

**Let the People Govern?**  
**Civil Society, Governmentality and Governance-Beyond-the-**  
**State.**

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## ABSTRACT

In recent years, a proliferating body of scholarship has attempted to theorise and substantiate empirically the emergence of new formal or informal institutional arrangements that engage in the act of governing outside and beyond-the-state. This paper seeks to assess the consolidation of these new forms of governance capacity and the associated changes in governmentality in the context of the rekindling of the governance-civil society articulation that is invariably associated with the rise of a neo-liberal governmental rationality. In the first part of the paper, we shall outline the contours of governance-beyond-the state. In the subsequent part, we shall address the thorny issues of the state/civil society relationship in the context of a predominantly market-driven political-economic societal framework. In a third part, we shall tease out the contradictory way in which new arrangements of governance have created new institutions and empowered new actors, while disempowering others. We shall argue that this shift from 'government' to 'governance' is associated with the consolidation of new technologies of government on the one hand, and with profound restructuring of the parameters of political democracy on the other. As such, this mode of governance entails both a transformation of the institutions and of the mechanisms of participation, negotiation, and conflict-intermediation. Participation, then, is one of the key terrains over which battles over the form of governance and the character of regulation are currently being fought out. We shall conclude by suggesting that socially innovative arrangements of governance-beyond-the-state are fundamentally Janus-faced, particularly under conditions in which the democratic character of the political sphere is increasingly eroded by the encroaching imposition of market forces that set the 'rules of the game'.

**Keywords:** governance, governmentality, civil society, urban politics, social innovation, scale

## 1. Introduction: Towards a New Governmentality

In recent years, a proliferating body of scholarship has attempted to theorise and substantiate empirically the emergence of new formal or informal institutional arrangements that engage in the act of governing outside and beyond-the-state (Rose and Miller, 1992; Mitchell, 2002; Jessop, 1998; Pagden, 1998; UNESCAP, 2004; Whitehead, 2003). While much of this analysis of a changing, if not new, governmentality (or governmental rationality (Gordon, 1991)) starts from the vantage point of how the state is re-organised to respond to changing socio-economic and cultural conditions, this paper seeks to assess the consolidation of new forms of governance capacity and the associated changes in governmentality (Foucault, 1979) in the context of the rekindling of the governance-civil society articulation that is invariably associated with the rise of a neo-liberal governmental rationality and the transformation of the technologies of government. Governance as an arrangement of governing beyond the state (but often with the explicit inclusion of parts of the state apparatus) refers in the context of this paper to the proliferating and often socially innovative institutional or quasi-institutional arrangements of governance that are organised as associational networks of private, civil society (usually NGO), and state actors. These forms of apparently horizontally organised *ensembles* are increasingly prevalent in rule making, rule setting and rule implementation

at a variety of levels. Such arrangements of governance operate at various inter-related geographical scales, from the local/urban level (such as development corporations, ad hoc committees, stakeholder-based formal or informal associations dealing with social, economic, infrastructural, environmental or other matters) to the transnational scale (such as the European Union, the WTO, the IMF, or the World Bank) (Swyngedouw, 1997). These modes of governance have been depicted as a new form of governmentality, that is “the conduct of conduct” (Foucault, 1982; Lemke, 2002), in which a particular rationality of governing is combined with new technologies and instrumentalities of government

The urban scale has been a pivotal terrain where these new arrangements of governance have materialised in the context of the emergence of innovative social movements on the one hand and transformations in the arrangements of conducting governance on the other (Le Galès, 1995; Brenner and Theodore, 2002; Jessop 2002a; Gonzalez and Healey, *this issue*). The main objective of the paper is to address and problematise political citizenship rights and entitlements and to tease out the contradictory Janus-faced character that these newly emerging forms of governing the urban might have. This is particularly acute as the inclusion of civil society organizations (like NGOs) in systems of urban governance, combined with a greater political and economic role of ‘local’ political and economic arrangements, is customarily seen as potentially empowering and democratising (Le Gales,

2002). While governance-beyond-the-state may indeed embryonically contain germs that may permit greater openness, inclusion, and empowerment of hitherto excluded or marginalised social groups; there are equally strong processes at work pointing in the direction of a greater autocratic governmentality (Swyngedouw, 1996; 2000) and an impoverished practice of political citizenship. These socially innovative forms of governance, which centrally revolve around the mobilisation of ‘civil society’ organisations within arrangements of governing, are both actively encouraged and supported by agencies pursuing a neo-liberal agenda (like the IMF or the World Bank) and “designate the chosen terrain of operations for NGOs, social movements, and ‘insurgent’ planners (see Sandercock, 1998)” (Goonewardena and Rankin, 2004).

In the first part of the paper, we shall outline the contours of governance-beyond-the-state. In the subsequent part, we shall address the thorny issues of the state/civil society relationship in the context of a predominantly market-driven political-economic societal framework. The transformation in the state/civil society relationship will be situated within an analysis of a consolidating neo-liberal capitalism (Hardt and Negri, 2000). In a third part, we shall tease out the contradictory way in which new arrangements of governance have created new institutions and empowered new actors, while disempowering others. We shall argue that this shift from ‘government’ to ‘governance’ is associated with the consolidation of new technologies of

government (Dean, 1999) on the one hand, and with profound restructuring of the parameters of political democracy on the other. As such, this mode of governance entails both a transformation of the institutions and of the mechanisms of participation, negotiation, and conflict-intermediation (Coaffee and Healey, 2003). Participation, then, is one of the key terrains over which battles over the form of governance and the character of regulation are currently being fought out (Docherty, et al., 2001; Raco, 2000). We shall conclude by suggesting that socially innovative arrangements of governance-beyond-the-state are fundamentally Janus-faced, particularly under conditions in which the democratic character of the political sphere is increasingly eroded by the encroaching imposition of market forces that set the 'rules of the game'.

