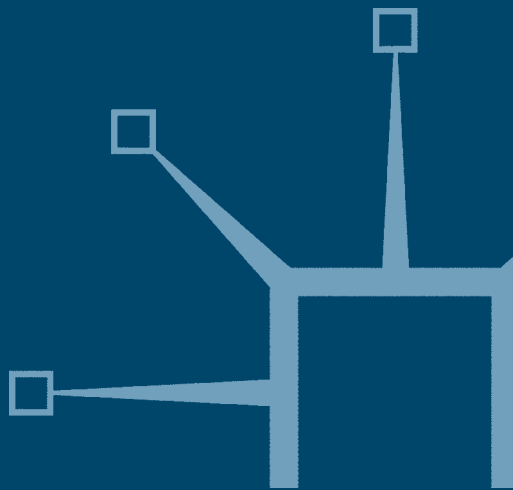


Governance, Consumers and Citizens

Agency and Resistance in Contemporary
Politics

Edited by

Mark Bevir and Frank Trentmann



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Agency and Resistance in Contemporary Politics

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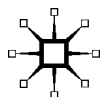
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1

Introduction: Consumption and Citizenship in the New Governance

Mark Bevir and Frank Trentmann

The rise of new patterns of governance over the last thirty years has moved the relationship between consumption and citizenship to the centre of scholarly and public debate.¹ Neoliberals have sought to place the consumer and choice at the centre of their programmes of public sector reform.² It is often thought that various social democrats, including New Labour in the United Kingdom, have more or less followed suit.³ Yet, unfortunately, current policies and debates about governance have evolved around a narrow conception of the consumer, imagined in neoliberal terms as a rational self-maximizing economic individual. This narrow concept of the consumer stands in contrast to that found in the recent literature on consumption. This literature emphasizes the diverse discourses, traditions, and practices that make up cultures of consumption, but it has been slow to engage with the debate on governance. *Governance, Consumers, and Citizens* places the new governance and cultures of consumption into the same frame of analysis. It explores the active role of consumers in the construction of governance, the changing place of the consumer as citizen in recent trends in governance, and the tensions between alternative, competing ideas and practices of consumption. It moves the debate beyond the narrow confines of neoliberalism.

To begin, we need to distinguish between the new governance and governance more generally. The general term 'governance' can be used as a theoretical concept to refer to all patterns of rule, including the kind of bureaucratic state that is often thought to have existed prior to the public sector reforms of the 1980s. This general use of the term 'governance' enables theorists to develop and to explore abstract analyses of social co-ordination and social practices irrespective of their specific content. Theorists can divorce these abstract analyses from

specific questions about, say, the corporation, the state, or the international system. Neoliberals often argue that markets are usually able to aggregate the preferences of consumers and citizens so as to establish fair and efficient patterns of social coordination.

'New governance' refers specifically to changes in the nature and role of the state following the neoliberal reforms of the public sector in the 1980s and 1990s. Typically these reforms are said to have led to a shift from a hierarchic bureaucracy toward a greater use of markets, quasi-markets, and networks, especially in the delivery of public services. The reforms were related, in the eyes of many, to global changes such as an increase in transnational economic activity and in the activities of regional institutions such as the European Union (EU). The concept of the new governance thus captures the widespread belief that the state increasingly depends on other organizations to secure its intentions, to deliver its policies, and to establish a pattern of rule. The new governance consists in part of the growth within the public sector of markets and market mechanisms, and so of concepts such as 'choice' and 'the consumer'.

Most governance theorists would allow that the new governance raises questions about the relationships between democracy, consumption, and citizenship. The increased role of non-state actors in the delivery of public services has led to a concern to ensure that these other actors continue to be held accountable. The increased role of unelected actors in policy-making suggests that we need to think about the extent to which we want to hold them accountable and about the mechanisms by which we might do so. Accounts of growing transnational and international constraints upon states suggest that we need to rethink the nature of social inclusion and social justice. Once again, neoliberals often appeal to markets, in which individuals act as consumers, as appropriate mechanisms for securing both accountability and justice.

Governance, Consumers and Citizens has three overlapping aims, corresponding loosely to its three parts. First, it contributes to theoretical debates about the nature of governance. Part one introduces readers to the influential ideas of rational choice theory, the Anglo-governance school, and theorists of governmentality. It identifies the limits of these three leading accounts of contemporary governance. It shifts the debate about governance from the current emphases on the proliferation of markets and networks, or the disciplining power of discourse, toward a greater concern with culture and with agency. The chapters in part one promote distinctive interpretive and constructivist approaches

to governance. They highlight the active role that citizen-consumers play in the everyday making of governance.

Second, this volume deploys interpretive and constructivist approaches to governance in order to open up new perspectives on the nature of the new governance, and especially the role that the citizen-consumer plays within it. Part two mobilizes a series of case studies to explore more fully the culture and agency of citizen-consumers in crucial spheres of governance. It draws attention to the diverse practices of consumption found within the new governance. The chapters in part two explore contests and struggles between different actors. They illustrate, in particular, the gaps between, on the one hand, the rhetoric and intentions of policy-makers, which are often informed by the expertise of the social sciences, and, on the other, the diverse ways in which citizens engage with policies, which often reflect forms of agency and multiple identities that are neglected by the social sciences. The cultural meaning of the 'citizen-consumer' thus varies in different contexts. The agency of citizen-consumers resists and thwarts policy agendas founded on narrow economic or individualistic conceptions of the consumer.

Third, this volume explores the new perspectives opened up by recognition of citizen-consumers as agents situated within specific cultures. Part three asks how an awareness of diverse, contested practices of consumption might inspire new perspectives on citizenship, public action, and democracy in the contemporary world. It also engages with the role of the social sciences in the shaping of governance. It asks – what role is left for social scientists after the turn to governance? Several of the essays either critically explore Britain as a model in the international politics of neoliberalism and consumerism, or else ask what light developments in international governance shed on the British story.

A short history of governance

The three overlapping aims of *Governance, Consumers, and Citizens* arise against the background of existing debates about governance. The recent growth of interest in governance arose primarily in relation to changes in the state in the late twentieth century. These changes date from neoliberal reforms of the public sector in the 1980s.

Neoliberals typically argued that the state was inherently inefficient when compared with markets. Often they suggested that the post-war Keynesian welfare state had proved unsustainable; it had become too

large to be manageable, it had collapsed under excessive taxation, and it had generated ever-higher rates of cyclical inflation, all of which appeared to be even more problematic in a world characterized by highly mobile capital and vigorous economic competition between states. Hence neoliberals attempted to roll back the state. They often suggested, in particular, that the state should concentrate on making policy decisions rather than on delivering services. They wanted the state to withdraw from the direct delivery of services. They wanted to replace state provision of public services with an entrepreneurial system based on competition and markets. David Osborne and Ted Gaebler famously distinguished between the activity of making policy decisions, which they described as steering, and that of delivering public services, which they described as rowing.⁴ They argued that bureaucracy was bankrupt as a tool for rowing, and they proposed replacing bureaucracy with an 'entrepreneurial government' based on competition, markets, customers, and the measurement of outcomes. As neoliberals derided government, many of them looked for another term to describe the kind of entrepreneurial pattern of rule they favoured. Governance offered such a concept. It enabled them to distinguish between 'bad' government (or rowing) and necessary governance (or steering). The early association of the new governance with a minimal state and the spread of markets thus arose from neoliberal politicians and the policy-wonks, journalists, economists, and management gurus who advised them.

Some of the advisers to neoliberals drew on rational choice theory. Rational choice theory extends a type of social explanation found in micro-economics. Typically rational choice theorists attempt to explain social outcomes by reference to micro-level analyses of individual behaviour, and they model individual behaviour on the assumption that people choose the course of action that is most in accord with their preferences. Rational choice theorists influenced neoliberal attitudes to governance in large part by way of a critique of the concept of public interest. Their insistence that individuals, including politicians and civil servants, act in their own interest undermines the idea that policy-makers act benevolently to promote a public interest. Indeed, rational choice theorists reduce social facts to the actions of individuals in a way that casts doubt on the very idea of a public interest over and above the aggregate interests of individuals. More specifically, rational choice theorists provided neoliberals with a critique of bureaucratic government. Often they combined the claim that individuals act in accord with their preferences with an assumption that these prefer-

ences are to maximize wealth or power. Hence some of them argued that bureaucrats act to optimize their power and career-prospects by increasing the size of their fiefdoms even when doing so is unnecessary. This argument seemed to imply that bureaucracies have an inbuilt tendency to grow even when there is no good reason for them to do so.⁵

Because rational choice theory privileges micro-level analyses, it might appear to have peculiar difficulties explaining the rise of institutions and perhaps their persistent stability. Micro-economic analysis has long faced this issue in the guise of the existence of firms. Once rational choice theorists extend such micro-analysis to government and social life generally, they face the same issue with respect to all kinds of institutions, including political parties, voting coalitions, and the market economy itself. The question is: if individuals act in accord with their preferences, why don't they break agreements when these agreements no longer suit them? The obvious answer is that some authority would punish them if they broke the agreement, and they have a preference for not being punished. But this obvious answer assumes the presence of a higher authority that can enforce the agreement. Some rational choice theorists thus began to explore how they might explain the rise and stability of norms, agreements, or institutions in the absence of any higher authority. They adopted the concept of governance to refer to norms and patterns of rule that arise and persist even in the absence of an enforcing agent.

The neoliberal account of the new governance as a minimal state conveyed a preference for less government. Arguably, it often did little else, being an example of empty political rhetoric. Indeed, when social scientists study neoliberal reforms of the public sector, they often conclude that these reforms have scarcely rolled back the state at all.⁶ They draw attention instead to the unintended consequences of the reforms. According to many social scientists, neoliberal reforms fragmented service delivery and weakened central control without establishing proper markets. In their view, these reforms have led to a proliferation of policy networks in both the formulation of public policy and the delivery of public services.

The 1990s saw an outpouring of work that conceived of the new governance as a proliferation of networks.⁷ Much of this literature explores the ways in which neoliberal reforms created new patterns of service delivery based on complex sets of organizations drawn from the public, the private, and the voluntary sectors. It suggests that a range of processes – including the functional differentiation of the state, the rise

of regional blocs, globalization, and the neoliberal reforms themselves – have left the state increasingly dependent on other organizations for the delivery and success of its policies. Although social scientists adopt various theories of policy networks, and so different analyses of the new pattern of rule, they generally agree that the state can no longer command others. In their view, the new governance is characterized by networks in which the state and other organizations depend on each other. Even when the state still remains the dominant organization, it and the other members of the network are now interdependent in that they have to exchange resources if they are to achieve their goals. Many social scientists argue that this interdependence means that the state now has to steer other organizations instead of issuing commands to them. They also imply that steering involves a much greater use by the state of diplomacy and related techniques of management. Some social scientists also suggest that the proliferating networks often have a considerable degree of autonomy from the state. In this view, the key problem posed by the new governance is that it reduces the ability of the state to command and even to steer effectively.

Social scientists have developed an account of the new governance as a complex and fragmented pattern of rule composed of multiplying networks. They have done so in part because of studies of the impact of neoliberal reforms on the public sector. But this account of the new governance also drew upon two other strands of social science. First, a concept of governance as networks arose among social scientists searching for a way to think about the role of transnational linkages within the European Union.⁸ Second, a concept of governance as networks appeals to some social scientists interested in general issues about social co-ordination and interorganizational links.⁹ These latter social scientists argue that networks are a distinct governing structure through which to co-ordinate activities and allocate resources. They develop typologies of governing structures – most commonly bureaucracies, markets, and networks – and they identify the characteristics associated with each structure. Their typologies often imply that networks are preferable, at least in some circumstances, to both the bureaucratic structures of the post-war state and the markets favoured by neoliberals.

Culture and agency

The two main theories of governance have inspired governments to try to remake the state in their image. Neoliberalism famously inspired the

New Right and its promotion of privatization and the new public management, that is, the introduction to the private sector of contracting-out and other forms of marketization and of a range of private sector management ideas and practices. Similarly, institutionalist theories of networks inspired proponents of a Third Way to attempt to reform the public sector so as to promote joined-up governance, public-private partnerships, and civic entrepreneurs.¹⁰ To point to the impact of these theories on governance itself is, of course, to highlight the role that culture (beliefs, discourses, traditions) plays in the emergence and development of patterns of governance. Ironically, however, the two main theories of governance are generally blind to the importance of culture. Neoliberals, especially when influenced by rational choice, tend to adopt assumptions such as that of perfect information that serve to occlude questions about the ways in which social traditions or discourses help construct the beliefs and actions of individuals. Institutionalists tend to reduce beliefs to questions about social location, organizational forms, or apparently fixed norms and rules, thereby also occluding questions about the changing role of conflicting discourses and traditions.

One aim of *Governance, Consumers and Citizens* is to add an awareness of culture to current debates about governance. It sides with those who promote interpretive theories of governance. Interpretive theories of governance overlap with other theories in myriad ways. Surely, for example, pretty much every theory of governance encourages us to unpack the state in terms of diverse processes of governing many of which require the active involvement of groups and individuals from within civil society. A concern with governance more or less entails a rejection of the idea that the state has a centralized, top-down, one-way relationship of power over a population. It encourages us, rather, to think about the ways in which forms of power are constructed in part through the activity of organizations and individuals in civil society. Governance and power involve not only the organized practices by which the state seeks to govern, but also the activities by which organizations and individuals govern themselves. All kinds of theories of governance remind us that the state alone cannot realize its ends. State power involves the participation, even the collusion, of actors from civil society.

What distinguishes interpretive approaches to governance is, therefore, less a concern with governmentalities or processes of governing, than a focus on the role of cultures (beliefs, discourses, traditions) within these processes. It is people acting on their beliefs who propel

the processes and give them meaning and direction. Beliefs, in other words, are not separate from governance but an integral part of it; they give it its particular shape in any given context. We would caution here against analyses of cultures as meta-structures that somehow fix the beliefs, aims, or actions of individuals. Indeed, we prefer the concept of belief to that of language and perhaps discourse in thinking about governance precisely because it helps us to avoid the bewitching effects of outdated structuralist concepts and tropes. Governance does not happen within some overarching discourse that defines the boundaries of people's beliefs and intentions. Governance is, rather, an ongoing activity that involves the creation and recreation of meanings. Of course people inherit ideas and are influenced by their social context, but they also play an active role in creating, modulating, or rejecting the beliefs that then inform their actions. So, processes of governance do not naturally reflect or respond to external conditions: people do not just act out social facts about themselves, be it their class, gender, or status; nor do they adopt beliefs and actions in a passive reflection of some social discourse. Rather, culture and individual agency are integral to any adequate account of governance.

If one aim of *Governance, Consumers, and Citizens* is to add an awareness of culture to current debates about governance, another is to insert an awareness of agency into interpretive approaches to governmentality and governance. Most approaches to governance encourage us to explore the emergence of patterns of rule out of the activities by which organizations and individuals govern themselves with or without engaging the state. But, alas, even interpretive approaches sometimes suggest that when individuals govern themselves, they are doing little more than constructing themselves in conformity to a regime of power. As such, interpretive approaches often fail to take seriously human capacities for local reasoning, agency, and innovation.

Critics of agency often point to the absence of perfect autonomy. Surely, people are not perfectly free to do this or that. They do not make decisions or form beliefs outside of particular social contexts. Instead, they inevitably draw on pre-existing knowledge, interpretations, and traditions. But if people cannot embody an illusory vision of perfect autonomy, neither are they stuck in fixed locations that leave them no freedom to change and no room for manoeuvre.

This volume renounces the two equally implausible alternatives of an autonomous subject and the death of the subject. It suggests, instead, that people are situated agents. As Mark Bevir argues, the

concept of situated agency implies that people are embedded in inherited traditions but they have the power and ability to change these traditions, and, in the process, to create new beliefs that then can guide new actions.¹¹ Situated agency highlights the possibility of innovation and resistance based on local reasoning. People develop and employ their agency, not in accord with some distant overarching discourse, but rather within local reasoning, where they try out their beliefs (sometimes more, sometimes less successfully). Policy actors are not so different, then, from shoppers as viewed by recent anthropologists. Shoppers do not simply respond to price signals or simply reproduce inherited discourses. As consumers, they are actively engaged in the practice of shopping, generating meanings for their self and social identities and creating forms of sociality and ethics.¹²

Implications for governance

Governance, Consumers, and Citizens advocates an interpretive approach to governance that takes seriously both culture and agency. This approach to governance differs from both the neoliberal emphasis on markets and the institutionalist concern with networks as a distinct form of organization. It encourages us to conceive of governance in terms of a political contest between groups of situated agents inspired by competing webs of belief, which, in turn, can be explained by discourses or traditions. The essays that follow exemplify just such an interpretive approach. In doing so, they also point toward novel perspectives on questions that recur in discussions of governance: Is governance new? Is governance uniform? How does governance change?

Consider the question of whether or not the new governance really is new. According to those social scientists who believe it is, the emergence of markets or networks in the public sector is a new phenomenon characterizing a new epoch. Their critics argue, in contrast, that markets and networks are not new; they claim that there is no difference between governance and government. In reply to these critics, those who believe in a new governance have accepted that neither markets nor networks are new while insisting that both of them are now noticeably more common than they used to be.¹³ The difficulty with this debate about the novelty of the new governance is that it gets reduced to the facile, and probably impossible, task of counting markets and networks in the past and present.

