

## EXHAUSTING OF THE NORMATIVE CAPACITY OF GOVERNANCE

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### **Abstract**

*At the time of its resurgence during the last decades of the 20th century, the concept of governance, used by some as a feature of a political solution and by others as a criterion for analysis, was presented as something unchangeable and likely to serve as a lasting reference parameter. However, in particular due to different types of developments on the international stage, the normative dimension of governance most of all will be subject to re-assessment and to changes which even go so far as to question its legitimacy. This leads to us question ourselves regarding the impact of these changes on the normative capacity of governance. This article is based upon the hypothesis that that capacity has today reached the point of exhaustion, due in particular to governance being represented in multiple ways.*

**Keywords:** Governance, normativity, consensus, State, legitimacy.

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## Introduction

At the time of its resurgence during the last decades of the 20<sup>th</sup> century,<sup>1</sup> the concept of governance, used by some as a feature of a political solution and by others as a criterion for analysis, was presented as something unchangeable and likely to serve as a lasting reference parameter. However, in particular due to different types of developments on the international stage, the normative dimension of governance most of all will be subject to re-assessment<sup>2</sup> and to changes which even go so far as to question its legitimacy. This leads to us question ourselves regarding the impact of these changes on the normative capacity<sup>3</sup> of governance. This article is based upon the hypothesis that that capacity has today reached the point of exhaustion, due in particular to governance being represented in multiple ways. This hypothesis will be looked at in an illustrative / normative perspective.

### 1. Governance: an initial perspective with normative scope

Though the various analyses conducted on governance demonstrate various ways of approaching this concept, these can be broadly arranged into two types of approach as underlined by Dingwerth and Pattberg<sup>4</sup>: on

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<sup>1</sup> Indeed, it is rather more a question of the resurgence than of the appearance of governance, in as much as that concept, which was already in use in the 18th century, did not step out of obsolescence again until the 20th century. On this point in particular see: Jean-Pierre Gaudin, *Pourquoi la gouvernance?*, Paris : Presses de la FNSP, coll. La bibliothèque du citoyen, 2002.

<sup>2</sup> David Held, "Reframing Global Governance : apocalypse soon or reform", in *New Political Economy*, Vol. 11-2, June, 2006, pp. 157-176.

<sup>3</sup> In this paper, normativity is looked at from a prescriptive perspective as the wish to induce behavior which conforms to a framework - whether it be formal or informal - of explicit or implicit references. On this point see *Dictionnaire de Sociologie*, ed. Le Robert – Seuil cited by Yves Bonny, "La gouvernabilité entre mutations de la normativité et perte de normativité" in Yves Palau, *Gouvernance et normativité: la gouvernance des sociétés contemporaines au regard des mutations de la normativité*, Québec : Presses de l'Université de Laval, 2011, p. 13.

<sup>4</sup> Klaus Dingwerth and Phillipp Pattberg, "Global Governance as a Perspective on World Politics", in *Global Governance*, 12, 2006, pp.185-203.

the one hand, a sociological perspective dealing with governance as the observable phenomenon of interactions between different kinds of actors, and on the other hand, a normative or even prescriptive perspective considering governance as a political agenda. However, in addition to these multiple analytical perspectives, we should note how an observation of the contemporary genesis of this idea indicates that governance was initially conceived of normatively. Indeed, the international institution which allowed governance to step once more out of the obsolescence in which it had been buried by history, and return to the public domain, in this instance the World Bank, immediately conferred a normative scope upon this concept. In its 1992 report, the World Bank defined governance in these terms: “...*the manner in which power is exercised in the management of a country’s economic and social resources for development.*”<sup>5</sup> This report has been prepared on the basis of this definition.

However, such an idea has not appeared *ex-nihilo*, it being profoundly inspired by the “Washington Consensus” created in the 1990s by John Williamson from a macroeconomic and financial point of view.<sup>6</sup> It is interesting to observe the extent to which the use of the “consensus” concept constitutes the expression of its normative scope by being presented as unifying and destined to support the legitimacy of its content. It is indeed a question of consensus since this hypothesis is embodied in output which gathers together an approach and the principles shared by experts - academics and international organisations - and the governments of certain leading powers (USA, United Kingdom ...) that, in their capacity

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<sup>5</sup> World Bank, *Governance and Development*, World Bank Publications, 1992, p. 1. The normative character of this approach to governance is noted in particular by Joan Corkery in her underlining of three aspects: “*the type of political regime, the process by virtue of which authority is exercised in the management of economic and social resources, particularly from the perspective of development, and the capacity of governments to create policies and implement them effectively*”: Corkery Joan (sous la dir.), *Gouvernance : concepts et applications*, Bruxelles: Institut International des Sciences Administratives, 1999, p.22.

<sup>6</sup> John Williamson, « What Washington Means by Policy Reform », in « *Latin American Adjustment: How Much Has Happened?* », Washington, Institute for International Economics, 1990, XV, available: <http://www.iie.com/publications/papers/paper.cfm?researchid=486>, accessed 18 January 2014.

as private and public actors in the field of creating ideas, will together constitute an epistemic community which will ensure their promotion. It is also coherent, presenting itself as a global ethos, in particular when the World Bank combines governance with the qualifying term “good” (World Bank, 1992, v). Such an ethos is then translated into a certain number of principles: transparency, accountability<sup>7</sup>, the fight against corruption, compliance with the law and human rights, decentralisation and budgetary equilibrium thanks to the reduction of public expenditure...<sup>8</sup>.