### **1. Governance-beyond-the-state: Networked Associations**

It is now widely accepted that the system of governing within the EU and its constituent parts is undergoing rapid change (European Commission, 2001; Cars, et al., 2002; Le Galès, 2002). Although the degree of change and the depth of its impact are still contested, it is beyond doubt that the 19<sup>th</sup>/20<sup>th</sup> century political formations of articulating the state/civil society relationship through different forms of representative democracy, which vested power in

hierarchically structured transcendental state-forms, is complemented by a proliferating number of new institutional forms of governing that exhibit rather different characteristics (Jessop, 1995; Kooiman 1995; 2003, Gbikpi, 2002). In other words, the Westphalian state-order that matured in the 20<sup>th</sup> century in the form of the liberal-democratic state, organised at local, often also regional, and national scales, has begun to change in important ways, resulting in new forms of governmentality, characterised by a new articulation between state-like forms (such as, for example, the EU, urban development corporations and the like), civil society organisations, and private market actors (Brenner, et al., 2003). While the traditional state-form in liberal democracies is theoretically and practically articulated through forms of political citizenship which legitimises state power by means of it being vested within the political voice of the citizenry, the new forms of governance exhibit a rather fundamentally different articulation between power and citizenship and, consequently, constitutes a new form of governmentality. As Schmitter (2002, p.52) defines it:

Governance is a method/mechanism for dealing with a broad range of problems/conflicts in which actors regularly arrive at mutually satisfactory and binding decisions by negotiating with each other and cooperating in the implementation of these decisions

Paquet (2001; see also Hamel, 2002) defines governance as

The newly emerging models of action result from the concerted combination of social actors coming from diverse milieus (private, public, civic) with the objective to influence systems of action in the direction of their interests.<sup>2</sup> (my translation)

From this perspective, it is not surprising to find that such modes of ‘governance-beyond-the-state’ are resolutely put forward as an idealised normative model (see Le Galès, 1995; Schmitter 2000; 2002) that promise to fulfil the conditions of good government (European Commission, 2001) “in which the boundary between organisations and public and private sectors has become permeable” (Stoker, 1998, p. 38). It implies a common purpose, joint action, a framework of shared values, continuous interaction and the wish to achieve collective benefits that cannot be gained by acting independently (Stoker, 1998; Rakodi, 2003). This model is related to a view of ‘governmentality’ that considers the mobilisation of resources (ideological, economic, cultural) of actors operating outside the state system (hence the focus on ‘civil society’) as a vital part of democratic and

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<sup>2</sup> [L]es nouveaux modèles d’action en émergence, résultant de la combinaison plus ou moins concertée d’acteurs sociaux provenant de divers milieux (privé, public, civique) dans le but d’influencer les systèmes d’action dans le sens de leur intérêts.”

effective government (Pierre, 2000a,b). Schmitter continues to argue that, in a normative-idealised manner, “*governance arrangements are based on a common and distinctive set of features:*

1. *Horizontal interaction among presumptive equal participants without distinction between their public or private status.*
2. *Regular, iterative exchanges among a fixed set of independent but interdependent actors.*
3. *Guaranteed (but possibly selective) access, preferably as early as possible in the decision-making cycle.*
4. *Organized participants that represent categories of actors, not individuals.” (Schmitter, 2000, p. 4)*

State-based arrangements are hierarchical and top-down (command-and-control) forms of setting rules and exercising power (but recognised as legitimate via socially agreed conventions of representation, delegation, accountability, and control), and mobilising technologies of government marked by policing, bio-political knowledge, and bureaucratic rule. Governance-beyond-the-state systems, in contrast, are presumably horizontal, networked, and based on interactive relations between independent and interdependent actors that share a high degree of trust, despite internal conflict and oppositional agendas, within inclusive participatory institutional or organisational associations. The mobilised

technologies of governance revolve around reflexive risk-calculation (self-assessment), accountancy rules and accountancy based disciplining, quantification and bench-marking of performance (Dean, 1999).

The participants in such forms of governance partake (or are allowed to partake) in these networked relational forms of decision-making on the basis of the 'stakes' they hold with respect to the issues these forms of governance attempt to address. The relevant term 'stakeholders' has gained currency in recent years to the extent that even Britain's 'New Labour' and its intellectual legitimisers, notably Anthony Giddens, have propelled the notion of 'stakeholder' society and its associated politics to the forefront of their political platform (Newman, 2001). According to Schmitter (2002), the shift from 'political citizenship' articulated through statist forms of governing to a 'stakeholder'-based polity does not go far enough. He proposes, therefore, an enlarged approach by introducing the notion of 'holder', which should constitute the foundation for establishing rights or entitlements to participate. Table 1 summarises Schmitter's extended formulation.

Insert Table 1 about here
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Of course, such idealised-normative model of horizontal, non-exclusive, and participatory (stake)holder-based governance is symptomatically oblivious of the contradictory tensions (the state/market/civil society conundrum) in

which any form of governing is inevitably embedded. In particular, the following key issues remain unresolved:

the relationships, if any, between traditional hierarchical forms of state control and the new forms of alleged more horizontal governance

the levels/scales at which these new forms of governance operate and their remit of action

the choreography -- that is the formally or informally codified rules and/or practices -- of participation in and/or exclusion of these 'holders' from the arenas occupied by this new 'gestalt' of governance

the geometries of power -- that is the relations of domination or subordination (spatially, politically, economically, culturally) -- within governance, between levels of governance and in the context of wider political-economic transformations.

Before we embark on considering these four domains, we need to turn our attention, first, to how these innovations in the arrangements of the 'conduct of conduct' articulate with changing choreographies of civil society/state interaction, and, second, to the emergence of these new forms of governance in the context of broader processes of political-economic regime changes.

