‘civil society’ and ‘governance’.”⁶

And indeed, the governance project relies especially on its exploitation of a – modified – concept of “civil society”. I quote Brown again:

“The magic word which, at the same time as it blurs the lines of distinction between public and private, gives an impression of a ‘deepening of democracy’, while in fact doing away with the very principle of the sovereignty of the people, is that of ‘civil society’. This is a ‘learned’ phrase of philosophical origin: in Hegel’s works it means the sphere in which private interests are represented, in opposition to those of the State, which itself represents Universality. Hegel writes: ‘In civil society, each individual is his own end, and all else means nothing to him. But he cannot accomplish the full extent of his ends without reference to others; these others are therefore means to the end of the particular person.’⁷ But as the term is used in the lingua franca of governance, civil society is rather an intermediate reality between private associations

³ Cf. Massimo De Angelis: “Governance, far from representing a paradigm shift away from neoliberal practices, has been shown to be a central element of the neoliberal discourse in a particular phase of it, when neoliberalism and capital in general face particular problems of accumulation, growing social conflict and a crisis of reproduction. Governance sets itself the task [of tackling] these problems for capital by relaying the disciplinary role of the market through the establishment of a ‘continuity of powers’, based on normalised market values as the truly universal values. Governance thus seeks to embed these values in the many ways [in which] the vast arrays of social and environmental problems are addressed.” De Angelis, “Neoliberal Governance, Reproduction and Accumulation”, in *The Commoner*, Spring-Summer 2003.

⁴ “Les gogos de la gouvernance”, in *Libération*, “Rebonds”, Paris, 1 June 2000.

⁵ See “Corégulation et gouvernance politique”, par Arno, at <http://uzine.net/article856.html>.

⁶ Cassen, “Le piège de la gouvernance”, in *Le Monde Diplomatique*, June 2001.

⁷ Hegel, *Philosophy of Right*, § 182.

with public interest functions (NGOs, religious or lay charitable associations and the like) and the market. Thus the idealism of voluntary work and the lure of profit are linked together to provide an 'efficacious' replacement for the functions of social citizenship abandoned by the neo-liberal State." Civil society, Brown adds, "is even called upon to share the tasks of government with the public powers, and in particular to share the task of legislation with parliament". There are now fashionable "left-wing" versions of this concept of civil society, in which it is formally distinguished from the market, so that a tripartite system of power is suggested: State–civil society–market.⁸ "But the essential point is that the term 'civil society' should preserve its precious ambiguity, sometimes embracing the market (civil society thus being identified with the set of socio-economic actors), sometimes excluding it, according to the convenience of whatever power is doing the talking at a given moment."⁹

⁸ There exists a project called "progressive governance", promoted among others by ex-US President Bill Clinton.

⁹ Brown quotes, in this connexion, Tom Burns, "The evolution of parliaments and societies in Europe: challenges and prospects", in *European Journal of Social Theory* 2 (2), London, 1999. One might add many similar references: for instance, Anne Mette Kjaer: "The term 'civil society' normally refers to an intermediate associational realm between State and family populated by organizations which are separate from the State, enjoy autonomy in relation to the State and are formed voluntarily by members of society to protect and advance their interests or values. Civil society lies in between the State and the private sphere." Kjaer adds that it may be understood to "exclude economic activities". In the case of the first definition the author makes reference to the work of Gordon White; in respect to the additional definitional characteristic, to that of Larry Diamond (Kjaer, *Governance*, Cambridge: Polity Press, 2004, pp. 158-60). Charles Hauss notes: "For some observers, [civil society] only includes political activity engaged in through nonprofit organizations such as nongovernmental organizations (NGOs). At the other end of the spectrum, some observers include all forms of voluntary participation, whether in the public or private sector, political or apolitical" (Hauss, "Civil Society", at http://www.beyondintractability.org/m/civil_society.jsp). There is little point in adding definitions by more authors, which would merely add to the confusion: what is striking in this respect is not just the variety of accounts on offer, but the common lack of any serious interest in disambiguation. Or, to put the point in another way, what is frightening is the poverty of the philosophical or theoretical basis of the analyses proposed by most researchers: Hegel, whatever may be said about his style, is by contrast with today's authors a model of rigour and of clarity.

But ambiguity can play a political role. Cf. Thierry Brugvin, "Société civile, mouvements sociaux et regulation internationale du travail", colloque "Les mobilisations altermondialistes", at <http://www.afsp.msh-paris.fr/activite/groupe/germm/collgermm03txt/germm03brugvin.pdf>, section on "Les ambiguïtés du concept de société civile au plan politique". See also Charles Ségalen, "L'Insécurité sociale' – A propos de l'ouvrage de Robert Castel", in *Oasis Magazine*, 5 September 2004: "Ours is the epoch of governance.... [Such a term involves] a semantic slippage borrowed from magical thinking: the confusion – Jean Lebrun says a kind of incest – between word and thing ... The use of the term 'governance', without it being defined and without an explanation of what it is being used to say or fail to say, can serve a particular ideological current ..."

The rise of a “new” version of the concept of civil society,¹⁰ jointly with a dogma of governance, is no accidental event, but can be explained in terms of definite and even obvious advantages – to certain powers.

