

Governance: An "Empty Signifier"?

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Let me begin my skeptical reflections about the concept of governance and its potential for political science with some observations concerning the syntactic structure, the semantics, and the pragmatics of the concept (without, though, pursuing any linguistic or discourse-theoretical ambitions) (I). I will then discuss how governance relates to the logics of market and state (II). By means of a speculation in the sociology of knowledge, I then attempt to understand the comet-like career of the concept (III). In conclusion, I will review three strands of criticism regarding the concept of governance and its application in social science.

I.

Let us begin with the syntax: the concept of governance is used to grasp, on the one hand, institutions (a "structure of rules"¹), and on the other hand, a process (that of steering), which is taking place in the framework of these institutions. Its use in the literature oscillates between two poles: structure *vs.* process. According to Thomas Risse, the concept is "more structure than actor-centered."² At the same time, the term *governance* does not allow for a verb form – and therein lies a parallel to another concept that underwent a similarly precipitous career, the concept of "globalization." There is no verb (such as "to steer" or "to govern") with which one could potentially express: "he is performing the activity *governance*"; just like it would appear nonsensical to say: "we globalize" this or that. If there were a corresponding verb, one could determine whether it is transitive (such as "to govern") or reflexive (such as "to conduct oneself").

In the use of these terms, governance and globalization appear as curiously subject-less processes that one cannot attribute to specific actors but which rather follow the logic of price formation in markets: something happens, but nobody has done it and would thus be responsible for the result.³ While in the case of globalization, it is on occasion still possible to use a verb, if only in the passive voice (the textile industry or a music genre are *being* globalized, i.e. they come under the control of global market processes etc.), this grammatical option does not exist in regard to *governance*. While one can say of governments that their members *govern* and the governed are *being* governed, governance is apparently something that can be observed and experienced, but nobody can in fact *do* it.⁴ The subject/object difference is lost, if and because "the addressees of regulation themselves participate in the drafting and implementation of rules."⁵ In the case of *governance*, the imputability of actions and their consequences to actors is also complicated by the often-emphasized "network" characteristics and "multilateral" nature of a structure that consists of a great number of active players.⁶ A further linguistic feature of *governance* is that the term is not only untranslatable (continental European languages rather use it as a loanword from the English).⁷ Yet in the English language itself, there is no substitute at hand, be it a synonym or a generally accepted short definition, which would be suitable to paraphrase the intended meaning. The consequence is, again similar to the use of "globalization," the ritualization and fetishization of a linguistic sign, carrying the aura of the timely and modern, which can

then be employed for the communication of diverse and contradictory semantic contents and associations.

Finally the concept of *governance* lacks a clear opposite, to which one can refer for the purpose of its negation (such as in military *vs.* civil or government *vs.* opposition). It appears that the sponsors and practitioners of governance, whoever they may be, logically and politically can do *without opposition*, for all relevant actors are included in cooperative networks (or at least it should be so in the case of "good" *governance*). The structures and processes of *governance*, as the concepts and its use seems to suggest, consist in a pure and innocent "power to," while power of actors "over" other actors is strongly deemphasized. This may suggest that ideological, premature and undifferentiating harmonization is one function of the concept and its discursive use, as I will explain in more detail at the end of this essay.

Moreover, the literature provides different answers to the question whether *governance* is the generic category or rather a counter-concept to *government*. As if this were self-evident, the authors of one of the many overview articles conclude that there is a "shift in political studies from interest in government to governance."⁸ In this formulation, however, it remains open for consideration whether *governance* is the *genus proximum* to *government* or rather an *aliud* of government, and thus an entirely different thing. In the former case, *governance* would just be an extension of the institutionally and normatively delimited sphere of state activity; in the latter case, it would be a novel form of coordination among actors, which has little to do with the conventional understanding of "to govern" and which becomes a quasi substitute for *government* in contexts where an agency with an unambiguous competence to rule does not exist (as in *corporate governance* or *global governance*). A further terminological boundary that awaits elucidation is the difference between governance and management; this conceptual difference remains unclear in common-place assertions that *governance* is equivalent to the "management of interdependence."

II.

Most of the time, *governance* is being used in contradistinction to *government*⁹ understood as the state's competence to rule through hierarchy. The implication of this usage of the concept is often that *governance* as opposed to *government* is a paradigmatically novel and somehow more advanced, frictionless, voluntaristic-consensual and more freedom-protecting approach to socio-political regulation.¹⁰ Sometimes, however, *governance* is used as a superordinate category, and not as a counter-concept to *government*. Then governance refers to "any kind of social order whatsoever" (including the cases of market and state), as Risse rightly criticizes Williamson.¹¹ Understood in this way, Risse argues, the concept would lose its "analytical clarity, it becomes synonymous with social order."¹² Even so Risse, like Benz¹³ and Mayntz,¹⁴ pleads for understanding governance as "the total of all coexisting forms of collective regulation of social issues: ranging from the institutionalized self-organization of civil society and the different forms of cooperation between public and private actors to the sovereign acts of the state."¹⁵ One might however ask then: why does this total not include exclusively private, market-based strategies, e.g. decisions on innovation in the pharmaceutical or electronic industries, the determination of store locations by a retail chain or the sales strategy of a textile company? These strategies, as they are negotiated between management and a certain number of *stakeholders*, are also, at least in terms of the long run outcome and often according to the intentions of participants, nothing else but

"collective regulation of socially relevant issues," even if these issues are usually sectorally and regionally limited.

