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"Good Governance" and Democracy : Competing or Complementary Models of Global Political Legitimacy?

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"GOOD GOVERNANCE" AND DEMOCRACY: COMPETING OR COMPLEMENTARY MODELS OF GLOBAL POLITICAL LEGITIMACY?*

Introduction: Lessons from a Workshop on "Good Governance" and Democracy

One of the stimulating challenges to political theory posed by recent history is the embodiment in supra-national and international institutions of a general concept of (good) "governance". This concept raises a number of questions related to its meaning and to the conception of the political sphere it expresses. Other questions arise concerning the legitimacy of its institutional implementations. On the one hand, classical democratic ideals commit us to the respect of popular voice, no matter the direction it takes, provided it is compatible with human rights and a number of constitutional rules. On the other hand, abuses of political power as well as common economic and technological challenges leave one with a feeling of urgent need for international or supranational organization or, at least, coordinated network actions.

The concept of governance is thus at the crossroads of substantive goals (growth and development, for example) and procedural preoccupations – especially respect for democratic voice at the national level. Concerns of both types prove essential to the legitimacy of political institutions. The starting point of this research has been the hypothesis that our new commitment to "governance" norms is interlocked with the emergence of new models of legitimate political action and state regulation.

In this volume, these questions have been addressed with a view to illuminating the real functioning of "governance" norms in international or supranational contexts such as the EU (Emmanuel Picavet, Vincent Merlin) and the WTO (Henri Culot). Several contributions stress the importance of a simultaneous study of institutional justification procedures and the underlying structure of power (taking opportunities for collective action into account whenever group initiatives

have an impact on evolving authority relationships). In an age in which political power increasingly relies on communication and organized dialogue, the concept of government is clearly tied to the legitimacy conferred upon the specific varieties of political discourse associated with the concept, rather than solely to the legitimacy of the institutions and collective choices it embodies.

Luc Foisneau's paper illuminates current tensions between "governance" discourse and classical views of democracy. This leads him to a critical view of ordinary "democratic governance" parlance in some popular versions of global justice theory. Focusing on typical forms of multi-sectoral governance in the contemporary world, especially steering or social-coordination mechanisms with a public purpose, Kate Macdonald's contribution to the workshop (paper not included in this volume) emphasized both the new elasticity conferred upon public action or decision-making concepts by the reference to the good governance format, and the new strategic role of State power in semi-structured social networks, especially with respect to information transmission and the constitution of legal entities.

In this first set of published contributions, the authors stress that democratic theory is faced with the changing realities of governmental problems and procedural aspirations. This may result in increased reliance on non-classical concepts (related but not equivalent to the traditional concept of government), as illustrated by "good governance" benchmarking.

This is further suggested by Emmanuel Picavet's study of the interplay of neo-liberal principles of good governance and nation-based political aspirations in the European Union. For all their vagueness, principles of good governance turn out to have a structuring role in institutional interactions, so that increased emphasis on them does not leave the balance of responsibilities unchanged. This can be documented, starting from examples of uncomfortable relationships between national political action and principled European governance ideals. Thus, it is suggested that even though the meaning of principles and the way they are translated into concrete regulation deeply influence the real power-structure of institutions, a neo-liberal approach in terms of good governance tends to sever the link between principles and practices.

Furthermore, the evolving real power of institutions may depend on collective choice procedures and the way they are put to use by political agents. The simulations of European voting rules offered by Vincent Merlin in his paper have brought to light the specific importance of procedures and the path from various cognitive assumptions (about the correct understanding of the one man – one vote axiom) to properties of the power structure. This also provides a striking example of the impact of analytical developments in scholarly debates on perceptions of concrete political issues among real political actors.

A number of papers address the issues of good governance as they are influenced by the range of problems and political challenges associated with globalization. In such domains, analysts must pay attention to the interplay of political actors' principles and strategies in their navigation of these challenges. The centrality of institutional and individual strategies, alongside the impact of lobbying, makes it necessary to investigate the opportunities for democratic control by concerned people. This may prove crucial in order to avoid the seductions of general discourses that obscure the strategic side of investing some decision centres with new prerogatives, possibly at the expense of others. Responding to this task of mapping the conceptual relationships between democratic and "governance" frameworks, Terry Macdonald argued in the workshop (in a paper not included in this set) that 'good governance' is compatible with democratic legitimacy only if it incorporates demands for democratic control at multiple levels of global decision-making.

Henri Culot, in his paper, considers the intrinsic complexity and instability of references to democracy in WTO's legitimizing strategies. A major explanatory factor, here, is that those principles which play a structuring role in political interaction often stand in need of interpretation. This results in an evolving process, partly driven by political precedents and tentative strategic moves by institutions. Also starting from WTO examples, Pierre Demeulenaere brought to light in the workshop (in a paper not included here) the methodological necessity of a sociological model which does not take ends as given, but rather adjusts for various possible and evolving choices in the weighing of benchmark principles.

The final group of contributions considers the role of expertise in interactive governance. One remarkable feature of the emerging models of "good governance" is the credit given to objective knowledge about the relevant substantial objects of political action, and also about the appropriate forms of collective action and institutional design. This does not rule out, as it turns out, the growing concern for dialogue and interactive decision-making in public action.