Another definition of governance, this time provided by Grossman & Saurugger,<sup>9</sup> allows its normative aspect to be noted despite the sociological approach required by its authors in relation to network governance: “network governance: “governance characterised by cooperation between all the actors involved and more by learning processes than by competition. According to that approach, hierarchical or subordinate relationships between the actors give way to a system of exchanges between equal actors, looking for a joint solution to their problems.”<sup>10</sup> This definition might be able to clarify the normative perspective of governance via the choice parameters it contains that can give rise to many questions in that regard: cooperation rather than competition? Hierarchical relationships or a system of exchanges? In a system of exchanges, what of the role of the coordinator or mediator between the actors? Are the actors truly equal? To what extent can the search for a joint solution rather than the pursuit of national or individual interests (on the part of multinational corporations for example) be seen on the global stage while at the same time being subject to increasing constraints imposed by global issues? Taken together, these questions already entail inevitable developments in governance.

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<sup>7</sup> Joan Corkery Joan, *op. cit.*, p. 22.

<sup>8</sup> David Osborne & Ted Gaebler, *Reinventing government: How the entrepreneurial spirit is transforming the public sector*, Reading, MA: Addison-Wesley, 1992.

<sup>9</sup> Emiliano Grossman & Sabine Saurugger, *Les groupes d'intérêt. Action collective et stratégies de représentation*, Paris: Ed. Armand Colin, Paris, 2006.

<sup>10</sup> Grossman & Saurugger, *op. cit.*, pp. 9-10.

## 2. Developments in governance and the “consensus”

Initially presented as an unchanging parameter, governance will subject to evolution under the constraint of converging factors. The first of these resides in the fact that the original idea of governance, inspired by the “Washington Consensus” from a neo-liberal perspective, focused upon economic and budgetary issues, the dominance of a managerial approach to dealing with issues and the withdrawal of the State<sup>11</sup> in a multi-actor process within which the State was only one player amongst many. This period was therefore characterised by the shift from “government” towards “governance”.<sup>12</sup> This withdrawal phase would, however, be quickly followed by challenges and resistance on the part of States without actually getting so far as to moving the position back to “government”, thereby giving rise to the phenomenon of “governance”.<sup>13</sup> The neo-liberal direction of governance would generate as a reaction the creation in the 90s of alternative reflections such as those provided by the “Our Global Neighbourhood”<sup>14</sup> project which represented an attempt by public actors such as the UN from the mid-90s to retake the initiative and control reflections on the concept and representation of global governance. In the absence of regaining particular influence over the process of reflections on governance, that initiative was nevertheless intended to prevent such a

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<sup>11</sup> Guy Hermet, *L'hiver de la démocratie : Ou le nouveau régime*, Paris: Armand Colin, 2007.

<sup>12</sup> Pierre Vercauteren, « Globalisations, Etat et Gouvernance », in *Studia Diplomatica*, vol. LVII, n° 1, 2004, p. 72. This hypothesis is shared in particular by Richard Bellamy & Antonino Palumbo (authors and editors): *From Government to Governance*, Series: The Library of Contemporary Essays in Political Theory and Public Policy, Ashgate: Farnham, UK, 2010.

<sup>13</sup> Governance can be defined as “the attempt by States to resist the shift from “government” towards “governance”, or even that vague and uncertain “space in-between” which characterizes what is not wholly an exclusively inter-State international system and not really a system which falls under global governance entirely.” in Pierre Vercauteren, « L'hypothèse de la gouvernance » in Dario Battistella (coord.), *Relations internationales : bilan et perspectives*, Paris : Ellipses, collection « Optimum », 2013, p.490.

<sup>14</sup> Commission on Global Governance, *Our Global Neighborhood: Report of the Commission on Global Governance*, Published by Oxford University Press, 1995, available <https://humanbeingsfirst.files.wordpress.com/2009/10/cacheof-pdf-our-global-neighborhood-from-sovereignty-net.pdf>, accessed 24 January 2014.

process being too influenced by a single hypothesis. That project also demonstrated a will to widen the field covered by governance, in particular beyond economic questions and security issues. However such an initiative nevertheless only made a very weak impact.

On the other hand, the limitations on the outcome of governance,<sup>15</sup> in particular in respect of the development of countries in the south, are described by some as crisis<sup>16</sup>, and by others as failure.<sup>17</sup> These provoked criticism of the model upon which governance was based, such challenges soon being demonstrated by alternative “consensuses”, in particular from the “Copenhagen Consensus” 2004<sup>18</sup> to the development of the “Seoul Consensus for Shared Growth”, 2010.<sup>19</sup> We should emphasize the extent to which the “Copenhagen Consensus” constitutes a dual challenge to the “Washington Consensus”, both on the basis of its formulae (the “Copenhagen Consensus” intends to leave behind the quasi-exclusive focus on economic and financial issues, wishing to widen the scope of the agenda to well-being, environmental and conflict resolution issues in particular) but also because it is an initiative by other experts using their approach to challenge the influence and exclusivity of the “Washington Consensus” experts in relation to the development and representation of

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<sup>15</sup> This hypothesis is shared by Eric Berr and François Combarrous, *L'impact du consensus de Washington sur les pays en développement : une évaluation empirique*, centre d'étude du développement, IFREDE-GRES, Université Bordeaux IV, 2004, document de travail 100, available : [http://cadtm.org/IMG/pdf/ICW4\\_cadtm.pdf](http://cadtm.org/IMG/pdf/ICW4_cadtm.pdf) , accessed 4 January 2014. See also David Held, *op. cit.*

<sup>16</sup> John G. Ikenberry, “A Crisis of Global Governance?”, in *Current History*, November 2010, pp. 315-321.