However, Risse argues that markets do *not* belong to the conceptual field of *governance* because they are "instituted as such for the private maximization of gain, and not for purposes of *governance*." What a juxtaposition! Some players in markets, such as business corporations, do enjoy the legal freedom (or, at any rate, can claim it factually) to participate significantly in the regulation of collective issues through positive or negative externalities – ranging from vocational training to impacting upon climate change. Economic reformers in newly industrializing countries would certainly confirm that they have given priority to the institution of markets (i.e. property rights and price liberalization) exactly because they view the latter (rightly) as the only path to achieving the objective of *governance*, not of individual gain maximization, but of *collective loss minimization*. Without doubt, the creation of markets for trading emission rights is an act of governance, too. Beyond the context of societal transformation processes it is further indisputable that the decisions, at least those of large corporations, regarding investment, innovation, employment and business location have very significant effects for "socially relevant issues," as the participants well know – among them are manifestations of *corporate social responsibility* that may count on nearly universal approval.

Foundational acts of *establishing* markets and the institutions for their ongoing *supervision* by the state (e.g. antitrust regulation) must be distinguished from the spontaneous price-driven coordination of action by actors on either side of the market relationship. The latter should certainly be excluded from the semantic field of *governance*, insofar as the actors are not (as in the examples above) "capable of strategic action" and thus do not have a significant potential for generating externalities and thus a positive or negative, intentional or only incidental, impact upon socially relevant issues, through which they can block or promote public policies dealing with these concerns. One should, on the other hand, also exclude the (presumably shrinking) realm of manifest sovereign state power, which takes place in the sphere of the three powers of government alone and hence without the "cooperation" of actors that are located outside the official structure of the state apparatus.

My plea is therefore to sharpen the concept of *governance* by introducing conceptual boundaries around it. On the one hand, a boundary must be set around the private and civil society sphere, where "spontaneous" coordination of action, which has nothing to do with governance, occurs through associative as well as market transactions within a framework of social and legal norms. And, on the other hand, a boundary must be set around the core sphere of state institutions, for which one should retain the concept of *government*. For what point would there be in understanding statehood as a "subset of governance," which Risse proposes, and thus drowning the specific profile of distinctively authoritative state structures and processes (as they are evident in any customs office, district court, or issue of a law gazette) in the gray area of an irredeemably overstretched concept?

If one accepts these two delimitations, there still remains a large set of phenomena that a concept of governance, thus defined, would capture. This includes, on the one hand, the regulation of publicly relevant issues by non-state strategic actors – e.g. large corporations, employer associations, unions, churches, chambers of commerce, the mass media, etc. And on the other hand, this would include actors, on whose cooperation state policy depends without being able to mandate and sanction such cooperation.¹⁶ These phenomena encompass activities which can be subject to very different normative evaluations. The shaping of publicly relevant affairs through private actors can be seen as the exercise of foresighted responsibility and an obligation oriented toward the common good. This will be especially

relevant and welcome where we encounter conditions of "limited statehood," with private actors thus, as it were, substituting for deficient state capacities. In contrast, however, private actors might also take advantage of their power position in order to usurp genuinely public tasks. Yet the co-optation of non-state actors for the achievement of public policy goals might either increase the efficiency and effectiveness of the policy in question through the coordination of responsibilities, or it might lead to the systematic creation of dependency of public authorities on private actors ("state capture") and outright corrupt practices.

Hence, the proposed delimitation of the concept of *governance* aims to capture the range of phenomena that extends *between* the poles of competitive markets and the hierarchical expressions of state authority (and thirdly, the private sphere of citizens protected by basic rights). One can detect some constants concerning the meaning of *governance* in the relevant literature. The following important semantic contents are regularly mentioned: governance refers to institutionalized, if often "informal" modes of interaction, in which the participants cooperate in a conscious and goal-oriented manner, while not exclusively pursuing their own interests, but also the common concerns of the members of a political community (or a large corporation). These, in turn, cannot be promoted (or at least not exclusively and in an efficient and effective way) through hierarchical sovereign action by the state and according to the model of command/threat, of coercion/obedience, which are the classical forms of sovereign action (such as the raising and – distributive or redistributive – use of public monies, regulative legislation, police and the administration of justice, and foreign policy). *Governance*, so understood, may apply to all kinds of political or social units, such as corporations ("*corporate governance*"), municipalities, interest organizations, individuals, states, subsections or the entirety of the international system. *Governance* especially takes place where (due to the absence of a state-analogous "world government") state-organized hierarchies are insufficient, namely in the sphere of *global governance*. Global governance can be described as "the complex of formal and informal institutions, mechanisms, relationships, and processes between and among states, markets, citizens and organizations, both inter- and non-governmental, through which interests on the global plane are articulated, rights and obligations are established, and differences are mediated," as Thomas Weiss and Ramesh Thakur aptly characterize the still enormous scope of the meanings of the concept.¹⁷ The use value of the concept of *governance* for the social sciences is jeopardized by a tendency of "over aggregating" the phenomena it refers to, and thus my skeptical impression. It is not surprising that the concept has not been introduced by an authority in social theory, but by the World Bank, which suggested it in 1989 – with rapid and obviously lasting success.¹⁸

This exceptionally diverse usage shows that governance is a "bridge concept"; it is a concept employed to bridge and blur the differences that conventionally structure thought in the social sciences. Jessop notes that the concept is suited for the "rejection of several simplistic dichotomies that inform the social sciences."¹⁹ This applies to no fewer than seven conventional (be they "simplistic" or not) theoretical distinctions, which the use of the term "*governance*" is blurred in a sometimes rather irritating fashion. Thus the concept refers to both the state and society spheres (as in "*private-public partnerships*," a prime example of *governance*²⁰), as well as political and economic action ("*corporate governance*"), structures and processes (see above), domestic and foreign/international issues ("*global governance*"), observable facts and social norms regarding desirable modes of action (*governance vs. "good governance"*), political strategies in developing countries as well as in OECD states. And, finally, the difference between subject and object is itself blurred, insofar as the addressees of rules participate in their making. Despite the inherent vagueness of the concept²¹ and its grandiose semantic overstretch, the World Bank has, since the mid-1990s, gathered

an enormous amount of data, from which it distills an index that measures the quality of governance in over 200 countries and territories which they employ as a criterion for developing policy priorities.²²

III.

