

Chapter 13

A Pragmatic Approach to Polynormative Governance

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ABSTRACT

In the first and second part of the present article, the author provides a pragmatic reading of the very idea of governance. With the help of the late pragmatist Frederick Will's thoughts about the philosophic governance of norms, governance can be construed as a practice that is situated within other practices and whose aim is lending guidance to these practices. Since the point of establishing governance practices is to improve the targeted governed practices, governance is characterized by normativity, e.g. rationality assumptions, reflexivity and relativity to the general and particular significance of the governed practice. A schema is introduced for abductive inferences (as outlined by Charles Sanders Peirce) from observed defects in practices to expected improvements in governance practices. In response to the question, how governance itself is to be governed where it stands in further need of governance, I argue in the third section that there is an interesting problem of "polynormative" governance: Different forms of governance in different domains of practice may differ drastically in their advantages and disadvantages when compared from some particular evaluative point of view, and they will differ drastically across different evaluative points of view. The author argues that argumentative discourse, not in Michel Foucault's, but in Karl-Otto Apel's and Jürgen Habermas' sense of the term, is the governance practice of last resort for our giving and taking reasons. The relation of argumentative discourse to democracy (being the governance practice of last resort for political power) remains to be explored.

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INTRODUCTION

On the Very Idea of Governance: Grammar, Practice, Reflexivity, and Relativity

There is more than a decade of debate and a vast literature about wider and narrower meanings of the term governance. The term governance, and the range of concepts covered by that term, has been used in a variety of ways with a range of different emphases (Pierre, 2000). One quite common reading of the term is that governance has primarily to do with the steering of actions of *public authorities* to shape their environment (Mayntz, 2003). Other authors (e.g., Pierre & Peters, 2000) see governance more as an *administrative learning process* of state-governments and nations to steer society in new ways. On this government-oriented reading, the concept of governance marks an emphasis on more *bottom-up* and *participatory* approaches to political decision-making (Kamarek & Nye, 2002) and on the development of *complex communicative networks* (Newman, 2001) of democratic debate and other forms of exchange within civil society. This is set against conceptions of control as top-down hierarchical power structures. In this vein, the term governance can come to mean a process of political communication in which both the governing instances and the people who are being governed negotiate a common way more or less on an equal footing (Bang, 2003). A third reading of governance with a view to business corporations (Mallin, 2003) and to public management emphasizes *control through contracts* (Donahue & Nye, 2002). Some writers use the semantics of governance in order to indicate alternative mechanisms of decision-making that arise where economic market forms falter.

Notwithstanding these differences most writers on governance agree that in some way governance is about collective decision making in various forms, on different levels, and in different arenas.

The semantics of governance, then, centers on formal and informal *rules and forms that guide collective decision-making*. The reference to rules conveys a sense of procedures that are expressed in institutional form and relatively stable over time, although not unchanging. Perhaps one reason for a growing interest in governance is a growing awareness that established institutional forms of governance appear insufficiently flexible and responsive in the face of increasingly complex and dynamic modern problems (e.g., climate change, developing the global internet, controlling unemployment and inflation) with which state and other agencies have to cope.

Governance, in distinction to related notions such as shaping, designing, steering, directing, and reigning, has a pronounced *dynamic connotation* of control-in-action. To characterize control processes as governance processes is often to point to their *reflexivity*, i.e. reacting to itself all along the way with the ever changing subject matter that is the object of governance¹.

Obviously, we are confronted with multifarious conceptual articulations of governance. Instead of attempting to integrate and combine this variety into one single conception at a more abstract level, I will try to return to basics with the following question: Is there something like a general depth-grammar underlying any particular project of governance on any level that one might want to distinguish?

Conceiving of governance merely as some process would not do. What specifically does it take for a process to count as a process of governance? Governance processes must be in principle intentional, though the intentionality of governance need not be the full-blown intentionality that we attribute to intentional action as performed by autonomous agents (Mele, 1995). Governance is an *activity*.

This activity has as its proper *object* or targets some *other activity*. And it has as its proper *subject* an actor doing the governing who is, and can be held to be, responsible for the activity of

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