## **2. State, Civil Society, and Governmentality.**

There is considerable confusion about the status, content, and position of ‘civil society’, both analytically and empirically. This confusion partly arises from the meandering history of the concept. While the early Enlightenment view of ‘civil society’ posited ‘civil’ society versus ‘natural’ society, Hegel and Marx considered civil society as a set of economic/material relations positioned versus the state. Of course, this change in perspective was in itself related to the changing position of the state (i.e. from a ‘sovereign’ to a bio-political state, that is from a (feudal) state focused on the integrity of its territorial control to one operating allegedly in the ‘interest of all for the benefit of all’). Liberal thinkers, like de Tocqueville, in turn, associated ‘civil society’ with voluntary organizations and associations. In contrast, with Antonio Gramsci, writing at a time of the formation of the Keynesian-Welfarist state, civil society became viewed as one of the three components (the others being the state and the market) that defines content and structure of, and contradictions in, society (Gramsci, 1971). A Delphi-representations of 30 social scientists asked to present their views and definitions of ‘civil society’ is presented in Table 2. The heterogeneity and diversity of definitions suggests indeed the difficulties of unambiguously defining ‘civil society’.

Insert Table 2 about here
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While some of the above definitions have an analytical content and try to define the ‘composition’ of civil society, others maintain a ‘normative’ bent by stressing specific characteristics such as non-profit, co-operative, inclusive, and social. Notwithstanding the rich content of much of the debate about the nature of ‘civil society’, there is a noticeable lack of theorisation of the content, meaning, and usefulness (or otherwise) of a concept like ‘civil society’.

In what follows, I shall take a Gramscian perspective, which – I believe – argues theoretically most systematically and convincingly for the continuing relevance of a notion of civil society (see also Poulantzas (1973; 1980) and Jessop (1982, 2002b)). For these authors, civil society emerges out of and cannot be theorised independently from the way the (modern) liberal-democratic State sees itself and its functioning (i.e. its governmentality) on the one hand, and from the contradictory dynamics of societies in which capitalist social relations of production are dominant if not hegemonic on the other. It is also directly related to the Foucaultian notion of ‘governmentality’. Indeed, with the rise of the liberal state in the 18<sup>th</sup> century, civil society became increasingly associated with the object of state-governing as well as the foundation from which the state’s legitimacy was claimed. In addition, as the state turned increasingly into a bio-political

state, that is, concerned with and intervening in the 'life qualities' of its citizens (health, education, socio-economic well-being, among others), civil society emerged as both an arena for state intervention as well as a collection of actors engaging with and relating to the state (Lemke, 2001). At the same time, the liberal state maintained the 'economic' sphere as fundamentally a 'private' one, operating outside of the collective sphere of the state but shaping the material conditions of civil life in a decisive manner. The social order, consequently, became increasingly constructed as the articulation between state, civil society, and market. While for Hegel and Marx, albeit in very different ways, the ideal of society resided in transcending the separation between the 'political state' and 'civil society', the operation of the economy under the hidden hand of the market in liberal-capitalist societies rendered this desired unity of state and civil society impossible. In fact, a fuzzy terrain in-between, but articulating with, state and market, but irreducible to either was produced, a terrain that was neither state nor public, yet expressing a diverse set of social activities.

It is not surprising that Gramsci struggled with the notion of civil society at a time of tumultuous political and economic change in the 1920s and early 1930s when the capitalist state began to change markedly from a liberalist state to a Keynesian Welfare State form of liberalism, which intensified qualitatively the interweaving of state, civil society, and the market, but under the bureaucratic, hierarchical auspices of the state. According to the

Gramscian perspective, the sum total of society is composed of three interrelated ‘moments’ or ‘instances’: a) the dynamics of dominant capitalist social relations (in the 1930s, defined as the rise of ‘Fordism’), b) the role and position of the State therein, and c) the heterogeneous, kaleidoscopic, often fragmented, internally contradictory, collective actors that operate both outside the state and outside the capital valorisation process, but who take specific positions with respect to both the state and the capital valorisation process (i.e. civil society). For Gramsci, classical civil society actors of his time were the church or clergy, unions or labour organisations, masonic societies, the media, employer’s federations, peasant organisations, fascist militia, and the like. Civil society comprises, consequently, a heterogeneous, conflicting, and not necessarily ‘civil’ or ‘democratising’ array of social actors (Edwards, 2002; Kopecký and Mudde, 2003). Intellectuals of a variety of kind play decisive roles in shaping and organising the views, perspectives, and aspirations (i.e. ideology) held within various parts of civil society (Gramsci, 1971). Each of these civil society actors operate within the interstices and contradictory dynamics of capitalist society, while articulating their activities in dialogue, confrontation, negotiation with, or parallel to the state. In other words, civil society can neither be theorised independently from the content, form and structure of the state nor from the conjunctural characteristics of capitalism.

The State is inevitably and necessarily an ambiguous and internally contradictory institution under capitalism. On the one hand, the state is ideologically legitimised as the political expression of civil society. On the other hand, the State has to sanction the private ownership of the means of production and guarantee the appropriation of surplus value in ways that support accumulation. Both conditions are extraordinarily fragile in their own right and often contradictory between themselves.