Governance is a word that was nearly incomprehensible and hardly ever used as late as twenty years ago. Today it appears in countless book and article titles, as well as in the names of academic journals and educational institutions. The success of its dissemination contrasts with the informational value of the term; when one refers to something as an instance of "governance," one has not yet expressed much – exactly because of the multitude of possible meanings.²³ The discrepancy between the great popularity and wanting clarity of the concept is perhaps explained (from the perspective of sociology of knowledge) by the fact that the term evokes a fundamentally problematic experience made by actors in public life and, at the same time, that it seems to imply a promising answer to questions arising from this experience. This experience is that we encounter problems in countless areas of public life for which state policy and, generally speaking, *hierarchical* modes of action (be it military violence, legal commands, and the distribution of negative and positive material incentives), fail just as manifestly as market and quasi-market incentives.²⁴ At the same time, due to existing and known interdependencies, externalities, and extrapolations, it is evident that one cannot simply ignore these problems. The deficient capacity of state action (relative to the magnitude and urgency of these problems) is seen as being due to the fact that the objects of such action (i.e. the economic, scientific, familial, etc. actors) enjoy the protection of legal guarantees or wield de facto veto power which endows them with the capacity for autonomous action that can frustrate attempts of political steering and of state-initiated collective goods production.

It is this experience, made by practitioners of public policy, of disappointingly narrow possibilities for steering and intervention (an experience that is also mirrored in academic discourses on the scope of public policy making), that motivates the search for new methods of social and political regulation and the provision of sustainable patterns of social order. It is, I submit, because of this experience that the concept of governance and its mushrooming use promises to provide compensation for.²⁵ It has a stopgap function: one may fall back on *governance* as a comparatively "soft" mode of substituting for state and government while avoiding the political costs of conflict, so goes the attractive promise, everywhere where state capacity is deficient, on the one hand, and pure market coordination has little prospects of success, on the other.²⁶ Jessop interprets this recourse to "governance" as a pattern of mutually beneficial exchange: "... the state gives up part of its capacity for top-down authoritative decision making in exchange for influence over economic agents and more effective overall economic performance."²⁷ This holds for important domestic and especially for international contexts in which formally sovereign states confront each other and may coordinate their actions only in a (formally!) non-hierarchical manner.

This cooperative and consensual mode of "getting things done" does of course not exclude, but positively implies, that behind the voluntaristic facade, actual power relations and dependencies have all the more impact. The optimistic expectation associated with references to and reliance upon *governance* is "that the cooperation of societal and public actors... generates greater problem solving capacity."²⁸ It is as if leading actors of state policy-making are resigned with regard to their own capacity for intervention,²⁹ and have thus embarked on the search for substitutes that promise a better fulfillment of their tasks,³⁰

and which also imply the attractive aura and vision of a form of coordination that is horizontal, based on equal rights, voluntariness and participation, democracy and transparency, as well as on "reciprocity" and ostentatious "pragmatism."³¹ Their search for regulatory practices that may complement the functioning of state hierarchies and partially replace them is propelled by the growing demand for both transnational and sub-national (especially regional; the key words here are *devolution* and *local governance*) collective goods and cooperative relations (starting with the integration problems of the European Union³²) for whose satisfaction hierarchical structures are unavailable or of limited use.

One appealing feature of the concept is that it raises the question of the relation between state intervention and societal autonomy.³³ This connection is made under two clearly distinguishable, if mostly implicit, normative premises. On the one hand, one finds the notion that *governance* can increase the intervention capacity of the state by bringing non-state actors into the making and implementation of public policy, thus making the latter more efficient and less fallible. The underlying idea is that of a "servo-mechanism." This idea is generally (if technologically not quite correctly) understood to be a force enhancer, used for example to conveniently ease the handling of a steering wheel or the brakes in a car. The catchphrase of this doctrine is that the state should limit itself to *steering* and leave the *rowing* to other actors.³⁴ One could also speak of auxiliary forces within civil society who, through appropriate means and according to their specific competences and resources, are being recruited for cooperation in the fulfillment of public tasks, become subject to regulatory oversight and economic incentives, and are thus licensed to privately exercise (previously exclusively) public functions. The core intuition is that of a *state-organized unburdening of the state*. Such strategy is not limited to investors taking over, according to the strategy of privatizing utilities, services, and infrastructure; it also extends, through the logic of "activation" and the call for more "personal responsibility," to labor and the privatization of its risks. The emphasis on regulative steering, to be executed in cooperation with other actors, being the primary function of the state, implies a diminished significance of other types of state action, such as an "active" demand-side (as opposed to an "activating" supply side) labor market, employment policy, and the public provision of infrastructure and services. Underlying this shift in emphasis is the vision of a "leaner" and at the same time more "capable" state. State capacity – according to this normative perspective that is associated with the "third way," "new Labour," and similar neo-social democratic doctrines – is to be enhanced by forging alliances with key strategic actors within non-state institutional sectors.

The other normative premise under which *governance* offers an appealing perspective is diametrically opposed. It is not interested in enhancing state capacity, but in substituting or at least restraining it according to neo-liberal premises. This perspective argues that a virtue of *governance* is that it can functionally outperform hierarchical and command-based interventions by the state through autonomous societal *self-organization* and thus make the former partially dispensable. Into this context belong strategies of social and economic policy that focus on liberalization and privatization (of health care, energy and transportation services, public media etc.), as well as on the *outsourcing* of organized state services (even including sovereign core competences of the military, the police, and the prison system).

