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Democratic Governance¹

The concept of governance is widely used to express a normative aspiration. The World Bank has even added “good governance” to its lending criteria.² The Bank takes good governance to refer primarily to standard liberal democratic practices and norms – representative and responsible government, the rule of law, and an absence of corruption. But it also appears to privilege a neoliberal faith in the superiority of market economies and in the importance of introducing market mechanisms into the public sector. These neoliberal themes distinguish the Bank’s concept of good governance from those recently invoked as part of various centrist and even left projects. These projects appeal to a system governance that is characterized by a set of overlapping ideas that mingle the empirical and the normative. The main ideas of system governance include: a shift from hierarchies and markets to networks and partnerships at least within the public sector, the interpenetration of state and civil society and of national and international domains, a change in the role of the state from intervention and control to steering and coordination, a related change in state activity from laws and commands to negotiation and diplomacy, the incorporation of non-state actors into the policy process, an emphasis on local self-governance, greater levels of public involvement in decision-making, and a reliance on more reflexive and responsive modes of public policy. System governance seems to be committed to ideals of dialogue, participation, consensus, empowerment, and social inclusion.

What are we to make of the ubiquitous rise of system governance? Does it mean that local, state, regional, and international regimes are all busily establishing radical

democracy? Alternatively, have these regimes adopted the letters of radical democracy while missing its spirit? If we want to plump for the latter view, we might ask what is the spirit that they are missing; we might try to provide an alternative account of radical democracy.³

I want to suggest that system governance fails to capture the promise of radical democracy. It has arisen instead as an elite project based on expert assertions that it is an efficient and effective mode of governing social systems. I hope thereby to open up a space in which to reclaim the spirit of radical democracy from system governance.

I. System Governance

Examples of system governance are increasingly common. They appear within private and voluntary organizations as parts of mission statements or as concerns with corporate governance. And they appear within all levels of government from the local through the state to the regional and global. As an example, consider a White Paper on European Governance published by the Commission of the European Communities at the start of the consultation exercise began in 2001. The White Paper adopts governance as a normative agenda:

Reforming governance addresses the question of how the EU uses the powers given by its citizens. It is about how things could and should be done. The goal is to open up policy-making to make it more inclusive and accountable. A better use of powers should connect the EU more closely to its citizens and lead to more effective policies.⁴

This normative agenda gets unpacked in terms of five principles: openness, participation, accountability, effectiveness, and coherence. These principles then inspire proposals for change under four headings: better involvement in shaping and implementing policy, better policies and better delivery of policies, contributions to global governance, and refocused institutions and policies. The big idea is to expand democratic participation. “The White Paper proposes opening up the policy-making process to get more people and organisations involved in shaping and delivering EU policy.”⁵ This goal of greater participation goes alongside a broad shift in the nature and role of governing institutions from command and control in hierarchies to facilitation and negotiation in networks. “The [European] Union must renew the Community method by following a less top-down approach.”⁶ That is to say, “the linear model of dispensing policies from above must be replaced by a virtuous circle, based on feedback, networks and involvement from policy creation to implementation at all levels.”⁷

Although the White Paper promotes networks, participation, and inclusion, it does so from what we might describe as a system governance perspective. The view is that of the political system. The concern is with how to make public policies more effective and more legitimate in the eyes of the public.⁸ Networks, participation, and inclusion are promoted as means to these specific ends, not as part of a radical democratic project. The White Paper opens by suggesting that “political leaders” today need to find effective policy solutions to major problems and overcome popular distrust of governing institutions. Later when it first mentions democracy and the need to connect institutions to citizens, it does so specifically because “this is the starting condition for more effective and relevant policies.”⁹ Later still it explains the principle of participation by saying little

other than that, “the quality, relevance and effectiveness of EU policies depend on ensuring wide participation throughout the policy chain – from conception to implementation.”¹⁰ The impetus behind system governance is, it seems, not that of a radical democratic commitment. It is the belief that “policies can no longer be effective unless they are prepared, implemented and enforced in a more inclusive way.”¹¹

System governance derives principally from the beliefs that networks are more efficient than hierarchies and that dialogue and consensus can build political legitimacy and so effectiveness. These beliefs typically derive in turn, I believe, from broad trends in social science that we might refer to, albeit rather loosely, as the new institutionalism and communitarianism.

The new institutionalism encourages governance reforms in response to a perceived crisis in an overloaded bureaucracy characterized by centralization and vertical integration. Whereas neoliberals had argued that we should respond to this crisis through marketization and the new public management, new institutionalists promote networks and joined-up governance. The spread of public choice theory and other approaches rooted in neoclassical economics across the social sciences challenged a widespread commitment to a mid-level analysis that concentrated on describing broad institutional and behavioural patterns and producing typologies and correlations between social categories. Although institutionalists generally acknowledge the policies of the New Right have changed the state, they reject the use of neo-classical economic theory to explain this change. They concentrate, instead, on mid-level analyses of the rules and structures which, in their view, largely settle what happens at the micro-level. The new institutionalism consists of a diverse cluster of attempts to preserve mid-level analysis by