“When political scientists and students of public administration speak about governance instead of governing ... they refer specifically to a conscious and a long-standing change tendency that is going on in many developed countries”, writes Seppo Tiihonen in an anodyne study of the concept.¹¹ Where governing “refers to constituted policies of state actors backed by formal authority to use monopolized coercive powers, governance suggests [rather] activities backed by shared goals that may or may not derive from legal and formal authority.” Tiihonen’s story of the emergence of the present-day notion of governance is typical of the abstract and non-committal accounts commonly related by the academic specialists: “New governance principles have been developed”, the author informs us, “because many of the former, old up-down governing practices have lost their lure and capability to meet future challenges”.¹²

Compare Cassen, the non-academic, who is more specific: the recent re-emergence of the concept of governance, he writes, was initiated in the 1980s by the World Bank, then taken up by other agencies like the International Monetary Fund and the United Nations Development Programme (UNDP). In this context, it became institutionalized as a normative notion, that of “good governance” – the disciplined application, as Brown puts it, “of the old plans for structural economic adjustment, now radicalized and, in Orwellian language, called ‘strategies for the reduction of poverty’”. The “civil society actors” involved in the imposition on Third World States of such dictates of “good governance” – whereby a failure to fulfil the imposed

¹⁰ Cf. Rajesh Tandon and Ranjita Mohanty, “Civil Society and Governance – A Research Study in India”, Draft Synthesis Report, June 2000, at www.pria.org, who provide a “neutral” list of significations:

“In the contemporary interpretations of civil society ... three distinctive approaches can be noted.

The *first* approach is essentially derived from the Anglo-American tradition and builds on the work of Tocqueville. In this approach, civil society is seen as an intermediary layer between individuals and families, on the one hand, and state institutions, on the other. Even where state institutions evolved within a democratic polity, they begin to dominate different aspects of human endeavour – health, education, social services and a wide variety of arenas where citizens interact with the state. The representative form of democracy creates a distance between state, institutions and their decision making from individuals and families who are relatively powerless. Building solidarity and associations across citizens helps them to mediate and negotiate their aspirations and interests with the state. In this formulation, civil society becomes an arena for expression of common interests of citizens and for empowering them to collectively articulate them vis-à-vis state institutions.

The *second* meaning of civil society has arisen from the challenge posed by citizens to communist regimes in Eastern Europe. As citizens began to protest against authoritarian states in Eastern Europe and former Soviet Union, on the one hand, and military dictatorship in Latin America, Philippines and South Africa, on the other, these movements began to represent the aspirations of collective forces of individuals. The thrust of these movements was to democratise the state and create fundamental freedoms and liberties for their citizens. In such a formulation, civil society began to be equated with the process of democratisation in political structures and systems.

A *third* approach to the notion of civil society has its roots in the growing universal acceptance of free market and private enterprise as engines of economic development. As questions about the role of the state in economic development began to be raised, there evolved a growing demand for liberating economic activities from the clutches of state hegemony. In this formulation, non-state actors included for-profit private enterprises, just as it included not-for-profit civil society actions.”

¹¹ *From Governing to Governance: A Process of Change*, Tampere: Tampere University Press, 2004, p. 21.

¹² *Op. cit.*, p. 22.

criteria normally results in economic or other forms of punishment – are, Brown notes, often NGOs. These, while attempting to palliate the most destructive effects of the system, in reality thereby transform themselves into its pillars. But the same set of actors also includes the private companies who make their profits in the field of “humanitarian” business. At the world level, that is to say, at the level of so-called “global governance”, the coordinating actors include (once again) the IMF, the World Bank, the World Economic Forum and the institutions of the European Union (to which we shall return), as well as “the great transnational enterprises, transformed” – precisely by the global governance system – “into powerful political actors capable of imposing their collective will on the nation States, via the world economic-financial organisms [which link these actors], or even of imposing their individual wills, as in the case of Monsanto, which succeeded in forcing the Brazilian government to accept the massive introduction of transgenic cultures.”

The kind of State structure demanded by the good governance ideology is, it is suggested, one in which the mission of public administration is no longer to serve society as a whole, but rather to furnish goods and services to particular sectors and to client-consumers, even when this policy aggravates the inequalities between citizens or between regions of a given country.¹³ “Good governance”, for Cassen, simply means “the Washington Consensus”.

Alan Scott has usefully summarized¹⁴ some central and paradoxical aspects of the (deliberately) blurry category of governance, as applied not only in academic circles but, as we saw, in economic, social and political life.

For instance, given the various planes (from global to local) at which governance operates, reference is often made to a so-called system of “multi-level governance” (sometimes abbreviated to MLG). Kjaer writes that “MLG refers to an evolving policy mode in the EU, in which the state no longer monopolizes EU policy-making... MLG is a model in which decision-making competencies are shared. The Commission devises programmes in partnership with local and regional authorities. Individual State executives lose a significant degree of control over rule enforcement... The regions act increasingly at the EU level ... and so on”. In other words, more generally “the study of MLG involves examining the relationship between sub-national, national and supra-national actors without an a priori assumption that states are the dominant actors...”¹⁵ Scott puts the matter more simply: “multi-level governance is EU mood music”.