The first condition of the position of the state as the political expression of civil society, and realised within liberal democracy, reflects the embodiment of the sovereign will of the people. When the forces operating within civil society find their political expression within the coalition of forces that control the state apparatus, the relations between state and civil society are less oppositional. It is this condition that Gramsci associates with hegemony, i.e. a situation whereby the alliance of political forces (political bloc) in power (i.e. in control of the state) pursues a political programme broadly in line with and reflecting the majority aspirations, views, and perspectives within civil society. The notion of governmentality is closely associated with this state/civil society relationship in the sense that the possibility of hegemony and, therefore, of governability (Donzelot, 1991; Pagden, 1998), is predicated upon a close correspondence between the dominant forces at work in civil society and those within the state apparatus. For example, in the 1920s and 1930s, unions (defined not as merely

defenders of worker's economic interests – in many countries unions were powerful actors also in the domains of culture, education, health services and the like) and other civil society organisations became increasingly directly entangled with the state apparatus and a system of governmentality was constructed, usually referred to as corporatism, that welded state and sectors of civil society together in a fragile, but nevertheless more or less coherent, framework of government (Offe, 1984). This ensemble would turn into one of the defining moments in the construction of hegemony (i.e. correspondence between state and civil society) under Fordism, with its particular rationalities and technologies of power. Consequently, for Gramsci as well as for many other theorists of social change, creative innovative political conditions (of which, of course, social revolution is the most radical example) arise in a context of a widening gap between state and civil society, and at moments that the manifold and variegated demands, aspirations and activities operating within society (but outside the state) do not any longer find sufficient legitimate representation within the state. In other words, social change and social innovation entails changes in the state/civil society/market articulation. The legitimacy of the state diminishes of course to the extent that the act of governance (i.e. the regulation of social and biological life) is articulated through non-state actors, i.e. is articulated in and through civil society. The destatization (Jessop, 2002b) of a series of former state domains and their transfer to civil society

organizations redefines the state/civil society relation and promotes a widening gap between state and civil society actors.

The second condition of the position of the state is more problematic. To the extent that capitalist social relations are the dominant forms for the material organisation of social life, the State has to guarantee these conditions, primarily to secure and sanction private property rights and their associated institutions, and, secondly, to regulate the appropriation of surplus in ways that supports further accumulation. Notwithstanding the highly diverse possibilities to achieve this, the state, in pursuing a 'developmentalist' agenda that prioritises market-organised economic growth above all other possible political objectives, still finds itself potentially in serious conflict with more or less significant parts of civil society. Parts of civil society that refuse to accept these conditions have to be excluded from the capitalist state (cfr. the exclusion of communists from the state apparatus during most of the post-war period in the West). But even among those that accept or defend capitalist social relations, there is considerable competition and tension, particularly over the conditions of accumulation and the mechanisms of appropriation and distribution of surplus value. It is also with respect to these tensions that the state finds itself in an inherently contradictory situation.

In sum, while the state is a pivotal institution to maintain social cohesion and legitimacy, it is continuously confronted with the requirements and limitations imposed by both the particular forms of capitalist social relations prevalent at any given time and the actions of social actors operating outside the state apparatus. The relative boundaries between these three instances (i.e. state, civil society, and market) vary significantly from time to time and from place to place. The notion of civil society can, therefore, also not be understood independently of relations of political and economic power, the first articulated in terms of access to or control over the state apparatus, the latter in terms of access to resources for accumulation (whether in the form of monetary, cultural, or social capital).

In sum, the position and role of civil society is closely related to the dynamics of other 'moments' of society, i.e. state and economy. At moments of increasing tension and restructuring (such as during the 1920s/30s or 1980/90s), whether social or economic, the 'conduct of conduct' changes in such a way that continued sustained accumulation can be maintained or improved, but without undermining the relative coherence or stability of the social order. Successful restructuring of capitalism demands, therefore, strong 'governance' in order to produce stronger 'economic dynamics' (understood in market economy terms) while maintaining cohesion in civil society. Such restructuring of 'governance' often takes place exactly at a time that civil society goes through painful

shocks associated with restructuring; shocks that further undermine the legitimacy of the state and reinforce calls for alternative models of 'governance'. In other words, 'governing' becomes more problematic and the terrains of governance begin to shift (see Poulantzas, 1980). The state can become more authoritarian (as happens with fascism) or more autocratic while delegating power and including wider strata of civil society in the forms of governance (as it happening presently).

It must be evident from the above that 'civil society' is neither good nor bad (like the State!). It is internally not homogeneous and, while collective, cannot be identified with the 'common' good (civil society organizations customarily pursue partial, positioned objectives). At the same time, 'civil society' is the actual concretely lived body of society; it is the sum total of actors, processes, and resources mobilised outside the state and outside the dominant capital valorisation process. Radical democracy, therefore, rests necessarily on elevating civil society to 'political society' and entails the parallel abolition of both state and market (see Goonewardena and Rankin, 2004).

Considering the position of 'civil society' in relation to the state and the market is a fundamental vector for analysing particular historical-geographical conjunctures. It is exactly here that 'innovation' in a social and political sense takes place. It is of course also here that the actual forms of both state and market are contested, and the dynamics for change emerge (in

a direction that can be either ‘progressive’ or ‘regressive’). This analysis permits us to analyse the growing attention paid, both theoretically and in political praxis, to ‘civil society’. That is what we shall turn to next.

### **3. The Rise of ‘Civil Society’ and the Changing Regime of ‘Governance’?**

As in Gramsci’s time, the academic and political attention has recently turned to ‘civil society’ at exactly a time of profound restructuring of the political-economy of capitalism and the concomitant crisis of the state. The rising importance of ‘civil society’ has, therefore, to be understood in the context of the changing relationship between state and economy on the one hand and state and civil society on the other. A close association of state, market, and civil society organisations by means of primarily nationally organised institutional configurations and regulatory procedures characterized the post-war period. These relationships have gradually broken down and started to develop in increasingly contradictory ways. The main tendencies and dynamics of this re-articulation of state-civil society-market can be summarised in three parts as follows:

- 1) A growing discontent with respect to the particular institutional configurations of ‘Fordist’ capitalism among fractions of civil

society emerged from the 1960s onwards. Civil rights movements, environmental movements, 'third world' organisations, 'alternative' post-materialist socio-cultural movements, feminist organisations, and urban social movements, among others, began to assert their presence, largely operating outside (and often in opposition to) the dominant corporatist state state-economy alliance (Cruikshank, 1994; 1999). In other words, a series of counter-hegemonic social movements arose from within civil society. These movements and actors operated strategically in the cracks and voids left by the then dominant political-economic regime and would eventually give rise to a gradually more active, activist, and engaging civil society and to a growing 'social-economy' or 'third sector' ensemble.