emphasising our social embeddedness and so the role of institutions as determinants of social life.¹² Whereas neoliberals often deploy assumptions about utility-maximising agents to postulate the market as the form of organisation, circumstances permitting, that best expresses our rationality, institutionalists often argue that because individuals are embedded in institutions, networks are the organisations best suited to our nature. On one hand, institutionalists use the concept of a “network” to describe the inevitable nature of all organisations given our embeddedness – hierarchies and markets are networks. The concepts of “embeddedness” and “network” suggest that action is always structured by social relationships, and they thus provide institutionalists with a rebuttal of neoliberal approaches to social science.¹³ On the other hand, institutionalists typically suggest that “networks” are better suited to many tasks than hierarchies or markets. The concepts of “embeddedness” and “network” are deployed here to suggest that governance should rely on networks not markets, trust not competition, and diplomacy not the new public management.¹⁴ Typically institutionalists combine these two ways of conceiving of networks by suggesting that although all organisations take the form of embedded networks, those that best resemble the ideal-type of a network reap the benefits of so doing.

Institutionalists accept neoliberal arguments about the inflexible and unresponsive nature of hierarchies, but instead of promoting markets, they appeal to networks as a suitably flexible and responsive alternative, one that recognises social actors operate in structured relationships. Institutionalists argue that economic efficiency and success derive from stable relationships characterised by trust, social participation, voluntary associations, and friendship, at least as much as from markets and competition. Although

hierarchies can provide a setting for trust and stability, institutionalists often suggest that the time for hierarchies has passed: hierarchies were useful for the routinized patterns of behaviour that dominated Fordist economies, but they are ill-suited to delivering the innovation and entrepreneurship that states now have to foster if they are to compete effectively in the new knowledge-driven global economy.¹⁵ The new economy requires networks in which trust and participation are combined with flexibility, responsiveness, and innovation. Network theory appeals here to its apparent ability to account for what for once appeared to be the most prosperous parts of the new economy – Japanese alliance capitalism and the hi-tech sectors in Silicon Valley and north-central Italy.¹⁶

System governance derives in part from the institutionalist idea that networks constitute an effective structure for service delivery and other governmental tasks. This idea suggests that governance will be more effective if it is located in a broad set of overlapping institutions incorporating diverse sets of actors. The state might enter, for example, into partnerships with private and voluntary groups within civil society. Hence proponents of system governance typically advocate increased avenues of participation, beyond those associated with representative democracy, precisely in order to bring into being the multi-layered networks that they associate with governmental efficiency. They hope that involving actors beyond professional politicians and civil servants will improve the quality of state activity. We might suspect that any proliferation of networks would raise worries about accountability: the resulting complexity obscures who is accountable to whom for what, while there often are few procedures by which to hold accountable the private and voluntary bodies who deliver services.¹⁷ All too often proponents of system governance downplay such worries. Sometimes they argue that multi-level or network

governance provides alternative avenues for securing democratic legitimacy for actions.¹⁸ At other times they argue that it can match the democratic credentials of other examples of democratic practice.¹⁹ Even when proponents of system governance do worry about issues of accountability, moreover, they typically do so in communitarian terms.

Communitarianism reproduces the functionalist and corporatist argument that social order depends on the creation of a consensus over the legitimacy of the political institutions governing it. Functionalists often classified organizations as, say, coercive, remunerative, or normative according to the main mechanisms by which they maintained social control and the corresponding functions they fulfilled for their members.²⁰ In this scheme, coercive organizations have to ensure compliance through force since the people within them tend to resist them, remunerative organizations get individuals to conform to their norms by paying them so to do, and normative organizations manufacture suitable conformity out of the feelings of obligation and commonality of their members who join them in order to pursue goals they believe to be morally worthwhile. Communitarians draw on such typologies to suggest that the democratic state is a normative organization so it has to create appropriate feelings of obligation and commonality among its citizens if it is to maintain a stable and effective social order. This account of the state leads to worries that the democratic deficits associated with governance will damage effectiveness if they prevent citizens from accepting the legitimacy of the political institutions that govern them. Communitarianism thus encourages reforms to address popular perceptions of a democratic deficit within systems of multi-level governance characterized by networks.

System governance derives in part from the communitarian idea that the effectiveness of political institutions depends on the incorporation of stakeholders within decision-making processes so as to secure a social consensus over values, policies, and the legitimacy of the institutions themselves. Hence proponents of system governance typically advocate increased avenues of participation, beyond those associated with representative democracy, in order to incorporate stakeholders within the policy process so as to foster the consensus that they associate with an effective and stable social and political order. They worry that declining rates of participation undermine the quality and legitimacy of elite decisions and political institutions. They hope that consulting actors beyond professional politicians and civil servants will make elite policies more acceptable to those whom they target. System governance thus approaches participation from a top-down concern with political authorities securing consensus and legitimacy for their policies. It is dominated by the imperative of preserving established elites and institutions from vulnerabilities associated with poor performance.

The top-down orientation of system governance appears in two of its most significant features. First, system governance offers an almost neo-corporatist type of incorporation rather than a more open form pluralism. It aims almost wholly at the involvement of organised groups or stakeholders, and it leaves the state in control over which groups are involved. The European White Paper refers, for example, to “interested parties” and “stakeholders” while leaving it to established political institutions to decide which groups to include under such headings.²¹ Second, system governance restricts participation to consultation rather than a more active dialogue. Even those groups that the state recognises as stakeholders or partners are invoked only as vehicles for the

delivery of services of as having the right to be consulted in decision-making; they are not themselves given decision-making powers. Although the European White Paper pays lip service to participation at all stages of the policy-chain, for example, its proposals apply on to the agenda-setting phase, with decision-making being left wholly, in accord with the Community method, to the Council and Parliament.