Paradoxically, he adds, multi-level governance became a popular policy term at a time of increased centralization; in fact, at the beginning of the era of *post-democracy*.

This latter concept is taken up and developed by, among others, Colin Crouch.¹⁶

¹³ Ali Kazancigil, Director of the Social Science Research Division of UNESCO, “Gouvernance et science: modes de gestion de la société et de production du savoir empruntés au marché”, in *Revue internationale des sciences sociales*, Paris: Unesco, no. 155, March 1998; quoted by Cassen, op. cit.

¹⁴ Scott, at <http://wuv.uibk.ac.at/pdf/Governance.pdf>.

¹⁵ Kjaer, op. cit., p. 109.

¹⁶ Crouch, *Postdemocracy*, Oxford: Polity Press, 2004. Crouch explains: “What I meant by post democracy was a society in which all the institutions that we associated with democracy remain beautifully in place ... but where somehow ... the heart of it comes out because the forces within the society that make democracy work ... weaken. I’m actually talking about ... the weakening of the ability of middle and low socioeconomic groups to develop their own political agendas. It’s that decline in the autonomy of lower socioeconomic groups to define autonomously through their own institutions a political agenda and the passing of that agenda to the control of professionals in parties and think tanks and associated with that, the shift of power out of the whole system towards private concentrations of global wealth, ... that’s post democracy.” (POWER Inquiry Witness Session, Manchester, 28 April 2005.) Cf. the differently inspired critique by the American John Fonte: “The governmental structure of the EU is post-democratic. Power in the EU principally resides in the European Commission (EC) and to a lesser extent the European Court of Justice (ECJ). The EC is ... unelected and, for the most part, unaccountable. A *White Paper* issued by the EC suggests that

The four pillars of post-democracy, on Scott's account, are (1) the "disembedding" of political elites; (2) the trivialization of politics; (3) rule via the "cadastral map"; and (4) the breakdown of institutional "pillarization".

By the *disembedding of political elites*, Scott means the tendential freeing of those elites from control by the mass of citizens, who come to play (in Crouch's words) a "passive, quiescent, even apathetic part", as well as an ever tighter control by the political class over the citizens, via a strengthening of State security and secrecy.

The *trivialization of politics* involves a "subordination of politics to organization" as well as a "reduction of the science of politics to the science of administration".¹⁷ Thus politics is reduced to "management", with a consequent marginalization of the power of parliaments and even of executives, accompanied by an increased "personalization" of whatever remains of political life. "Public opinion" becomes a key domain of measurement but also of manipulation; and such manipulation by the mass media (the politics of "image" and "spin") becomes a crucial instrument in this connexion.

Rule via the "cadastral map" involves a system of "rituals of verification", especially via dogmas of target-setting (organizational "goals", "mission statements" and the like) as well as procedures of evaluation, auditing, accreditation and so on (all of which, in spite of appearances and Public Relations claims, are essentially artificial, at a great bureaucratic distance from reality).¹⁸ Thus all public bodies, and even political parties and governments, come to adopt the terminology and methods of managerialism, which are derived from the business sector. This point can easily be verified by listening to or reading almost any statement by a government minister or political leader of our day: their *langue de bois* – that is, their choice and mix of clichés – will immediately reveal their language to have been infected by the managerialist virus.

Finally, the *breakdown of institutional "pillarization"* signifies the "increasing homogenization of styles of institutional governance", as well as an ever-growing permeability of the line between State (public sphere) and market (private sphere), which means in effect an opening of the State to corporate interests, itself resulting in growing corruption within the public sector. This public sector generally (health, education, public services) is restructured on the "business model", leading on the way to a loss of public service spirit. Meanwhile, political party programmes "converge", leading to a "vapid" politics.

Taking account of all the above, Scott concludes, again in the line of Crouch's argument, that post-democracy does not so much destroy the institutions of representative democracy, as render them increasingly irrelevant. In fact, post-democracy resembles pre-democratic epochs: "public display of wealth and power, increased social polarization etc." – while running parallel to formally still existent democratic institutions. He adds that the paradigmatic actor in post-democratic society is the "phantom firm",¹⁹ located "in the financial sector, where money moves fastest", or "outsourcing manufacture to enable rapid shifts of production"; and whose

this is one of the reasons for its success: "The original and essential source of European integration is that the EU's executive body, the Commission, is supranational and independent from national, sectoral, or other influences." Fonte, "The Fracturing of the West?", at <http://www.cis.org.au/Policy/Spring02/polspring02-3.htm>.

¹⁷ An old dream of nearly every political class and of many political movements, with diverse anticipations in the history of political theory, both on the left and on the right of the spectrum.

¹⁸ Weirdly, the concept of governance began its career with the 1937 article of the economist Ronald Coase, entitled "The Nature of the Firm", one of Coase's principal concerns being to effect a reduction in firms' internal transaction costs. Nowadays, in complete contrast, one of the main causes of the strangulation of the public sphere lies precisely in the geometric growth of such transaction costs, consequent on the adoption (on the basis of the governance and "accountability" dogmas) of hyper-bureaucratic auditing, evaluation and accreditation costs and the like, resulting in an astronomic waste of public funds (many of which sums naturally find their way into the pockets of the commercial or semi-privatized auditing and consultancy sector).

public identity is mediated via the “brand image”. “Designer economics” meets “designer politics”.