<sup>17</sup> Simon Maxwell, « The Washington Consensus is dead! Long live the meta-narrative! », Working Paper 243, Overseas Development Institute, January 2005. Available <http://www.odi.org/sites/odi.org.uk/files/odi-assets/publications-opinion-files/2476.pdf> accessed 22 February 2014.

<sup>18</sup> Copenhagen consensus, available

<http://www.copenhagenconsensus.com/Default.aspx?ID=1315> accessed 13 February 2013.

<sup>19</sup> Seoul Development Consensus for Shared Growth: available

[http://www.bundesregierung.de/nsc\\_true/Content/DE/StatischeSeiten/Breg/G8G20/Anlagen/G20-erklaerung-seoul-development-shared-growth-2010-en.property=publicationFile.pdf/G20-erklaerung-seoul-development-shared-growth-2010-en](http://www.bundesregierung.de/nsc_true/Content/DE/StatischeSeiten/Breg/G8G20/Anlagen/G20-erklaerung-seoul-development-shared-growth-2010-en.property=publicationFile.pdf/G20-erklaerung-seoul-development-shared-growth-2010-en), accessed 27 February 2013.

governance. The reappropriation of the “consensus” concept also confers a symbolic significance upon hypotheses which provide alternatives to the “Washington Consensus”. The “Copenhagen Consensus” nevertheless follows the approach of the “Washington Consensus” in so far as it is an initiative which was conceived and carried out by experts. However, unlike the “Washington Consensus”, the “Copenhagen Consensus” does not have as great a normative scope as its predecessor even if it does however mean to give itself a prescriptive scope. In addition, the “Copenhagen Consensus” also distinguishes itself from the “Washington Consensus” in so far as it contemplates greater State intervention. It is in this spirit that the “Copenhagen Consensus” specifies that: *“The conclusions from the roundtable was meant to be an eye-opener for policy-makers all over the world, and to act as a vehicle for improving decision-making on spending on global issues.”*<sup>20</sup>

Later, in 2010, the “Seoul Consensus”, announced at the time of and by the G20 summit, constitutes an initiative in keeping with both the UN’s “Millennium Development Goals”<sup>21</sup> and the “Copenhagen Consensus” even if, according to its authors, it does not claim to reference them. It also contrasts with the “Washington Consensus” in so far as it is the product not of experts but of public actors, and translates the States’ requirement for a more significant role, not only as programme initiators but also managers. However, it does not turn its back on the “Washington Consensus” entirely. Nevertheless, even if the “Seoul Consensus” remains a product of the northern hemisphere or the favoured States (G20) and a priori intended for countries in the south, it does not fail to question the States in the north and the most developed States concerning the way they rule, and thereby raises the issue of governmentality.

This leads us to ask where contemporary global governance stands. The above points and the development of governance encourage the advancing of a hypothesis according to which contemporary global governance appears as a hybrid version of what global governance was when it appeared in the 90s. In its own way it translates the outcome of the

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<sup>20</sup> Copenhagen Consensus, *op. cit.*

<sup>21</sup> The UN’s “Millennium Development Goals” are eight objectives defined by the United Nations in 2000 and intended to be achieved by 2015; <http://www.un.org/millenniumgoals/bkgd.shtml> , accessed 24 January 2014.

recurring debate between international relations theories, which debate certainly brings together different, irreconcilable branches - realist on the one hand, liberal on the other - but which nonetheless all retain a degree of relevance over the interpretation of the global reality which they facilitate. In this way, various of the current characteristics of governance can be evidenced:

a) despite its limitations and even its argued death<sup>22</sup>, there are still traces of the “Washington Consensus” to be found, in particular in the financialization of the economy<sup>23</sup> and, after some months of being challenged, the influential role of financial actors;

b) while some advocate the resurgence of Hayek’s economic theory (which grants particular importance to balancing public finances)<sup>24</sup> against the Keynesians<sup>25</sup>, at the same time there is growing determination on the part of States to play a more significant role in governance (as initiators and managers);

c) although it is impossible for any State to return to behaving as a “lone ranger”<sup>26</sup>, enduring reactions in defence of sovereignty can still be seen, which strengthens the position of “governance”;

d) the national interest remains an element present in the behaviour of States, either as a will to (new) power in a perspective of “offensive realism”<sup>27</sup>, or as a matter of conservation in a perspective of “defensive realism”<sup>28</sup>; such an approach is therefore influenced by the development of

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<sup>22</sup> Simon Maxwell, *op. cit.*

<sup>23</sup> Ronald Dore Ronald, “Financialization of the global economy”, in *Industrial and Corporate Change*, Volume 17, Number 6, October 2008, pp. 1097–1112.

<sup>24</sup> Richard A. Posner, *The Crisis of Capitalist Democracy*, Harvard: Harvard University Press, 2010.

<sup>25</sup> Jessop Bob, *State Power: a Strategic-Relational Approach*, Cambridge: Polity Press, 2008.