System governance is, then, for all its talk of inclusion and participation, primarily about securing consensus for policies and delivering them effectively. It does little to increase participation by ordinary citizens, as opposed to those sectoral groups that the state recognises. And it restricts even these recognised groups to a consultative role as opposed to allowing for citizens making and implementing policies.

II. Participatory Democracy

The preceding account of system governance is, of course, intended to act as a critique. It presents system governance as a contingent product of new institutionalism and communitarianism, rather than an inherently reasonable or neutral set of ideas. It stands in contrast to the view of those adherents of system governance who portray it as having broken with the old ideological dogmatisms of state and market so as to adopt a pragmatic stance that focuses on the effectiveness of policy instruments in delivering consensual ends. It suggests, on the contrary, that system governance disguises a clear bias taken from the new institutionalism and communitarianism. However, while such critique might open up a space for advocating alternatives, it can be properly effective only if it is combined, at least implicitly, with the defence of substantive alternatives. Because we have to act in the world, we cannot renounce our current mode of life, no

matter how much we may come to doubt it, unless we conceive of an alternative as preferable. I want to suggest that we can derive alternatives from a radical democratic tradition that privileges our agency within practices over the alleged expertise of the new institutionalists and communitarians.

System governance often follows the new institutionalism in invoking networks as an efficient form of organization and it often follows communitarianism in invoking consensus and shared values as the basis of an effective social order. Hence its appeals to democratic themes – participation within networks and dialogue as a means of building consensus – generally arise because experts suggest that they are the means of promoting efficiency and effectiveness. In so far as system governance draws on such expertise, it relies on a largely liberal account of democracy. It depends on an account of democracy as representative government in which elected representatives introduce and check policies designed and implemented by experts albeit in consultation with stakeholders. Citizens participate through institutionalized processes, notably by voting for parties in periodic elections and by joining structured interest groups. Democracy is, in this view, largely a matter of constitutional protections for the fixed principles of the right or a universal and natural freedom. It consists principally of the rule of law and popular sovereignty, which have normative value because they treat individuals as free and equal. The practice of democracy involves, in this view, established rules and procedures for aggregating and adjudicating between interests. Hence when system governance seeks to extend such democracy, it typically concentrates on ensuring that interests are adequately represented in political institutions, that elite decision-makers have adequate information,

and that these institutions and elites are accountable to elected representatives and thus citizens.

Radical democrats have historically tended to reject the idea of a universal or natural freedom. They have drawn on a republican notion of freedom as inherently embedded in particular practices.²² Many liberal democratic norms arose as attempts to protect an illusory autonomy that supposedly exists outside of social practices. A radical perspective suggests, in contrast, that we might be more concerned with the ways in which people actively make their own freedom through their participation in self-governing practices. This radical perspective implies that participation is a kind of good in itself. The virtue of democracy lies as much in a way of life or a type of experience as it does in a set of institutional arrangements. Radical democracy is, in other words, an attempt to enable people to rule themselves.

A radical, participatory democracy would treat its members as agents capable of deliberating on any prescribed set of values as they conduct themselves within practices defined by their activity. Because people always exist against a social background, we cannot isolate their reasoning from social pressures. The crucial questions are, rather, about the nature of these pressures: are they examples of violence or deliberation? Violence arises, in this contrast, whenever an individual or group denies the agency of another. The powerful issue laws or commands, and any failure to comply with them can result in punishment. The subject of the law or command is treated as an object to be compelled to act in a certain way by the threat of force. Deliberation appears, in contrast, when we treat others as agents who we might convince of the rightness of acting in a certain way so that they choose so to do. Not all forms of communication constitute

deliberation since bribes, threats, and the like do not attempt to convince others through an appeal to reasons. Equally, deliberation need not presuppose a prior commitment to reasonableness or to seeking a consensus since we can treat others as agents even in the absence of such commitments. Deliberation takes the form of continuous persuasion and debate. The process of debate induces people to reflect on their beliefs and preferences, possibly altering them in the light of what others say and thereby exercising their agency and their capacity for local reasoning so as to consider what ideals and policies they are willing to endorse. What matters is, we might say, less the gaining of consent by the state than the capacity of citizens to step back, consider, and voice differing perspectives in debate. Although a participatory democracy surely would include some violence, we might attempt to strengthen deliberation in place of the violence that currently lurks in the coercive power of the state and the financial power of the market.

This emphasis on deliberation over violence points toward a similar emphasis on ethical conduct rather than prescriptive rules. Rules are, in this contrast, proclamations that purport to define how others should or should not act; they are typically external to the actor and they are given prior to the action. Ethical conduct arises when the actor interprets, modifies, or even challenges a looser, flexible, more open-ended set of norms.²³ Whereas moral rules seek to impose requirements and restrictions upon people, an ethic constitutes a practice in which people negotiate their own relationship to just such requirements and restrictions. No doubt a participatory democracy will have to include some moral rules, including those that set out at least provisionally the constitutional framework for deliberation. Even so, a participatory democracy might seek to ensure that these rules remain flexible enough to leave plenty of room for

individuals to devise new forms of ethical conduct and even to bring the rules themselves into question at regular intervals.