An interpretive approach to governance casts a new light on this debate. For a start, it encourages us to treat hierarchies and markets as

meaningful practices created and constantly recreated through contingent actions informed by diverse beliefs. The new governance is not new in that networks are an integral part of society and politics. We even find the allegedly special characteristics of networks in hierarchies and markets. For example, the rules and commands of a bureaucracy do not have fixed content; they are constantly interpreted and made afresh through the creative activity of individuals as they come across always slightly novel circumstances. Likewise, the operation of competition in markets depends on the contingent beliefs and interactions of interdependent producers and consumers who rely on trust and diplomacy as well as economic rationality to make decisions. Once we stop reifying hierarchies and markets, in other words, we find that many of the allegedly unique characteristics of networks are ubiquitous aspects of social organization. In addition, however, an interpretive approach encourages a shift of focus from reified networks (now recognized as an integral part of politics) to the beliefs of political actors and social scientists. The new governance is new, then, in that it marks and inspires a significant change in these beliefs.

Historical narrative provides an important component of these beliefs. As Janet Newman shows in her contribution to this volume, the case for public service reform draws on a narrative of a transformation in which the 1950s appear as the historical watershed between rival social and policy systems. In this narrative, the unfolding of consumerism, a higher standard of living and greater expectations of choice and flexibility increasingly challenged the bases on which public services were built in the years after the Second World War.¹⁴ Historians, of course, may disagree about the extent to which the 1950s or 1960s were a watershed, and they could easily point to earlier moments in the expansion of consumerism, popular leisure, acquisitiveness, and material possessions. What interests us here, however, is the role played by historical narratives, whether they be mythical or credible, in political communication and policy-making. A narrative based on a stark contrast between a welfare system and a consumer culture as two sequential and mutually exclusive worlds informs many policy actors' understandings of the problems with which they are grappling, their own place within the policy process, and the possible scope and limits for changes of policy. Such narratives should be viewed as part of the way in which the problem of consumerism in public services has been defined, not just as a *post-hoc* legitimization.

When we look beyond central government, we find that social movements, consumers and providers also have actively developed

their own beliefs and narratives of 'choice'. Choice has varying content in different contexts. As John Clarke shows in his chapter, the meanings of choice are contextually bounded not universal.¹⁵ The views of consumers and providers are fractured, and full of tension and scepticism. Tensions appear over the very appropriateness of 'consumer' and 'choice' as identities and activities. In healthcare, providers and patients alike believe that choice sits uneasily alongside ideas of equity. Many of those interviewed by Clarke and his colleagues resisted the language of choice and shopping as inappropriate for healthcare. Again, Alice Malpass and her co-authors show, in their discussion of ethical consumerism, how choice can be mobilized to transcend ideas of economic rationality.¹⁶ The Ethical Purchasing Index, which is compiled annually by the Co-operative group and the New Economics Foundation, measures degrees of ethical consumerism. In this context, choice comes together with a call for government regulation. People's preference for ethical products are viewed as evidence that they want more government intervention in order to help them attain the kinds of goods and services that the market on its own does not deliver.

The tensions and fractures in appeals to choice raise more general questions about the presumed uniformity of the new governance. Neoliberals portray the new governance as being composed of policies, such as marketization and the new public management, which are allegedly inevitable outcomes of global economic pressures. Institutionalists argue that these neoliberal policies do not have uniform consequences but rather varying effects according to the content and strength of established practices. An interpretive approach suggests, in addition, that the pressures are not given as brute facts, but constructed differently from within various traditions. It suggests that the policies a state adopts are not necessary responses to given pressures, but a set of perceived solutions to one particular conception of them.

In emphasizing the contingent, diverse, and contested nature of the new governance, this volume breaks with other interpretive approaches to governance such as that of governmentality theory. Governmentality theorists adopt much too monolithic an analysis of neoliberalism or advanced liberalism in which citizens are being turned into consumers. They focus almost exclusively on government discourses and policies with little attention to how these are received or enacted at local levels. Yet this volume suggests that in addition to recognizing how government directives appeal to a citizen-consumer, we need to explore the diverse ways in which street-level bureaucrats and citizens articulate and practice consumption and citizenship in their

everyday lives. Our focus thus shifts from the discourse of policy-makers to the fractured and diverse processes by which discourses and official policies are translated into actions in ways that typically involve a transformation of the discourses and policies.

The case studies of public sector reform and ethical consumerism presented in this volume show that there is no single neoliberal model. Rather, choice and the citizen-consumer are practiced and articulated in different, competing traditions. Far from being an all-powerful, totalizing late modern rationality, the citizen-consumer is an unstable, amorphous phenomenon. At the grassroots level, service providers and consumers speak back, expressing skepticism and resistance, as they fashion their own beliefs about these identities against the background of various discourses and traditions. Higher up the scale of governance, we find a similar dynamic of diversification, as illustrated by Peter Lunt and Sonia Livingstone in their study of regulation.¹⁷ In the last decade there has been a switch from a hierarchical mode of command-and-control regulation to a more indirect, dispersed, and democratic one. The new mode of regulation exhibits greater consultation and engagement with consumers. Yet, consumption in financial services is quite different from consumption in media and communication, and different organizations speak on behalf of the consumer in each case. In practice, therefore, the shift to a new regulatory regime has produced distinct organizational and political features in different areas of the regulation of consumption. Inevitably, this has created tensions about who represents the consumer in various domains; it has created new opportunities for established consumer organizations at the same time as it poses them with a challenge of finding the resources to match those of better-resourced regulators.

This volume points toward a novel perspective on yet another question that recurs in discussions of governance: how are we to account for change? The question of change is especially difficult for institutionalists and network theorists. Neoliberals can unpack change in terms of the self-interest of actors. Network theorists, in contrast, often deploy an institutionalism that remains ambiguous about the nature of change. In order to avoid the need to grapple with culture and agency, institutionalists often reduce individual behaviour to the following of the rules that allegedly constitute institutions. Marsh and Rhodes, for example, effectively dismiss the way in which individuals constantly create and recreate the networks of which they are a part by emphasizing that networks create routines for policy-making.¹⁸ But, if individuals merely follow rules, they can not be the causes of change. In

order to explain change, therefore, institutionalists often appeal to external factors. Marsh and Rhodes identify four categories of change – economic, ideological, knowledge, and institutional – all of which they define as external to the network. But external factors can bring about change in an institution only if they lead appropriate individuals to modify their behaviour. We can explain why individuals do this only by interpreting their beliefs and desires.

An interpretive approach draws our attention to the fact that external factors influence networks and governance only through the ways in which the relevant actors understand them. Although change can be of varying magnitude, an interpretive approach portrays it as continuous in the sense of being built into the very nature of politics. Change occurs as individuals interpret their environment in ways that lead them constantly to modify their actions. We can explain change by reference to the contingent responses of individuals to new circumstances such as those created by the actions of others. Change typically arises, in other words, as people, including local citizens as well as national and even international actors, adopt new beliefs and actions in response to specific dilemmas.

This volume thus explores change from two complementary perspectives. One perspective is that of the citizen. Several essays look at individual beliefs, reasoning, and actions at a local level. People's reluctance to conceive of themselves as consumers in many contexts outside of shopping – and indeed the multiple beliefs, identities and concerns that are at play in the commercial realm of shopping – constrains government initiatives to make public services more consumerist. Citizens' reasoning and beliefs constitute a type of resistance to government policies. Local actions give government initiatives a different inflection as they get enacted within everyday life. A second perspective on change is, therefore, to explore the feedback mechanisms that relate local beliefs and actions back to traditions and practices in national or even transnational arenas of governance. Law is one such feedback mechanism, for it can institutionalize dispute resolution, translate consumer demands into a language of human rights or economic interests, and generate patterns of governance. Bronwen Morgan draws our attention to this process in the global South.¹⁹ She explains the different paths taken by water consumer activists in South Africa and Latin America by reference to different legal traditions and institutional environments. Water activists change the norms of consumerism through grassroots activism, but the change is not simply cultural, let alone random. Agency and resistance are not purely responses to

state power. They also take place within national traditions and practices of law and rights.

Implications for citizen-consumers

An interpretive account of governance differs from both the neoliberal emphasis on markets and the institutionalist concern with networks. It casts doubt on the way the citizen-consumer has been conceptualized in recent years. Questions about governance intersect with ones about consumption at a number of different points. Much might be learnt, for example, from taking different cultures and practices of consumption as particular objects of governance. The new governance has brought attention above all, however, to the future of collective consumption, and especially the role to be played by citizens as consumers of public services.

Unfortunately a restricted concept of the consumer has become ever more prominent since the late nineteenth century. The consumer appears as an atomistic individual engaged in market exchanges so as to maximize the satisfaction of his or her preferences. Ironically the growing dominance of this concept of the consumer spread even as the rise of the welfare state extended more formal and hierarchic patterns of collective consumption. For much of the twentieth century, the state played an increasingly active role in the provision, and also consumption, of a range of ostensibly public goods – goods such as national defence, schooling, housing, and parks. Indeed, collective consumption of these goods by the state and its citizens sometimes acted, more or less explicitly, as a way of promoting more market-based forms of consumption; public spending served as a means of increasing demand in other areas of the economy.

Despite the prominence of collective consumption, the growing dominance of a restricted, market-based concept of consumption facilitated attempts to pit choice and the consumer against the public provision of goods by the state. The new governance arose as neoliberals tried to replace public provision of goods by forms of marketization. The citizen was to become not just a consumer but more specifically a consumer conceived in restricted market-based terms. The neoliberal claims about the superiority of the market as a means of responding efficiently and sensitively to individual choices coincided here with more sociological accounts of the rise of something often called a consumer society or post-modern society. The new governance was supposed to promote markets as a means of service-provision. The

introduction of markets was supposed, in its turn, to improve not only efficiency but also the responsiveness of public sector organizations to the citizen reconceived as a consumer.

The growing dominance of a restricted, market-based concept of consumption has meant that even most challenges to neoliberalism have bought into the alleged dichotomy between, on the one hand, choice and the consumer, and, on the other, public provision and citizenship. In contrast, this volume draws on an interpretive approach in order to open up novel perspectives on questions about the role of citizen-consumers within the new governance.

There are good historical and contemporary reasons for questioning a stark divide between consumption and choice, or between citizenship and public goods. Hence, rather than ditching choice altogether, rejecting it as a process and set of values antithetical to citizenship, this volume contains an act of retrieval pointing to the historical contribution of choice to citizenship. Mark Bevir and Frank Trentmann emphasize that choice was a part of traditions of progressive citizenship in the United States and Europe in the early twentieth century.²⁰ For public intellectuals like John Dewey, and the popular home economics movement influenced by his ideas, choice was an intrinsic part of everyday life. Instead of defining choice solely in terms of the market, progressives appreciated that it was integral to the cultivation of the self and to concerned social practices. Choice can foster both the flourishing of the individual self and social and civic awareness. Some progressives, with their focus on creating moral democratic subjects in a market setting, developed a language of choice that might be seen as a precursor to the more recent turn to choice as a way of moralizing public life and global relations by way of Fairtrade products and ethical purchasing.

The meanings associated with the consumer continue to vary considerably even today. It has been tempting to discharge political consumerism as a liberal-individualist reflex to neoliberal changes in capitalism and governance. But, as Henrik Bang argues, such a reflexive, passive view of political consumerism reflects an older modernist model of thinking in terms of representative politics, nation-states, and Left versus Right; it thus misses many of the most interesting features of the ways in which consumers are actively using choice, possessions, and life-style to change both their everyday practices and their social and political environments.²¹ Political consumerism can be appreciated as part of a new politics of becoming; it is part of a more flexible and pluralistic mode of acting that mediates

between private and public; it can expand the modes of participation outside an older liberal model of representative democracy.

Such messy views of the consumer raise fundamental questions for the governance of social science research itself. In her chapter, Claire Donovan follows the consumer as a moving object in social science research and its relation to the state and public at large.²² On the one hand, there is the consumer-oriented imperative of research funding with its focus on 'user-oriented' best practice. On the other hand, recent decades have seen heated controversies over who the consumer of social science was or should be: is it the state, the public at large, business, the academic community? As Donovan shows, the customer-contractor figure was broken into two when it was decided that research was for citizens but should be paid for by the state. Similarly, current regulatory politics do not always find it easy to navigate between a general edict of furthering the consumer interest and the different groups that make up consumers. Not all consumers are alike. Most organized forms of governance involve groups that speak on behalf of particular groups of consumers but nonetheless find it difficult to engage with individual consumers. Such asymmetries are a reminder that to speak of a generic 'consumer' may hide more than it reveals.

Implications for policy and democracy

An interpretive approach has implications not only for the analysis of the new governance and the place of consumers therein, but also for our thinking about policy and democracy. Once we resist the teleological accounts of neoliberals, and to a lesser extent the apolitical ones of institutionalists, we create a space within which to think creatively about different ways of understanding our contemporary situation and so different ways of responding to it.

Most of the policy-orientated work on the new governance seeks to improve the ability of the state to manage the markets, quasi-markets, and networks that are thought to have flourished since the 1980s. Typically this work exhibits a positivist tendency in that it treats networks as more or less objectified structures that governments can manipulate using appropriate tools. There are three main governmental strategies here: instrumental, interactive, and institutional.²³ The instrumental strategy adopts a top-down approach to managing the new governance. Its exponents recognize the existence of novel restrictions on the state's ability to steer markets and networks, but they

nonetheless propose that the state continue to steer using established strategies. In their view, the state can still devise and impose tools to integrate the organizations involved in the new governance and thereby realize its objectives. The interaction approach to the management of the new governance focuses on organizations developing shared goals and strategies through processes of mutual learning. Its exponents advise the state to manage by means of negotiation and diplomacy and thereby foster trust and mutual understanding within networks. The institutional approach concentrates on the formal and informal laws and rules within which governing structures operate. Its proponents encourage the state to concentrate on changing things such as the relationships between actors, the distribution of resources, and the rules of the game.

An interpretive approach suggests a compatible but rather different way of thinking about the management of the new governance. When interpretive social scientists suggest that all forms of organization are the products of the contingent actions of the various participants, they problematize the very idea of a set of tools for managing the new governance: if the new governance is constructed differently, contingently, and continuously, we cannot have a tool kit for managing it. Instead of looking for techniques or strategies of management, an interpretive approach encourages us to learn by telling stories and listening to them. The fate of public policies depends on the ways in which civil servants, citizen-consumers, and others understand them and respond to them from within all sorts of traditions. Hence the management of networks is in large part about trying to understand and respond suitably to the beliefs, traditions, and practices of those one hopes to influence.

So, this volume suggests, in the first place, that people (notably service providers and users) adopt parts of choice and consumption selectively. Providers in healthcare, for example, may draw on the language of consumerism when they create a new image of the patient as a knowledgeable and empowered partner, but they may reject it or ignore it when they broach the sensitive subject of choice of provider. This volume suggests, secondly, that consumerism is better conceived as a process of shared, social learning than as an individual response or failure to respond. Most consumption is a social practice; it involves friends, family, neighbours and distant others (real and imagined). Choice in these contexts involves social and ethical considerations. This volume thus suggests, thirdly, that appeals to the rational consumer or campaigns against the irrational 'wasteful' consumer may

miss their target and easily backfire. There is an evident tension between an individualist rhetoric of the consumer, so central to neoliberal forms of governance, and the well-documented social nature of consumption, where desiring, shopping, using up and throwing away are not viewed as separate individual acts of choice but as part of sociability, children's health, family life, and so forth.²⁴ There is a danger that 'experts' are tone-deaf to these social vibrations. Not surprisingly, individuals can feel overwhelmed by appeals to personal responsibility. So, this volume, finally, suggests problems with the place given to language of consumption within the governance of social science itself. In the search for evidence-based policy, experts have encouraged a positivist social science model. Yet this is poorly equipped to generate the more interpretive knowledge needed to come to grips with questions of governance, not least in the area of life-style change and sustainable consumption.

To recognize how providers and customers of services impact upon policies is also to prompt a shift of focus away from the state. Positivist debates on the management of the new governance typically focus on the problems confronted by managers, rather than by lower level civil servants or citizens. In contrast, an interpretive approach reminds us that there are various participants in markets and networks, all of whom can seek to manage them for diverse purposes. Recognition of such participation raises issues about democracy. Whereas positivist accounts of the new governance often concentrate on the problems the state has steering it, an interpretive approach locates this problem firmly in the context of democratic participation and accountability. To emphasize the extent to which we make patterns of governance through political contests is to encourage us to think creatively about how we might conceive of and respond to the relevant issues. One aspect of this creative thinking is the impetus given to policy-makers to reflect on their activity. Another is the opportunity to re-imagine democracy.

Let us point to several opportunities as well as dilemmas. At a time when democracy and political parties are undergoing a crisis of legitimacy in several advanced affluent societies, choice and consumers offer a fresh resource for reinvigorating democratic culture. Instead of rejecting them out of hand as pieces that are hard to fit into older inherited models of the republic or the nation-state, we might reclaim their potential usefulness for reenergizing political engagement at a historical moment when those more fixed, territorial models have themselves become problematic, if not entirely extinct fossils.

Consumers may enable a more modular citizenship than do territorial versions of parliamentary representation. Such modular citizenship might be uncomfortable for established parties, but it is hard not to see that political consumerism has opened up fresh channels between private and public lives that had been blocked off in the older liberal model. If political consumerism has been criticized for its materialist characteristics and for failing the test of deliberative reason or creating a public consensus, its flexible, diversified mode has managed to expand the terrain of political action, identifying areas of change, and it has thus led to a more direct engagement with policy, holding policy-makers as well as companies accountable for problems such as high prices, poor working conditions, problems of public health, and environmental pollution. There are seeds here of a more interactive process of governance. Politicians may find it difficult to switch their habitus from representation and command to more fluid forms of local engagement, but they would be foolish simply to ignore this shift in the contemporary practices of governance.

The shift from a politics of preaching and commanding to a more local politics of engagement, is, of course, complicated by the sheer complexity of consumption as a problem of governance. Health, environment, and economic welfare are complex. As the chapter by Greener and his colleagues shows, for example, part of the dilemma of health governance has been the difficulty for patients to understand the changing mechanisms and mix of professional cultures at work in various phases of reform.²⁵ The sheer expertise needed in many areas of consumption policy like health or energy exceed the knowledge of most lay consumers. There is no simple solution to this dilemma. However, one step in the right direction would be to foster alternative channels of engagement, not only in terms of consultation, but, more fundamentally, so as to promote a dialogue between providers and consumers, government and users, in which both sides are encouraged to listen to each other. The more interpretive forms of social sciences might themselves contribute to just a dialogic approach to public policy.