<sup>26</sup> Bertrand Badie, *L’impuissance de la puissance : essai sur les nouvelles relations internationales*, Paris: Fayard, 2004.

<sup>27</sup> John Mearsheimer, “Structural Realism”, in Tim Dunne, Milja Kurki & Steve Smith, *International Relations Theory: Discipline and Diversity*, Oxford: Oxford University Press, 2005.

<sup>28</sup> Kenneth N. Waltz, *Theory of International Politics*, New York: McGraw Hill, 1979.



the nature of the power<sup>29</sup> during recent decades and the weight each State brings to bear upon the international system;<sup>30</sup>

e) the idea of governance is affected by the coexistence of various notions in the world of the State and its role (for example, between the United States where suspicion as regards public apparatus is still seen as appropriate, particularly in relation to its intervention in the economy and, emerging economies such as China where the State has retained legitimacy;<sup>31</sup>

f) governance remains a matter for multiple actors (c to d, different types of actors: States, intergovernmental organisations, NGOs, multinational corporations ...) and operates on multi-levels.

The above points show the extent to which governance, beyond the coherence of its initial conception, has always been affected by the tension between opposing sides, which it is not able to resolve. Governance is not only a process or formula for taking decisions. It has quickly become an issue and a field (or stage) affecting power

- between States and intergovernmental, global governance organisations such as the IMF or the World Bank;
- between States and non-State actors, in particular certain financial actors;
- between States.

The power issue manifests itself in particular when governance is denounced by, amongst others, States in the southern hemisphere as a facade behind which the main powers mean to preserve their domination

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<sup>29</sup> Ronald L. Tammen, Jacek Kugler, Doug Lemke, *Power Transition Theory*, available: <http://www.oxfordbibliographies.com/view/document/obo-9780199743292/obo-9780199743292-0038.xml>, accessed 22 February 2015.

<sup>30</sup> Pierre Vercauteren, « Du “Consensus de Washington” au “Consensus de Séoul”: quelle place pour l’État dans la gouvernance ? », in *Politique et Société*, vol. 32, nr 3, 2013, pp. 135-158.

<sup>31</sup> Martin Jacques, *When China Rules the World: The End of the Western World and the Birth of a New Global Order*, London: Penguin Press HC, 2009.

of the international system by controlling that governance in particular. It is also recognised as a power battle-field that is disputed by the main players, in particular emerging powers that have obtained a more significant position, over the past ten years, in decisions made by formal global governance organisations such as the IMF or the World Bank.<sup>32</sup>

The image of current governance which appears is that of a hybrid which is simultaneously attached to “governance” and the more influential presence of States in the process.<sup>33</sup>

### **3. The exhaustion of the normative capacity of governance**

The hybridisation thereby produced leads us to investigate what remains of the normative capacity of governance. To that end, it is appropriate to examine how the representation of governance has developed from its appearance until today.

The representation of governance, defined at the start of the 90s by the World Bank from the point of view of the “Washington Consensus”, expresses the aim of managerial efficiency, a normative framework (through criteria such as transparency and responsibility), a procedure involving the inclusion of different types of actors, a certain withdrawal of the State, and a contribution to an international order which is particularly influenced by the weight of formal global governance bodies, such as the IMF, the World Bank and the WTO. Such a representation bears the mark of the economics experts who initiated it. This governance also constitutes an attempt to transpose a programme, which was initially conceived at the inter-State level, to the global level.<sup>34</sup>

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<sup>32</sup> Ni Haïbin, “BRICS in Global Governance: A Progressive and Cooperative Force?”, in *Dialogue on Globalization*, Stiftung Frieden und Entwicklung, September 2013, available: [http://www.academia.edu/5141937/BRICS\\_in\\_Global\\_Governance](http://www.academia.edu/5141937/BRICS_in_Global_Governance), accessed 14 January 2015.

<sup>33</sup> Pierre Vercauteren, *op. cit.*

<sup>34</sup> Osborne & Gaebler, *op. cit.*

Such a concept does however present a paradox: while it promotes the withdrawal of the State, it is embodied by formal intergovernmental bodies. Additionally, this perspective relating to the withdrawal of State actors was promoted by experts, the most powerful States and even by certain intergovernmental organisations controlled by the main powers, in reality those from the northern hemisphere and the western world.

The representation of governance which can be observed in 2014 is characterised by persistence in its procedures and the maintenance of certain normative aspects (financialization of the economy, dominance of budgetary theory,<sup>35</sup> maintenance of the predominance of the economic issue ...). However, we have previously emphasized the extent to which governance has become a power struggle and an issue of dispute and which relates to the exercise of power by other means. Such struggles now involve States who have developed political influence on the world stage. They are particularly evident between old powers like the United States and the United Kingdom, and emerging powers. However, both old and emerging powers come together in their wish to see the State actor not only reinserted into the governance process, but also for it to have a more significant deciding role in that process. By keeping its various actors, governance appears simultaneously both as a power struggle and a facade hiding actors who are not only multinational corporations but also intergovernmental organisations, non-governmental organisations and economic and non-economic experts. Global governance therefore acquires the significance of an ideological battle-field between the branches of