The first of these discernibly normative orientations is rooted in a social-democratic-statist or corporatist political philosophy,³⁵ while the other, contrastingly, is rooted in a "state-critical," market-liberal, or communitarian view. The latter amounts to a valiant departure to new horizons of social and economic policy: "The function of making and implementing socially binding decisions... can be performed by the state, but in principle also by

functionally equivalent arrangements. The nation-state is but one possibility of organizing governance."³⁶

Such an arrangement for the nation-state would, however, have to do without any evident connection to democratic legislation as the source of "binding decisions," nor would it allow for the legal regulation and review of procedures and outcomes. It much more resembles the political-institutional formation that Colin Crouch has described as "post-democracy" under which economic actors enjoy the license to do as they please.³⁷ In any case, it is clear that *governance* is being enlisted for quite opposite interests, namely the intelligent *extension* vs. the *substitution* of the state as the designer and guarantor of social order. Seen in this light, the concept derives its timeliness and popularity from the fact that it provides an arena, so to speak, in which two schools of thought concerning the question of the "intensity of state intervention" clash.³⁸ As far as I can see, however, the users and protagonists of the *governance* approach have thus far shied away from conceptualizing this arena as such and have rarely positioned themselves in it.

At an admittedly very high level of abstraction, one may conceive the modalities of coordination, which are being described and advocated under the banner of *governance*, as synthetic solutions for the two fundamental problems of social order. At stake are, on the one hand, the "horizontal" problem of collective action and the production of collective goods (the *collective action* (CA) problem). On the other hand, the "vertical" problem of controlling "agents" who (are supposed to) act on behalf and in the interest of other agents ("principals") from whom they derive their authorization – the *principle agent* (PA) problem. The solution of CA-problems requires an answer to the question of how actors can be motivated (in a way *other* than legal command or material incentives) to bracket their short-term or particularistic interests in the service of realizing a collective advantage (or preventing a collective disadvantage). PA-problems pose the questions of how one can prevent office-holders and elected representatives from "opportunistically" violating their mandate by exploiting information-asymmetries, entering into corrupt and other self-serving transactions, betraying their constituencies and instead truthfully fulfill the tasks with which they have been entrusted. In its most optimistic reading, *governance* is a catalyst for cooperation that solves CA problems *and* serves as a mechanism of "good" (i.e., clean, accountable, transparent etc.) rule that minimizes remaining PA problems. Yet all of this, taken together, amounts at best to a promise, not its redemption.

Accordingly, we must distinguish, I suggest, the normative question of the structures and practices identified by the concept of *governance* as qualified by standards of democratic theory from another normative question. As to the first, the issue is, put simply, what is *governance* is "good" for, with the critical follow-up question being: Is it good for the mobilization of cooperative orientations and the achievement of collective advantages through the formation of alliances between state and non-state actors? In the latter case, the *criteria* for "good *governance*" are at stake, in which the World Bank has a strong and legitimate interest, especially in the context of development policy. Here, the critical question is: To what extent does the practice of *governance* guarantee the compliance of political, administrative and other elites with their mandate, mission, and code of office? One would unduly amalgamate one with the other, if one followed Thomas Risse's proposal to postulate a "minimal normativity" and "common good orientation" as part of the very definition of *governance*, which would prematurely sublimate the concept in political and moral terms. It is further difficult to see why the concept of *governance* should by definition refer to the common good of a *specific* social entity (i.e., the citizens of a nation state), and not

alternatively (depending on the context of inquiry) to a corporation, a local community, a sector of the economy, or a supranational federation of states.³⁹

IV. -

I conclude with a sketch of three types of criticism that can be applied to the theory and practice of *governance*.

- (1) The least serious objection is that, as we have seen, the conceptual elaboration of the phenomenon in question leads to many unresolved issues and grey zones. Which characteristics define the phenomenon? How do we recognize the presence of these characteristics? Which related phenomena can we distinguish? Is it new in substance or is only the term new? Which types of the phenomena can we distinguish and mark off from each other clearly? How do we explain its occurrence and diffusion? And how can one evaluate it under criteria for the quality of *public policies* (e.g. efficiency, effectiveness, transparency, responsibility etc.)? Comparing the specifications of *governance* that are most often mentioned (e.g. *multi-level*, *supra-national* or *global*, *local* and in the context of development policy "*good*" *governance*), it is not easy to determine a common denominator. While the network property and informality of negotiations in *governance* is usually stressed in economic and social policy contexts, one places great emphasis on procedural formality, accountability and transparency in the context of development policy, where *good governance* refers primarily to the fight against corruption.
- (2) The unresolved polysemy of the concept enables its protagonists to connect it to all kinds of positive adjectives and to embed it in a harmonizing rhetoric. The attributes used to describe *governance* are adjectives such as non-corrupt, transparent, informal, citizen-friendly ("*bürgermah*"), legitimate, efficient, responsible, collective goods producing, effective, common good oriented, horizontal, problem-adequate and participatory,⁴⁰ and nouns such as interplay, collaboration, participation, informal governing, agreement, interaction, consensus, mutual learning, cooperation, convergence of viewpoints, adaptation, leadership through consensus, etc. Its lack of conceptual contours opens *governance* for all sorts of euphemisms. In the limiting case, the meaning of the concept becomes tantamount to "all that happens (or would have to happen) in order to resolve the collective problems of a set of actors in satisfactory ways." Governance, according to the prevailing use of the concept, is a *limine*, a game without losers, leading to the achievement of "good results." As stated by Blumenthal, "The normative use of *governance* is based on the assumption that the increased adoption of new forms of steering will improve efficiency and effectiveness and will generally restore state capacity."⁴¹ Wikipedia defines *governance* as simply as tellingly: "a worthwhile pattern of good results while avoiding an undesirable pattern of bad circumstances" and "Governance conveys the administrative and process-oriented elements of governing rather than its antagonistic ones." And as put by Mayntz, "*Governance* means regulating issues and solving collective problems."⁴²