At each level, then – that of corporate governance, of urban governance, of national governance, of European governance or of global governance – the term “governance” refers to (new) forms of managing public affairs in which an appeal is made to the intervention of “civil society”, with a parallel reduction in the role of properly political institutions. The goal may in fact be a cutback of the role of the public sphere to that of the minimal State dear to the most doctrinaire liberal ideology. Indeed, according to Brown, “ideally governance should result in the disappearance of the State as the instance determining the public interest and to the substitution of the existing legal norms by so-called flexible forms of regulation ... ‘Governing without government’...” Only a paradox comparable with those found in mysticism or in negative theology²⁰ can, he adds, express the true essence of the governance concept. “As the ineffable Commissioner [Pascal] Lamy put it: ‘The notion of governance is luckily, it seems to me, a concept solid enough to crystallize thought yet flexible enough to facilitate a convergence of views. It is rather like the clutch of a car: it is indispensable and yet it comes in several versions.’”²¹

Now all this talk about governance, Brown properly notes, has a kind of youthful and libertarian air. The impression made is supposed to be that the substitution of the democratic State by a domain of “participatory” contractual transactions implies a greater “liberty” and a greater “capacity for initiative” for everyone. The problem, however, “is that this conception of liberty which liberalism wants to instil in us is enormously naïve. Liberty is presented as the primary datum of an idyllic state of affairs, while the State is regarded as an obstacle to the full enjoyment of this liberty. What our new ‘libertarians’ of governance fail to take account of is the fact that the democratic State, which derives its legitimacy from the existence of a public space in which the citizens are equal in respect of their rights, is at least for the moment the only guarantee of the equality between citizens. Every other level and, more particularly, the level of civil society or that of the business enterprise, is a space of inequality or of the domination of some persons by others.”

It is odd that this simple but all-important point has not generally been grasped by political theorists. If governance is indeed, as I have argued elsewhere, a sort of continuous, incremental policy-making and policy-implementing process bringing all kinds of public, semi-public and private organisations and bodies together in endlessly repeated cycles of negotiation, then it is obvious – it is no more than the application of an elementary social law – that the more powerful actors in these endless rounds of governance negotiation will come out on top. And the term “powerful” here means “economically powerful” as well as “political powerful”. Or, to put it another way: whereas the old and supposedly obsolescent system of representative democracy, in which the State was at least in principle an expression of the sovereignty of the people, might at least pose a challenge to the power of the economic oligarchies, in the new, libertarian and flexible governance structures these economic oligarchies are in effect already inside the policy-making system itself. And since the line between policy-making and legislation is also becoming blurred, the economic oligarchies are now even able to co-legislate, without fear that “politics” will intervene against them from the outside – except of course in the case of a politics of an anti-system variety, one which will

¹⁹ Of which Enron is a famous example. See Crouch, *op. cit.*; also Phil Burton-Cartledge, “Post-Democracy”, in *The Sociological Review*, Volume 53, May 2005.

²⁰ The “via negativa” or apophatic account of God, as found for example in Pseudo Dionysius or Maimonides’ *Guide for the Perplexed*, where “contradiction and paradox are the birthright of a Deity”.

²¹ Speech by Pascal Lamy, sometime European Commissioner for Trade: “Good governance in the public and private sectors against the background of globalisation”, Organization for Security and Co-operation in Europe, Brussels, 30 January 2001; quoted by Brown, *op. cit.*

however probably in future be regarded as “unconstitutional” and indeed as bordering on the “illegal”. So much for democracy.

European Governance

The European Union, as has often been pointed out, is an uncontested world leader in the promotion of international governance structures. In 2001 the European Commission published its *White Paper on European Governance*, inspired by the then President of the Commission, Romano Prodi. The *White Paper* was “drafted by a ‘Governance Team’ within the Commission [so not by any elected, representative body or bodies – G.L.], which in turn consulted widely among academics as well as government experts and civil society”.²² Led by Jérôme Vignon, “the team’s mission was to improve the effectiveness of the EU and develop strategies to improve its communication and engagement with the wider European public(s). The key concept of ‘governance’ seemed to draw these two elements together. Rather than focussing on traditional authoritative ‘governmental’ modes of operation, ‘governance’ was used by the *White Paper* team to suggest that a wider range of policy instruments and modes should be deployed, including many which engaged those ‘regulated’ in the determination and operation of modes of regulation.”²³

It all sounds like a fairly innocent project, indeed a well-intentioned one.²⁴ What, one might wonder, could be objected to in such an attempt to improve “effectiveness”, “engagement” and “communication”? Indeed, the *White Paper* was presented to the European public in even rosier terms: “the Commission adopted its *White Paper on European Governance* in July 2001 with the aim of establishing more democratic forms of governance at all levels – global, European, national, regional and local”, while aiming at “better involvement”, “better regulation”, and even at making a contribution to promoting “world governance”.