- 2) The social, technical, spatial, and cultural divisions within capitalism expanded exponentially. A much greater local differentiation (sectorally, organisationally, institutionally, etc...) of forms of capitalist production coincided with a much greater transnational organisation of capitalist markets and actors. In other words, the tenuous relationship between national territories and forms accumulation or growth regimes began to give way for greater local differentiation AND global integration. This resulted not only in a greater social differentiation with respect to the position individual actors take within the economic process, but also to an operation of

the market that geographically operates at a much wider transnational, and often global, scale. This ‘glocalisation’ of the economy redefined the relationship between state and economy in important ways (see Swyngedouw, 1997; Brenner, 1999).

- 3) For our purposes, the restructuring of the State itself is the most important process for understanding the current position of ‘civil society’. The ‘crisis’ of the State combines four interrelated dynamics:
- a. The rise of extra-parliamentary movements that operate largely outside the state but to whose demands the state has to respond in one way or the other.
  - b. The ‘glocalisation’ of the economy which redefines the field of operation for the state and changes the ‘constraints’ under which the state operates in terms of maintaining or adjusting to the conditions that permit continuous accumulation.
  - c. The internal crisis of the state, which is manifested in the twin pressure of mounting fiscal problems and increasing bureaucratisation. The former, which is directly associated with the contradiction between changing economic parameters (which limit the fiscal room to manoeuvre) in a context of rising and unfulfilled demands from ‘civil society’, leads to a slimming down of the state’s involvement with

civil society through income re-distribution and similar practices. The latter leads to de-regulation and increasing removal of 'red-tape', aimed at reducing state involvement and facilitating social action outside-the-state (Osborne and Gaebler, 1993).

- d. The restructuring of the social relations of production is of paramount importance to amend problematic competitive conditions in an increasingly neo-liberal political-economic order which, demands more autocratic forms of governing (Dean 1999; Swyngedouw, 2004). This autocratic power of the state, in turn, widens the gap between state and part of civil society in a double sense. On the one hand, parts of civil society become excluded and begin (as part of a survival strategy) to self-organise. On the other hand, the legitimacy of the state is threatened as parts of civil society become increasingly alienated from the imposed neo-liberal social model.

These forces combine in a re-organisation of the State, while simultaneously re-defining the contours of 'governmentality'. This re-organisation takes three basic forms (Swyngedouw, 1997; 2004): 1) The externalisation of state functions through privatisation and de-regulation (and

decentralisation). Both mechanisms inevitably imply that non-state configurations become increasingly involved in regulating, governing and organising a series of social, economic and cultural activities;

2) The up-scaling of governance: the national state increasingly delegates regulatory and other tasks to other and higher scales or levels of governance (such as the EU, IMF, WTO, and the like); 3) The down-scaling of governance: greater local differentiation combined with a desire to incorporate new social actors in the arena of governing. This includes processes of vertical decentralisation toward local governments. It can also take the form of de-responsibility: transfer of functions to local communities without transfer of adequate resources/power.

These three processes of 'glocalisation' of the state simultaneously re-organise the arrangements of governance as new institutional forms of governance-beyond-the-state are set up and become part of the system of governing, of organising the 'conduct of conduct'. Moreover, this restructuring is embedded in a consolidating neo-liberal ideological polity. The latter combines a desire to politically construct the market as the preferred social institution of resource mobilisation and allocation, a critique of the 'excess' of state associated with Keynesian welfarism, and a social engineering of the social in the direction of greater individualised responsibility. Of course, the scalar re-organization of the state and the

associated emergence of a neo-liberal governance-beyond-the-state redefine in fundamental ways the state/civil society relationship. The new articulations between state, market and civil society generate new forms of governance that combine the three 'moments' of society in new and often innovative manners. In particular, to the extent that both externalisation and 'glocalisation' of governing takes place, other and often new civil society organization as well as private actors (stakeholders) become involved in the act of 'governing', either as a replacement of the State or in association with the State and/or the market.

However, the contested terrain of civil society initiatives and the content of 'governance' are subject to all manner of internal conflict and tensions. The choreography of actual transformations in governance systems opens a vast arena of mutually interdependent mechanisms that significantly increase not only the complexity of the processes at work, but also, and perhaps more importantly, bring out the possible perverse effects or, at least, the contradictory character of many of these shifts. That is what we shall turn to next.

#### **4. The Politics of Scale and Shifting Geometries of Power in System of Governance-beyond-the-state.**

As argued above, an important re-scaling of the apparatuses of governance has taken place over the past few decades, combined with a growing externalisation of public activities and functions. The ‘traditional’ local, regional, and national state scales have increasingly set themselves offside as part of a strategy to re-centre the regulatory force of the market as the main organiser of social relations (Jessop, 2002b; Peck and Tickell, 2002). Yet, this institutionalisation of the ‘market’ as principle organizing mechanism is paralleled by the emergence of new forms of ‘governance’ or of ‘management’ that, as public-private networks composed of associated cultural, political, and economic elites, constitute important new domains of ‘governing’ at local, national, and transnational scales (Swyngedouw, et al, 2003). Even ‘social economy’ initiatives, NGOs of a variety of ideological stripes and colours, and other civil society organizations partake to a greater or lesser extent in these fuzzy networks of governance (Kaika 2003; Kaika and Page, 2003). The proliferation of such ‘global-local’ forms of governance has profound implications for the articulation of the state/civil society relationship. On the one hand, the power relationships between citizens and governance shift, while, on the other, the mechanisms of inclusion in and/or exclusion from these new forms of governance alter the choreography of power within civil society. As will be discussed below, there is a tendency to lose democratic control, while the power and influence of social and political-economic elites grows.