Mayntz, however, convincingly adds: "A selective research interest in problem solutions and their preconditions is permissible as long as one does not *ex definitione* assume that political reality is *always* about solving collective problems and not – in addition or even primarily – about gaining and holding on to power."⁴³ Yet the existing literature on

governance, at least to the extent I have absorbed it, provides little intellectual leverage, with few exceptions,⁴⁴ for the assessment of the question of whether either "solving collective problems" or "holding onto power" is the case. Questions concerning the assertion of socio-economic power and the concomitant hollowing out of political power do not fit well into the largely euphoric discourse about the blessings of governance. But the pertinent questions, to be addressed by case studies, are obvious: with *whom* does the "cooperative state" actually cooperate, and which role does the anticipated capacity for the exercise of veto power play in the ("informal") selection of negotiation partners? How can one describe typical *results* of cooperation and under which circumstances does political exchange become asymmetrical? What effects do the tensions between functional and territorial representation, cooperative and hierarchical *modus operandi* of state organs, informal agreement and formal legislation have on (the robustness of) the institutions of the democratic state and the principle of the political accountability of parties and governments? How sure can we be that the "shadow of hierarchy"⁴⁵ and its credibility – i.e. reserving the option of authoritative state intervention in case voluntary cooperation fails – will not fade away due to its permanent existence in the virtual mode? The almost universal bracketing of such questions lends justification to diagnosing the *governance* discourse with a tendentious blindness for questions of power, distribution, and conflict.

- (3) A third group of objections relate to a certain depoliticization of the *governance* approach. Participants in the discourse on governance tend to adopt the perspectives of negotiating organizational elites without taking into account the significance of conflicts of interests and values that take place in the public outside the negotiation room. One widely used conceptual scheme uses the pair of *politics vs. policy*, referring to the contentious *acquisition* of power *vs.* the consensual *deployment* of power by parties and governments. The use of this distinction often implies the notion of a sequence: first comes politics, then policy. Yet the contentious acquisition of power does not merely *precede* the use of power, it also accompanies and follows it. This is to say that policies in many issue areas are only as successful as the *persuasion effort* accompanying its implementation. Goodin, Rice, Parpo and Erikson remind us of this important, as it were, "post-technocratic" insight: "All our talk of 'making' public policy . . . loses track of the . . . truth . . . that politics and policy making is mostly a matter of persuasion."⁴⁶ In the same vein, Ringen argues, "It does not help governments to be able to give orders . . . they need to be able to *persuade* . . . Regulating is not enough. Governments in addition depend on *speaking*. They need to explain, to 'sell' their policies, to make themselves trusted."⁴⁷ The obvious implication is that policy-making through arrangements of governance may be entirely pointless unless the accompanying "speaking" does in fact turn out to be "persuasive."

Such insights are entirely lost, for example, on those party and government actors who routinely resort to the excuse that a policy or legislative project is actually "right" or "necessary" or "without an alternative," but just suffers from a "communication problem." To this, one might pointedly reply: a policy that cannot communicate itself persuasively *cannot* be the "right" policy. If it is true that the hierarchical instruments of state coercion have lost much of their effectiveness, then this means conversely that the success of public policies depend on voluntaristic networks of *governance* and *also* require, to the same extent (if not even more), that relevant segments of the citizenry understand the policy, support it, if necessary endure it and, in any event, "participate" in it consciously and voluntarily. The cooperative

and informed support of policies is generated through two forms of *persuasive speech* (that is, of political "rhetoric" in the classical sense): on the one hand, through a credible and informative *explanation* of the relevant issues and problems that the policy addresses, and, on the other hand, through invoking *norms* and *values* which can be recognized as relevant motives and legitimating basis of proposed policies.

The entire governance discourse, if I see it right, has hardly anything to say about this aspect of coping with social problems by means of politics; it fails to take into account discourses, deliberation, publicity, communication, mobilization of support, and political culture as variables that can decisively influence the success of policies. This blind spot is noteworthy for two reasons. For one thing, because social order and sustainable coordination of action cannot only rest on (a) political rule enforcement and (b) economic incentives alone, but must also rely to a considerable extent on (c) social norms and value commitments – that is, in classical terms, through Durkheimian "solidarity." On the other hand, there seems to be an increasing number and significance of political issue areas in which successful policy implementation is directly contingent upon the support and cooperative action of *individual citizens* (as opposed to corporate bodies and representative elites as the partners in governance) who must play a role as "co-producers" of social order. At the micro-level of everyday behavior, citizens become in a way the ultimate executive agents of public policies (or, as the case may be, the ultimate cause of policy failures). In this role, the citizen does not primarily respond to government's authoritative commands nor to material incentives,⁴⁸ but to political *signals* in the form of recommendations, information that has implications for behavior, programs with the purpose of consciousness creation, role models, alerts, disapproval, shaming, encouragement, appeals for prudent and responsible behavior, hints, moral campaigns and other "soft" forms of political communication between policy makers and citizens. Such signals differ from formal legal norms in that they appeal to social and moral norms rather than threatening sanctions or promising gains. They address citizens in their capacity as, for example, users of highways, parents, consumers, clients of education and health care systems, residents of neighborhoods, cities and eco-systems. But more generally they address citizens as responsible authors of their own life plans and life styles who are capable of both developing a reflexive awareness of their conduct and of binding themselves to situationally relevant social norms. Policies of this type do not primarily address organized collective actors and corporate bodies (such as companies or association), nor do they rely upon enforcement and incentive mechanisms (which often are inoperative anyway).⁴⁹ They only suggest and specify patterns of prudent, norm-oriented, and collectively desirable patterns of conduct. Examples are policies that address, often in the form of campaigns and the provision of information and exhortation, the regulation of all aspects of parental and inter-generational behavior, gender relations, issues of the integration of migrants, issues of physical safety on roads and in workplaces, health and environment-conscious consumer behavior, prevention of health hazards, fighting the abuse of addictive substances, suggesting a well-informed and well-considered distribution of one's life on qualification, working life, and family life, etc. All these policies rely on the successful activation of the cognitive and moral resources of citizens through signals and appeals that educate and remind people of what is "the right thing to do."