The themes of democratization and “world governance” are in fact to be found in the contributions of Romani Prodi himself. I quote from his speech of 31 March 2000 at the Second COMECE (Commissio Episcopatum Communitatis Europensis) Congress in Brussels:

“The world we live in”, Prodi notes, “is changing fast. The emergence of a single global economy is making individual countries ever more interdependent and national boundaries increasingly irrelevant. At the same time, the IT revolution is turning our world into a global digital village, and international trade is growing exponentially, almost doubling in volume every decade. Yet the very forces which are uniting the planet threaten to deepen the divide between rich and poor countries, between the haves and the have-nots in our societies....

[But] we need globalization that promotes social equity and works to *everyone’s* advantage, including the poorest nations on earth.

²² Mark A. Pollack, “The Commission White Paper and European Governance”, in *EUSA Review*, Fall 2001.

²³ Daniel Wincott, “The White Paper, the Commission and the ‘Future of Europe’”, in *EUSA Review*, Fall 2001.

²⁴ Cf. Erik Oddvar Eriksen, “Democratic or technocratic governance?”, Jean Monnet Working Paper no. 6/01: “The proposals outlined in the White Paper for change in the EU are also an example of what, in analytical terms, political scientists call governance. This is not political rule through responsible institutions such as parliament and bureaucracy – which amounts to government – but innovative practices of networks or horizontal forms of interaction... This is much in line with recent scholarship in its efforts to conceptualise the EU. The EU is conceived as a system of multi-level governance which consists of multi-tiered, geographically overlapping structures of governmental and non-governmental élites. Some analysts term this the new governance agenda...”

We therefore need to devise some democratically accountable way of handling globalization, a new kind of global governance to manage the global economy. Business is going transnational: so must politics.

A strong multilateral system of *global governance* [my emphasis: G.L.] is essential for preventing or peacefully resolving the global conflicts that could easily arise from climate change, migration, nuclear proliferation, resource scarcity and other global issues.”

Prodi asks: “What form should such governance take? I think that any such system must involve three key elements:

- Strong institutions based on shared values;
- Co-operation between increasingly integrated regions of the world; and
- Democratic accountability.”

Again, a combination, one might think, of good intentions and innocuous clichés. For instance, Prodi lays special emphasis on the “democratic” aspects of his project, especially on this notion of “democratic accountability”. That sounds attractive. But this very phrase is in fact a good example of the way the illusion is sold. Whereas the term “democratic” has a long, controversial and still proud history, “accountability” is drawn from business audit jargon. Bruce Charlton explains: “Accountability is assumed to be an intrinsically desirable goal... Yet accountability is a slippery rhetorical term with two largely distinct meanings: a sharply-defined technical managerial meaning, and a looser, more general or ‘popular’ meaning. This opens the way for accountability to be used in a rhetorically manipulative fashion – by shifting back and forth between technical and general meanings... Accountability in its technical sense carries almost the opposite meaning to those democratic, egalitarian, radical and ‘empowering’ values that are associated with the term in general usage... Behaviour is labelled as unaccountable (hence unacceptable) simply because it is not subject to managerial control, and this is taken (by managers and politicians who wish to control this behavior) to imply a need to introduce audit systems... As with accountability, the effectiveness of this form of managerial discourse depends upon the rhetorical device of switching between general and technical meanings of the word....”²⁵

Prodi remarks that “world governance like European governance can acquire true legitimacy only if *the citizens are involved* in policy-making and decision-making”. Of course, we already saw that the governance project is not – as he suggests – characterized by its involvement of citizens in decision-making, but rather by its replacement of the active citizenry as a category by that of civil society; and within civil society, by that of the

²⁵ Charlton, “Audit, accountability, quality and all that: The growth of managerial technologies in UK Universities”, in (ed.) Stephen Prickett and Patricia Erskine-Hill, *Education! Education! Education! – Managerial ethics and the law of unintended consequences*, Exeter: Imprint Academic, 2002. I do not know how Mr Prodi himself understood his slogan. But it is how such dicta work that counts.

(managerialist) concept of the stakeholder.²⁶ Towards the end of his speech, Prodi reveals at least some of his cards:

“The challenge of democratic accountability”, he concludes, “faces Europe too, as we enter the new millennium. It is clear *that representative democracy and the European institutional system as it has existed over the last half century are no longer meeting the aspirations of our citizens.* They want a *much more participatory democracy*, one that gives them a real say in shaping their future.”

The message could hardly be clearer: the “old” way, the way of “representative democracy”, is no longer valid. It is to be replaced by a new, “much more participatory system” – the governance way.

Brown comments: in the proposals made in the *White Paper*, “the people, understood as the whole body of the citizens, is the absent figure. *The great paradox of governance is that it claims to extend democracy to civil society; yet the latter is precisely that set of relations in which the individuals are not citizens, but simple vectors of private interests* [my emphasis: G.L.]. One is only a citizen in so far as one is a member of the sovereign people. The placing of the law, as an expression of the will of the sovereign people, above private interest, is the only instrument which the citizens possess against inequality and against the domination of the weaker by the stronger. Thus the apparent ‘devolution’ of powers to civil society which the neo-liberal governance system is bringing about means depriving the people of its sovereignty. In fact, what is being carried through is a coup d’état, for the moment of a bloodless kind.”²⁷

The post-democratic era

Why is all this happening now?