The proliferation of markets and networks raises questions, in particular, about how we can best steer a course between, on the one hand, diverse forms of devolution and participation, and, on the other, central control and formal accountability. Although it would be presumptuous to attempt to resolve the tension between these different demands here, the essays that follow do offer certain guidelines. Markets and networks allow citizens to express more nuanced

preferences in a more continuous way than they can when restricted to electing representatives. The new governance thus opens up new possibilities for participation and devolution in democracy. Equally, however, we should remain aware of the ways in which markets and networks often embed inequalities and impose identities upon people in a way that then might require the state to act as a guarantor of effective agency and difference. Nonetheless, we might look to a time when states will be less concerned with controlling through laws and regulations and more concerned with persuading through all sorts of interactions with groups and individuals. Such a shift toward persuasion would fit well, of course, alongside an understanding of policy-making that highlights contingency and diversity – telling stories and listening to them – rather than certainty and expertise – devising rules designed to have definite outcomes.

The new governance might provide more active and continuous opportunities for citizens to become politically involved. Yet, as many social scientists have pointed out, the forms of devolution and participation offered by markets and networks raise special problems of political control and accountability. As we have suggested, recognition of culture and agency might lead the state to steer markets and networks more by looking toward setting a framework for their conduct than by relying on rigid rules. A growth in the use of markets and networks to manage and deliver public services surely should be accompanied by the development of suitable lines of political accountability. Nonetheless, we might look to a time when the state will rely less on moral rules that impose requirements and restrictions and more on an ethic of conduct in which citizens negotiate their own relationships to such requirements and restrictions.

Notes

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- 7 To mention just a few examples, consider A. Amin and J. Hausner (eds) *Beyond Market and Hierarchy: Interactive Governance and Social Complexity* (Cheltenham, 1997); W. Kickert, E.-H. Klijn, and J. Koppenjan (eds) *Managing Complex Networks: Strategies for the Public Sector* (London, 1997); J. Kooiman (ed.) *Modern Governance* (London, 1993); R. Kramer and T. Tyler (eds) *Trust in Organizations: Frontiers of Theory and Research* (London, 1996); and R. Rhodes, *Understanding Governance* (Buckingham, 1997). The outpouring continued into the new century with, for instance, J. Fleming and J. Wood (eds) *Policing, Security and Democracy in a Networked Society* (Sydney, 2006); D. Richards and M. Smith, *Governance and Public Policy in the UK* (Oxford, 2002); R. Rhodes (ed.) *Transforming British Governance*, 2 vols (London, 2000); and G. Stoker (ed.) *The New Politics of British Local Governance* (Basingstoke, 2001).
- 8 Again, to mention just a few examples, consider C. Ansell, 'The Networked Polity: Regional Development in Western Europe', *Governance* 13 (2000), pp. 303–33; M. Egan, *Constructing a European Market: Standards, Regulation, and Governance* (Oxford, 2001); L. Hooghe (ed.) *Cohesion and European Integration: Building Multi-Level Governance* (Oxford, 1996); and L. Hooghe and G. Marks, *Multi-level Governance and European Integration* (Lanham, MD, 2001). For studies of recent developments in EU governance also see K. Armstrong, 'Rediscovering Civil Society: The European Union and the White Paper on Governance', *European Law Journal*, 8 (2002), pp. 102–32; and S. Borrás and K. Jacobsson, 'The Open Method of Coordination and the New Governance Patterns in the EU', *Journal of European Public Policy*, 11 (2004), pp. 185–208.
- 9 The best-known example from within a huge literature is perhaps W. Powell, 'Neither Market nor Hierarchy: Network Forms of Organization', *Research in Organizational Behavior*, 12 (1990), pp. 295–336.
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- 12 D. Miller, P. Jackson, N. Thrift, B. Holbrook and M. Rowlands (eds) *Shopping, Place and Identity* (London, 1998); D. Miller, *The Dialectics of Shopping* (Chicago, 2001); C. Barnett, P. Cloke, N. Clarke and A. Malpass, 'Consuming Ethics: Articulating the Subjects and Spaces of Ethical Consumption', *Antipode*, 37(1) (2005), pp. 23–45.
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- 14 J. Newman, 'Governance as Cultural Practice: Texts, Talk and the Struggle for Meaning', ch. 3 in this volume.
- 15 J. Clarke, "'It's Not Like Shopping": Citizens, Consumers and the Reform of Public Services', ch. 5 in this volume.
- 16 A. Malpass *et al.*, 'Problematizing Choice: Responsible Consumers and Sceptical Citizens', ch. 10 in this volume.
- 17 P. Lunt and S. Livingstone, 'Regulating Markets in the Interest of Consumers? On the Changing Regime of Governance in the Financial Service and Communications Sectors', ch. 7 in this volume.
- 18 D. Marsh and R. Rhodes (eds) *Policy Networks in British Government* (Oxford, 1992), p. 261.
- 19 B. Morgan, 'Reflections on Governance from an International Perspective', ch. 11 in this volume.
- 20 M. Bevir and F. Trentmann, 'After Modernism: Local Reasoning, Consumption, and Governance', ch. 8 in this volume. See further K. Soper and F. Trentmann (eds), *Citizenship and Consumption* (Basingstoke, 2007).
- 21 H. P. Bang, 'Critical Theory in a Swing: Political Consumerism between Politics and Policy', ch. 9 in this volume.
- 22 C. Donovan, 'Consuming Social Science', ch. 4 in this volume.
- 23 Compare Kickert, Klijn and Koppenjan (eds) *Managing Complex Networks*.
- 24 For the challenges and possibilities of social learning and change of consumer life-styles at the community level, see P. Ginsborg, *The Politics of Everyday Life: Making Choices, Changing Lives* (New Haven and London, 2005).
- 25 I. Greener *et al.*, 'The Governance of Health Policy in the UK', ch. 6 in this volume.

Part I

Interpreting Governance

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2

The Construction of Governance

Mark Bevir

This chapter offers a theoretical critique of existing approaches to the new governance for their neglect of culture and agency. In doing so, it proposes that we conceive of the new governance as the social construct of situated agents. The chapter begins by examining what still remain the leading accounts of the new governance – the neoliberal account, often inspired by rational choice theory, of the rise of markets, and the institutionalist account (associated with the Anglo-governance school) of the rise of networks. Both these accounts rely tacitly on positivist assumptions about the appropriateness of our reading-off people's beliefs from objective social facts about them. Hence they neglect meanings and culture. Next the chapter goes on to examine the prospects for a post-positivist or social constructivist approach to the new governance. It challenges the popular idea that all constructivists are anti-realists. It suggests, to the contrary, that constructivists share a concern with exploring social practices through bottom-up studies of meanings that emphasize contingency. Yet, social constructivists remain ambiguous or confused about the question of agency. Sometimes they even imply that individuals are the passive bearers of discourses, which, in turn, are defined by the relations among semiotic units. I conclude by exploring how recognition of situated agency might strengthen constructivist theories of governance.

Beyond positivism

The current interest in the new governance derives from neoliberal reforms in the public sector since the 1980s. Neoliberals understand the new governance in terms of the increased efficiency in the public sector allegedly ensured by marketization, contracting out, staff cuts,

and stricter budgeting. They emphasize bureaucratic inefficiency, the burden of excessive taxation, the mobility of capital, and competition between states. They condemn hierarchic approaches to the provision of public services as inherently inefficient: the state might make policy decisions, but instead of delivering services, it should develop an entrepreneurial system based on competition and markets; there should be 'less government' and 'more governance'.¹

The neoliberal approach to the new governance overlaps with rational choice theory. Both draw on neoclassical economics, which derives formal models of social life from micro-level assumptions about rationality and utility maximization. Neoliberals use neoclassical theory to promote reforms such as the New Public Management. Rational choice theorists attempt to extend it from economic matters to political activity so as to craft models of governance in general. Rational choice theorists construct their models as deductions from the assumption that actors choose a particular action because it is the most efficient way of realizing a given end, where the ends actors have are given by their utility functions.²

One prominent alternative to the neoliberal approach to the new governance, one with very different political implications, is that of the Anglo-governance school.³ The Anglo-governance school define governance in terms of networks, and they suggest that a further explosion of networks was an unintended consequence of neoliberal reforms. So, two large research programmes, the Local Government and Whitehall Programmes, suggested broadly that the neoliberal reforms of the 1980s undermined the capacity of the state to act while failing to establish anything like the neoliberal vision.⁴ The state now acts as one of several organizations that come together in diverse networks to deliver services. Often the state can no longer command others, but must rely instead on limited steering mechanisms and diplomacy. The new governance is thus characterized by power-dependent organizations that form semi-autonomous, self-governing networks.

Just as the neoliberal approach to the new governance overlaps with rational choice, so the Anglo-governance school draws on institutionalist theory.⁵ Its proponents typically accept that pressures such as globalization, inflation, and state-overload brought about neoliberal reforms, but they then emphasize that embedded institutional patterns meant that the reforms did not work out as neoliberals hoped. The Anglo-governance school suggests that institutions create a space between policy intentions and unintended consequences: institutions

explain the gap between the market vision of the neoliberals and the reality of networks. Their institutionalist theories thus shift our attention from an allegedly inexorable process fuelled by the pressures of globalization, capital mobility, and competition between states to the ways in which entrenched institutions impact on the responses to these pressures.

By no means all uses of the concept 'governance' fit within the neoliberal story about markets or the institutionalist story about networks. Nonetheless, these two stories are probably the dominant ones currently on offer. To introduce an alternative story, we might explore the relationship of institutionalism and rational choice theory to a social constructivism according to which our perceptions, concepts, and so social life vary with the theories through which we construct them. This constructivism suggests, in contrast to positivism, that our perceptions always incorporate theories. Even everyday accounts of experiences embody realist assumptions, including things such as that objects exist independently of our perceiving them, objects persist through time, and other people can perceive the same objects we perceive.

Rational choice theory and institutionalism can fend-off constructivism only by remaining at least tacitly positivist. Although positivism was subjected to forceful philosophical criticism as early as the 1950s, institutionalism and rational choice fail to take seriously the consequences of rejecting a positivist belief in pure experience.⁶ They cling to the positivist belief that we can understand or explain human behaviour in terms of allegedly objective social facts about people, and they thus remove the interpretation of beliefs and meanings from their visions of social science. (When social scientists repudiate positivism, they are usually distancing themselves from the idea of pure experience without intending thereby to repudiate a social science that eschews interpretation.) Typically social scientists try to avoid direct appeals to beliefs by reducing them to intervening variables between social facts and actions. Instead of explaining why people voted for the Labour Party in terms of their beliefs, for example, a social scientist might do so by saying they were working-class, and the anomaly this explanation creates out of workers who vote Conservative is one the social scientist might deal with again not by examining beliefs but by referring to something such as gender or housing occupancy. Few social scientists would claim that class and the like generate actions without passing through consciousness. Rather, the correlation between class and action allegedly allows us to bypass beliefs. The idea is that belonging to a particular class gives one a set of beliefs and

desires such that one acts in a given way. To be working-class is, for example, allegedly to recognize that one has an interest in, and so desire for, the redistributive policies historically associated with Labour.

Once we accept there are no pure experiences, however, we undermine the dismissal of the interpretation of beliefs. A rejection of pure experience implies that we cannot reduce beliefs and meanings to intervening variables. When we say that someone X in position Y has given interests Z, we necessarily use our particular theories to derive their interests from their position and even to identify their position. Thus, someone with a different set of theories might believe either that someone in position Y has different interests or that X is not in position Y. The important point here is that how the people we study see their position and their interests inevitably depends on their theories, which might differ significantly from our theories. X might possess theories that lead her to see her position as A, rather than Y, or to see her interests as B, rather than Z. For example, some working-class voters might consider themselves to be middle-class with an interest in preventing further redistributive measures, whilst others might consider themselves working-class but believe redistributive measures are contrary to the interests of workers.

To explain peoples' actions, we implicitly or explicitly invoke their beliefs and desires. A rejection of the idea of pure experience implies that we cannot properly do so by appealing to allegedly objective social facts about them. Instead, we must explore the theories and meanings through which they construct their world, including the ways they understand their location, the norms that affect them, and their interests. Because people cannot have pure experiences, their beliefs and desires are saturated with contingent theories. Thus, social scientists cannot read-off beliefs and desires from things such as class. They have, instead, to interpret beliefs by relating them to other theories and meanings.

Of course, institutionalists and rational choice theorists have grappled with the issues raised here. Although some of them seem to remain wedded to a dismissal of interpretation based on positivism, others do not. The more they disentangle themselves from positivism, however, the further they depart from the principles that give their approaches content. Social scientists can avoid the problems of an entanglement with positivism only by allowing considerable latitude for interpretation – so much latitude, it is unclear that what remains can helpfully be described as institutionalism or rational choice.

Institutionalists attempt to explain actions and trajectories by reference to entrenched institutions. They suggest that formal institutions, understood as rules or norms, explain behaviour. March and Olsen, for example, define institutions as 'the collections of standard operating procedures and structures that define and defend interests' thereby explaining the actions of individuals and even constituting 'political actors in their own right.'⁷ However, considerable ambiguity remains as to how we should conceive of institutions. On the one hand, institutions often have an unacceptably reified form that enables social scientists to ignore their contingency and their inner conflicts and constructions: institutions are defined as allegedly fixed operating rules or procedures that limit, and arguably even determine, the actions of the individuals within them. On the other hand, institutions are sometimes opened up to include cultural factors or meanings in a way that suggests they do not fix such meanings nor thus the actions of the subjects within them. If we open up institutions in this way, however, we cannot treat them as if they were given. We have to ask instead how meanings and so actions are created, recreated, and changed thereby producing and modifying institutions.

By and large, institutionalists like to take institutions for granted. They treat them as if the people within them were bound to follow the relevant rules; the rules, rather than agency, produce path dependency. However, to reify institutions is to rely on a positivist dismissal of the need for interpretation. Institutionalism, at least so conceived, assumes that allegedly objective rules prescribe or cause behaviour so that someone in a position X subject to a rule Y will behave in a manner Z. The problem with this assumption is not just that people can willfully choose to disobey a rule, but also, as we have seen, that we cannot read off people's beliefs and desires from their social location. People who are in a position X might not grasp that they fall under rule Y, or they might understand the implications of rule Y differently from us, and in these circumstances they might not act in a manner Z even if they intend to follow the rule.

Faced with such considerations, institutionalists might open up the concept of an institution to incorporate meanings. They might conceive of an institution as a product of actions informed by the varied and contingent beliefs and desires of the relevant people. We should welcome such an opening up of institutionalism. Even as we do so, however, we might wonder whether we should still think of the approach as, in any significant sense, institutionalist. All the explanatory work would be done not by allegedly given rules but by the

multiple, diverse ways in which people understood and reacted to conventions. Appeals to institutions would thus be misleading shorthand for the conclusions of explorations into and interpretations of the beliefs and desires of the people who acted so as to maintain and modify institutions in the ways they did.

We might rephrase this commentary on institutionalism to say simply that the rejection of positivism leaves it desperately needing a micro-theory. Institutionalists can avoid engaging with beliefs and preferences only if they assume we can read-off these things from people's social location, but, of course, that is exactly what a rejection of positivism suggests we cannot do. The lack of a micro-theory in a post-positivist world does much to explain the vulnerability of institutionalism to the challenge of rational choice theory. When we now turn to rational choice, however, we will find that it too confronts a choice between an unacceptable positivism and a constructivist turn.

Because rational choice theory conceptualizes actions as rational strategies for realizing the preferences of the actor, it seems to reduce the motives of political actors to self-interest. Yet, as most rational choice theorists would recognize, we have no valid grounds for privileging self-interest as a motive.⁸ Even if an action happens to have beneficial consequences for the actor, we cannot conclude that the actor acted in order to bring about those beneficial consequences. Besides, a theory predicated solely on self-interest cannot properly make sense of altruistic actions. These obvious problems with reliance on self-interest have led rational choice theorists to expand their notion of preference. They have moved toward a 'thin' analysis of preferences that requires motives only to be consistent.⁹ The problem with thus reducing all motives to an expanded concept of preference is that it is either false or valid but of limited value. If we use an expanded notion of preference merely as a cloak under which to smuggle back in a naïve view of self-interest, it is false. If we extend our concept of preference to cover any motive for any action, we leave the concept devoid of content.

A valid concept of preference is one pretty much devoid of all content. The problem for rational choice theorists thus becomes how to fill out a concept of preference on particular occasions. At times, they do so with a quasi-analytic notion of self-interest, even if they also pay lip service to the problems of so doing. More often, they attempt to do so in terms of what they suggest are more or less self-evident, 'natural' or 'assumed' preferences for people in certain positions. For example, bureaucrats supposedly want the increased power that comes from

expanding the size of their fiefdoms. Typically, as in this example, the relevant preferences are made to appear 'natural' by a loose reference to self-interest in the context of an institutional framework. This way of filling out the concept of preference falls prey, though, to the philosophical critique of positivism. Even if we assume the dominant motivation of most bureaucrats is to increase their power – an awkward assumption as many of them probably also value things such as time with family and interesting work – we cannot blithely assume that they understand and judge their institutional context as we do.

Faced with such considerations, rational choice theorists might decide to return to a largely empty notion of preference. They might conceive of actions as products of beliefs and desires without saying anything substantive about what these beliefs and desires might be.¹⁰ Once again, we should welcome such a move, while also wondering whether we should still think of the approach as, in any significant sense, rational choice. All the explanatory work would now be done not by deductions based on assumptions of self-interest but by appeals to the multiple and diverse beliefs and desires that motivated the actors. The formal models developed by rational choice theorists would be heuristics. A model would apply to the world only if empirical interpretations of the beliefs and preferences of actors showed that they were as postulated by that model.