While such networked forms of governance proliferate at a local level, a similar expansion of such forms of governance takes place at a supra-national level. Although innovative in their own right, this process of ‘glocalisation’ of governance in systems-beyond-the-state raises important questions with respect to the key practices through which ‘democracy’ and political citizenship rights and entitlements are organised. In lieu of the democratic representation that characterises liberal democratic state forms, the new networked relations and formal or informal institutional ensembles are organised around interest-groups of (stake)holders. The status, inclusion or exclusion, legitimacy, system of representation, and internal or external accountability of such groups or individuals often takes place in non-transparent, ad-hoc, and context-dependent manners. While the democratic lacunae of pluralist liberal democracy are well known, the procedures of democratic governing are formally codified, transparent, and easily legible, the modus operandi of networked associations are less clear. Moreover, the internal power choreography of systems of governance-beyond-the-state is customarily led by coalitions of economic, socio-cultural, or political elites. Therefore, the re-scaling of policy transforms existing power geometries, resulting in a new constellation of governance articulated via a proliferating maze of opaque networks, fuzzy institutional arrangements, ill-defined responsibilities, and ambiguous political objectives and priorities. The ‘glocalisation’ of governance is, therefore, often paralleled by a diminished

sense of participation and democratic content, by political exclusion and, consequently, by an uneven incorporation of sections of ‘civil society’ within these constellations of governance (Swyngedouw et al, 2003). The latter do not imply a diminished position of the national State. On the contrary, recent research has shown conclusively that these new forms of glocal governance operate in close concert with both the private (market) sector and the State (Moulaert, et al, 2002). In fact, it is the state that plays a pivotal and often autocratic role in transferring competencies (and consequently for instantiating the resulting changing power geometries) and arranging these new networked forms of governance. The democratic fallacies of the pluralist ‘democratic’ state are compounded by the expansion of the realm of ‘governing’ through the proliferation of such asymmetric governance-beyond-the-state arrangements.

Of course, the new modalities of governance also involve the mobilisation, by the state, of a new set of technologies of power, which Mitchell Dean (1999) identifies as respectively technologies of agency and technologies of performance. While the former refers to strategies of rendering the individual actor responsible for his or her own actions, the latter refers to the mobilisation of benchmarking rules that are set as state-imposed parameters against which (self-)assessment can take place and which require the conduct of a particular set of performances. These technologies of performance produce ‘calculating individuals’ within ‘calculable spaces’

and incorporated within ‘calculative regimes’ (Miller, 1992). Barbara Cruikshank (1993;1994) refers in this context to the mobilisation of ‘technologies of citizenship’, which are defined as “the multiple techniques of self-esteem, of empowerment and of consultation and negotiation that are used in activities as diverse as community development, social and environmental impact assessment, health promotion campaigns, teaching at all levels, community policing, the combating of various kinds of dependency and so on (Dean, 1999, p. 168)”. Ironically, while these technologies are often advocated and mobilised by NGOs and other civil organizations speaking for the disempowered or socially excluded (Carothers, *et al.*, 2000), these actors often fail to see the how these instruments are an integral part of the consolidation of a an imposed and authoritarian neo-liberalism, celebrating the virtues of self-managed risk, prudentialism, and self-responsibility (Castel, 1991; O’Malley, 1992; Burchell, 1996; Dean, 1995;1999).

To the extent that ‘*participation*’ is invariably mediated by ‘*power*’ (whether political, economic, gender, or cultural) among participating ‘holders’, between levels of governance/government and between governing institutions, civil society, and encroaching market power, the analysis and understanding of shifting relations of power is a central concern, particularly in light of the link between participation, social innovation, and development (see Getimis and Kafkalas, 2002). Since it is impossible within

the remit of this paper to exhaust the possible theorisations and perspectives on social and political power, we shall focus on these principles that fundamentally shape individuals' or social groups' position within the polity and that articulate their respective (but interrelated) power positions vis-à-vis governing institutions on the one hand and within civil society on the other. While in pluralist democracy the political entitlement of the citizen is articulated via the twin condition of 'national' citizenship on the one hand and the entitlement to political participation in a variety of ways (but, primarily via a form of (constitutionally or otherwise) codified representational democracy) on the other, network based forms of governance do not (yet) have codified rules and regulations that shape or define participation and identify the exact domains or arenas of power. While exactly such absence of codification potentially permits and elicits socially innovative forms of organization and of governing, it also opens up a vast terrain of contestation and potential conflict that squarely revolves around the exercise (or the capacity to exercise) entitlements and institutional power. In fact, when assessing the formal requirements of pluralist democracy against the modes of arrangements of governance-beyond-the-state, the contradictory configurations of these networked associations come to the fore.

The first question revolves around 'entitlement' and 'status'. While the concept of 'holder' is inclusive and presumably exhaustive, the actual concrete forms of governance are necessarily constrained and limited in terms of who can, is, or will be allowed to participate. Hence, status and assigning or appropriating entitlement to participate is of prime importance. In particular, assigning 'holder' status to an individual or social group is not neutral in terms of exercising power. In most cases, entitlements are conferred upon participants by those who already hold a certain power or status. Of course, the degree to which mobilisations of this kind are successful depends, inter alia, on the degree of force and/or power such groups or individuals can garner on the one hand, and the willingness of the existing participants to agree to include them. In addition, the terms of participation may vary significantly from mere consultation to the right to vote. Needless to say, status within the participatory rituals co-determines effective power positionality. More fundamentally, while political citizenship-based entitlements are (formally) inclusive (at least at a national level), holder entitlements are invariably predicated upon willingness to accept groups as participants on the one hand, but also on willingness-to-participate on the other. The latter of course depends centrally on the perceived or real position of power that will be accorded by the incumbent participants. In a context in which, partly through the erosion of political power (compared with other forms of power) and partly through an

emerging more problematic relationship between state and civil society, many individuals and social groups have fully or partially ‘opted-out’ of political participation and chosen for either other forms of political action or for plain rejection. Deep ecologists, part of the alternative globalisation and anti-capitalist movements and even segments of the ‘social economy’ sectors have gone in this direction (Hertz, 2001).