Anything like a full historical account would of course be an immensely complex one. But it is clear that the fall of the Berlin Wall and the collapse of Soviet Communism – a tragic series of events, in the technical and indeed in the classic sense of the term – removed

²⁶ Cf. for instance Les Metcalfe, “More Green than Blue: Positioning the Governance White Paper”, *EUSA Review*, Fall 2001: “Granting the importance of the five ‘principles’ of good governance, they have not been crafted into a new model of EU governance and specified in a detailed programme of reform. Individually, they are not precisely formulated. The first two, openness and participation, are not just proposals for change; they are also invitations to a wide range of *stakeholders* [my emphasis: G.L.] to participate in defining the direction of change. The principle of accountability is equated with clearer definition of individual institutional responsibilities and does not really address the difficult problems of designing frameworks of accountability where there are shared responsibilities in multilevel systems of governance. Presenting effectiveness as a principle avoids dealing with the thorny conceptual and practical problems of determining what effectiveness criteria are applicable to governance networks. Moreover, relying on a limited management-by-objectives model carries the risk of ignoring important dimensions of effectiveness and creating rigidities that make adaptation to change costly and slow. Finally, the principle of coherence is a watered-down version of the earlier commitment to ‘radical decentralization’. Its vagueness is symptomatic of the lack of a model that explains how new forms of governance based on partnerships and horizontal coordination can manage interdependence in multilevel organizational networks.” All this – which is an internal critique of the jargon of the *White Paper* – means in effect that the debate is no longer about “democracy” at all, but about the application of managerial (that is, originally private-sector) criteria to the public space of European politics.

²⁷ Massimo De Angelis mentions in connexion with the governance project “the production of war and the management of neo-liberal peace.... War here is not simply the product of an army in the war theatre, but is the co-regulation of different network of actors, the army, the media, the NGOs, the charities. Often these actors have different interests and goals, yet the way they are organised into a whole constrains their choices. The way these actors are articulated, their *governance*, allow them to claim they all ‘do their job’, without being able to question the rules of their functional integration in a broader mechanism.” Angelis, op. cit.

practically all obstacles to the realization of what we might call the “essence” of the world capitalist (or if you like the free market, liberal, now neo-liberal) system. The eyes of many of us are regularly turned in the “wrong” direction – sometimes in the direction encouraged by the politician-conjurer – the illusionist. So most of the European – and perhaps even of the world – populations, casting their view on the crumbling communist regimes, failed to think much about what was coming next. They probably did not even concern themselves with the application of the most elementary of political laws. If Lord Acton’s well-known warning is still salient – that “power corrupts, and absolute power corrupts absolutely” – then it follows that a monopolar system based on any “value system” you care to name is bound to become a real threat.

The ex-Soviet dissident Alexander Zinoviev writes provocatively in this connexion: “Humanity has entered the post-democratic era. Democracy has completed its task as an instrument of the western world in the struggle against the communist world during the Cold War period. Since the collapse of the other superpower, the USSR, the planet has become ‘single-State’ or ‘monopolar’. This means that democracy is now superfluous for the western world’s leaders.... Previously, at the time of the Cold War, there existed a world-scale democracy: in the world there was a cohabitation of the forces of Western democracy, the communist ‘East’ and the Third World. Within the Western world, democracy was embodied in the relations between the nation States as well as between the forces within each State. The struggle between parties influenced the policies of the authorities in a public way.... Since the end of the Cold War, whose result was the defeat of the Soviet bloc, of the USSR and of Soviet communism, we have witnessed a giddy fall of democracy...”²⁸

If democracy has experienced such a giddy fall, that does not mean that the peoples themselves have abandoned it. Rather, the post-democratic scheme has to be actively “marketed” – the term is not inappropriate – in imaginative ways. But it is not just a question of marketing: it is also a question of principles of efficient organization of the capitalist formation. The “governance way” seems to offer not only a marketing opportunity, but such practical principles too, perhaps even in their optimal version.²⁹

In 1999 Jean-Marie Guéhenno, former French Ambassador to the Western European Union, published his book entitled *The End of Democracy*.³⁰ Hauke Brunkhorst, referring to Guéhenno, writes of organizations like the now hegemonic European Union or World Trade Organization (etc.) as characterized by “long chains of legitimacy”. Thus they may be considered, “if we regard matters pessimistically, [as] post-democratic ... [They are] regimes of hegemonic law, ... [tending] to become – as Max Weber once suggested with reference to the German Imperial State (Kaiserreich) – a ‘system of organized irresponsibility’”.³¹ Guéhenno’s point is that any democratic system presupposes and requires that the political authorities of that system can and will be held responsible for what they do or omit to do. But in a world in which power has shifted away from such states, toward all kinds of international forces – whether themselves “political”, like the European Union or United Nations – or economic forces etc. – such responsibility is ceasing in many cases to be a realistic assumption. In other words, global governance means not an extension of democracy, but its tendential end.

Governance, as we already saw, is a system of “participation”. That, indeed, is its political “strength”. This is true at all levels, from the global to the local. It is from this state of affairs that it draws what is called its “legitimacy”. But it is not a system of *equal* participation. Far

²⁸ Zinoviev, “Une guerre contre l’Europe”, in *Le Monde*, Paris, 25 May 1999.