The purpose of these theoretical reflections is not to undermine all appeals to institutions or rules, nor is it to preclude appeals to self-interest or the use of deductive models, nor yet to deny that quantitative techniques have a role in social science. To reject any of these things outright would be far too hasty partly because none of these approaches is monolithic, and partly because social scientists inspired by an approach often do work that manages to overcome the limitations of the theories to which they explicitly appeal. Our theoretical reflections suggest only that we need to tailor appeals to institutions, rationality, models, and statistics to fit recognition of governance as being socially constructed.

An adequate theory of governance should eschew any lingering positivism for social constructivism. To promote such constructivism is to question the accounts of the new governance offered by both neoliberals and the Anglo-governance school. These accounts are troublesome in ways that mirror the lingering positivism of rational choice theory and institutionalism. The neoliberal account, with its overlap with rational choice theory, defines governance in terms of a revitalized and efficient public sector based on markets, competition, and

management techniques imported from the private sector. Behind this definition, there lurk neoclassical ideas of preference formation, utility, rationality, and profit maximization. Because social democracy, with its Keynesianism and bureaucratic hierarchies, did not allow for such ideas, it allegedly ran aground on the problems of inflation and overload. Neoliberal reforms are said to be needed to restructure the state.

Within the neoliberal account of governance, we often find difficulties with the concepts of preference, utility, and rationality that mirror those within rational choice theory. Typically neoliberals rely more or less explicitly on a fairly naïve view of self-interest to treat preferences, utility, and rationality as unproblematic. Only by doing so can they conclude that reforms such as the New Public Management lead to greater efficiency without regard for the particular circumstances in which they are introduced. It is possible that neoliberals might deploy a richer notion of self-interest so as to allow that people have all sorts of motivations based on their particular and contingent beliefs. However, if they did so, they would have to allow this particularity and contingency to appear in the workings of hierarchies and the consequences of neoliberal reforms, and to do this, they would have to provide a far more complex account of the new governance; they would have to unpack the new governance in terms of actual and contingent beliefs and preferences.

The Anglo-governance school often defines governance as self-organizing, inter-organizational networks. Behind this definition, there lurks the idea that its emergence embodies a process of functional and institutional specialization and differentiation. Entrenched institutional patterns ensure that neoliberal reforms lead not to markets but to the further differentiation of policy networks in an increasingly hollow state. Within the Anglo-governance school, we find an ambiguity that mirrors that in institutionalism. On the one hand, differentiation evokes recognition of differences, or the specialist parts of a whole, based on function. If the Anglo-governance school understands differentiation in this way, they move toward a positivist account of the new governance as a complex set of institutions and institutional linkages defined by their social role or function – an account that renders otiose appeals to the contingent beliefs and preferences of agents. On the other hand, differentiation can evoke recognition of differences and contingent patterns based on meaning. If the Anglo-governance school understood differentiation in this way, they would move toward a constructivist approach to the new governance; they

would unpack the new governance through a study of the varied and contingent meanings embedded in the actions of individuals.

Constructivism as realism

The philosophical demise of positivism pushes us to adopt a constructivist alternative to both neoliberal (rational choice) and Anglo-governance (institutionalist) accounts of governance. Yet constructivism sometimes appears to be an approach relevant only to ideas or discourses. Its critics, and even some of its advocates, imply that constructivism focuses exclusively on meanings or languages because it entails an anti-realist denial of the world. No doubt all constructivists emphasize the constructed nature of the social world. However, there are different ways of unpacking constructivism, and its different varieties lead to equally different stances toward realism and the reality of governance.

A bland constructivism insists that we make parts of the social world by our intentional actions. People act for reasons that they adopt in the light of the beliefs that they acquire in part through processes of socialization. For example, when shopkeepers price goods, they make an aspect of the social world in accord with their beliefs about how to make a profit, and their perhaps tacit beliefs about markets and fair exchange. Other aspects of the world then arise as the unintended consequences of such intentional actions. For example, if a shopkeeper prices her goods higher than her competitors, and if potential customers buy goods at the lower prices available elsewhere, the shopkeeper will go bust irrespective of whether or not anybody intended or foresaw that outcome.

Of course all kinds of social scientists allow that we make the world through our intentional actions. It is just, as we have seen, that they often seek to explain actions in terms of institutions, social facts, or a universal rationality. In contrast, post-positivist constructivism, of the kind that interests us, asserts that the intentions of actors derive at least in part from traditions, discourses, or systems of knowledge that themselves are social constructs. This post-positivist constructivism implies not only that we make the social world by acting on certain beliefs and meanings, but also that we make the very beliefs and meanings upon which we act. In this view, our concepts are contingent products of particular traditions and discourses; they are not natural or inevitable ways of conceiving and classifying objects. Our concepts are the artificial inventions of a particular language, culture, and society;

they are not a universal vocabulary that picks out natural kinds in the world. Post-positivist constructivism thus implies that varied traditions or cultures can categorize objects very differently: it is a commonplace, after all, that Eskimos have words for different types of 'snow' while people of the Kalahari Desert have words that pick out various shades of 'red'. Post-positivist constructivism consists, in other words, of anti-essentialism. It asserts that our social concepts do not refer to essences. Our social concepts do not pick out core, intrinsic properties that are common to all the things to which we might apply them and that also explain other facets and behaviour of those things. However, to conclude that our social concepts do not refer to essences is very different from adopting the anti-realist conclusion that our social concepts do not refer to anything at all.

If we are to explore the relationship between anti-essentialism and anti-realism, we might distinguish between pragmatic, critical, and anti-realist analyses of socially constructed concepts.¹¹ Anti-essentialism can inspire, firstly, a pragmatic account of a concept. In this view, the concept captures family resemblances; it is a conventional way of dividing up a continuum, rather than a natural way of thinking about a discrete chunk of experience. Although pragmatic concepts do not refer to essences, they do refer to groups of objects, properties, or events – often groups that have vague boundaries. Social factors determine pragmatic concepts because there are innumerable ways in which we can classify things, and because it is our purposes and our histories that lead us to adopt some classifications and not others. Nonetheless, the role of social factors in determining pragmatic concepts does not mean that these concepts have no basis in the world. To the contrary, we might justify adopting the particular pragmatic concepts we do by arguing that they best serve our purposes, whether these purposes are descriptive, explanatory, or normative. We might justify a pragmatic concept such as the 'New Public Management' on the grounds that its content derives from family resemblances between recent public sector reforms. We might defend ascribing particular content to concepts such as 'neoliberalism' on the grounds that doing so best explains the resemblances between public sector reforms. And we might adopt a particular concept of 'democratic accountability' on the grounds that it best captures those patterns of rule that we should regard as legitimate given our normative commitments.

Anti-essentialism can inspire, second, a critical account of a concept. Critical constructivism arises when we want to suggest that a concept is invalid. In such cases, we might argue that the concept is determined

by social factors and that it fails to capture even a group characterized by family resemblances. For example, we might reject the concept 'New Public Management' as unfounded, especially if it is meant to refer to a global trend.¹² We might argue that in reality different states introduced very different reforms with widely varying results. And we might add that the pattern of reforms drew on, and resembled, each state's traditions of administration far more than it did a common neoliberal blueprint. In such cases, we dismiss concepts as unfounded by arguing that there is no fact of the matter – neither an essence nor a group – that they accurately pick out.

Neither a pragmatic nor a critical account of constructed concepts entails anti-realism. To the contrary, they entail a commitment to the world either as that to which certain concepts refer or as other than that implied by certain concepts. Nonetheless, anti-essentialism has inspired, finally, anti-realism. Contemporary anti-realism is often a global critical constructivism in which all our concepts are said to be unable to refer. Typically anti-realists argue that the role of prior theories and traditions in constructing our experiences precludes our taking these experiences to be accurate of a world independent of us. They argue that we only have access to our world (i.e. things as we experience them) as opposed to the world as it is independent of us (i.e. things in themselves). They then conclude that we have no reason to treat our concepts as true to the world as it is. They conclude that there is no outside the text. However, although some constructivists are tempted by global anti-realism, their arguments do not seem to be compelling ones. We could argue, for example, that although we only have access to our world, the nature of our world provides us with a good reason to postulate the world. And we could argue that our ability to act in our world provides us with a good reason, perhaps as an inference to the best explanation, to assume that much of our knowledge tracks the world as it is.

Clearly constructivists are not committed to global anti-realism. Most constructivists adopt, to the contrary, pragmatic or critical stances toward concepts. We could even explore various constructivist approaches to governance by asking whether they adopt pragmatic or critical analyses of the relevant concepts. It is important to add here that, whatever problems there might be with global anti-realism, there is nothing incoherent about a critical account of the new governance. The new governance is often defined in terms of the hollowing out of the state: the state is said to have lost the ability to impose its will, and to have come to rely instead on negotiations with other organizations

with which it forms networks and partnerships. In contrast, constructivists might suggest that the state never had the ability to impose its will. The state always had to operate with and through organizations in civil society. The state always has been plural and dispersed. Hence constructivists might conclude that there is no fact of the matter that can be accurately picked out by the concept 'the new governance'.

Even constructivists who adopt a critical account of the concepts associated with the new governance generally adopt a pragmatic analysis of governance conceived as a general term for patterns of rule. A pragmatic constructivism encourages us, in contrast to the positivism lingering within both neoliberalism and the Anglo-governance school, to examine the ways in which social life, institutions, and policies are created, sustained, and modified by individuals acting on beliefs that are not given by objective self-interest, social norms, or institutions. Several positions are common among post-positivist, anti-essentialist, or constructivist approaches to governance. Some of the positions shared by constructivists are also common among neoliberals and the Anglo-governance school. Constructivists typically use concepts such as governance and governmentality to refer to a pattern of rule that is characterized by networks connecting various aspects of civil society and the state. Sometimes constructivists imply that this pattern of rule is a novel product of the reforms introduced within the public sectors of western democracies over the last twenty or so years, while at other times they imply that it is a general account of all power and social coordination. Equally some of the positions shared by constructivists distinguish them from neoliberals and the Anglo-governance school. Constructivists differ from these others mainly in the attention they give to meanings, their preference for bottom-up analyses, and their emphasis on contingency.

Constructivists share, most obviously, a concern to take seriously the meanings or beliefs embodied in practices of governance. As we have seen, they generally believe that practices of governance arise out of actions, where we can adequately explore actions only by reference to the meanings or beliefs that animate them. In this view, we cannot properly apprehend practices of governance solely in terms of their legal character, their class composition, or the patterns of behaviour associated with them. Rather, all these things, like the practices themselves, can be grasped adequately only as meaningful activity. To repeat: once we reject positivism, we undermine the credibility of reducing beliefs and meanings to intervening variables, which implies that we have to explore the meanings and theories through which people construct their world.

A second theme found in constructivist theories of governance is sympathy for bottom-up forms of inquiry. This sympathy has strong links to the rebuttal of positivism. A rejection of pure experience implies that people in the same social situation could hold very different beliefs if only because their experiences of that situation could be laden with very different prior theories. Hence we cannot assume that people in a given social situation will act in a uniform manner. Aggregate concepts, such as an institution, cannot be adequate markers for people's beliefs, interests or actions. Such aggregate concepts can stand only as abstractions based on the multiple and complex beliefs and actions of the individuals we locate under them. Constructivists typically conclude, for just these reasons, that practices of governance require bottom-up studies of the beliefs and actions that constitute them. They favour studies of the ways in which practices of governance are created, sustained, and transformed through the interplay and contest of the beliefs and meanings embedded in human activity. No doubt constructivists vary in their willingness to bypass bottom-up studies in order to focus on the ways in which institutions operate and interact in given settings. However, even when constructivists postulate institutional unity, they usually conceive of it as an emergent property based on individual actions in the context of intersubjective norms, which, at least in principle, could be contested.

A third theme found in constructivist approaches to governance is an emphasis on contingency. This theme too has strong links to the rebuttal of positivism. Once we accept that people in any given situation can interpret that situation and their interests in all sorts of ways, we are pressed to accept that their actions are radically open. In other words, no practice or institution can itself fix the ways in which its participants will act, let alone the ways in which they will innovate in response to novel circumstances. Our practices are radically contingent in that they lack any fixed essence or logical path of development. An emphasis on contingency explains why constructivists denaturalize alternative theories. In so far as other social scientists attempt to ground their theories in allegedly given facts about the nature of human life, the path-dependence of institutions, or the inexorability of social developments, they efface the contingency of practices of governance; they represent these practices as natural or inexorable. Constructivists then try to expose the contingency of those aspects of governance that these others represent as natural or inexorable; they expose as images what these others represent as real.¹³

The leading themes of constructivist approaches to governance help to explain the content they characteristically ascribe to the new governance. A concern with meanings leads them to explore the rise of networks and markets in relation to changing patterns of belief or discourse.¹⁴ A sympathy for bottom-up studies prompts them to explain the origins and processes of modes of governance by referring not only to the central state but also to multifarious activities in civil society. They have even examined the operation of governance in practices such as childcare and accountancy.¹⁵ Finally, the emphasis on contingency and contestation leads them to explore the diversity of beliefs and discourses about the new governance, to trace the historical roots of different traditions, and to examine the relations of power by which certain techniques come to dominate.¹⁶

The difference agency makes

Although constructivists generally share the theoretical and substantive positions just identified, this shared framework is an extremely broad one that leaves a number of questions unanswered. Perhaps the most significant unresolved issue is that of the role of agency. Although constructivists agree on the importance of studying governance in terms of the meanings that inform it, they remain ambiguous or perhaps even confused about the nature of meaning. Are meanings products of quasi-structures that possess a semiotic logic and respond to random fluctuations of power or are they subjective and intersubjective constructs of human agency? Can meanings, and agency more generally, be reduced to discursive contexts?

Before we answer these questions, we should be clear that they arise against the background of a widespread repudiation of the idea of autonomy. Once we accept that all experience and all reasoning embodies theories, we surely will conclude that people always adopt beliefs against the background of a *prior* set of theories, which, at least initially, must be made available to them by a social tradition. However, although almost all constructivists thus reject an autonomous view of the individual – a view of individuals as prior to social contexts – their doing so need not entail a rejection of agency. To the contrary, we can accept that people always are situated against the background of a social tradition, and still conceive of them as situated agents who can act in novel ways for reasons of their own so as to transform both themselves and this background. Situated agency entails only the ability creatively to transform an inherited tradition, language, or dis-

course. It does not entail an ability to transcend social context. To say that people are situated agents is to say only that their intentionality is the source of their conduct; they are capable of using and modifying language, discourse or traditions for reasons of their own. It is not to say that their intentionality is uninfluenced by their social context.

Constructivists often debate the question of agency through discussions of the relationship of self to language. Their repudiation of autonomy gets expressed here in the argument that language constitutes the self. If we interpret language as a metaphor for belief, this argument entails only the entirely unexceptionable claim, which even many positivists might accept, that people's thoughts and actions embody their beliefs. The constructivist version of the argument builds in to it a rejection of autonomy by using the term 'language' precisely in order to suggest that people's beliefs are formed within the context of traditions or discourses. The constructivist claim is that people's thoughts and actions embody their beliefs, and these beliefs arise against the background of a social context. Unfortunately, however, this constructivist claim reproduces the ambiguity over agency. On the one hand, it can be read as a rejection of autonomy but not of situated agency: the claim would then be that people's thoughts and actions embody their beliefs, where these beliefs arise against the background of a tradition, but where they are situated agents who then can modify the beliefs they thereby inherit. On the other hand, it can be read as a rejection of agency along with autonomy: the claim would then be that people's thoughts and actions embody beliefs, where these beliefs arise against the background of a social tradition that determines the beliefs they might go on to adopt. Constructivists typically adopt the first claim. They need not thereby be seduced into defending the second one.

So, even after constructivists reject autonomy, they still confront the question of agency. Many commentators argue here that structuralism bequeathed post-structuralism a hostility to humanism and agency. Such hostility certainly appears to pervade much of the Anglo-Foucauldians' work on governance as both governmentality and advanced liberalism.¹⁷ The Anglo-Foucauldians often imply that epistemes or regimes of power-knowledge define, or at least limit, the intentions people can have. They often imply that to grasp the meaning of a text, action, or practice, we need to reconstruct the internal, albeit unstable, logics of the relevant episteme, discourse, or power/knowledge. Yet, the pronouncements of the Anglo-Foucauldians on the question of agency are generally too ambiguous and confused

to allow us to be specific here. Sometimes they appear to want to combine claims about the entirely constructed nature of subject positions with what are surely incompatible appeals to agency, writing, for example, of one both 'constituting oneself' and being 'constituted as' a subject.¹⁸ More often still, they pay-lip service to agency when confronting critics, while otherwise persisting in writing empirical studies that concentrate on how social practices and traditions create forms of subjectivity to the apparent exclusion of the ways in which agents create social practices and traditions. The introduction to a collection of their work tells us that techniques of power do not dominate people so much as operate through their freedom, but the studies that follow include no examples of particular agents applying norms in free and creative ways that transform power.¹⁹ The rest of this chapter can be read as an attempt to clear up just such confusions. If readers believe that the Anglo-Foucauldians (and/or Foucault himself) rejected agency as well as autonomy, they can read what follows as an alternative constructivist theory of governance. If they believe that the Anglo-Foucauldians (and/or Foucault himself) allowed adequately for agency, they can read what follows as an attempt to elucidate how they do so.