II. Pluralism against Incorporation

A radical perspective raises suspicions about the suspension of democratic decision that so often accompanies ideal constitutions or theories of justice.²⁴ It is worth inquiring, however, what a participatory democracy that foregrounds deliberation and conduct might look like. Few participatory democrats want to repudiate liberal rights and liberties as opposed to supplementing them. In their view, freedom is not only abstract rights and liberties under the rule of law; it is, at least as importantly, concrete practices in particular circumstances. To begin, though, we might endorse many of the features of liberal democracy. Democracy relies on rights to protect deliberation and conduct; it requires rights of privacy, free speech, and association as well as the right to vote. These rights do not just protect individual difference; they also safeguard public and private spaces for deliberation and conduct. To such rights, we might add other principles that also facilitate these things, including a free press, open government, and independent courts of law. Democracy relies similarly, of course, on devices to bring deliberation and conduct to bear on our processes of collective decision-making, and some of these mechanisms are widespread in liberal democracies, including elected legislatures, public hearings, and procedures for appeal and redress. While participatory democrats might endorse all these aspects of liberal democracy, they would do so as part of an account of a practice of freedom. This practice then might depart from other aspects of liberal democracy. A suitable practice of freedom requires, we might argue, that citizens can

debate and remake even these liberal rights and mechanisms; it requires that we adopt other rights and devices so as to extend democracy to other areas of our community; and it requires that we decenter the state, handing aspects of governance over to other associations.

To begin, we might seek to locate liberal rights and mechanisms in a democratic practice. Democracy does not stand, in this view, as a universally rational order based on a neutral reason or the allegedly given fact of individual autonomy. It is a historical and mutable construct that we can defend and debate only by using our particular, contingent set of concepts. Even the rights and devices of liberal democracy are thus legitimate targets for evaluation and critique. When we elucidate or enact a vision of democracy, we are not laying down given maxims so much as interpreting a historical set of inter-subjective concepts and practices.

Once we take democracy to be historically contingent in this way, we open up the possibility of adding to the rights and devices of liberal democracy others that have a more socio-economic focus. A historically contingent account of democracy implies that rights are social not natural: because we can not make sense of the idea of an individual coming before the community, we also can not make sense of the idea of natural or pre-social rights; because individuals exist only within social contexts, they can bear rights only against a social background so all rights are social in that a society grants them to individuals because it holds the relevant liberties and powers to be essential to human flourishing – we postulate rights to protect what we regard as the vital interests of our fellows, say, their freedom from certain restraints or their access to a minimum level of welfare. Hence we can place rights associated with social and economic deliberation and

conduct on an equal footing with those to political deliberation and conduct. Because rights are designed to promote human flourishing, our view of which rights are most important will depend on our view of flourishing, which might lead us to pay as much attention to the economy as to the state. We might champion various rights and devices that seek to bring democracy to bear on the socio-economic sphere. Liberal democrats have favoured devices that rely on state intervention to control industry in the interests of social rights; the state has relied on taxation and welfare benefits to ensure rights to education, housing, and a minimum income, and it has relied on various forms of intervention to subject economic groups to the will of representative government. Equally, radical democrats have proposed that we supplement or even supplant these devices and rights with others. They have proposed popular control of the state and organisations in civil society, with worker ownership and participation, consumer organisations, and local bodies all providing ways of extending our democratic practices to economic groups.

If we were to promote a radical, participatory democracy that emphasised deliberation and ethical conduct, we might seek to devolve various aspects of governance to various associations within civil society. These associations could provide policy-makers with information, voice the concerns of their members, and play an active role in devising and implementing a range of policies. A pluralist democracy of this sort might appeal as a way of improving the effectiveness of public policy. It seems likely, for example, that involving diverse groups and individuals in the process of policy-making would bring more relevant information to bear on the policies, and also give those affected by policies a greater stake in making them work. A pluralist democracy also

might appeal, however, as a way of fostering opportunities for participation, deliberation, and conduct. If we devolved aspects of governance to various groups in civil society, we would increase the number and range of organisations through which citizens could enter into democratic processes. Citizens could get involved through a diverse cluster of identities and concerns, perhaps as members of a religion or race, as people living in a city or region, as people engaged in some occupation, or as consumers. Associations might act as sites for the development of a civic consciousness that fostered deliberation on policy and participation in its formulation and enactment. What is more, because these associations could be self-governing, they need not be bound tightly by rules laid down by the state. Their members could interpret, develop, and even modify our democratic norms through their own conduct. Associations might act as sites for citizens to exercise their agency so as to enact and remake democratic practices.

The involvement of groups in the policy process raises the risk of a self-serving factionalism in tension with popular sovereignty and political equality, as many critics have pointed out. To lessen this risk, we might invoke norms in relation to which groups and their members should conduct themselves. No doubt the most important norm would be that individuals should be free to join and leave groups as they wish: even groups that conceive of themselves as being based on objectified identities would have to open themselves up to those who fell outside of the criteria by which they sought to define themselves. More generally, groups pose less of a threat to political equality if they are organised democratically, so they are neither highly centralised nor too reliant on market mechanisms. Groups should provide many and varied opportunities for participation, and they should have strong lines of accountability based on indirect and direct representation

and even outright ownership. If we made such norms compulsory, or if we specified too many of their details, we would undermine much of the value of groups as sites of ethical conduct. Nonetheless, even when the state foregoes legislation – and there might be times when legislation is appropriate – it still could deploy administrative codes, taxes, and subsidies to encourage open and democratic groups.