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<sup>35</sup> Among the supporters of such thesis, see Friedrich A. Hayek, "The Transmission of the Ideals of Economic Freedom", in *Econ Journal Watch*, 9(2), May 2012, pp. 163-169. However, various voices have made themselves heard by challenging Hayek's theory and noting the restrictions of budgetary adjustment plans imposed upon various States by global governance bodies as a solution to the financial crisis. It remains the fact that the reduction of public finance deficits is a restriction that is still imposed by actors such as the IMF who, for example in the context of the Greek crisis, along with the European Commission and the Central European Bank, constitutes one of the members of the troika responsible for ensuring compliance with the measures to be taken by certain countries in receipt of loans granted by the IMF and the European Union. On the financialization of the economy, see also David A. Zalewski, and Charles J. Whalen, "Financialization and Income Inequality: A Post Keynesian Institutional Analysis", in *Journal of Economic issues*, 44. (3), 2010, pp. 757-777.

different points of view such as the theories of ratings agencies in contrast to the approach of non-governmental development organisations, public opinion or certain experts.

Furthermore, there has been a change in what embodies global governance: it is no longer only personified by intergovernmental organisations, i.e. formal bodies, but also, if not more so, by an informal body when the G20 takes place, which conveys the decision to return governance to States, or at least the most powerful ones. Additionally, representation of governance is impacted by how the scope of the struggle it covers develops. So, the "Seoul Consensus" simultaneously embodies the return to the agenda of the Millennium Development Goals but also the requirement to broaden the global governance agenda, in particular to environmental and food safety issues. Finally, representation of governance is also affected by the actors promoting it. It is still supported by the most powerful States, however, as has already been specified, in an international order which has been modified in relation to that of the 90s in particular by the appearance of emerging powers. Global governance is certainly still supported by intergovernmental organisations (yet these IGO's have been reformed such as the IMF in 2010 or on the way to be reformed)<sup>36</sup>, as well as by experts (economic and other types). One final feature should be emphasized: following the example set in the context of the 90s, the contemporary climate is influenced by the requirement to balance or delineate uncontrolled globalisation procedures.

While it was emphasized above how much governance remained a multi-actor process, it is interesting to observe in this regard how the "G" groups, or other inter-State groups of different kinds, have multiplied. This can be seen in particular within the WTO which, particularly during the Doha Round, saw the appearance of groups as diverse as the "Quad", the "Quint", the "six" and the "non-six".<sup>37</sup> Whether within or outside the WTO,

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<sup>36</sup> The IMF's 2010 reform in particular concerns the modification of certain Member States' quotas in favor of the emerging countries, which from that point gave them more significant influence in the decisions of that organization. On this point see IMF, available <https://www.imf.org/external/np/sec/pr/2010/pr10418.htm>, accessed 25 November 2014.

<sup>37</sup> The WTO has therefore seen the formation of more than 20 coalitions of States submitting joint propositions during different negotiations. Available [http://www.wto.org/english/thewto\\_e/whatis\\_e/tif\\_e/org3\\_e.htm](http://www.wto.org/english/thewto_e/whatis_e/tif_e/org3_e.htm), accessed 28 January 2014.

such a multiplication of groups attests to how much the international reality has been influenced by the proliferation of spheres of authority,<sup>38</sup> bodies and actors.<sup>39</sup> Within this framework it is appropriate to question ourselves regarding the extent to which governance, as a representation of coherence and efficiency, has lost some or all of its meaning, so being further reduced to a mere regulatory process. Such a context then reinforces the hypothesis that governance is used as a facade behind which the most powerful and influential countries hide their ad-hoc manoeuvres. In favour of the hypothesis that governance has lost its meaning, we have the failure of the “Washington Consensus” which had then its specific coherence and meaning. Since then the question of the meaning and coherence of the “Seoul Consensus” remains. As, with the evolution from the “Washington Consensus” to the “Seoul Consensus”, we moved from “politics beyond the States”<sup>40</sup> to “politics with the States back” but this is still a hybrid situation in the process of (trans)formation (or recomposition), which is indicative of the position in relation to governance.

The hybrid character of the situation resulting from the evolution from one consensus to the other and the diversification of the actors and governance bodies gradually leads to the observation that we are not in the presence of a sole representation of governance but rather that multiple representations of governance exist. Beyond an apparently joint image, each actor or category of actors (private, State or even inter-State) has developed a specific representation on the basis of its particular interpretation and/or its objectives or interests. Various representations are thereby borne out. The first, and oldest, is supported by the source of the inspiration for the

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<sup>38</sup> James N. Rosenau, “Governing the Ungovernable: the Challenge of a Global Disaggregation of Authority”, in Dries Lesage & Pierre Vercauteren (eds.), *Contemporary Global Governance: Multipolarity vs New Discourses on Global Governance*, Brussels, Bern: P.I.E Peter Lang, 2009, pp. 253-262.

<sup>39</sup> Dawisson Belém Lopes, “Poliarchies, Competitive Oligarchies, or Inclusive Hegemonies? 23 Global Intergovernmental Organizations Compared”, in *GIGA Working Papers*, n° 265 , February 2015, available: [http://www.giga-hamburg.de/de/system/files/publications/wp265\\_lopes.pdf](http://www.giga-hamburg.de/de/system/files/publications/wp265_lopes.pdf), accessed 14 March 2015.