We can best approach the question of agency by distinguishing between three different ways in which we might conceive of the relationship of context to conduct. First, context might influence people's activity without setting limits to what they can seek to accomplish by that activity. This relationship would not negate situated agency: if context only influenced performance, we could not properly invoke it to explain even the parameters to conduct; rather, we would have to explore the situated agency as a result of which people come to act in a particular way against the background influence of any given context. Second, context might restrict conduct by establishing identifiable limits to the forms it can take without fixing its specific content within these limits. This relationship would sustain only a partial downplaying of situated agency: if context restricted performance, we could invoke it to explain why actions remained within certain limits, but we still would have to appeal to situated agency to explain the ways in which conduct unfolded within these limits. Third, context might determine conduct in each and every detail no matter how small. Only this relationship could imply a rejection of situated agency. If context fixed every feature of conduct, we really could give complete explanations of conduct by reference to context, so situated agency would be irrelevant.

The question of agency thus comes down to that of whether or not conduct is entirely determined by context. If anyone really wanted to reduce meanings to social discourses defined by the relationships between their semantic units, they would have to argue that our utterances and intentionality are fixed in every detail by quasi-structures. But, of course, context does not fix conduct in this way. To the contrary, because people can adopt different beliefs and perform different actions against the background of the same context, there must be an undecided space to the fore of any given context. There must be a space in which individuals might adopt this or that belief and perform this or that action as a result of their situated agency. Situated agency manifests itself in the diverse activity that might occur against the background of any particular context. Even if a tradition forms the background to people's utterances and a social structure forms the background to their actions, the content of their utterances and actions does not come directly from these contexts. It comes, rather, from their replicating or developing these traditions and structures in accord with their intentions.

We should decide the question of agency in favour of situated agency rather than either autonomy or quasi-structures. Some constructivists are perhaps tempted to downplay situated agency because doing so gives them critical purchase on positivist approaches to governance. It is worth pointing out, therefore, that rejection of autonomy is quite sufficient to sustain constructivist critiques of these approaches. One target of constructivist critiques is the account of the individual implicit in rational choice theory. Rational choice theorists often imply that individuals are (or at least fruitfully can be treated as) atomized units who have high-on perfect knowledge of their preferences and situation and who act so as to maximize their utility. To reject rational choice theory requires only a repudiation of autonomy. Once we accept that people's views of their interests and contexts are always infused with their particular theories, we undercut the assumptions of rational choice theorists about actors having pure and perfect knowledge of their preferences and situations. Another target of constructivist critiques is the drift in institutionalism away from bottom-up studies towards a focus on allegedly given rules or norms. As we have seen, institutionalists argue that the beliefs and actions of individuals are defined by their social roles or by the norms that govern the institutions in which they participate, and they thereby elide the contingent and contested nature of social life by implying that the content and development of institutions is fixed by rules or a path

dependency inherent within them. To reject such institutionalism also requires only a repudiation of autonomy. Once we allow that people's understanding of their world, including the rules and norms that apply to them, is inherently theory-laden, we open the possibility of different people grasping or applying a rule or norm in different ways, and we thereby draw attention to the contest and contingency that institutionalists elide.

If constructivists allow for situated agency, they can not only retain their critical focus on alternative approaches to governance, but also clear-up confusion about their use of aggregate concepts. The bottom-up orientation of constructivists encourages them to focus on the multiplicity of conflicting actions and micro-practices that come together to create practices of governance. Constructivists often paint a picture devoid of any inherent logic. They suggest that practices of governance arise almost accidentally out of all sorts of unconnected activities. Alas, the ambiguities and confusions among them on the question of agency then reappear in their attempts to relate aggregate concepts to such bottom-up studies. On the one hand, just as we have seen that the structuralist legacy in post-structuralism appears to inspire a reduction of situated agency to a semiotic code within discourse, so the Anglo-Foucauldians sometimes appear to use concepts such as power/knowledge or discourse to recentre their accounts of governance. On the other hand, the widespread emphasis of all constructivists on contingency and particularity can inspire an overt concern to challenge the validity of all aggregate concepts, presumably including 'discourse' and 'power/knowledge'. Critics have a point, therefore, when they highlight an apparent contradiction between the post-structuralists' or post-modernists' use of an 'undertheorised meta-narrative' and their stated opposition to all meta-narratives.²⁰

Constructivists are ambiguous as to whether they want to condemn all totalizing concepts or invoke their own. The Anglo-Foucauldians in particular appear to want to straddle these surely incompatible positions, writing, for example, of the need to replace narratives of governance that appeal to social forces with a focus on 'singular practices' only then to assimilate these singular practices to an apparently monolithic concept of 'individualizing power'. Although Mitchell Dean rightly complains that 'the problem with contemporary sociological accounts is that they are pitched at too general a level and propose mysterious, even occult, relations between general processes and events (e.g. globalization, de-traditionalization) and features of self and identity', he seems unaware, for example, that his narrative relies on

the equally mysterious, even occult, impact of an overarching 'individualizing power' on the particular practices and actions it allegedly generates.²¹ At other times the Anglo-Foucauldians pay lip-service to the importance of contingency and particularity while writing empirical studies that explain the content or existence of a speech-act or practice in terms of an episteme or other quasi-structure that operates as a totalizing, aggregate concept.

In a sense constructivists, like everyone else, should use the abstract concepts they believe best describe the world. If they believe that networks are multiplying, they might invoke a 'network society'. If they believe that people are increasingly dealing with risk through personalized health plans, pension provisions, and the like, they might invoke an 'individualizing power'. If they believe certain people express similar ideas about freedom, markets, the importance of the consumer, and the need to roll back the state, they might invoke a 'discourse of the New Right'. All such aggregate concepts describe broad patterns in the world, so the worth we attach to them depends on whether or not we believe that the broad patterns exist. Constructivists have no special problem in accepting aggregate concepts as descriptions of the world, although arguably they will be more concerned than others to highlight exceptions that do not fit under such concepts.

The question of recentring becomes awkward for constructivists – or at least the Anglo-Foucauldians – when they ascribe explanatory power to their aggregate concepts. The more we emphasize the contingency and particularity of practices of governance, the harder it becomes to explain these practices by reference to a broader social process. When the Anglo-Foucauldians deploy discourse and power to do explanatory work, these concepts exhibit the failings of a repudiation of situated agency. For example, when discourse purports not only to describe a pattern of belief or speech but also to explain that pattern, it is often conceived as a quasi-structure composed of units whose relations to one another define its content. Meaning thus gets reduced to the allegedly inherent relationships between abstract semantic units as opposed to the diverse and contingent beliefs that agents happen to come to hold. When the Anglo-Foucauldians use discourse or power to do explanatory work, they confront a number of problems as a consequence of this neglect of situated agency. For a start, they confront a problem in accounting for change: if individuals arrive at beliefs and even construct themselves solely in accord with a discursive context, they appear to lack the capacity to modify or transform that discourse, which appears to render such transformations inexplicable. (Although

the Anglo-Foucauldians sometimes criticize structuralists for exhibiting such determinism while implying that they themselves conceive of such transformations in terms of an instability inherent within the structure – an instability that threatens the structure and puts it into contradiction with itself – they thereby elide questions of whether we are to understand such instability, contradiction, and transformation as necessary qualities of a disembodied quasi-structure or as contingent properties and products of situated agents.) In addition, the location of meaning within such discourses is unclear. Meaning appears to be tied to relationships between semantic units, where these relationships are given independently of individuals, their beliefs, and their agency. But surely this disembodied view of meaning contradicts a constructivist concern with contingency and particularity. Although the rise of a discourse might be contingent, the disembodied view of meaning implies that the content of that discourse is anything but contingent; it is given by the fixed relationships between semantic units. Likewise, although discourses might be singular, the disembodied view of meaning implies that the diverse and particular beliefs people might hold about anything can be assimilated to a single pattern imposed upon them by the necessity of the relationships between semantic units.

At the moment, constructivists struggle to develop aggregate concepts that have explanatory power. Recognition of situated agency might help to resolve this problem. To reject autonomy is to accept that individuals necessarily experience the world in ways that reflect the influence upon them of a social tradition, discourse, or regime of power. Hence our explanatory concepts should indicate how social influences permeate beliefs and actions even on those occasions when the speaker or actor does not recognize such influence. But to recognize situated agency is to imply that people possess the capacity to adopt beliefs and actions, even novel ones, for reasons of their own, where these beliefs and actions can transform the social background. Hence constructivists might conceive of the social context in terms of traditions. After all, the concept of a tradition evokes a social context in which individuals are born and which then acts as the background to their beliefs and actions even while they might modify, develop, or even reject much of their inheritance.

Because the concept of tradition allows for situated agency, it provides a means of analysing social change. Change arises as a result of people's ability to adopt beliefs and perform actions for reasons of their own. To conceive of change in this way is not to suggest that traditions

contain an inner logic that fixes their development. It is, rather, to say that people change their beliefs or actions through their contingent reasoning. Hence constructivists analyse change in terms of the ways in which situated agents draw on their existing beliefs so as creatively to respond to dilemmas. Such dilemmas arise for people whenever they adopt a new belief that stands in opposition to their existing ones and so forces a reconsideration of the latter. In accepting a new belief, they pose the question of how they will integrate it into their existing beliefs. They respond to the dilemma, whether explicitly or not, by changing their beliefs so as to accommodate the newcomer.

The concepts of tradition and dilemma provide constructivists with aggregate concepts with which to recentre their accounts of governance. They allow constructivists to explain the rise of new practices of governance by reference to the changing activities of situated actors. It is even possible that constructivists might be able to relate the relevant dilemmas to what they take to be facts about the world, although equally they might find that they take some dilemmas to be figments of the imaginations of those who responded to them. Nonetheless, because the concepts of tradition and dilemma embody recognition of the contingency and particularity of social life, they can only do so much recentring. They certainly do not allow us to postulate mechanisms or large-scale social processes of which practices of governance stand as the mere symptoms. Rather, they represent abstractions that do explanatory work only in so far as we can unpack them in terms of contingent, intersubjective beliefs, desires, and actions, and, as abstractions, they enable us to recenter our accounts only at the cost of marginalizing those contingent beliefs, desires, and actions that fall outside the dominant patterns they capture.

Conclusion

Although positivism seems to have been decisively rejected within philosophy, it continues to echo through some of the leading accounts of governance, including both the story of neoliberals with their debt to rational choice theory and the story of the Anglo-governance school with its debt to institutionalist theory. A rejection of positivism leads to a more constructivist approach to governance. Constructivists argue that social reality is constructed out of human knowledge, beliefs, or meanings, and typically they argue that this human knowledge is not a passive mirror of nature, but is itself, rather, constructed from within traditions and discourses. Because constructivists emphasize the role

played by traditions in determining the content of our experiences, they often engage in forms of critique. They suggest that ideas that might appear to be inherently rational or natural are in fact the artifacts of particular traditions or cultures, and they imply that our social and political practices are not the result of natural or social laws, but rather the products of choices informed by contingent meanings and beliefs. Constructivist accounts of the new governance certainly highlight its contingency and contestability in contrast to accounts that suggest it is inevitable or rational. However, we should be careful not to identify constructivism exclusively with critique. Constructivism is also a way of explaining how practices of governance arise from people acting on the beliefs they form against the background of particular traditions and discourses. The accounts that constructivists thus offer of governance are often marred, however, by a confusion or elision of agency. This chapter has sought to show what recognition of situated agency might contribute to constructivist studies of governance.

Notes

- 1 D. Osborne and T. Baebler, *Reinventing Government: How the Entrepreneurial Spirit is Transforming the Public Sector* (Reading, MA, 1992). Also see the discussions in C. Hood, 'A Public Management for all Seasons', *Public Administration*, 69(1) (1991), pp. 3–19; and L. Terry, 'Administrative Leadership, Neo-managerialism, and the Public Management Movement', *Public Administration Review*, 58(3) (1998), pp. 194–200.
- 2 General expositions of rational choice theory include G. Becker, *The Economic Approach to Human Behaviour* (Chicago, 1976); J. Elster (ed.) *Rational Choice* (New York, 1986); and K. Monroe (ed.) *The Economic Approach to Politics* (New York, 1991). For a classic statement of the general problem of governance from within neoclassical theory see O. Williamson, 'Transaction-cost Economics: The Governance of Contractual Relations', *Journal of Law and Economics*, 22(2) (1979), pp. 233–61.
- 3 See D. Richards and M. Smith, *Governance and Public Policy in the UK* (Oxford, 2002); R. Rhodes, *Understanding Governance* (Buckingham, 1997); G. Stoker, *Transforming Local Governance* (Basingstoke, 2004), the references in fn. 4, and for critical discussions M. Bevir and R. Rhodes, *Interpreting British Governance* (London, 2003), pp. 45–78; and M. Marinetto, 'Governing Beyond The Centre: A Critique Of The Anglo-Governance School', *Political Studies*, 51(3) (2003), pp. 592–608.
- 4 For the outcomes of these major research Programmes see G. Stoker (ed.) *The New Management of British Local Governance* (London, 1999); G. Stoker (ed.) *The New Politics of British Local Governance* (London, 2000); and R. Rhodes (ed.) *Transforming British Government*, 2 vols (London, 2000).
- 5 Both Rod Rhodes and Gerry Stoker, respectively the directors of the Whitehall and Local Governance Programmes, evoke institutionalism and unintended consequences in this way. See Rhodes, *Understanding*

- Governance*, chap. 4; and G. Stoker, 'Introduction: The Unintended Costs and Benefits of New Management Reform for British Local Governance, in Stoker (ed.) *New Management*, pp. 1–21.
- 6 The main criticism of positivism of relevance to what follows is a semantic holism that implies our beliefs encounter the world only as a whole so theory plays an ineluctable role in perception. See W. Quine, 'Two Dogmas of Empiricism', in *From a Logical Point of View* (Cambridge, MA, 1961), pp. 20–46.
 - 7 J. March and J. Olsen, 'The New Institutionalism: Organisational Factors in Political Life', *American Political Science Review*, 78(3) (1984), p. 738. Also see J. March and J. Olsen, *Rediscovering Institutions: The Organizational Basis of Politics* (New York, 1989).
 - 8 Early exponents of rational choice theory sometimes privileged self-interest in this way. See A. Downs, *An Economic Theory of Democracy* (New York, 1957), pp. 27–8.
 - 9 J. Elster, *Sour Grapes: Studies in the Subversion of Rationality* (Cambridge, 1983), p. 1.
 - 10 W. Mitchell, 'The Shape of Public Choice to Come: Some Predictions and Advice', *Public Choice*, 77(1) (1993), pp. 133–44; and C. Vicchaeri, *Rationality and Co-ordination* (Cambridge, 1993), particularly pp. 221–4.
 - 11 It seems to me that many constructivists are most interested in a particular type of pragmatic concept. These are what we might call 'self-fulfilling' ones. A self-fulfilling concept refers to a cluster of objects that exist only because people hold that concept. Typically constructivists want to expose the self-fulfilling nature of such concepts precisely to challenge the idea that they are natural concepts with essences.
 - 12 Compare M. Bevir, R. Rhodes and P. Weller (eds) 'Traditions of Governance: History and Diversity', a special issue of *Public Administration*, 81(1) (2003).
 - 13 Examples include H. Kass and B. Catron, *Images and Identities in Public Administration* (London, 1990); D. Farmer, *The Language of Public Administration: Bureaucracy, Modernity, and Postmodernity* (Tuscaloosa, AL, 1995); and C. Stivers, *Bureau Men, Settlement Women: Constructing Public Administration in the Progressive Era* (St Lawrence, KS, 2002).
 - 14 See the essays in Bevir, Rhodes and Weller (eds) *Traditions of Governance*.
 - 15 N. Parton, *Governing the Family: Child Care, Child Protection, and the State* (London, 1991); and P. Armstrong, 'The Influence of Michel Foucault on Accounting Research', *Critical Perspectives on Accounting*, 5(1) (1994), pp. 25–55.
 - 16 Examples include Bevir, Rhodes, and Weller (eds) *Traditions of Governance*; and for an earlier era Stivers, *Bureau Men, Settlement Women*.
 - 17 The Anglo-Foucauldian approach to governmentality or governance is usefully showcased by two collections of essays. See G. Burchell, C. Gordon and P. Miller (eds) *The Foucault Effect: Studies in Governmentality* (London, 1991); and A. Barry, T. Osborne and N. Rose (eds) *Foucault and Political Reason* (London, 1996). On the legacy of structuralist tropes in post-structuralism see R. Harland, *Superstructuralism: The Philosophy of Structuralism and Post-structuralism* (London, 1988); and G. Gutting, *Michel Foucault's Archaeology of Scientific Reasoning* (Cambridge, 1989).

- 18 M. Dean, 'Culture Governance and Individualisation', in H. Bang (ed.) *Governance as Social and Political Communication* (Manchester, 2003), p. 123.
- 19 C. Gordon, 'Governmental Rationality: An Introduction', in G. Burchell, C. Gordon and P. Miller (eds) *The Foucault Effect: Studies in Governmentality* (London, 1991), p. 5.
- 20 P. Thompson, 'Postmodernism: Fatal Distraction', in J. Hassard and M. Parker (eds) *Postmodernism and Organizations* (London, 1993).
- 21 Dean, 'Culture Governance', p. 126.

3

Governance as Cultural Practice: Texts, Talk and the Struggle for Meaning

Janet Newman

The increasing emphasis on the citizen-consumer in the reform of public services in Britain and beyond is open to different interpretations. Within governance theory it might be understood as yet another phase of the continued blurring of distinctions between state and market, government and society. Alternatively it might be viewed as marking new forms of collaboration between service organizations and 'empowered' service users. Yet such interpretations tell us little about why the consumer stands as such an iconic figure in programmes of modernization; how consumerism may open up new forms of claims making on the part of social actors, nor how it sometimes forms a focal point around which resistance to the perceived demise of the social democratic welfare state is voiced. The importance of these 'struggles for meaning' in shaping social practice and informing patterns of institutional change is the focus of this chapter. It proceeds as follows. I begin by reviewing some of the difficulties of conceptualizing 'the social' in governance theory; then go on (section 2) to highlight the contribution of ethnography, discourse analysis and cultural perspectives in research on governance as a changing 'order of rule', and the new patterns of relationship and identification that may result. Section 3 sets out a framework of analysis, and briefly illustrates ways in which such a framework might be used to enrich understandings of the place of the citizen-consumer in changing forms and strategies of governance.