²⁹ But maybe not entirely optimal in every respect. For instance, De Angelis argues (op. cit.) that “very few NGOs can sustain ... close partnership relations with business and government without at the same time alienating the support of social movements and thus their legitimacy”.

³⁰ *La Fin de la Démocratie*, Paris: Flammarion, 1999.

³¹ “A Polity without a State? European Constitutionalism between Evolution and Revolution”, ARENA Working Paper 14/03. Of course, there is also an “optimistic” viewpoint...

from it! Corinne Gobin speaks in this connexion of a movement “from representation to participation”.³² The general philosophy inspiring the “European way” is that of a triangular schema in which “civil society” is invoked in order to “complete” the system of market and political power. In the type of political system – for example, that now being promoted by the European Union – called governance, “the multitude of associations presented as being on a footing of equality (for the differences based on financial power or on the nature of the links between representatives and the represented are not mentioned) usurps the place of the people.... The sovereignty of the people and the elective principle of representation based on a mandate and on political responsibility are no longer recognized as being the foundation of the democratic edifice. The use of the reference to ‘civil society’ allows the actions of groups representing the interests of various private powers, whether business, corporatist or religious powers, to be legitimated, while the general interest is finally marginalized and diluted. Democracy understood as the representation of the people becomes a democracy of the representation of ‘powers of note’. ‘Participation’ becomes the key term of this system: the new legitimacy of political power is built on such an idea of participation... This system of participation is situated below any principle of the separation of powers, every partner institution being in the last instance associated with the Executive, conceived as an immense network (the image of governance again)...”³³

Cassen calls the new system a “privatization of politics”.³⁴ Jacques Rancière calls it by the name of “consensual post-democracy”.³⁵ Henri Acselrad comments in this regard: “The end of the military dictatorships and the worldwide democratizing wave of the 1980s gave rise to strong expectations that there would be advances in the double process of democratizing the State and socializing politics.... Today a very different paradigm has emerged.... Formerly political themes are de-politicized and moved to the private sphere. Government practices are transferred to non-State players through new channels, such as forums and councils that are considered exempt from the purportedly limited relevance and effectiveness of politics. Private civil institutions are now supposed to express unity – once the prerogative of the state political authority. The values, cultural models and rules of the social game in which interests are defined, are now considered beyond doubt, and the various interests are symbolically united. Lastly, politics is translated into economics through metaphors like ‘entrepreneurial-city’ for urban policies, ‘entrepreneur-employee’ for the management of public investment programs, ‘competitiveness of the nation’ for the country’s international strategies, the attribution of prices to non-mercantile elements of the environment, the treatment of the selling capacity of science as an expression of the value of the knowledge produced in the universities etc. So the model that Jacques Rancière called ‘consensual post-democracy’ is becoming increasingly visible, characterized by the concealment of conflict, the ‘disappearance of politics’ and the assignment of particular social groups as appropriate for joining in negotiations with the State, having being assigned the new status of ‘partners’. The councils and forums include bosses and workers, polluting agents and the polluted victims; yet these councils and their equivalents, hybrid figures between State and society, nevertheless treat each and all as possessed of this homogeneous status of ‘partners’....”³⁶

In conclusion, Acselrad argues that the “consensual post-democracy” notion “suggests the corporation as a model for the organization of society. The idea is that the logic of efficiency,

³² “De l’Union européenne à ... l’eupéanisation des mouvements sociaux?”, in *Revue de Politique internationale comparée*, vol. 9, n° 1, Bruxelles, Printemps 2002, pp. 119-138.

³³ Gobin, op. cit., p. 11.

³⁴ Cassen, op. cit.

³⁵ See for example Rancière, *La Mésentente: politique et philosophie*, Paris: Galilée, 1995.

³⁶ “Globalization and the public sphere – consensual post-democracy or revival of the Polis?”; communication presented at the Development Policy Forum 2001 of the Heinrich Böll Foundation, Berlin, 29 June 2001 (English modified).

measured by strictly monetary criteria, is from now on a guide to all aspects of social life – from public administration to the management of circulation of genetic information.” But, he pertinently notes, “no process of democratic construction could survive the shaping of social life on the model of the business hierarchy...”

This privatization of the public sphere is not just a matter of an (often ill-defined) number of (usually very unequal) partners negotiating “according to the rules”. The rules too are “up for negotiation”, or if you like, “up for grabs”. For just as in the case of the Law Merchant of a past, pre-democratic age – the “bodies of customs and law which grew up in the Middle Ages in Western Europe among merchants to regulate their relations with each other”³⁷ – so in the case of the new private law, operating on a global scale, what is important is not so much the statute law legislated by sovereign states, but the “arrangements” made between themselves by the big players. Pre-democracy, we might say, is thus renewed in the post-democratic age.