Pluralist democracies also run the risk that the most wealthy and powerful groups exercise a disproportionate influence upon public policy. Although this risk seems to be just as present in all other democratic systems, we still might reduce it by invoking norms in relation to which the state should conduct its relations with other groups. No doubt the most important norms would be general ones of importance in all democracies, including norms that sustain open and accountable government. In addition, however, the state again might deploy a range of administrative controls, tax incentives, subsidies, and even legislation in order to equalise somewhat the resources and influence of comparable groups.

A participatory democracy might ascribe a role in governance to a wide range of democratic groups in civil society as well as the state. Because we are dealing with fuzzy boundaries rather than sharp dichotomies, we should not be surprised that this vision finds some echoes in system governance, notably in devolution programmes and the use of partnerships between the public sector and the voluntary and private sectors. As well as these echoes, however, we find important contrasts. In general, system governance remains wedded to a liberal institutionalism albeit with networks as the preferred vehicle for service delivery. A pluralist democracy attempts, in contrast, to develop and extend a contingent democratic practice to producers, consumers, and others. So, whereas system

governance often privileges a liberal agenda of constitutional and electoral reform, a pluralist vision encourages us to invent and establish yet other fora in which citizens can deliberate and conduct themselves in relation to the state. Whereas system governance privileges indirect representation of citizens and the incorporation of organized interests within the institutions of the state, our pluralist democracy seeks to assign aspects of governance to democratic associations other than the state. Similarly, whereas system governance promotes networks in which the state plays an active role, even seeking to regulate and control outcomes, a pluralist democracy would hand aspects of governance over to associations other than the state. Whereas system governance adopts networks that aim to deliver services more effectively with little concern for the inner workings of the organisations with which the state cooperates, a pluralist democracy is committed to extending democratic principles to businesses, unions, and other groups within civil society.

A pluralist democracy also differs from the communitarianism with which system governance compliments its liberal institutionalism. System governance often appears to believe that there is – or at least that there ought to be – consensus on public policy such that the state can acquire legitimacy through consultations designed to foster agreement. A pluralist democracy attempts, in contrast, to embrace that ethical pluralism which it postulates as perfectly legitimate. It allows various groups to establish different clusters of responsibilities. It appeals to deliberation and compromise, not an ideal consensus, as the means of addressing any tensions between the responsibilities established by different groups. So, whereas system governance emphasizes the importance of consulting people, democratic pluralism concentrates on giving them opportunities to remake their collective

practices without requiring them to do so in any given way. Whereas system governance implies that the goal of consultation is consensus, democratic pluralism focuses on the processes of decision-making without postulating a substantive concept of the common good against which outcomes might be measured. And whereas system governance implies that people must reach a consensus if we are to have an integrated society, democratic pluralism relies on deliberation and compromise to resolve differences among individuals and groups and so to establish a more decentred social order.

IV. Dialogue against Consultation

We have seen that radical democrats can defend an open community in which freedom consists of agency within particular practices and so is associated with the possibilities of participation, deliberation, and ethical conduct rather than the protection of a spurious autonomy. We have also seen that they can promote these possibilities by means of a pluralism in which aspects of governance are transferred from the state to other democratic associations. Even if we decentred the state by giving such a role to other groups, however, we would do well to ask: what space does the state and these other groups offer for participation, deliberation, and conduct? To begin, we again might endorse many of the features of liberal democracy. Here too liberal rights and devices safeguard private and public spaces for participation, deliberation, and conduct. They also help to bring deliberation and conduct to bear on processes of collective decision-making. Democracy benefits from rights to free speech and to the vote, and from devices such as elected legislatures and the rule of law. In particular, we might endorse here the emphasis on elected legislatures acting as vehicles of popular sovereignty to direct and

oversee administrative agencies, although if we are pluralists, we will favour a wide diversity of such legislative fora. No matter how much we invoke deliberation and conduct, there will be moments when decisions have to be made, and at those moments majority rule through a legislature would seem to be an appropriate way of closing discussion and making a collective judgement. Similarly, no matter how many avenues for participation we establish in administrative agencies, complex modern societies appear to require a division of labour between the legislative fora that make laws and the agencies that implement them. Any such division of labour seems to require, in turn, that the legislatures constrain and oversee the agencies: democracy would be a sham if administrative acts were not accountable to the legislative bodies that authorise them. Even when we envisage rights and devices to extend deliberation and conduct in the formulation and implementation of public policy, so we should bear in mind, then, that they are supposed to support, not supplant, existing opportunities for legislative oversight and judicial review.