Governance theory and the problem of 'the social'

As Bevir and Trentmann argue in the Introduction to this volume, current policies and debates about governance have tended to evolve

around a narrow conception of the consumer, imagined in terms of a rational self maximizing individual – a conception in which socially inflected conceptions of identity and agency are neglected. This narrow conception derives in part from the privileging of economic frameworks of analysis in debates about new state forms and practices. Two other limitations also contribute to the problem of theorizing the consumer, and debating issues of agency and resistance. The first derives from the institutional and policy focus of governance theory, a focus that privileges interactions between those involved in the formulation and implementation of public policy. Citizens and consumers would conventionally be understood as outside the policy process, as beneficiaries (or not) of action produced by networks of policy stakeholders – albeit networks to which a few privileged citizens might have access. The second relates to the traces of the organizing trio of state, market and civil society. While governance theory has done important work in blurring the boundaries between them, it has tended to offer more productive analysis of state/market dynamics, leaving ‘civil society’ as a subordinate and dependent category, little more than a source of ‘third sector’ organizations that might be drawn into new forms of partnership or contract.

For these reasons I argue that governance tends to offer a very ‘thin’ conception of the social.¹ Governance theory, unsurprisingly, tends to conceptualize the social through frameworks in which governance is itself the primary analytical concept and the social a subordinate category: an entity to be governed, a resource to be mobilized, or the site of social reproduction. In the anglo-governance school the social tends to be depicted – if at all – as something distinct from economy or state: as the realm of civil society, as the site of intractable governance problems, or, in neo-Marxist accounts, as the place where social reproduction takes place. In the literature from continental Europe, in contrast,² economy and society are conceptualized as interdependent elements of an overall system. But here, rather than the social being subordinated to the economic, it is collapsed into it as part of an interactive system.

This conceptual ‘subordination of the social’ matters, since the rise of the citizen-consumer – both as newly authorized subject and as a focus of government intervention – marks a shift to new forms of societal governance. The extension of public participation and new forms of consumer authority and choice imply new forms of agency on the part of citizens as consumers. At the same time citizens and communities have become the focus of transformative governmental strategies. The growing significance of questions of social inclusion, social

cohesion, community capacity building and other 'social' agendas can be understood as forms of governmentality in which users and communities are constituted as partners in their own governance. As notions of responsibility, cohesion, inclusion and various conceptions of 'active' citizenship come to be viewed as markers of new forms of contract between state and citizen, so the idea of 'governing the social' becomes an increasingly significant focus for analysis.

Governing the social: culture, power and discourse

This increasing emphasis on the social as both an object of and resource for new strategies of governance poses problems for political science and public administration perspectives associated with the anglo-governance school. It also poses difficulties for many of the perspectives associated with continental European work on governance, where the social tends to be depicted as already existing, as part of an interactive system. Such limitations have opened up space for perspectives that stretch the boundaries of governance theory by introducing post-structuralist theories of governmentality, more sociologically inflected accounts of power and agency, and more sophisticated analyses of spatial reconfigurations of power.³ Walters, for example, offers a wide ranging critique of the governance literature and, drawing on the post-structuralist literature on governmentality, proposes an analytical frame focusing on governance as an 'order of rule'.⁴ This opens up questions about the increasing significance of approaches to governing that shift attention to the social – and to strategies concerned with managing the relationships, identities and practices that sustain modernized conceptions of society and personhood.

The approach I adopt here is one that conceptualizes 'the social' as a domain of socially circulating discourses and governance as a form of cultural practice. This suggests a view of the social not simply as an object to be governed or as a resource to be utilized in the process of governance, but as an unstable formation in which contradictory trends and tendencies collide. Viewing governance as a cultural formation that shapes and sustains particular regimes of power is not intended to displace a focus on institutions and practices, but to offer a way of asking rather different questions. Rather than 'how is coordination achieved' or 'how should the state act in the context of a plural polity' – or even 'how does culture operate as a variable in shaping or blocking institutional change' – the idea of governance as a cultural formation enables us to ask why is *this* particular form of governance

viewed as legitimate in *this place at this time*?⁵ That is, how do some philosophies of governance – for example about the power of markets to produce efficiency, of networks as a means of delivering more ‘joined up’ governance, of ‘community’ as an accepted locus of policy intervention or of ‘consumerism’ as a logic of reform – come to pre-eminence? How do such philosophies inform the shaping of policy problems and assumptions about the appropriate means of addressing them?

Such questions can best be unravelled by attention to discourse and the ways in which actors make use of language and other symbolic resources. The relationship between discourse and culture is explained by Chouliaraki as follows:

Discourse analysis, to begin with a claim of broad consensus, poses the question of how to analyse culture not as a question of behavioural variables or objective social structures, but as a question of understanding culture ‘from within’ ...Culture is seen to be constituted by the resources of meaning-making, language and image, which are available for use in a community of actors at any given time. Historically specific and locally variable as these symbolic resources of meaning-making are, they always function to crystallize social beliefs, relationships and identities in the form of texts and to change these beliefs, relationships and identities through the change of texts. The term discourse refers precisely to the capacity of meaning-making resources to constitute social reality, forms of knowledge and identity within specific social contexts and power relations.⁶

The turn to discourse and other post-positivist⁷ perspectives adds two important features to the conceptualization of governance. One is the conception of power. The idea of the ‘dismembered’ state as the site of multiple and contradictory practices⁸ is very different from the conceptualization of the ‘hollowed out’ state identified in governance theory. Post-structuralist conceptions of the flows of power away from state institutions suggests that this is a dispersal, rather than a diminution of power, and a dispersal through which new subjects – the citizen-consumer, public service managers, professionals acting at arms length from the state, voluntary groups, commercial enterprises delivering public services – are implicated. Notions of governmentality – the conduct of conduct – focuses attention on the myriad flows of power within households, schools, hospitals, government offices, workplaces,

community organizations and other sites of human interaction through which power and knowledge circulate.

Second, the turn to discourse enables us to address governmental strategies, policies and practices as processes that shape who 'we' think we are: 'the ways one might be urged to educate and bridle one's own passions, to control one's own instincts, to govern oneself'.⁹ 'Governing the social' involves installing particular normative views of personhood: as active rather than passive, as responsible rather than dependent on the state, as part of a social body constituted through policies on social inclusion and multi-culturalism, and even as 'reflexive' individuals capable of managing their own learning and development.¹⁰ The post-structuralist conception of the person as subject constituted through discursive strategies can be contrasted with the notion of rational beings seeking to maximize their interests in a process of bargaining or exchange. This has important implications for the analysis of the citizen-consumer as a newly authorized actor produced by the disaggregation of the state and the constitution of private authority.¹¹

However the study of discourse may not tell us much about how such authority is deployed, nor about any ambiguities in the forms of authority with which the consumer is invested. Is the reconstitution of personhood 'effective' in producing new subjects? Rose talks of the potential risks of resistance and refusal associated with new governmentalities: but tracing such refusals and reversals is not, however, Rose's project. As Bevir argued in the previous chapter, work within the post-Foucauldian governmentality perspective sometimes seems to offer a view of the subject as constituted in discourse rather than an active, creative agent; the possibilities of power and resistance are themselves constituted in and through the logics of specific orders of rule. As such the governmentality perspective does not readily lend itself to an understanding of the complexity of the social – in particular, how new governmentalities are lived and how people respond to the subject positions that are discursively produced: that is, about the possibilities of agency or resistance. Indeed this is not the intention. Rose argues, 'To analyse political power through the analytics of governmentality is not to start from the apparently obvious historical or sociological question: what happened and why? It is to start by asking what authorities of various sorts *wanted* to happen, in relation to problems defined how, in pursuit of what objectives, through what strategies or techniques'.¹²

As a result empirical work tends to focus on the 'discovery' of governmental strategies – the invention of the active, responsible citizen,

the self reliant community, the inclusive society, the consumer oriented service user and so on. How these strategies are played out, what processes of compliance, negotiation and resistance they produce, and how they intersect with pre-existing social contexts and patterns of identity – what Bevir and Rhodes capture with the term ‘tradition’¹³ – tend to be subordinated to their discovery. Where this happens, I argue, the result is a different kind of ‘thinness’ in the conceptualization of the social; one that is simply the object of governance, as a kind of unitary subject that can be interpellated and constituted in new ways. Critics have argued that a reliance on discourse as text is insufficient, and have called for more ethnographic studies of the working of governmental power.¹⁴ For example Marston argues that ‘At the local level of policy practice and implementation, the colonization of ideas and practices is a messy business....What is missing in these idealized accounts (of the policy process) is situated, detailed and ethnographic accounts of how policy happens and what policy means’.¹⁵

The idea of moving from thin to thick is derived from the anthropologist Clifford Geertz, who argued for an empirical approach based on ‘thick description’.¹⁶ Where research is too strongly driven by pre-existing theory, he argues, the result is likely to add little to our knowledge or understanding. Critiquing such an approach, Marcus notes that in some contemporary ethnography ‘the space of potential discovery and increased understanding of processes and relationships in the world (which require a bedrock of very thick description indeed) is taken over by a discourse of purpose and commitment within a certain moral economy’. This is not an argument against theory, but a view that theory cannot be developed ‘at the expense of contributions to ethnographic knowledge that describe, interpret, and discover new relationships and processes embedded in the world’.¹⁷ Such work – drawing on ethnography, biography, anthropology – has much to offer to the production of ‘thick’ conceptions of governance. They remind us to explore the complexity of interacting forces rather than assuming that governmental practice in a plurality of sites flows uniformly from the big transformations produced by neoliberalism. They offer ways in to an exploration of the micro-dynamics produced as consumerist policies interact with other governmental strategies, producing contradictions that are played out in myriad encounters and negotiations. They offer, then, a more bottom-up approach to the study of neoliberal governance. They are able, in Barnett’s words, to ‘account for the forms of receptivity, pro-activity, and generativity that might help explain how

the rhythms of the everyday are able to produce effects on macro-scale processes, and *vice versa*'.¹⁸

Ethnography also may, if linked to approaches drawn from psycho-social traditions, open up rather different questions about governance. A 2006 conference on 'Governed States of Mind'¹⁹ explored the new ideologies, relationships and forms of emotional experience that might be associated with new forms of governance; and how a focus on personal and social experience might disclose new understandings about what governance is and how it works – the 'missing link', the conference organizers argued, between the abstractions of modern policy and the everyday reality of citizenship and work in contemporary society. Related questions were the focus of an ESRC study of the 'dilemmatic' spaces emerging at the interface between government policy on community and community actors, and how psycho-social approaches might illuminate ways in which dilemmas are resolved (or not) and the meaning of work and community remade.²⁰

Going 'beyond the text' through ethnographic and other interpretive methods can enable us to avoid the form of determinism in which the discursive constitution of subjects is assumed to produce new forms of subjectivity, squeezing out attention to refusals, resistances or a strategic 'deafness' to new interpellations. But the problem is then one of analysing the relationship between a broad cultural focus on 'changing orders of rule' and the micro-dynamics associated with specific encounters and processes of meaning-making. As Bevir and Rhodes suggest:

Ethnographic description has four characteristics: it is interpretive; it interprets the flow of social discourse; it records that discourse commonly by writing it down; and it is microscopic. It is a soft science that guesses at meanings, assesses the guesses and draws explanatory conclusions from the better guesses. Yet it is still possible for ethnographers to generalize. ... The task of the ethnographer is to set down the meanings that particular actions have for social actors and then say what these thick descriptions tells us about the society in which they are found. And this analysis is always incomplete.²¹

Ethnographic methods, then, remain significant, but we need a form of analysis that enables us to connect the specific to the general. In focusing on the micro, on interactions, meanings and other 'microscopic' phenomena, an ethnographic approach may fail to acknowledge the

significance of the wider cultural processes through which social action is shaped and mediated. That is, where do the contradictions come from, and how do different forms of power 'beyond the service encounter' influence the ways in which they are played out? The following section sets out one possible framework for analysing consumerism as cultural practice.

Analysing consumerism as cultural practice

Here I want to suggest an open ended and questioning approach to connecting the detailed study of specific sites and practices to the analysis of wider cultural formations. Analysing 'consumerism' as a governmental project means more than looking at how specific policy communities, advocacy coalitions and the like produce new policy frameworks; it means situating consumerism in the fracturing of old orders of rule (for example those based on a social democratic conception of the state) and the struggle to establish new forms of political authority. One approach to tracing such shifts is through the study of political and policy texts as discourse. What work is going on to construct subject positions for those whom the text addresses, either directly or indirectly? 'The term construction [in discourse analysis] is apposite for three reasons. First, it reminds us that that accounts of events are built out of a variety of pre-existing linguistic resources, almost as a house is constructed from bricks, beams and so on. Second, construction implies actual selection: some resources are included, some excluded. Finally, the notion of construction implies the potent, consequential nature of accounts. ... in a profound sense, accounts 'construct' reality'.²²

Through such an approach it is possible to trace:

- The discursive strategies that seek to produce new philosophies of governance and attempt to render them 'common sense';
- the potential fractures and instabilities condensed in such philosophies, and how the tensions between new and old regimes of power may be played out;
- how discourses may be the focus of 'struggles for meaning' as social actors attempt to make sense of them, to reconcile potentially contradictory forces and tendencies, or to hold on to alternative vocabularies and practices.

Such an approach overcomes the narrow gaze of some forms of ethnography and the over determinism of some forms of discursive

work by the Anglo-Foucauldians. It does so by working across my three bullet points (p. 56) that is, the approach is concerned not only with the analysis of discourse in policy texts or political rhetoric, but also studies ways in which such discourses are negotiated in 'struggles for meaning' and embedded – or not – in institutional practice.

As such this approach avoids a 'top down' process in which the focus is on how new governmental strategies or practices are enacted (in an echo of the policy/implementation divide). New discourses may emerge out of practice and be incorporated – perhaps in new and uncomfortable articulations – in policy. This was certainly the case with the development of consumerist discourse in the UK, where critiques by social movements of the paternalism of bureaucratic modes of governance associated with the public sector of the late twentieth century produced a range of responses. One set of responses produced new professional discourses and practices focusing on, for example, service user involvement and empowerment. But another formed the basis for radical reform of the public sector: customer responsiveness, quality assurance, organizational flexibility, marketization and the personalization of service packages all figured in a succession of modernizing reforms that placed government on the side of the consumer and/or citizen in the struggle against what was constructed as the over-weening power of professionals and bureaucrats.

This in turn focuses attention on how professionals and other public service staff translate new forms of rule, and to what extent they are enrolled as new forms of social actor. Empirically this means adopting methods that enable the researcher to study how such actors interpret new discourses, and what struggles for meaning take place as they seek to reconcile these – or not – with existing professional or organizational discourses. Competing discourses may form the basis of new hybridities, or may be arranged in relationships of dominance and subordination. As such, consumer oriented discourse may form the basis for a new, coherent professional identity; or alternatively may perhaps be incorporated into prior frameworks of meaning in which they are subordinated to other rationalities. This focuses attention on to questions of identification: for example how far professionals come to adopt new subject positions, what strategies of resistance or accommodation may be deployed, and what the implications of such strategies might be for the service encounter itself. Such responses are likely to be inflected through a multitude of different institutional and professional norms and practices, suggesting the need to look beyond consumerism as a singular discourse or cultural formation and study the

different forms it takes in the myriad everyday encounters in specific service settings.

Studying such encounters produces its own set of challenges. An ethnographic approach can provide rich data on how the interface between front line staff and service users is negotiated. For example, the ethnographic studies of policy implementation that have tended to focus on how 'street level bureaucrats' use discretion in individual encounters offers one possible line of development. However such an approach tells us little about the meaning of such encounters; and in particular tends to reduce the service user to the resource maximizing individual who comes neatly packaged with a set of interests that the street level bureaucrat (or 'customer care' staff) has to negotiate. A cultural approach, in contrast, enables the researcher to study language as a process of meaning-making. It conceptualizes personhood as socially constituted rather than biological or natural – perhaps even as fragmented rather than unitary. The task of analysis, then, is to surface how actors may be being hailed or interpellated in new ways, and also to explore ways in which the new subject positions constituted in such hailings may be accommodated, refused or reconciled with other forms of subjectivity. More specifically this opens up questions about how far citizen and consumer identities may be held in tension rather than forming the basis of a hybridized citizen-consumer.

These were some of the issues we considered in the selection of an approach to studying the shift to public service consumerism in Britain in one of the studies of the Cultures of Consumption programme. The title 'Creating citizen-consumers: changing relationships and identifications'²³ was selected to encompass the idea that the creation – or constitution – of citizen-consumers might be understood as a new form of governmental strategy, while also signalling our intention to explore ways in which such a strategy might shape new relationships, forms of service encounter, and subject positions. Alongside the study of government policy as discourse, then, we drew on a range of interpretive methods to study the multiplicity of ways in which organizations might respond to the consumerist imperative, and to look at how public service professionals, managers and staff interpret and enact consumer oriented policies. We asked questions about how patterns of relationship were being shaped in service encounters in different settings (health, policing and social care), and about how new subject positions were being enacted, negotiated or perhaps refused. We found that interviews, focus groups and other methods provided extremely rich sources of data that could help answer the questions of what con-

sumerism and citizenship might mean in daily practice; how these were performed in service encounters; and how different forms of identification and agency were overlaid on each other in sometimes uncomfortable ways. But we held on to the importance of cultural analysis as a way to understand the significance of the context in which texts and meanings are produced. In what follows I use examples from the project to illustrate the approach discussed above.