<sup>40</sup> Kris Deschouwer, M. Theo Jans, *Politics beyond the State: Actors and Policies in Complex Institutional Settings*, Brussels: VUB Press, 2007.

original idea of governance. It is embodied in a response to the crisis concerning the legitimacy of the public actor by a process presented as depoliticised and whose aim is efficiency.<sup>41</sup> A second representation resides in an initial, critical approach to governance as set out in the "Washington Consensus" in order to refocus it upon retaking control of globalisation processes which have become erratic. This is what Konrad Späth explains when he states: "*Theoretically, global governance offers an analytical concept to subsume various efforts at the global level to come to terms with the loss of control and to balance the uncontrolled processes of globalization.*"<sup>42</sup> A third representation takes even more note of a view to be expected in a world still affected by challenges relating to democracy and legitimacy. It is implicitly a representation of governance which still lacks an ethos. This approach is particularly evident in a study by a Federal German Republic Bundestag Study Commission: "*Obstacles to global governance still exist, including power imbalances and national and international problems with democracy and legitimization; the almost lack of an ethical-normative consensus ("global ethos") is still interfering with the creation of a strong system of global governance... At this point in time, global governance is still more of a vision than a description of the actual state of the international system.*"<sup>43</sup> This remark is particularly revealing as it emphasizes the failure in terms of the representation of the original normative agenda for governance from the 90s. It is however true that such an assessment remains relevant, even if, under the pressure of the financial, economic and social crisis of 2008 calls in favour of a global ethos multiplied, including calls made by State actors. The impact of phenomena such as different stock market or financial crises<sup>44</sup>

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<sup>41</sup> Guy Hermet, *op. cit.*

<sup>42</sup> Konrad Späth, "Inside Global Governance: New Borders of a Concept" in Markus Lederer and Philipp S. Müller (eds), *Criticizing Global Governance*, New York: Palgrave Macmillan, November 2005, p. 36.

<sup>43</sup> Deutsche Bundestag, Study Commission, *Globalization of the World Economy: Challenges and Answers*, Short Version of the Final Report, Berlin: German Bundestag, 14th legislative period, 2002, p. 67.

<sup>44</sup> Since 1990, financial or stock market crises have occurred on different continents: Finland (1991-1993), Sweden (1990-1993), Mexico (1994), Asia (1997), Russia (1998), Argentina (1999-2002). In Niall Ferguson, *The Ascent of Money: A Financial History of the World*, New York: Penguin, 2009.

produced since the beginning of the 90s is felt in the fourth representation which is aimed more directly at the field of economics, in the sense, as with the first representation set out above, of the need to regain control over anarchical movements. "...the goal of global governance lies in regaining society's control over market forces which has been lost in the wake of globalization."<sup>45</sup> In this regard we should note the extent to which uncontrolled economic movements, and in particular flows of funds had already been observed even before the 2008 crisis, specifically by Susan Strange.<sup>46</sup> Finally, as has been set out above, a fifth representation of governance can be highlighted in the criticism of governance by States from the southern hemisphere which denounce the vacuity of the debate behind which the most powerful States intend to retain their supremacy over the international system. Such behaviour on the part of the powerful States might, according to the critics, go so far as denying or hiding the negative effects of capitalism.<sup>47</sup>

The absence of a global ethos highlighted by the Bundestag Commission's report is indicative of governance that, despite having realised the initial objectives set out by the "Washington Consensus", has become an ideological battle ground. There are various sides to this fight.

- An initial conflict can be seen between those in favour of taking back control of the economy (or at least a new, more pronounced role in particular for the public actor) and those against that position (mostly non-State actors in private finance). This dispute does not only reveal a divide between public and private actors. Conflicts can also be observed between States, in particular on the basis of their experiences and economic and social histories. In contrast with States which have already held economic power for decades, such as the United States or the United Kingdom, States which are traditionally sceptical of the role of public actors in the field of

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<sup>45</sup> Klaus Dingwerth and Philipp Pattberg, *op. cit.*, pp. 194-195.

<sup>46</sup> Susan Strange had already highlighted the uncontrolled movements of flows of funds in: "What Theory? The Theory in Mad Money », University of Warwick, CSGR Working Paper No. 18/98, December 1998.

<sup>47</sup> Henk Overbeek, "Global Governance, Class, Hegemony: A Historical Materialist Perspective ", *Political Science Working Paper N° 1*, Amsterdam: Vrije Universiteit, 2004.

economics, other States, particularly those amongst the emerging powers, have experience of the positive effects of public action upon their development.<sup>48</sup>

- A second aspect of the ideological battle can be evidenced by two representations of governance which were revealed earlier<sup>49</sup>: one considers that global governance consists in the establishment of a world government intended to develop common policies and laws; the other envisages that global governance limit itself simply to the development of institutions for understanding and common practices supported by sovereign entities below the global level. This difference in approach is indicative of the recurring debate on the relationship which each State has with the matter of sovereignty and the consequences of that upon its approach to global governance, in particular what it is required to become or remain. Beyond this division, there is the question of each State's concept of the relationships between governance and normativity<sup>50</sup>. A difference in approach can so be observed in the very great significance which the Asian States grant to formal standards in comparison with western States, which Tom Ginsburg reflects in the expression "*Eastphalia as the Perfection of Westphalia*".<sup>51</sup>

- A third facet is provided to us by the observation of Messner and Nuscheler on the contribution of experts and intellectuals to reflections intended to influence the notion of global governance. This is presented as "*the creation of networks, from the local to the global level, based on shared problem-solving orientation, a fair balance of interests and a workable canon of*

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<sup>48</sup>Pradip N. Khandwalla, *Revitalizing the State: a menu of options*, London, Sage, 1999. On this point see also Peter A. Hall and David Soskice, *Varieties of Capitalism: The Institutional Foundations of Comparative Advantage*, Oxford: Oxford University Press, 2001.