The secret of all such governance arrangements, whether in respect of procedure (rules) or content, is of course no secret at all: it is contract, or the contractual metaphor.³⁸ Some time ago I wrote:

“We are concerned ... with the present fashion in political thinking for ‘contractual governance’. The underlying ground of contract is the ... *pacta sunt servanda* principle: an entirely general principle, of late-mediaeval origin in its elaborated form...”³⁹

But, as we might expect in a world ever more dominated by the new, “flexible” governance principle, there is no new “planetary legal order”, the product of a sovereign authority. Indeed, the undermining of the diverse state sovereignties – though, for entirely obvious reasons, the sovereignty of the United States is better safeguarded in this respect than that of the European lands, let alone that of the Third World states – is producing, I argued, “what might be called a kind of ‘re-feudalization’ of social and of legal relations. There is, it appears, a ‘new type’ ... of contract, which plays a (more or less) novel political and legal role, offering the basis for an alternative to the older, hierarchical principle of internal State sovereignty – though in varied and hybrid forms. Indeed, [Alain] Supiot’s conclusion⁴⁰ is that ‘far from designating the triumph of contract over [State] law, the “contractualization of society” is rather the symptom of the hybridization of law and of contract’ itself and, again, of ‘the reactivation of feudal-type social bonds’.

What I want to suggest [I added] is that the present and planned configurations of the European Union reflect these developments... Europe has been established – though not without resistance from various quarters – as a kind of regulatory super-State. The result is sometimes referred to as a new ‘governance’ structure, as for instance in the European Commission’s *White Paper on European Governance*... The *White Paper* is concerned, among other things, with working out ways to make application of ‘contracts of agreed objectives between the Union, represented by the Commission, and the authorities with a regulatory or management capability’ (note the terminology).

Christian Joerges argues, more generally, that it is not surprising that the real-life practices of European government can best be grasped with the concept of ‘governance’; he even

³⁷ David M. Walker, *The Oxford Companion to Law*, Oxford, Clarendon Press, 1980, p. 726.

³⁸ I leave aside here complications of the type discussed for example by Harvey S. James Jr., who “contends that there is an important distinction between governance structure and contractual form”. The relevant point, according to James, is that “governance refers to the general environments and instruments that structure and ‘govern’ specific terms of trade negotiated in ‘contracts’”. But this complication is not pertinent to the present argument. James, “Separating Contract from Governance”, *Managerial and Decision Economics*, 21, 2000.

³⁹ Grahame Lock, *Oikoumenes promachoi*, Inaugural lecture, Leiden, 2003.

⁴⁰ Supiot, “La contractualisation de la société”, *Le Courrier de l’environnement*, no. 43, May 2001.

quotes Joseph Weiler's words about the 'underworld' of the European governance system.... The policy vocabulary is nowadays rich with new conceptual combinations."⁴¹

But all these combinations depend on one or another mixture of contractual and business or managerial categories. They all aim at a privatization of the State. And this is the essence of the governance idea, whether in the variety of "good governance", of so-called "democratic governance", of "global governance", of "decentralized governance", of "associative governance", of "participatory governance" or whatever. Thus René de Schutter writes: the concept of governance is in any case "linked to the objectives of business administration and is oriented to performance".⁴² In the view of the World Bank, indeed, "democracy and the market go together, given that the democratic State is a 'light' State which functions in a symbiotic relation with the State, and no longer an interventionist State", so that "governance, a fuzzy concept indicating that the management of public affairs should no longer be confused with the power of the State alone, becomes a new condition of [structural economic] adjustment."⁴³

To look at the matter in quite another light, however, we might say – with Frédéric Debuyst – that the notion of governance now being peddled by the dominant political thinking "is a response to the needs of a policy of control over the world, or ... a reaction to the imperative requirements of neo-liberal globalization". Thus its essential principles are:

- a tendency to the subordination of the existing nation States to transnational economic agents, who are striving to impose their logic and their model of good management;
- the imposition, mainly by the well-known international agencies (IMF, World Bank etc.), of conditions for the grant of financial aid to the Third World and Eastern Europe, especially rules of structural adjustment, as well as political conditions; and
- the requirement that certain large-scale social programmes should be "decentralized", that is, entrusted to organizations of "civil society".⁴⁴

A European Commission Staff Working Document insists that the European Union is all about "involving" regional, local and non-governmental actors in "devising and implementing decisions" – it is about "accountability" to "stakeholders". Thus it is clear, claims the document, that "the reform of European modes of governance is all about improving democracy in Europe".⁴⁵ Or is it perhaps just the opposite?

But governance, as we saw, is not only a European project. Many similar texts can be found, issuing from countless governmental, non-governmental and private sector organizations. All this literature on governance, Debuyst argues, is "bedecked with terms which create the illusion of a democratic and caring vision of the world..."

What might be the future of this illusion?⁴⁶

⁴¹ Lock, op. cit.; Joerges, ARENA Conference on Democracy and European Governance: Theory and Practice in the Debate on the Future of Europe, Oslo, March 4-5 2002, Badia Fiesolana: European University Institute, 2002.

⁴² See René de Schutter, "De la gouvernance dans tous ses sens", in *Gresea Echos*, no. 39, 2003.

⁴³ Quoted by Schutter, op. cit.

⁴⁴ Debuyst, "Outil alibi ou contre pouvoir?", in *Gresea Echos*, no. 39, 2003.

⁴⁵ "Enhancing democracy in the European Union", Brussels, 11 October 2000, p. 4.

⁴⁶ The production of this paper was facilitated by a grant from the NWO (Dutch Organization for Scientific Research), no. 450-04-003: "Origin, significance and consequences of a major institutional shift: The rise of 'neo-contractualism', with special attention to Europe".