Creating citizen-consumers

Politicians under New Labour in the UK have placed particular importance on the process of constructing new realities and constituting new forms of governable subject, in part since they regard themselves as being in a 'war of persuasion'²⁴ against the perceived defenders of older forms of welfare governance – the professionals, bureaucrats and public service organizations viewed as having benefited from them, and the rights bearing citizens produced by them. Critical to the work of establishing the legitimacy of new orders of rule is the process of establishing some realities as 'common sense'. One way of doing so is to offer a historical narrative as the context of current reforms.²⁵ Such narratives, and their consequences for the inevitable emergence of new (often globalizing) realities, help to establish modernizing reforms as common sense. The citizen-consumer, for example, is depicted in terms of new identities and expectations that have *already been* transformed by social change that has rendered old relationships outdated.

The following quotation, taken from a pamphlet produced by the Office of Public Service Reform, illustrates ways in which such a narrative is constructed:

Many of our public services were established in the years just after the Second World War. Victory had required strong centralized institutions, and not surprisingly it was through centralized state direction that the immediate post-war Government chose to win the peace. This developed a strong sense of the value of public services in building a fair and prosperous society. The structures created in the 1940s may now require change, but the values of equity and opportunity for all will be sustained. The challenges and demands on today's public services are very different from those post-war years. The rationing culture which survived after the war, in treating everyone the same, often overlooked individuals' different needs and aspirations... Rising living standards, a more diverse

society and a steadily stronger consumer culture have... brought expectations of greater choice, responsiveness, accessibility and flexibility.²⁶

This offers a very clear example of 'storytelling' in policy texts: accounts of social change (context) that creates the necessity of policy change and institutional reform.

Yet both 'past' (the 1945 settlement) and 'present' (the existence of a more affluent, diverse and consumerist society) have to be understood as constructions. The discursive opposition between 1945 and the present/future neatly oversteps the significance of a number of intervening decades in which important changes took place. We might also question how far the post-1945 governance regime – organized through professional bureaucracies – succeeded in 'treating everyone the same', or how far a 'consumer culture' is consistently informing people's expectations about public services. Indeed we might suggest that there is work going on here to constitute the modern public service user in a particular image. However there is another process of constitution taking place: that of the interests of users and producers as being antithetical. In this way government can appear to be 'on the side of' the user in the face of what are constructed as monolithic and inflexible producers.

Such narratives of the past – and their re-telling – are notable features of many policy texts and political speeches, and surfacing such depictions of the context of change is an important element of the analysis. This idea of context suggests that actors engage in work to make sense of the context in which they find themselves, and in the process produce narratives that interpret context in particular ways. Rather than context being 'outside' the struggle for meaning, then, we can attempt to trace ways in which a struggle between different ways of interpreting context is taking place.

Managing the contradictions

The notion of struggle, however, opens up the possibility that potential contradictions in emerging forms of governance may form the basis for agency and resistance. However 'resistance' is often understood in terms of an opposition with 'subjection'. This binary is rather a limited way of conceptualizing ways in which people addressed by policy discourses may respond: they may ignore (or even not notice) the subject positions being offered; may inflect them with alternative

meanings; may use the language strategically in their encounters with what are perceived to be recalcitrant public service staff; may adopt them alongside other subject positions in new hybrid forms of identity; or may struggle to manage the tensions between different identifications. Our project on 'Creating Citizen Consumers' found examples of each of these. It gave us rich insights into how the discursive couplet 'citizen consumer' formed a focal point of complex struggles as politicians and policy-makers reached for new strategies of modernization and reform of public services. We studied ways in which consumerism both drew on and re-articulated existing professional and user movement discourses (for example 'empowerment', 'independence' and 'choice'); and noted how, in the process, such ideas were detached from their original context and sutured into new chains of meaning that created discomfort for many of the professionals and users we interviewed.²⁷

The texts themselves often anticipate the possibility of alternative readings and foreclose such possibilities through a number of different forms of discursive work. In the extract cited in the previous section the potential contradiction between flexibility and personalization on the one hand and the continued need for some form of 'rationing' on the other is masked by the assumption that rationing is a thing of the past (despite the continued need to control demand by targeting resources or limiting supply). Similarly 'diversity' is stripped from its social associations of groups based on categories of class, gender, ethnicity, disability, each asserting new forms of identity and making new claims. The 'diversity' denoted by the texts is, rather, individuating – one requiring services tailored to individual wants – that is constructed as an opposition to its social democratic associations with equality and justice, claims that require services to be evaluated in terms of their contribution towards a more just or fair society.

The dilemmas arising at the interface between consumerist logics and the earlier discourses of needs, resources and inequalities are not addressed in policy texts, or are reworked in ways that create new meanings for 'old' ideas such as equality. However in interviews with those delivering public services we can see work going on in an attempt to reconcile 'old' and 'new' logics of action and decision-making. For example in interviews with health service managers and clinicians we found attempts to subordinate consumerist logics to existing discourses of patient centred care; and social care managers attempting to reconcile consumerism with the professional emphasis on providing 'choice' (in the assessment process) and on 'listening to

service users'. However we would be mistaken to read such findings as just a matter of institutional lag in which respondents are stuck in a previous conceptual world. What is taking place is a complex process of discursive articulation in which new governmental discourses are being reconciled with existing concepts in a 'struggle for meaning'. For example, one dominant theme in the interviews with social care managers was that – even if the language is difficult – social care services had already been substantially transformed to a more user/person/customer centred mode of working during the last decade. This was viewed by these managers as a positive development, in line with professional values, and indeed initiated by social care staff. But this did not resolve the problem of reconciling consumerist and professional discourse. This problem was evident in the analysis, where it was clear that staff were continually engaging with dilemmas – reconciling apparently competing rationalities or trying to manage contradictions.²⁸ One such dilemma arises for social service staff trying to reconcile the discourse of consumer oriented or 'needs led' service and the management of finite resources. The following extract is taken from a social care manager talking about a new complaints service set up to deal with challenges from what was perceived to be a more assertive, consumer oriented public:

Where you are moving from the way that services had been delivered, or were delivered, em, you know, open to all kinds of challenge and issues where you needed to have an interface with the public. So it was a sort of multi-faceted role, to help individuals to manage more, to say when they are not happy, but also in a sense to help the council department to draw lines under issues, and manage down issues in terms of, because also part of what you do is inevitably about rationing, you know, because there isn't enough for everybody (Social Care Manager 2, New Town).

What is interesting here is the juxtaposition of the idea of responding to the 'challenge' that service organizations are now more open to, alongside the idea that formalizing a complaint might enable individual service recipients to manage their unhappiness in a better way. However being open to complaints is also helpful to the department in that it allows it to 'draw a line under' tensions produced by the continued need to ration resources. The introduction of a complaints service is, then, one strategy used to try to reconcile professional and consumerist imperatives. Looking at the extract in terms of the lan-

guage used, we can see words such as 'responding', 'challenge' and 'openness' dominating the first sentence, implying the incorporation of modernizing, consumer oriented discourse into professional vocabularies. But also notable is the frequency of the verb 'manage' and its connection with 'rationing' in the final sentence. The idea that 'there isn't enough for everybody' forms a rationale for expressing resistance to the idea of greater consumer power and choice – some combination of professionals, managers and local politicians, we can assume, will still be needed to make judgements about the allocation of scarce resources.

New relationships and identifications

One difficulty that arises in many texts on the rise of new governmentalities is the way in which 'resistance' and 'agency' are often viewed as an afterthought: something that emerges *in response to* a new governmental strategy or order of rule. But as Billig comments, 'it makes little sense to talk of the modern (or post-modern) person's thinking being determined by a discursive unity, or even, possibly, by a collection of rigidly separated discursive unities. Skids and slips are always possible, as the elements from past ages and those which belong to the future are used in daily conversation. No regime of power can successfully legislate against these skids. Themes and counter themes permit the possibility of discussion, argument and criticism'.²⁹ A decentred analysis, then, needs to go beyond the search for active 'resistance' to an already fully formed discursive practice and to look for traces of other identifications, relationships and imaginaries. In our interviews and discussions with both staff and service users we found ample evidence of Billig's 'skids and slips' that suggest the resilience of professional vocabularies of meaning and of alternatives to consumerist identifications among citizens. But this does not mean that everything had stayed the same – rather new configurations of possible ways of imagining relationships between service organizations and those who use them were emerging as people engaged in discussion and argument:

You know, what does choice mean in our service? What is consumerism because ...[its not like] going down the local supermarket. And yeah, language is a difficult one. What I've been saying to people is basically we want to listen to you so we want to hear what you've got to say and we want to develop services around what you

want, and yeah, but choice, consumerism, no it doesn't work (health manager 2, Old Town).

Here we can see the respondent 'arguing with' him or herself, asking a question, struggling to find an answer ('language is difficult') and then reaching for the familiar shopping analogy 'going down the local supermarket' in order to eventually reach the conclusion that choice and consumerism in health 'doesn't work'. The work that is going on here involves a subtle reworking of government discourse on consumerism and choice, detaching those core concepts from the chains of meaning found in policy texts and suturing them into professional discourse of patient empowerment. That is, there is an active process of constructing new images of the patient – as empowered, informed, working in partnership with the health professional rather than subservient to them. Such constructions are highly compatible with the new policy language but depart from them at the point where choice of provider – the main thrust of government policy on health modernization at the time of the interviews – is at issue.

Conclusion

The idea of governance as a cultural formation enables us to identify the rationalities underpinning a particular form of rule and how these are sustained not only through strategies of legitimation but also through institutional practice. It opens up questions about the incompleteness of governmental projects or the contradictory features of new regimes of power, so challenging some of the dominant narratives of change ('its all networks now'.. or 'the hollowed out state'). It offers an alternative spatial understanding of governance from that associated with scalar interactions between different 'levels', potentially illuminating the spatial characteristics of social practices and the moral and political orders associated with particular sites.³⁰ It suggests ways in which the grand narratives of globalization, state restructuring or welfare retrenchment are culturally mediated through symbolic as well as material practices; and how governing is a process in which human agency and meaning-making matter.

Viewing governance as a cultural formation enables us to highlight these dimensions of change. Rather than general social and cultural shifts that governments and public service organizations must respond to (the story told in the policy texts) we can trace how *consumerism* and *choice* serve as discursive resources around which new meanings, rela-

tionships and interests evolve. And these are of particular interest to social scientists as examples of those political concepts that Billig argues are 'notoriously contestable'.³¹ They also form logics around which institutional change is being shaped, giving rise to new cognitive, normative and regulatory practices. The use of cultural and/or discursive perspectives, then, is not 'just' about ideas or language; it enables us to trace ways in which new relationships and practices are being forged.

But such perspectives have a further value. Qualitative approaches to research in political science and public administration tend to rely heavily on quotations from interview transcripts as a means of describing the events under investigation. Such descriptions may be taken as indicative of an objective reality (the events as they actually happened) or as evidence of a more subjective field (the interests, motivations or intentions that underpin agency). Both positions can be criticized for

- the weak conceptualizations of the relationship between talk and the wider frameworks of meaning and legitimation on which it draws;
- the weak understandings of subjectivity and identity that are informed by, and inform, discursive practices; and
- the assumed correlations between discourse, subjectivity and agency.

The analytical framework I have draw on here has been used to highlight the struggle for meaning as *a form of work* that politicians and those producing policy texts engage in as they attempt to legitimize modernizing reforms, and that practitioners engage in as they interpret and enact policy. The data can also be used to suggest the ways in which practitioners use talk to rehearse dilemmas and possibilities, and to produce new configurations of political, professional and personal imaginaries. The discussion opens up questions about the importance of such imaginaries in enabling or constraining social action, but also highlights the pitfalls of studying discourse as language that simply reflects new governmentalities.

The framework of analysis set out in this chapter is one that links context and content; that highlights potential contradictions, and that focuses analysis on the work of constitution and contestation that may be taking place. The key word here is 'work'; rather than assuming that the text represents some pre-existing reality, I argue that the making of texts – whether political talk, policy documents or interview responses –

is a form of work directed towards the management of dilemmas and the production of meaning. These may be traced by examining text and talk: 'people frequently argue with each other, and often aloud with themselves, using contrary themes of past and present, just as Gramsci envisaged'.³² We need to be particularly attentive, then, to points in policy texts or interview transcripts where such arguments appear to be taking place and to try to suggest the dilemmas or contradictions that may be at stake.

Such an approach also enables us to tell a rather different story about 'culture' itself. Rather than viewing culture as simply a set of beliefs and values that forms the context for new forms of governance, or that serves as an intervening variable in explaining patterns of path dependency, the analysis suggests that the image of the consumer – and the notions of individualism and choice which are condensed within it – is one that disrupts, rather than affirms, narratives of governance change (as from hierarchy to networks, from the authoritative to the steering role of government, and so on) and instead highlights the unsettled and turbulent dynamics produced by contemporary governmental shifts.

Notes

- 1 See also J. Clarke, 'Subordinating the Social: Deciphering Post-Welfarist Capitalism', *Cultural Studies* (2007); J. Newman, 'Through Thick or Thin? The Problem of 'The Social' in Societal Governance', Paper to the conference *Contemporary Governance and the Question of the Social* (Alberta, Canada, June 2004).
- 2 The contrast is, of course, not as sharp as presented here since each tradition has been extensively influenced by the other.
- 3 See for example J. Allen, *Lost Geographies of Power* (Oxford, 2003); N. Rose, *Powers of Freedom: Reframing Social and Political Thought* (Cambridge, 1999); W. Walters, 'Social Capital and Political Sociology: Re-imagining Politics?', *Sociology*, 36(2) (2002), pp. 377–97; W. Walters, 'Some Critical Notes on "Governance"', *Studies in Political Economy*, 73 (spring/summer) (2004), pp. 27–46.
- 4 Walters, 'Some Critical Notes on Governance'.
- 5 See also J. Brodie, 'The Great Undoing: Gender Politics and Social Policy in Canada', in C. Kingfisher (ed.) *Western Welfare in Decline: Globalization and Women's Poverty* (Philadelphia, 2002), pp. 90–110; J. Newman, 'Re-gendering Governance', in J. Newman (ed.) *Remaking Governance: Peoples, Politics and the Public Sphere* (Bristol, 2005).
- 6 L. Chouliaraki, 'Discourse Analysis', in T. Bennett and F. J. Cedo, *The Sage Handbook of Cultural Analysis* (London, 2007).
- 7 F. Fischer, *Reframing Public Policy: Discursive Politics and Deliberative Practices* (Oxford, 2003).

- 8 A. Petersen, I. Dudley and P. Harris, *Poststructuralism, Citizenship and Social Policy* (New York, 1999), p. 8.
- 9 Rose, *Powers of Freedom*, p. 3.
- 10 The obverse of each of these examples is of course the use of more coercive strategies: cuts in welfare benefits, the tightening of immigration and asylum controls, the new emphasis on crime and disorder and so on.
- 11 R. B. Hall and T. Bierstalker, *The Emergence of Private Authority in Global Governance* (Cambridge, 2002).
- 12 Rose, *Powers of Freedom*, p. 20; my emphasis.
- 13 M. Bevir and R. Rhodes, *Interpreting British Governance* (London, 2003), p. 32.
- 14 P. O'Malley, L. Weir and G. Shearing, 'Governmentality, Criticism, Politics', *Economy and Society*, 26(4) (1997); G. Marston, *Social Policy and Discourse Analysis; Policy Change in Public Housing* (Aldershot, 2004).
- 15 Marston, *Social Policy and Discourse Analysis*, p. 2.
- 16 C. Geertz, *The Interpretation of Cultures* (New York, 1973).
- 17 Geertz, *The Interpretation of Cultures*, pp. 17–18.
- 18 C. Barnett, 'The Consolations of 'Neo-liberalism'', *Geoforum*, 36 (2005), pp. 7–12: quotation p. 11.
- 19 St Hugh's College, Oxford, 25–26th March 2006.
- 20 P. Hoggett *et al.*, 'Negotiating Ethical Dilemmas in Contested Communities', ESRC ref RES-000-23-0127.
- 21 Bevir and Rhodes, *Interpreting British Governance*, p. 22.
- 22 J. Potter and M. Wetherell, 'Unfolding Discourse Analysis', in M. Wetherell, S. Taylor and S. J. Yates (eds) *Discourse Theory and Practice* (London, 2001), p. 199. Also see Bevir's account of constructivism in the preceding chapter in this volume.
- 23 Funded under the AHRC/ESRC Cultures of Consumption Programme, grant no RES-143-25-0008.
- 24 D. Steinberg and R. Johnson (eds) *Blairism and the War of Persuasion: Labour's Passive Revolution* (London, 2004).
- 25 On the role of narratives in the construction of governance, see Bevir and Rhodes, *Interpreting British Governance*.
- 26 Office of Public Service Reform, *Reforming our Services: Principles into Practice* (London, 2002), p. 8.
- 27 J. Clarke, J. Newman, N. Smith, E. Vidler and L. Westmarland, *Creating Citizen Consumers: Changing Publics and Changing Public Services* (London, 2007); J. Clarke, 'Consumers, Clients and Citizens: Politics, Policy and Practice in the Reform of Social Care', *European Societies* 8(3), pp. 423–42; J. Newman and E. Vidler, 'Discriminating Customers, Responsible Patients, Empowered Users: Political and Professional Discourse in the Modernization of Health Care', *Journal of Social Policy*, 35(2) (2006), pp. 193–209; J. Newman and E. Vidler, 'More Than a Matter of Choice? New Relationships and Identifications in Health Care', in L. Bauld, K. Clarke and T. Maltby (eds) *Social Policy Review*, 18 (2006), pp. 101–20.
- 28 M. Billig, S. Condor, D. Edwards, M. Gane, D. Middleton and A. R. Radley, *Ideological Dilemmas: A Social Psychology of Everyday Thinking* (London, 1988). On dilemmas, and their place in the study of governance, also see Bevir and Rhodes, *Interpreting British Governance*.