To be sure, there can be no doubt that the use political elites make of the "soft" signaling policies can have manipulative, de-politicizing, discriminating, paternalistic, patronizing and populist qualities.⁵⁰ I only wish to highlight the (arguably growing) extent to which political elites do in fact engage in strategies of persuasion, policies of moral and cognitive signals, and appeals to the citizens' capacity for enlightened self-binding. Thus public policy is not

just acting in the mode of *governance* in the sense of informal, voluntaristic and network-like negotiation and cooperation among corporate bodies, but also by trying to activate the cognitive and moral powers of citizens in order to use them as a resource of public policies.

NOTES

1. Renate Mayntz, "Governance im modernen Staat," *Governance – Regieren in komplexen Regelsystemen*, ed. Arthur Benz (Wiesbaden: VS Verlag für Sozialwissenschaften 2004).
2. Thomas Risse, "Regieren in "Räumen begrenzter Staatlichkeit": Zur Reisefähigkeit des Governancekonzeptes," *Governance in einer sich wandelnden Welt*, eds. Folke-Schuppert, Gunnar and Michael Zürn, *Politische Vierteljahresschrift Sonderheft 41* (2008), 149–170.
3. Hence one must clearly distinguish the discourse in which *governance* plays a role from the social scientific theory of steering ("Steuerungstheorie") with its actor-centered concept of steering. "Like all action, steering must be attributable to a subject" (Mayntz "Governance im modernen Staat," 2; throughout this essay, all quotations from German sources are my translations, CO). This premise is abandoned when we speak of *governance*. In this concept "the proper political act, the intervention, recedes into the background . . . not the act of steering performed by actors, but the structure of rules, however it came about, and its effects on the behavior of the actors subject to it stand now in the foreground" (ibid., 4).
4. This observation is in tension with the fact that there are professional schools that teach *governance*, thus imparting knowledge that qualifies actors for a professional praxis.
5. Mayntz, "Governance im modernen Staat," 4. Here it would be interesting to know if and how this coincidence of subject and object is different from what an earlier terminology referred to as "captured agency."
6. *Governance* admittedly shares the property of not being usable as a verb with other important social science concepts (such as state, family, bureaucracy, class, church etc.) that refer to fields of action or contexts of action that also lack a directly correlated verb. Yet when referring to these fields of action, one can assume a certain lifeworld-based knowledge about who acts in them according to which rules and interests; this is not nearly in the same degree true of "globalization" and "governance."
7. This has the consequence that the term is without grammatical gender and hence it does not allow for the use of articles and relative pronouns – despite the fact that the etymological origin in romance languages suggests the female gender. The Germanization of the term – "die Gouvernanz" – occurs only once in the German translation of a OECD document (*Governance im 21. Jahrhundert*, Paris 2001) and it did obviously not become widely accepted.
8. John Braithwaite, Cary Coglianese, and David Levi-Faur, "Can Regulation and Governance Make a Difference?" *Regulation and Governance 1* (2007): 1–7.
9. See Andrew Jordan, Rüdiger K. W. Wurzel, and Anthony Zito, "The Rise of 'New' Policy Instruments in Comparative Perspective: Has Governance Eclipsed Government?" *Political Studies*, 3, no. 3 (2005): 477–496.
10. Ibid., 478.
11. As Risse rightly criticizes Williamson (see Oliver Williamson, *Markets and Hierarchies: Analysis and Anti-trust*, (New York: Free Press, 1975)).
12. Risse, "Regieren in "Räumen begrenzter Staatlichkeit,"" 2008.
13. See Arthur Benz, "Einleitung: Governance – Modebegriff oder nützliches sozialwissenschaftliches Konzept?" *Governance – Regieren in komplexen Regelsystemen. Eine Einführung*, ed. Benz. Arthur (Wiesbaden, 2004): 11–28.
14. See Renate Mayntz, "Governance im modernen Staat," *Governance – Regieren in komplexen Regelsystemen*, 65–76
15. Ibid., 66.
16. For this type of boundary-crossing and trusting cooperation, the term "new governance" appears to begin establishing itself. See Milena Büchs, *New Governance in European Social Policy: The Open Method of Coordination* (Basingstoke: Palgrave MacMillan, 2007).
17. Thomas G. Weiss and Ramesh Thakur, *The UN and Global Governance: An Unfinished Journey* (Bloomington, IN: Indiana University Press, forthcoming).
18. Despite its important research contributions, this fact requires attention and an explanation of how the World Bank could initiate an entire new social science paradigm and vast field of research.