The importance of liberal rights and mechanisms does not imply that they are sufficient. On the contrary, a focus on democracy as a practice suggests that they pay insufficient attention to participation, deliberation, and conduct in the stages of collective decision-making that come before and after the legislative act. Whereas liberal constitutions often treat people as autonomous beings with incorrigible preferences that need merely to be represented adequately at the moment of legislative decision, a concern with democratic practice conceives of people as agents who construct and modify their preferences and beliefs through deliberation and conduct. Whereas liberal constitutions often distinguish sharply between policy issues and managerial ones, with the latter being

left to administrative agencies, a concern with democratic practice acknowledges that our reasoning typically involves a reflexivity in which we further specify our ends when we choose the means by which to realise them.

Our democratic practice consists of stages of public debate, legislative decision, and implementation. Proposed laws and policies emerge out of public debate before then being drafted by legislators who also decide whether to enact them. If enacted, they are then implemented by agencies, which, in the process, typically specify their content still further. The stages of legislation and implementation are subject to various modes of feedback and oversight to keep them subject to popular will as expressed in debate. Each of these stages can be opened up to greater participation, deliberation, and conduct through a variety of rights and devices. So, although elected legislatures are arguably the organisations most open to influence by the public, and although we thus might ascribe primacy to them, a concern with democracy as a practice might encourage us to devise additional rights and devices to bring democratic values to bear on public debate and policy implementation. When we devise such rights and mechanisms, they will not be fixed principles derived from a pure reason, but rather contingent, invented possibilities. Our democratic practices should be the sites in which we decide which inventions we do and do not adopt.

Once we renounce ideal constitutions designed to protect an alleged autonomy in favour of practices that allow for agency, we free ourselves to invent, modify, and reject rights and devices in the stages of public debate, legislative decision, and administrative implementation. We might propose for the stage of public debate modes of deliberation and conduct such as public hearings and deliberative polls. We might propose for the

stage of legislative decision modes of deliberation and conduct such as the citizens' initiative and referendum; we even might suggest that decisions sometimes be made by citizens' juries or deliberative polls, with all citizens having an equal right or opportunity to participate. In general, we might promote more fact-to-face forms of debate leading to more direct forms of decision-making.

While we might propose a range of democratic devices for the stages of debate and decision, our focus should fall perhaps on the stage of implementation. Many liberal devices cover the stages of debate and decision whereas that of implementation is often left to the expertise of an unelected civil service. Besides, concerns about governance characteristically stress democratic deficits in the agencies – commissions, departments, public private partnerships, and others – that are involved in the implementation of public policy. For these reasons, our focus should fall on promotion of a dialogic public policy. As we have seen, democratic principles suggest that agencies should operate in a liberal framework that includes the rule of law and fidelity to legislative decisions. Within this framework, however, we can promote processes of dialogue that seek to bring popular voices into agencies. Here we can divide the stage of implementation itself into sub-stages such as those of publicity, decision, and review. In the sub-stage of publicity, agencies could not only make known the rules and decisions on the basis of which they intend to act, but also invite comments on them from citizens, and even commission surveys, deliberative polls, and the like to garner opinion on them. During the stage of decision, agencies might involve citizens through all sorts of rarely used mechanisms; they could create committees as sites for face-to-face negotiations between agency representatives and various citizens, and they could provide stakeholders with places on

the drafting committees that define their operating rules and procedures. Citizens thereby might help to make decisions and to draft rules at all administrative levels from the central civil service to local benefit offices. In the stage of review, the agencies could be accountable not only to the legislature but also directly to citizens; such accountability could be enhanced by means such as the requirement to report to committees of citizens and even by the direct election of agency officials.

Dialogic modes of public policy are said by critics to allow particular groups to dominate or capture agencies. Although we might argue that this risk is equally present in all other administrative systems, we also could seek to lessen it by appealing to norms in relation to which agencies should conduct themselves. No doubt the most important norms would be those associated with publicity and accountability that enable citizens to monitor and challenge the conduct of agencies. In addition, a norm of openness might preclude agencies from restricting the participants in negotiating and drafting committees to a given list of stakeholders, requiring them instead to involve all citizens who make a case that they have an interest in any given issue, or maybe even to involve all citizens who expresses such an interest; perhaps a diffuse public voice could be added to such committees by introducing a norm of service akin to that which currently operates with respect to juries. Likewise, a norm of fairness might require agencies to offer financial or technical support to groups or individuals who want to be involved in negotiating or drafting committees but who would be at a disadvantage due to their lack of these resources. Here too, of course, if we made such norms compulsory or specified their content in too much detail, we would undermine much of the value of agencies as sites of

conduct. What matters is that we have a range of administrative codes, procedures, and subsidies that ensure that a dialogic public policy remains open and democratic.

A participatory democracy might make use of a dialogic public policy instead of a reliance on allegedly neutral experts. While this vision finds echoes in communitarian themes that characterize system governance, notably in the widespread belief that policy should be made in consultation with the relevant stakeholders, there are also important differences here. Whereas system governance typically privileges a liberal democracy in which public policy is implemented by a managerial elite who are subject to direction and supervision by a political elite who in turn are accountable to the popular will through elections, a dialogic approach would promote deliberation and conduct throughout the policy-making process including the stage of implementation. Whereas system governance typically relies on the assumption that administration can be a purely neutral or technical matter of implementing the will of the legislature, a dialogic approach allows for popular involvement in the processes by which administrative agencies actively interpret and define the will of the legislature.