<sup>49</sup> Paul Wapner, "Governance in Global Civil Society", in Oran R. Young (ed.), *Global Governance: Drawing Insights from Environmental Experience*, Cambridge: MIT Press, 1997, p. 82.

<sup>50</sup> Pierre Vercauteren, «'Gouvernance' et normativité internationale », in Yves Palau (dir.), *Gouvernance et normativité*, Montréal: Les Presses de l'Université de Laval, collection « Gouvernance et Gestion Publique », 2011, pp. 51-72.

<sup>51</sup> Tom Ginsburg, "Eastphalia as the Perfection of Westphalia", *Indiana Journal of Global Legal Studies*, University of Chicago, No. 292, 2010, pp. 25-48.



*shared norms and values as a basis for institutional structures for the handling of problems and conflicts.*"<sup>52</sup> This early remark not only demonstrates a representation of global networks, but is also indicative of the ideological battle-field which governance provided very soon after publication of the World Bank's 1992 report<sup>53</sup> on shared norms and values, the debate on such questions remaining open beyond the superficial consensus.

We should emphasize how these different facets of the ideological dispute for which governance has become the battle-field reveals the evolution of the actors involved. Indeed, the "Washington Consensus" has been developed by a think tank, recapping the concepts shared by private actors, certain international institutions and political authorities in Washington. It is therefore the joint product of two types of actor: "*those holding scientific capital (experts, academics ...) and those holding a more directly political capital (politicians, senior officials and representatives ...)*".<sup>54</sup> On the other hand, the "Seoul Consensus", for its part, is now explicitly produced by and the responsibility of the G20 Member States.

In this way, we have moved from one concept of governance to multiple approaches and representations. Such a multiplication, rather than strengthening governance, has the effect of weakening it. The normative capacity of governance is thereby being lead towards extinction by an accumulation of factors:

- the break-up of the epistemic community which provided the original concept,
- the failure of that initial project, caused in particular by the recurring coordination weaknesses between its different actors<sup>55</sup>,

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<sup>52</sup> Dirk Messner, & Franz Nuscheler, « Globale Trends, Globalisierung und Global Governance », in Ingomar Hauscler, Dirk Messner & Franz Nuscheler (eds), *Globale trends: Fakten, Analysen, Prognosen*, Frankfurt: Fischer Taschenbuch Verlag, 1998, p. 195.

<sup>53</sup> The normative character of the World Bank's 1992 report is revealed in particular in that body's use of the expression "good governance" in the introduction. World Bank, *op. cit.*, p. v.

<sup>54</sup> Yves Palau, « La gouvernance : entre novation discursive et tradition théorique » in Barbara Delcourt, Olivier Paye et Pierre Vercauteren (eds), *La gouvernance européenne : un nouvel art de gouverner ?*, Louvain-la-Neuve: Academia Bruylant, 2007, p. 165.

<sup>55</sup> David Held, *op. cit.*

- the multiplications of its representations,
- the fact that it has become an ideological battle-field with no clearly identifiable and sustainable victor having emerged to date,
- the fact that by having become an ideological battle-field to be occupied, it is no longer anything more than a process of decision-making or interaction between others, rather than being the main reference tool.

In order to survive, governance must assert itself as adaptable, malleable and evolving ... or it risks its evolution signifying its death. The possible "post-governance" which succeeds it will see governance drained of its operative capacity, the ideological debate now being defended mostly elsewhere, or reducing governance to a challenge/battle-field.

## **Conclusions**

All the reflections developed in this report have enabled us to observe the initial normative character of the original notion of governance, that being devised from a point of view that was a priori unique, sustainable and unchangeable. Observation of the evolution of governance and the consensus which supported it, particularly owing to the restrictions on this process, allows us to note the multiplication of representations of governance and from there the extinguishing of its normative capacity. That is not, however, the only conclusion which might be drawn from this analysis of the representations of governance. As the assessment of this plurality of representations demonstrates the extent to which global governance repeatedly and continuously questions the State as a means of governing: is the State still relevant? As the contemporary State is the product of political evolution and necessity, this causes the issue of governability and/or governmentality to arise. But how should we understand "repeatedly and continuously questions ..."? Either as confirmation of the durability of the neo-liberal approach and the original concept of governance in the sense of the withdrawal of the State, or as a

manner of emphasizing the recurring, even permanent, challenges of evolution, adaptation and recomposition of the Weberian “institutional political project” but which no longer seems so likely to be embodied in the future by a sole national State in an increasingly globalised world. The issue of the representation(s) of governance therefore inevitably returns to the issue of the meaning of the State now and in history, the modern, national State being merely a recent political construction, called upon to adjust, or even, according to some,<sup>56</sup> to disappear for the benefit of a post-national construction at the instigation of governance and globalisation.