Second, in addition to decisions over entitlements to participate, the structure of representation is of crucial importance. While pluralist democratic systems exhibit clear and mutually agreed forms of representation, ‘holder’ participation suffers from an ill-defined and diffuse notion of and, above all, actual system of representation (Edwards, 2002). Various groups and individuals participating in networks of ‘governance’ have widely diverging mechanisms to decide on representation and to organise feedback loops to their constituencies. To the extent that it is primarily civil society organisations that participate in governance, their alleged insertion into grass-roots civil society power, is much more tenuous than is generally assumed. In fact, it proves to be extremely difficult to disentangle the lines of representation (and mechanisms of consultation and accountability that are directly related to the form of representation) through which groups (or individuals) claim entitlement to ‘holder’ status (and, hence, to participation) or are assigned ‘holder’ status. This, of course,

opens up a space of power for the effective participants within the organisation that is not or only obliquely checked.

Thirdly, and directly related to the above, the mechanisms and lineages of accountability are radically redrawn in arrangements of governance-beyond-the-state (Rhodes, 1999; Rakodi, 2003). Again, while a democratic polity has more or less clear mechanisms to establish accountability, 'holder' representation fundamentally lacks explicit lines of accountability. In fact, accountability is assumed to be internalised within the participating groups through their insertion into (particular segments) of civil society (through which their holder status is defined and legitimised). However, given the diffuse and opaque systems of representation, accountability is generally very weakly, if at all, developed. In other words, effective representation has to be assumed, is difficult to verify, and practically impossible to challenge. The combined outcome of this leads to often more autocratic, non-transparent systems of governance that – as institutions – wield considerable power on the one hand and, thus, assign considerable, albeit internally uneven power, to those who are entitled (through a selective random process of invitation) to participate.

This brings the argument of course directly to the centrality of legitimation. Given the difficulties outlined above, the mechanisms of legitimation of

policies and/or regulatory interventions become very different from those of representational democracy. To the extent that legitimation does not result from the organisation of entitlement, representation, and accountability, these new forms of governance face considerable internal and external problems with respect to establishing legitimacy. In fact, this has been a long-running problem for many of the new forms of governance.

Legitimacy depends more crucially on the linguistic coding of the problem and strategies of action. This is particularly pertinent in a policy environment that, at the best of times, only reflects a partial representation from civil society. As Kooiman notes, governance implies '*a linguistic coding of problem definitions and patterns of action*' (cited in Gbikpi (2002 paper, page 13)). This view parallels recent post-modern theories of political consensus formation (see Hajer, 2003) that implies a reliance on the formation of discursive constructions (through the mobilisation of discourse alliances) that produces an image, if not an ideology, a representation of a desirable good, while, all the same, ignoring or silencing alternatives. These discursive or representational strategies have become powerful mechanisms to produce hegemony and, with it, a certain legitimacy. The latter, of course, remains extremely fragile as it can be continuously undermined by means of counter-hegemonic discourses and the mobilisation of a deconstructionist apparatus for deciphering the codings of power that are imbedded in legitimising discourses.

Furthermore and fifth, the geographical scale or level at which forms of governance-beyond-the-state are constituted and their internal choreographies of participation/exclusion is clearly significant. When governance-beyond-the-state involves processes of 'jumping scales' (Smith, 1984) -- that means the transfer of policy domains to sub-national or transnational forms of governance -- the choreography of actors change as well. For example, when national urban policy became increasingly replaced by 'local public-private partnerships', the composition of social actors and their position within the geometries of power changed as well. In other words, up-scaling or down-scaling is not socially neutral as new actors emerge and consolidate their position in the process while other are excluded or become more marginal (Swyngedouw, 1996). In sum, with changing scalar configurations, new groups of participants enter the frame of governance or re-enforce their power position, while others become or remain excluded.

Finally, as both Kooiman (2000) and Jessop (2002b,c) attest, a clear distinction, at least theoretically, has to be made between meta-, first, and second order governance. Meta-governance refers to the institutions or arrangements of governance where the 'grand principles' of governmentality are defined (Whitehead, 2003). For example, the European

Union, the World Trade Organization, or the G-8 meetings are textbook examples of vehicles of meta-governance. First order governance is associated with codifying and formalising these principles, while second order governance refers to the sphere of actual implementation. In terms of political and social framing of policies, there is a clear hierarchy between these orders of governance, which can and do of course operate at all spatial levels. However, the choreography of participation, including entitlement, status, and accountability, vary significantly depending on the 'order' of the governing network.