A dialogic approach to public policy also offers a contrast to the way in which system governance, with its debt to an institutionalism approach to networks, often brushes aside democratic values such as participation and conduct in its rush to promote efficiency, effectiveness, and best value. Institutionalists, who acknowledge that networks have their own typical problems, often try to improve the capacity of the state to manage networks by devising appropriate tools.²⁵ System governance too adopts a technical stance towards the management of networks, even adopting many of the tools advocated by institutionalists. It assumes that the centre can devise and impose devices

that foster integration within networks and thereby realise its own objectives. Policies such as Action Zones have a centralizing thrust in that they attempt to co-ordinate departments and local authorities by imposing a new style of management on agencies; they are to operate and be evaluated by criteria that are defined by the centre. In contrast, a dialogic approach arguably undercuts the idea of a set of tools for managing networks, for if networks are constructed differently, contingently, and continuously, we cannot have a tool kit for managing them. A participatory democracy might thus lead us to forsake alleged techniques of management for a practice of learning by telling stories and listening to them.

V. Conclusion

Governance signifies a widespread perception of a shift in the nature and the role of the state from a monolithic bureaucratic hierarchy toward multi-level institutions that interpenetrate with civil society through markets and networks. It has opened the way to a new theoretical agenda related to this shift, raising questions about the concepts we need to describe it, how we might explain it, and what we should do about it if anything. Prominent among these questions is: how should we envisage democratic governance? Representative liberal democracy appears to leave a large democratic deficit in many areas of multi-level governance through networks. System governance arose as a way of addressing such deficits, but it is, I have suggested, a top-down response that uses the terms of inclusion and participation to refer only to the incorporation of groups and processes of consultation. Perhaps system governance might be a valuable supplement to representative democracy. But we should be wary of the stronger claims made on its

behalf. It should not be taken as a substitute for representative democracy, as if a process top-down consultation with organised interests were enough to offset the democratic deficits associated with multilevel networks.²⁶ And it certainly should not be mistaken for a radical, participatory democracy that fosters pluralism and dialogue.

System governance generally consists of attempts to improve the effectiveness of established institutions by means of officially sponsored and managed participation. At best, it straddles the surely incompatible goals of broadening participation and preserving existing authorities. If it ever succeeded in genuinely broadening participation, it would run up against the possibility that citizens and associations would act as catalysts for change, overturning existing norms, practices, and institutions, instead of enhancing their legitimacy and effectiveness. Yet system governance typically forecloses this possibility by limiting the form and content of participation. When system governance presents us with initiatives to promote greater participation, these are characteristically defined in terms of the perceived needs of existing elites and institutions. Citizens and associations have to transform themselves in accord with the institutionalist and communitarian agenda of system governance or else they tend to remain excluded from these initiatives.

Radical democracy attempts, in contrast, to foster pluralism and dialogue in ways that do not require citizens and associations to conform to the perceived needs of existing elites and institutions. No doubt we cannot entirely insulate radical democracy from the problems that beset system governance. Indeed, if we seek to define radical in a way that eschews any attempts at active facilitation from above we are in danger of falling prey to a kind of defeatist purism according to which radical democracy is inherently fugitive, transient, or unrealisable since it can neither be specified as a constitution nor perhaps

sustained as a practice.²⁷ What we can do is highlight a number of aspects of radical democracy that clearly distinguish it from system governance. I have suggested, for example, that a radical democracy would promote pluralism rather than incorporation and dialogue rather than consultation.

Whereas system governance typically incorporates recognised groups that are thought to represent objectified interests, radical democracy would rely primarily upon solidarities and networks that operate in everyday life so as to minimise dependence on established institutions and objectified identities. Our everyday lives are replete with overlapping cultures of consumption as well as work, and these cultures give rise to diverse and changing solidarities, all of which could be resources for citizenship. A radical democracy might include a plurality of self-governing democratic associations based on different solidarities that arise within civil society. This pluralism would itself encourage politicians and civil servants to engage such associations in dialogue rather than just consulting them. More importantly perhaps, politicians and civil servants who sought to facilitate such a radical democracy would need at a minimum to be prepared to let go; they would have to accept that their efforts might lead to results radically different from those for which they had hoped. They might even need to confront themselves as sources of pressures for conformity to existing norms and practices; they might have to interrogate and perhaps transform their own beliefs and actions within the democratic process. They too would be, in this sense, part of a radical democracy in which we made ourselves through our participation in self-governing practices.

¹ I expand parts of the argument of this essay with particular reference to Britain in M. Bevir, New Labour: A Critique (London: Routledge, forthcoming).

² D. Williams and T. Young, “Governance, the World Bank, and Liberal Theory”, Political Studies 42 (1994), 84-100.

³ Compare H. Bang, “Governance as Political Communication”, in H. Bang, ed., Governance as Social and Political Communication (Manchester: Manchester University Press, 2003), p. 3.

⁴ Commission of the European Communities, European Governance: A White Paper, Brussels, COM (2001) 428, p. 8.

⁵ *Ibid.*, p. 3.

⁶ *Ibid.*, p. 4.

⁷ *Ibid.*, p. 11.

⁸ Much the same could be said about many of the academic reports written to advise the Commission on governance. Note most obviously the very title of N. Lebessis and J. Paterson, Improving the Effectiveness and Legitimacy of EU Governance: A Possible Reform Agenda for the Commission, Forward Studies Unit Working Paper (Brussels: European Commission, 1999).