19. Bob Jessop, "The Rise of Governance and the Risk of Failure: The Case of Economic Development," *International Social Science Journal* 155 (1998): 29–45.
20. See Tanja Börzel and Risse, "Public-Private Partnerships: Effective and Legitimate Tools of International Governance?" *Complex Sovereignty: Reconstituting Political Authority in the Twenty-first Century*, eds. Grande, Edgar and Louis W. Pauly, (Toronto: University of Toronto Press, 2005), 195–216.
21. *Governance* is "a ubiquitous 'buzzword' which can mean anything or nothing" (Jessop, "The Rise of Governance," 30).
22. "The governance indicators measure the following six dimensions of governance: i) Voice and Accountability; ii) Political Instability and Violence; iii) Government Effectiveness; iv) Regulatory Quality; v) Rule of Law, and, vi) Control of Corruption. They cover 209 countries and territories for the years 1996, 1998, 2000, 2002, and 2004" (Aart C. Kraay, Daniel Kaufmann and Massimo Mastruzzi, "Governance Matters IV: Governance Indicators for 1996–2004," *The World Bank*, 2008, <http://econ.worldbank.org/WBSITE/EXTERNAL/EXTDEC/EXTRESEARCH/0,,print:Y~isCURL:Y~contentMDK:20696276~pagePK:64214825~piPK:64214943~theSitePK:469382,00.html>).
23. When one searches the entry *governance* in recent social science encyclopedias and handbooks, the suspicion arises that the term is an "empty signifier," a merely verbal frame for largely exchangeable contents. Despite (or exactly because of) the lack of a fixed core meaning, such an "empty" concept may become politically and intellectually hegemonic, as Nonhoff demonstrates in the case of "soziale Marktwirtschaft" (social market economy), which is equally difficult to pin down. It has been surmised that "the ambiguity of the notion may have contributed to its abundant popularity" (see Martin Nonhoff, *Politischer Diskurs und Hegemonie. Das Projekt, Soziale Marktwirtschaft* (Bielefeld: Auflage, 2007); and Oliver Treib, Holger Bähr, Gerda Falkner, "Modes of Governance: A Note Towards Conceptual Clarification," *European Governance Papers (EUROGOV)*, 2005, <http://www.connex-network.org/eurogov/pdf/egp-newgov-N-05-02.pdf>; 4).
24. This failure also and especially manifests itself in the hegemonic unilateralism of the by far greatest military power of the world and its questionable ambition to impose, through the use of the state's means coercion, a *new world order* on global society.
25. Thus Tanja Börzel argues pointedly: "The demand for societal . . . self-coordination increases, so as to compensate for the loss of hierarchical coordination through the state." See Tanja Börzel, "Der 'Schatten der Hierarchie' – Ein Governance-Paradox?" *Governance in einer sich wandelnden Welt*, eds. Gunnar Folke-Schuppert and Michael Zürn (*Politische Vierteljahresschrift, Sonderheft*: 2008), 118–131. This demand could however only be met if the "shadow of hierarchy," that is, if the "threat of (public, CO) substitutive policy is credible" in case non-hierarchical modes of coordination fail. Thus the compensation of the state's hierarchic "weakness" by the means of voluntaristic horizontal coordination will succeed only if that weakness has not advanced too far, in which case the threatened fallback on authoritative intervention would appear as the growl of a toothless tiger.
26. "The change of concepts from steering to *governance* points to . . . changes in the politically relevant reality," Mayntz "Governance im modernen Staat," 6.
27. Jessop, "The Rise of Governance," 36.
28. Julia Blumenthal, "Governance – eine kritische Zwischenbilanz," *Zeitschrift für Politikwissenschaft* 15, no. 4 (2005): 1149–1180, 1157.
29. The relevant terms for the OECD world are "state failure" (Staatsversagen), "inadequate state capacity," "ungovernability," and "failed states" for regions outside the OECD world.
30. A collection of essays on these topics features the symptomatic subtitle "reconstituting political authority in the twenty-first century." (See Edgar Grande and Louis W. Pauly, *Complex Sovereignty: Reconstituting Political Authority in the Twenty-First Century* (Toronto, University of Toronto Press: 2005).
31. If motives of this kind drive the discourses and inquiries in the field of *governance*-related research and professional training, then a certain similarity to the hopes that political and social science, for the past two decades, have attached to the concept of "civil society" strikes the eye; those hopes, too, are based on the complementary function of non-state actors that may assist the state and partially relieve it from burdens of policy making and intervention.
32. Büchs, *New Governance in European Social Policy*, provides comparative analysis of the "Open Method of Coordination" (OMC) and its implementation in Germany and England.
33. Treib et al., "Modes of Governance," 6.
34. The enthusiasts of this catchy formula usually fail to mention the complex tension between regulatory effort and the loss of control over the quality of policy implementation and distributional effects. See the original argument in Robert E. Goodin, Martin Rein and Michael Moran, "The Public and its

Policies," *The Oxford Handbook of Public Policy*, eds. Goodin, Rein, and Moran (Oxford: Oxford University Press, 2006), 3, 38.

35. This outlook increasingly finds eloquent support among (at least formerly) "conservative" authors. One example is Francis Fukuyama (*State-Building: Governance and World Order in the 21st Century* (Ithaca: Cornell University Press, 2004)) who, with the emphasis of a manifesto, exhorts for "the imperative of state-building" and demands in opposition to the market-liberal "Washington Consensus" the development of "governance, state capacity, or institutional quality."

36. Ingo Pies, Markus Beckmann, and Stefan Hielscher, *Mind the Gap! Ordnomische Überlegungen zur Sozialstruktur und Semantik moderner Governance*, Diskussionspapier 16 (2007), Halle.

37. See Colin Crouch, *Post-Democracy* (Cambridge: Polity Press, 2004).

38. Treib et al., "Modes of Governance": 7.

39. The difficulty with the concept of the common good is not only that its content is initially unknown and must be *established* in a deliberative process; it also consists in the fact that the nation state framework of the classical republican tradition has become implausible. (See Offe, "Wessen Wohl ist das Gemeinwohl?" *Die Öffentlichkeit der Vernunft und die Vernunft der Öffentlichkeit*, *Festschrift für Jürgen Habermas*, eds. Günther Klaus and Lutz Wingert (Frankfurt a. M.: Suhrkamp, 2001)).