Of course, the political and institutional armature does not operate independently from the social and economic sphere. In fact, any operation of the political sphere is de facto a political-economic intervention as this sphere inevitably impinges on and is shaped by decisions over economic processes and modes of environmental use and transformation. This is particularly true, of course, in a market-economy, in which key decisions over resource allocation, use and transformation are taken by private actors that operate within the constraining or enabling regulatory framework of systems of government. To the extent that over the past few decades a tendency towards de- and re-regulation and towards the externalisation of state functions has taken place, the emergence of new forms of governance were either instrumental in shaping this transformation or emerged as the

regulatory framework for managing a beyond-the-state polity. In this sense, the power geometries within and between networks of governance as well as, most importantly, the theatre of their operation and focus of their intervention, is shaped by these wider political-economic transformations

It would be of course premature to announce the death of the state in the wake of the emergence of these new forms of governance. In fact, many of these networked organisations are set up and directly or indirectly controlled by the state, and, regardless of their origin, necessarily articulate with the state. Hence, the political power choreography in this hybrid government/governance configuration is multi-layered, diffuse, de-centred, and, ultimately, not very transparent. Yet, whether we consider E.U. levels of governance or the emergence of sub-national levels of governance (social economy initiatives, development corporations, local social movements), they cannot operate outside of or independent from the state. However, their institutional operation beyond-the-state permits, in fact, a form of governmentality that is only apparently outside of the state, and to which the state must necessarily respond. This ambiguity becomes, in fact, one of the means the state mobilises to deal with its own immanent legitimation crisis. For example, the new forms of governance (at the EU or other levels) are invoked by the state to legitimise and push through forms of intervention that might otherwise meet with considerable resistance from (significant

parts of) civil society. The imposition of the budget norm on national governments by the Maastricht treaty in the run-up to European monetary integration was a classic example of this practice. In the absence of clear channels of representation and accountability, civil society individuals and groups find it more difficult to engage in public debate and to contest or change courses of action decided beyond-the-state.

### **5. The Janus face of Governance-beyond-the-state: the Contradictions of Social Innovation in Governance**

The present paper outlined a series of research hypotheses that require substantiation through case-study analysis. However, the thesis of the transition in socio-economic regulation from statist command and control systems to horizontal networked forms of participatory governance has to be qualified in a number of ways. First of all, the national or local state and its forms of political/institutional organisation and articulation with society remain important. In fact, the state takes centre stage in the formation of the new institutional and regulatory configurations associated with governance (Swyngedouw, *et al.*, 2002). This configuration is directly related to the conditions and requirements of neo-liberal governmentality in the context of a greater role of both private economic agents as well as more vocal civil society based groups. The result is a complex hybrid form of

government/governance (Bellamy and Warleigh, 2001).

Second, the non-normative and socially innovative models of governance as non-hierarchical, networked and (selectively) inclusive forms of governmentality, cannot be sustained uncritically. While governance promises, and on occasion, delivers a new relationship between the act of governing and society, and, thus, re-articulates and re-organises the traditional tension between the realisation of the Rousseauan ideal in immanent forms of governing on the one hand and the imposition of a transcendental Hobbesian leviathan on the other, there are also significant counter-tendencies. In particular, tensions arise between:

- a) The possibilities and promises of enhanced democratisation through participatory governance versus the actualities of non-representational forms of autocratic technocracy, through the sole inclusion of 'experts'.
- b) The extension of 'holder' participation as partially realised in some new forms of governances versus the consolidation of beyond-the-state arenas of power-based interest intermediation
- c) The improved transparency associated with horizontal networked interdependencies versus the grey accountability of hierarchically articulated, and non-formalised and procedurally legitimised, associations of governance.

These tensions arise particularly prevalent and acute in the context of

processes of the re-scaling of the levels of governance. The up-scaling, down-scaling, and externalisation of functions traditionally associated with the scale of the national state have resulted in the formation of institutions and practices of governance that all express the above contradictions. This is clearly notable in the context of the formation (and probably implementation) of a wide array of socially innovative urban and local development initiatives and experiments on the one hand and in the construction of the necessary institutional and regulatory infrastructure that accompanies such processes on the other. Needless to say, this ambiguous shift from government to a hybrid form of government/governance, combined with the emergence of a new hierarchically nested and articulated 'gestalt of scale', constitutes an important and far-reaching socio-political innovation.

Third, the processes of constructing these new choreographies of governance are associated with the rise to prominence of new social actors, the consolidation of the presence of others, the exclusion or diminished power position of groups that were present in earlier forms of government and the continuing exclusion of other social actors who have never been included. The new 'gestalt of scale' of governance has undoubtedly given a greater voice and power to some organisations (of a particular kind, i.e. those who accept to play according to the rules set from within the leading elite networks). It has consolidated and enhanced the power of groups

associated with the drive towards marketisation, and diminished the participatory status of groups associated with social-democratic or anti-privatisation strategies.

Finally, and perhaps most importantly, governance-beyond-the-state is embedded within autocratic modes of governing that mobilise technologies of performance and of agency as a means of disciplining forms of operation within an overall programme and responsabilization, individuation, calculation, and pluralist fragmentation. The socially innovative figures of horizontally organised stakeholder arrangements of governance that appear to empower civil society in the face of an apparently overcrowded and ‘excessive’ state, may, in the end, prove to be the Trojan Horse that diffuses and consolidates the ‘market’ as the principle institutional form.

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**Table 1. Schmitter's matrix of definitions of 'holders'.**

<p><b>Right holders</b> participate because they are members of a national political community</p> <p><b>Space holders</b> participate because they live somewhere affected by the policy</p> <p><b>Knowledge holders</b> participate because they have particular knowledge about the matter concerned</p> <p><b>Share holders</b> participate because they own part of the assets that are going to be affected</p> <p><b>Stake holders</b> participate because, regardless of their location or nationality, they might be affected by change</p> <p><b>Interest holders</b> participate on behalf of other people because they understand the issues</p> <p><b>Status holders</b> participate on behalf of other people because they are given a specific representative role by the authorities</p>
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Source: (Schmitter, 2000)

**Table 2. Definitions of Civil Society**

A (localised) network of relationships, cultures, and values (rather than a sum of actors with specific characteristics).
Formal and informal actors with non-profit aims and independent from the Government
An arena for the mobilisation of resources in the direction of collective action (through the creation of conflict or consensus)
Repertoires and/or organisations of collective action.
Solidarity-based inclusive co-operative networks
A field of action between economy, society and politics.

Source: Delphi-analysis, thirty European social scientists