⁹ Commission of the European Communities, European Governance, p. 3.

¹⁰ *Ibid.*, p. 10.

¹¹ *Ibid.*, p. 10.

¹² Overviews include P. Hall & R. Taylor, “Political Science and the Three New Institutionalisms”, Political Studies 44 (1996), 936-957; J. Kato, “Institutions and

Rationality in Politics: Three Varieties of Neo-Institutionalists”, British Journal of Political Science 26 (1996), 553-582; and V. Lowndes, “Varieties of the New Institutionalism: A Critical Appraisal”, Public Administration 74 (1996), 181-197.

¹³ M. Granovetter, “Economic Action and Social Structure: The Problem of Embeddedness”, American Journal of Sociology 91 (1985), 481-510.

¹⁴ M. Granovetter, “Business Groups”, in N. Smelser & R. Swedberg, eds., Handbook of Economic Sociology (Princeton: Princeton University Press, 1994), pp. 453-475; and W. Powell, “Neither Market nor Hierarchy: Network Forms of Organization”, Research in Organizational Behaviour 12 (1990), 295-336.

¹⁵ On the purported link between networks and innovation see W. Powell, K. Koput, & L. Smith-Doerr, “Interorganizational Collaboration and the Locus of Innovation: Networks of Learning in Biotechnology”, Administrative Science Quarterly 41 (1996), 116-145; and C. DeBresson & F. Amesse, eds., Networks of Innovators, Special Issue of Research Policy 20 (1991).

¹⁶ Granovetter, “Business Groups”; and R. Putnam, Making Social Democracy Work: Civic Traditions in Modern Italy (Princeton: Princeton University Press, 1993), p. 160.

¹⁷ Compare M. Considine, “The End of the Line? Accountable Governance in the Age of Networks, Partnerships, and Joined-up Services”, Governance 15 (2002), 21-40.

¹⁸ G. Majone, “Nonmajoritarian Institutions and the Limits of Democratic Governance: A Political Transaction-Cost Approach”, Journal of Institutional and Theoretical Economics 157 (2001), 58-77. Interestingly this argument is accompanied by an appeal to the importance of expertise in the relevant state activities such as regulation: see G. Majone, Regulating Europe (London: Sage, 1996).

¹⁹ A. Moravcsik, “Federalism in the European Union: Rhetoric and Reality”, in R. Howse and K. Nicolaidis, eds., The Federal Vision: Legitimacy and Levels of Governance in the US and the EU (Oxford: Oxford University Press, 2001). Interestingly this argument is accompanied by an insistence on the importance of empirical expertise in the social sciences as a source of knowledge about “real-world” democracy – as opposed to “utopian thinking” about “ideal democratic systems” – and what we might expect for it: see A. Moravcsik, “Is there a ‘Democratic Deficit’ in World Politics? A Framework for Analysis”, Government and Opposition 39 (2004) 336-363.

²⁰ For the development of such classifications within functionalist organisation studies and their later place in communitarianism see respectively A. Etzioni, A Comparative Analysis of Complex Organizations: On Power, Involvement, and their Correlates (New York: Free Press, 1961); and A. Etzioni, The New Golden Rule: Community and Morality in a Democratic Society (London: Profile Books, 1997). For a recent example of the impact of such classifications on discussions of governance see A. Marintelli, “Markets, Governments, Communities, and Global Governance”, International Sociology 18 (2003), 291-323.

²¹ Commission of the European Communities, European Governance, p. 15.

²² While the historical recovery of republicanism has perhaps been insensitive to its overlaps with liberalism, there is nonetheless an important contrast between the two. See Q. Skinner, Liberty Before Liberalism (Cambridge: Cambridge University Press, 1998). On the place of republicanism as background for the emergence of radical democratic projects see M. Bevir “Republicanism, Socialism, and Democracy in Britain: The Origins of the Radical Left”, Journal of Social History 34 (2000), 351-368. For attempts to

restate related ideas as contemporary ethical and political theories see P. Petit, Republicanism: A Theory of Freedom and Government (Oxford: Oxford University Press, 1999); and M. Bevir, “Postfoundationalism and Social Democracy”, Danish Yearbook of Philosophy 35 (2000), 7-26.

²³ Compare M. Foucault, “The Ethic of the Care for the Self as a Practice of Freedom”, in J. Bernauer and D. Rasmussen, eds., The Final Foucault (Cambridge, MA: MIT Press, 1988), pp. 1-20.

²⁴ Of course thought experiments as to what free and equal people would agree to can inspire democratic proposals: see, for example, D. Held, Democracy and the Global Order: From the Modern State to Cosmopolitan Governance (Cambridge: Polity, 1995). But perhaps the suspicion remains that democracy is suspended when the “expert” thus tells us what free and equal people would or should decide rather than leaving to them to so decide.

²⁵ See, for example, W. Kickert, E-H. Klijn, and J. Koppenjan, eds., Managing Complex Networks: Strategies for the Public Sector (London: Sage, 1998).

²⁶ Contrast Majone, Regulating Europe; and Moravcik “Federalism in the European Union”.

²⁷ S. Wolin, “Fugitive Democracy”, Constellations 1 (1994), 11-25.