However the observation of representations of governance also shows the extent to which the relationships between the State and governance can prove to be ambiguous. We are provided with an example of ambiguity in the form of the viewpoint of certain analysts, such as Henk Overbeek, which underlines that, contrary to the idea that we are seeing an attempt on the part of public actors to regain control of - or to reframe - global governance in opposition to a neo-liberal economic trend, the re-regulation debate is a facade intended to cover up the negative trends and effects stemming from capitalism.<sup>57</sup> The “return of the State” to governance can therefore be influenced by a dual ambiguity, regarding both its scope and content, particularly, as has already been highlighted above, as we are in the presence of multiple notions of the State and its role in the modern world, including multiple perspectives brought by certain emerging powers.

The observation of the differences between the States as regards their relationships with governance reveals various divisions. The first division between States resides between those that consider governance to be a synonym for political agenda (embodied in particular by the “Washington Consensus”) and those who see it more as another approach to intergovernmental cooperation. We therefore find ourselves in the presence of a difference of opinion between an ideological agenda for some and a method of organising international relations for others. This dichotomy can

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<sup>56</sup> Kenichi Ohmae, *The End of the Nation State: the rise of regional economies*, New York: Free Press, 1996. See also Mathew Horsman, Andrew Marshall, *After the Nation State: Citizens, Tribalism and the New World Disorder*, London: HarperCollins Publishers, 1994.

<sup>57</sup> Henk Overbeek, *op. cit.*

be seen, for example, amongst the members of the G20.<sup>58</sup> Another division resides in the scope of governance, it being a synonym for order for some, or at the very least “*a way of putting an end to growing instability and increasing risks at a global level*”,<sup>59</sup> or as a framework for a new contract for civilisation and joint prosperity; a new, global way of living together. A third division can be found in the attacks upon governance between the emerging States on the one hand that expect greater representative legitimacy without actually being in a position to provide greater accountability, and the western powers on the other hand, that expect greater efficiency. Finally others, States or non-State actors in civil society, expect greater accountability.<sup>60</sup>

We have previously noted the extent to which governance, in order to protect legitimacy, must show itself to be adaptable, malleable and evolving. Yet though for many governance is mainly economic in essence, it must confront a significant, if not the main, challenge, according to Jacques Mistral, of globalisation which is reaching a critical phase: the American capitalism form of growth is, in his opinion, in decline<sup>61</sup> in a global context influenced by the end of unipolarity and evolving towards multipolarity. If such a hypothesis proved justified, from that point we would be in the presence of different forms of contemporary capitalism competing with one another in globalisation, which would involve the need for a different type of governance. To what extent then does the evolution from the “Washington Consensus” towards the “Seoul Consensus” respond to this need?

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<sup>58</sup> Hakim Ben Hammouda, Mustapha Sadni Jallab, *Le G 20 et les défis de la gouvernance globale*, Bruxelles: ed. De Boeck, 2011.

<sup>59</sup> *Ibidem*, p. 22.

<sup>60</sup> Fen Osler Hampson and Paul Heinbecker, “The ‘New’ Multilateralism of the Twenty First Century”, in *Global Governance*, vol. 17, nr 3, 2011, pp. 299-310.

<sup>61</sup> Jacques Mistral, “Globalization needs better Governance”, in *Politique Etrangère*, 2008/5 (hors série), pp.153-162. Jacques Mistral is not alone in considering that capitalist growth has passed the peak of its evolution. In a recent work, Jeremy Rifkin looks at a hypothesis relating to a gradual transition to a post-capitalist economy; Jeremy Rifkin, *The Zero Marginal Cost Society: The internet of things, the collaborative commons, and the eclipse of capitalism*, New York: Palgrave Macmillan, 2014.

Furthermore, if the reflections set out in this paper allow for an interpretation that the normative capacity of governance is being extinguished, to what point is it possible to open the hypothesis of a post-governance world such as has been mentioned briefly? Indeed, if governance has extinguished its normative capacity, an initial, consequential hypothesis could reduce it to a sociological process. To what extent then would the most marked reinsertion of the State into governance, i.e. that embodied in the "Seoul Consensus", itself create the extinguishing of normative governance and rendering it one management tool amongst others? However another hypothesis can also be advanced in opposition to the above. In a world which still lacks meaning<sup>62</sup>, does governance which is devoid of a normative capacity not reduce relationships between actors to the previous game played by the most powerful or influential actors, which despite everything does not prevent a normative agenda being pursued (for example the liberals against the re-regulation of the financial markets ...)? This second hypotheses thereby appears to corroborate the image of rudderless governance, a facade behind which the manoeuvres of the most powerful or influential actors are hidden, into which the States reinsert themselves into an international game which takes on the appearance of classical power relationships, but between public actors now bearing different State models, thereby conveying the failure of the integrational capacity of contemporary global governance. Governance, if its normative capacity is extinguished, in lieu of bringing anything new to governability, would return in fine as one mere political practice amongst others.

This analysis of representations of governance thereby demonstrates the extent to which several questions or hypotheses are left open. Amongst these, we raise one more which could correlate with the latter highlighted in the preceding paragraph: the reference to the order mentioned above in these remarks poses the question of the extent to which or to what point governance is synonymous with peace, and if yes what peace, or as highlighted in this paper, of the incarnation of the modern relationship or the configuration of power? But which component(s) of power do the representations of governance embody?

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<sup>62</sup> The observation of the crisis of meaning in contemporary world is developed by Zali Laïdi, *Un monde privé de sens*, Paris: Hachette Littérature, collection Pluriel Actuel, 2006.

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