These issues were highlighted by Philippe Goujon and Tom Dedeurwaerdere in their workshop contribution, in which they focused (in a paper not included here) on social uses of the precautionary principle. They concluded that its application invariably promotes a flexible view of principles. The discussion by Bernard Reber of the dominant principles of participative technological assessment, in his paper here, similarly highlights the uncertainties surrounding the relevant benchmark procedures and their association with democracy and the empowerment of citizens. Such uncertainties reflect basic and intractable philosophical disagreements.

The connection between expert political analysis and the issues of institutional design cannot be overlooked. In many cases, the scientific exposition of insti-

tutional defects has proven effective. For example, the renewed popularity of the model of central-bank independence has been fuelled by various analyses of the relevant macroeconomic and public-choice mechanisms, which have pointed to such problems as time inconsistency and myopic governmental biases in favour of short-term results. This problematic is illustrated by Joseph Abdou's contribution, which offers a new interpretation of the basic concepts of solvability in game theory, emphasizing their essential connection with individual power and institutional stability. It is to be expected that progress in the analysis of power relationships will result in closer ties between expertise-driven institutional design and "good governance" ideals in the next decades.

One of the emerging conclusions of this integrated scientific and philosophical enterprise is that international arrangements might sometimes favour a widening gap between formal power and concrete or real authority. The contrast between these two faces of social control has been stressed by innovative work in various disciplines in recent years. Several articles in this collection lend support to the theoretical insights developed in these fields, and foster the suspicion that technocratic forms of "governance" discourse are sometimes only inadequate ways to patch up more or less serious democracy-related and legitimacy deficits in relation to global political authority.

A second general conclusion emerging from this set of articles is that new governance models are heavily dependent on dialogue and principles, which in turn may harbour powerful mechanisms of authority migration and momentous changes in the accepted meanings of words and concepts. The "good governance" concept testifies to the real effects of words, not only through the well-known channels of categorization and the subjective representations of states of affairs, but also through the mechanisms and power structures inherent in the institutional patterns of global political coordination, conflict and cooperation.

Acknowledgments

French presentation

La notion contemporaine de «bonne gouvernance» est au cœur d'une tension mal résolue, qui appelle la critique philosophique, l'analyse conceptuelle et la recherche empirique. D'un côté, les idéaux démocratiques classiques disposent au respect pour l'expression populaire, quelque direction qu'elle prenne, sous réserve de compatibilité avec les droits de l'homme (définis d'une manière assez générale) et un ensemble de règles de rang constitutionnel. De ce point de vue, toute tentative pour définir *a priori* des normes de gouvernance est susceptible d'éveiller la méfiance.

Mais d'un autre côté, certains des abus récurrents du pouvoir politique paraissent appeler le développement d'instruments internationaux et supranationaux capables de prévenir les violations des droits ou les tendances dangereuses pour la démocratie. D'une manière plus controversée, on peut considérer que le développement de normes communes de gouvernance est requis pour supprimer certains obstacles politiques évidents au développement ainsi qu'à la coopération et à l'harmonisation économique. Définir de manière minimale certains repères de bonne gouvernance peut représenter une étape très importante dans cette direction.

Le concept de gouvernance se trouve ainsi au carrefour de buts substantiels (tels que l'harmonisation internationale et une meilleure coopération, le développement économique) et de préoccupations procédurales, qui concernent en particulier le respect pour l'expression démocratique à l'échelon national.

Le concept soulève des difficultés à un échelon principiel. Est-il compatible avec ces concepts régulateurs fondamentaux que sont la souveraineté populaire et la volonté du peuple? Peut-il s'accorder avec la perpétuation d'un ordre juridique global enraciné dans la pluralité de nations indépendantes? Dans le cas de l'Union Européenne, par exemple, les composantes élitistes de la pensée des pères fondateurs donnent une certaine acuité à ces questions.

Il convient d'aborder ces problèmes en tenant compte de la mise en œuvre réelle des normes de "gouvernance" dans des contextes internationaux ou supranationaux tels que l'Union Européenne, la Banque mondiale, le Fonds Monétaire International ou encore l'Organisation Mondiale du Commerce. Comment émergent-elles? De quelle conception de l'action politique ou de la réglementation sont-elles l'illustration et le fer de lance? L'un de nos points de départ a été l'hypothèse d'après laquelle l'engagement récent en faveur de normes de «gouvernance» est étroitement associé à l'émergence de nouveaux modèles de l'action politique.

La liaison avec la pensée néolibérale – notamment le thème d'un processus de constitutionnalisation néolibéral – est bien connue et bien attestée. Ce qui reste dans l'ombre, c'est l'aptitude des normes émergentes de «gouvernance» à affronter les défis démocratiques de la diversité politique, du respect pour l'expression populaire et pour la neutralité publique, face à d'énormes pressions sur les institutions publiques en provenance des intérêts privés. Telles sont quelques-unes des questions dont nous avons voulu renouveler l'examen.

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