40. In an unpublished manuscript, Philippe Schmitter presents a similar collection of positively valued adjectives: "effective, sound, appropriate, honest, sustainable, accountable, equitable, gender-balanced, and even democratic".

41. Blumenthal, "Governance – eine kritische Zwischenbilanz," 1162.

42. Mayntz "Governance im modern Staat," 72.

43. *Ibid.*, 7, my emphases.

44. See, for example, Mayntz "Governance im modernen Staat," 72; Blumenthal, "Governance," 1165.

45. See Börzel, "Der 'Schatten der Hierarchie,'" 3.

46. Goodin et al., "The Public and Its Policies," 3.

47. Stein Ringen, *The Powerlessness of Powerful Government* (Oxford: Oxford University Press, 2005), 5, 11; emphases as in the original. Already Adrienne Héritier (see "New Modes of Governance in Europe: Policy-Making without legislating?" *Common Goods: Reinventing European and international Governance*, ed. Héritier (Lanham: Rowman and Littlefield Publishers, 2002), 185–206) understands by *governance* the entirety of the "different types of steering," and for her, one of these types is "persuasion."

48. Such as the "finely tuned incentives to influence individual behavior" (Peter Taylor-Gooby and Dean Hartley, *Dependency Culture* (New York: Prentice Hall, 1992)), which have become ubiquitous through the New Public Management doctrine. It is however not sufficiently reflected in constructing such incentives that the willingness and ability of natural persons to act in accordance with them depends on cognitive and normative preconditions, which cannot themselves be created through incentives.

49. The interaction between political actors and organizations (firms, banks, also member states within the EU), too, may assume the form of mere recommendation and the associated "benevolent pressure." This applies in particular to the "voluntaristic" relationship (i.e., those based on formal voluntariness) between central bank and commercial banks; it is then called "moral suasion"; one condition of its effectiveness is that non-compliance would lead to more or less significant reputational damage ("shaming").

50. This is at least true of some of the many examples that Ringen (*The Powerlessness of Powerful Government*, 11) somewhat mockingly lists: "People are endlessly being told by their governments how to behave and what to do and not do. We are recommended to eat healthy food, to not smoke, to not drink and drive, to save more and spend less, or the other way around if the economy is lax, to take holidays at different times of the year, to use public transport, to practice safe sex, to keep children at home and off the streets at night, to not call out the doctor needlessly, to read worthy literature, to not litter the landscape, to like the opera, to buy home-made products, to pick up and dispose of dog droppings, to economize with water and electricity, to wash our hands before eating, to pay careful attention to consumer information on food products, to make ourselves computer literate, to take exercise."

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Of September 11, Mourning and Cosmopolitan Politics

Catherine Guisan

Introduction

Western political theory and practice have long recognized mourning's political import. Pericles turned his Funeral Oration into a eulogy to "the school of Hellas" as Athens grieved publicly for its first dead in the Peloponnesian War. What was at stake was not just the sheer preservation of a thriving city, but also a certain model of participatory politics and freedom, which gave meaning to the Athenians' losses and encouraged further sacrifices.¹ After September 11th – and as the wars in Afghanistan and Iraq continue – the political theorist asks: can we tap into collective mourning, as Pericles once did, as a resource for action and, if yes, which kind of action? The George W. Bush administration responded to these questions by using the commemorations of September 11th to justify its unilateral stands and unlimited War on Terror.² To advocate, in contrast, for a cosmopolitan politics, which relies on the rule of international law and democratic participation, is no easy task. It flies in the face of policies, whose supporters could argue that they followed Pericles' example of avenging the dead and spreading democracy. Even after the 2008 presidential elections, how much the Barack Obama administration can veer from the course set by its predecessor is uncertain at best.³

This essay constitutes an attempt to stimulate alternative debates on mourning and international relations by drawing four major North American thinkers into the conversation: gender theorist Judith Butler in *Precarious Life*, theologian Reinhold Niebuhr in *The Irony of American History*, historian C. Vann Woodward in *The Burden of Southern History*, and political theorist Bonnie Honig in *Democracy and the Foreigner*.⁴ Seldom associated with one another, they demonstrate that cosmopolitan commitments can grow out of American faith and intellectual traditions and historical experiences of loss. Butler's argument on bodily vulnerability as an opportunity for international reconnection, Niebuhr's critique of the illusions of "American innocence," Vann Woodward's interpretation of the white Southern story of "failure" and Bonnie Honig's stress on the institutional context of mourning all highlight the painful limitations of human agency and challenge an equation of freedom with unconditional sovereignty. I am well aware that cross-disciplinary discourses are complex at best, messy at worst. But it is no less true that democratic debates are rarely parsimonious. Only wide popular support transcending partisan lines will alter durably the unilateral policies followed by the US government since September 11, 2001. Cosmopolitan arguments based on theology and the study of history may persuade those Americans who are less amenable to the politics of the body or critical theory.

Before going further, I must justify my use of the term cosmopolitan, which otherwise only Honig employs (although Angela McRobbie leaves no doubt as to the relevance of Butler's *Precarious Life* for cosmopolitan politics).⁵ Niebuhr discusses the "world community" and Butler the "global political community." None proposes a model of cosmopolitan institutions, even less a centralized world government, but they do make a few policy proposals and I will return to these. I understand cosmopolitan politics as a commitment to think through and act out the democratic linkages between domestic politics and foreign affairs. International relations are not an exclusive governmental prerogative, but also the civic responsibility of