- 29 M. Billig, *Arguing and Thinking: A Rhetorical Approach to Social Psychology* (Cambridge, 1996, 2nd edition), p. 15.
- 30 C. Knowles, 'Cultural Perspectives in Welfare Regimes', in P. Chamberlayne, A. Cooper, R. Freeman and M. Rustin (eds) *Welfare and Culture in Europe: Towards a New Paradigm in Social Policy* (London, 1999), pp. 240–54.
- 31 Billig, *Arguing and Thinking*, p. 177.
- 32 Billig, *Arguing and Thinking*, p. 15.

4

Consuming Social Science

Claire Donovan

Introduction¹

To think about consuming social science is also to think about producing social science. This chapter considers various viewpoints on the production and consumption of social science as a publicly funded service that is contracted, delivered and consumed; and indeed questions whether it is appropriate to discuss social science in these terms at all. It considers how these perspectives relate to the governance of social science, and, ultimately, to the social science of governance.

Regarding the production of social science, this chapter asks what the 'product' of social science is. It finds there are two competing brands of social science: 'positivism' and 'post-positivism' or interpretivism. These brands have divergent visions of the product and purpose of social science, and its potential 'market'. The chapter maintains that the governance of social science has privileged 'positivism' as the legitimate brand of social science to produce, and that this choice has, in turn, shaped the culture of governance that underpins all public policy.

Regarding consuming social science, the chapter describes how, with the exception of the academic realm where post-positivism is produced, consumers of social science are locked into a 'positivist' monopoly. It asks whether governments reflexively understand what they are buying into, and questions the assumption that there is no market for post-positivist social science research. By way of illustration, two UK case studies are presented: first, the 1982 Rothschild Enquiry into the Social Science Research Council (SSRC), which represents the height of neoliberal governance in applying a 'customer-contractor' model to social science research; and second, the case of New Labour

and social democracy, which explores post-positivism and governance to ask if the customer is always right. The case studies reveal that for 'positivism', while the consumption metaphor succeeds in theory it unravels in practice; and that while the analogy fails in theory for post-positivism, it could flourish in practice if reinterpreted in post-positivist terms.

It is first necessary to clarify some terms, and to provide definitions for the key concepts used in this chapter. The focus is on publicly funded social science, although I would not argue that the shape of privately funded social science differs from the alternatives explored here. *Consumption* is a metaphor: but I ask the reader to indulge me while I persist in sustaining the analogy because demonstrating how it is dismantled is most instructive. *Governance* is understood as the shift from hierarchical and bureaucratic forms of decision-making to self-organization, networks and negotiation.

Positivism places an emphasis on social science and explanation. It assumes a similarity between the physical and social worlds, and hence emulates the theories and methods of the natural sciences. It pursues quantification, and is overtly hostile to interpretive knowledge claims. This is the kind of social science embraced by science policy. In this chapter I refer to 'positivism' deliberately using inverted commas as even highly quantitative empirical research is not necessarily premised upon the epistemological equivalency of the natural and social sciences, and I also wish to include less rampant forms of modernist empiricism which may also use qualitative (although not interpretive) methods.² *Post-positivism* places an emphasis on social science, understanding, and contingency, and provides a philosophical rationale for pursuing an interpretive approach. It denies that there are objective social 'facts' awaiting discovery, and thus uses anthropological approaches to provide narratives of the contingent meanings and interpretations of social actors. This is not the kind of social science embraced by science policy. There is an alternative reading of 'post-positivism' as a reflexive-positivist response to positivism (such as critical realism which blends positivism and interpretivism), which remains 'firmly located in the scientific tradition.'³ However, this definition of 'post-positivism' is not embraced by this chapter, which maintains that post-positivism is wholly interpretive and at odds with the 'scientific tradition'.

It is also necessary to explain that this chapter analyses the governance of social science at the macro level. It studies the place of social science within science policy, and the role of the Economic and Social

Research Council (ESRC) within the science policy network. The point is to tease out the tensions between the kind of social science governments consume, and that which is produced. While interpretive social science is dismissed as a product for consumption at the macro level, it is nonetheless produced by social scientists, and is funded – to some extent – by the ESRC. But the ESRC conceals this brand of social science from the science policy network.⁴ This dichotomy between policy and practice exposes the governance of social science as inadequate, contingent, and in need of reform.⁵

Producing social science

When thinking about ‘producing’ and ‘consuming’ social science, we must first ask, ‘What is the product?’ In the context of this chapter, one would assume the answer to be, ‘Publicly funded social science research.’ But this is a superficial response. We find below that, whether publicly funded or otherwise, there are in essence two competing brands of social science which may be produced: ‘positivism’ and post-positivism or interpretivism. The brand selected will determine the kind of social science research that is manufactured, what it is that may be consumed as social science, and by whom and to what ends. To date, the brand of social science sanctioned by governments for public production has been ‘positivism’.

The governance of social science

In Desmond King’s analysis of the emergence of state funding for social science research in the UK and USA, he found that the era of post-war consensus politics created a state sanctioned monopoly of what was considered to be legitimate social science: ‘positivism’.⁶ I have elsewhere extended King’s analysis to the present day through a detailed examination of the governance of publicly funded social science in the UK, and the consequent regulation of ‘everyday epistemology’ at the science policy level.⁷ Like King, I detailed how social science had been politically constructed as a valid enterprise for public funding in the form of ‘positivism’.

In addition, I also described how interpretive or radical social science was pathologized by the science policy network, so that governance structures favoured the kind of ‘positivist’ social science that made sense to natural scientists. The main point of my article was to demonstrate that government policies premised on funding ‘positivist’ social science had been externally imposed on social scientists by non-social

scientists, and that a 'useful' 'slave social science' was framed, regulated and rewarded in science's terms.⁸ I did, however, note that interpretive social science research remained extant. I took this as evidence that social science governance structures were inappropriate, and therefore called for a re-imagined 'empirical social science plus added interpretive value' as a challenge to the 'positivist' monopoly.⁹

For the purposes of this chapter, we may add that the governance of social science has been premised on an instrumental state consumption of social science, rather than on producer concerns. That is, 'positivist' social science research has been viewed as a product to be directed and consumed by governments seeking social and economic progress; and 'positivist' social science has become the consort of natural science in the pursuit of national and technological advance.

Producing 'positivist' and post-positivist social science

The brand of social science to which one subscribes – 'positivism' or interpretivism – entails a particular vision of the product of social science research, the product's purpose, and its 'market'. The chapter now differentiates these two brands by applying 'positivist' and post-positivist lenses to the notion of producing social science.

This exercise does, of course, involve a deliberate oversimplification of the 'positivist'/post-positivist divide. Actual distinctions are more nuanced:¹⁰ there are various philosophical incarnations and ideological shades of 'positivism' and interpretivism; and there are also amalgams, such as critical realism based on 'positivist' principles but incorporating interpretive elements. However, this chapter invites readers to accept two points: first, that at the science policy level this degree of sophistication is never explored; and second, that there is a fundamental divide between the two core brands of social science whose ideal (or perhaps un-ideal) types are sketched below.

Producing 'positivism'

When government is identified as the major contractor and consumer of publicly funded social science, the production and consumption metaphor quite neatly fits the 'positivist' lens applied in response to the questions below. However, as has been hinted, we later see that this analogy is quite illusory.

(1) What is the product of social science research?

A 'positivist' product places an emphasis on social *science*. It is an objective, fact-finding activity. It follows general laws, and is based

upon empirical (and preferably quantitative) investigation. It assumes equivalence between the physical and social worlds, and hence emulates the theories and methods of the natural sciences. It explicitly excludes any interpretive knowledge claims. The products of this research are facts about the social world; and predictions, whose accuracy will be refined as social science, its theories, and empirical methods, mature.

What is being delivered is quite instrumental: the promise for government of a policy fix or solution, or the data to underpin evidence-based policy. Beyond this, 'positivist' social science delivers certainty and the rational grounds for progress: it brings 'added value' through providing a uniform shape to the world in which we live, and by supplying the regularity and data that drive government and implementation processes. It thus cements the science policy network's tautological view that 'positivism' is the only brand of social science fit for government and public consumption.

(2) What is the purpose of producing social science research?

The purpose of producing publicly funded social science research is to serve two domains: first, to fulfil the objectives set by foresight planning exercises focused on industrial returns; and second, to aid with social and economic planning, and policy implementation. The forms of government and governance which 'positivist' social science serves are wed to the notion of causal chains of action, and so remain fairly centralized.

Of course, not all publicly funded social science research is directly contracted by government: it is also funded through the research council system, and indirectly through university block funding. Using a 'positivist' lens, the purpose of academic social science research is to apply 'positivist' social science to various social problems, to pursue 'blue skies' research to advance understanding of the social world, and to refine theories and quantitative techniques. Additionally, universities receive public funds to provide the next generation of statistically sophisticated social science researchers.

(3) Who contracts social science research?

In terms of the governance of social science, the desired product is defined by the science policy network and not by producer or public concerns. A 'positivist' social science complements a centralist perspective, where expertise is contracted by government, for planning and implementation purposes, on behalf of a remote public. Public consultation is not deemed necessary, either on the grounds of paternalism,

or the view that social scientists are quite able to predict the population's preferences and actions.

Publicly funded social science research may be contracted directly by government departments and agencies, and local government. It may also be contracted indirectly *via* the research council system. It is quite in vogue across European science policy networks to apply principal-agent analyses to the function of research councils: a principal (government) transfers resources to an agent (a research council) to realize objectives which the principal does not have the expertise to achieve (to conduct scientific research), and social scientists become a third party in this contracting relationship.¹¹ The transfer of resources gives the principal the right to monitor the agent, and involves adopting strategies to direct the research agenda by introducing incentives to offset scientists' potentially conflicting objectives.¹² This description speaks volumes about the European science policy network's predilection for rational choice approaches, and about the affinity between the top-down nature of science policy and 'positivist' social science.

(4) Who produces social science research?

Publicly funded social science research is produced by researchers employed by government departments or agencies, or independent social scientists contracted to produce research to order. Social scientists in think tanks, consulting firms, charitable foundations and non-governmental organizations (NGOs) tender for government funded research contracts applied to various social issues. University-based academics may or may not engage in contract research. The public clearly does not produce social science research.

The producers of social science are taken to be neutral and disinterested experts. However, we later raise questions about the impartiality of those who produce social science, with respect to epistemology, ideology and preferred modes of government or governance.

Producing post-positivism

When government is no longer identified as the major contractor of social science, we find that the production and consumption analogy begins to break down. Post-positivism, agency and resistance, act to expose the contracting metaphor as a conceit.

(1) What is the product of social science research?

An interpretive or 'post-positivist' product places an emphasis upon *social* science. It denies that there are objective social 'facts' awaiting

discovery, and so uses anthropological approaches to pursue a subjective understanding of the meanings and interpretations of social actors. It has been described as being social science without the 'science', and hence social science with more than 'science'.¹³ It does not exclude the possibility of integrating 'positivism', or quantitative data, although such knowledge claims must be interpreted as historically and culturally-bound artifacts. The products of this research are narratives of the social world; and these narratives are contingent, and based on meanings derived from interpretations of interpretations. These narratives may take the form of policy advice as 'rules of thumb', or 'informed conjecture', rather than 'all or nothing' predictions.¹⁴

What is being delivered is a rich tapestry of meanings and contingencies, more complex, yet potentially more informative for governments, than a one shot policy 'fix'. However, it is strange to talk of post-positivist social science in such instrumental terms, as interpretivism is demonized by the science policy network, which does not sanction the production of contingency, uncertainty, resistance and contestation. This is, rather, the basis for a decentred form of governance which has yet to be realized.¹⁵ The 'added value' of post-positivism is therefore quite radical: an overt challenge to the neatness, causality and validity of a 'positivist' world, and resistance to 'positivism' – in neoliberal or institutionalist guises – through situated agency, active citizenship, and a preference for bottom-up governance.

(2) What is the purpose of producing social science research?

(3) Who contracts social science research?

When considering the governance of publicly funded social science, these appear strange questions to ask of interpretive approaches. Narratives or 'policy proverbs', could be used to inform economic, industrial and social policy. Although given the current predilection for 'positivism', one could assume that these are rarely sought. This is where the contracting analogy begins to wear thin, because, according to the governance of social science, there is no market for publicly funded interpretive social science research.

We have seen that 'positivist' social science is expected, in instrumental terms, to serve government defined ends. However, there has been strong academic resistance to this instrumentalism. Producing interpretive social science research can be viewed as an act of resistance in itself. Critics of the production of social science to service the interests of those with power (and who often devalue the academic worth of contract research) are by no means confined to post-positivism.¹⁶

In this respect, the governance of social science meets bottom-up resistance from the producers of both 'positivist' and post-positivist social science research.

Post-positivists would note that the relationship between citizens and social science has been conspicuous by its absence in the discussion thus far, despite social science being funded in the public's name. We have seen that contracting 'positivism' positions government as a conduit for a predictable polity, and so people's collective, rational interests and actions are presupposed. A post-positivist social science, in contrast, seeks to empower citizens by embracing culture and agency, and reinvigorating governance processes.¹⁷ It may even dare to relocate the governance of social science away from natural scientists to citizens, public servants, and social scientists.¹⁸ In this context, the reasons for 'producing' social science research are found in a fusion of intellectual and public value.

(4) Who produces social science research?

It is fair to assume that there are few producers of publicly funded interpretive social science outside academia. However, there is an alternative, and suitably post-positivist, response to this question: each person is their own individual social scientist because we all continually make and remake our social world. Indeed, post-positivism validates this situated knowledge, and collapses a top-down expert/citizen divide. However, rather than unbridled relativism, post-positivism encourages us to compare competing narratives and objectively judge them against agreed 'facts'.¹⁹ While striving for collective objectivity in this sense, the producers of post-positivist social science research do not emulate the claim of 'positivist' social scientists to be neutral and disinterested: post-positivism clearly pursues an epistemological, ideological and political agenda, to which this chapter now turns.

The producers

One of the core themes of this edited collection on *Governance, Consumers and Citizens* is that there is an alternative brand of social science which not only seeks to break the monopoly of 'positivism', it aims to replace it. This is post-positivism, informed by interpretive social science. This volume is also concerned with the relationship between 'positivism', neoliberal ideology, and the view of people as consumers who are rational (and therefore predictable) self-maximizing economic individuals; and post-positivism, social democratic ideology,

and the view of people as culturally located citizens with agency (whose actions are therefore unpredictable).

When discussing these brands of social science, why discuss ideology and agency? This is necessary because the production of social science involves more than a simple, superficial selection between types of social science. It entails deep, and ultimately normative, choices about philosophy (epistemology), and political preferences (ideology), which even extend to preferred modes of governance. All producers of social science research make these value-laden choices, while consumers of social science research may be less aware of what they are buying into.

When thinking of social science as a product, and the quite disparate answers provided for the question, 'What is the product of social science?', it becomes essential to consider the centrality and the agency of the social scientists involved in the production process. Deciding what kind of social science to produce involves much more, on the part of the social scientist, than a simple selection between competing brands. This has been recognized by Marsh and Furlong, who elaborate that epistemology (and ontology) 'are a skin not a sweater: they cannot be put on and taken off whenever the researcher sees fit.'²⁰ Rather, these positions are the skin within which a social scientist lives: this philosophical commitment defines a world view. Marsh and Furlong are generous, in that they believe the choice between positivism and interpretivism is largely implicit rather than explicit, and that '[positivist] social scientists have tended to acknowledge the importance of epistemology without considering it necessary to deal with it in detail'.²¹

To be less charitable than Marsh and Furlong, would be to maintain that today's social scientists make an active and normative choice between positivist and interpretive epistemologies, and that no self-respecting social scientist could claim to be unaware of their agency in this matter, or of the contingency involved. Adherents to positivism actively choose to believe in a uniform world; and that they study social facts; and that they may use empirical methods to make accurate predictions about the social world which will provide rational grounds for social progress. With the exception of hybrid social sciences such as critical realism, this also involves an active decision to be hostile to interpretive knowledge claims. It is fair to assume that, given the governance of social science's avowed preference for positivism, that the choice of interpretive social scientists to defect from this 'legitimate' view and subscribe to knowledge in the form of contingent narratives of the social (and physical) world, is an overtly reflexive choice. For a

social scientist today, choosing one's brand of epistemology cannot conceivably be a value-free exercise. To not be reflexive is a professional choice. It is, however, possible to concede that consumers of social science may be unwitting in this matter.

Being even less gracious, we may extend Marsh and Furlong's argument beyond epistemologies, to include the active pursuit of political preferences (ideologies), and preferred cultures of governance. In terms of ideology, post-positivist critiques of 'positivism' centre on how rational choice approaches have supported a neoliberal ideology.²² This chapter concurs that a commitment to this variety of 'positivism' is largely (although not exclusively) underpinned by an ideological commitment to neoliberalism, and is matched by a preference for top-down approaches to government or governance, based on causality, rationality and implementation chains. In contrast, the *raison d'être* of post-positivism is to overtly resist 'positivism' and neoliberalism through producing social science which supports culture, situated agency, active citizenship, and social democracy. This includes a preference for active citizenship, and bottom-up governance, which gels with a social science that produces and must mediate a contingent kaleidoscope of rival narratives.²³ In this light, the producers of social science inhabit ideological skins which determine their preferred culture of government or governance. This chapter does, however, concede that not all social scientists make an overtly normative choice about favored modes of governance, although this remains implicit in their commitment to ideology.

These boundaries are, of course, blurred. There are social scientists, with a political commitment to the left, who use rational choice methods, or employ 'positivist' networked approaches to governance. However, using a post-positivist lens, we may argue that these left-'positivist' social scientists act to inadvertently undermine their chosen political cause. This is an argument explored in more detail in the case study on New Labour and social democracy. The point being made here is that for all social scientists, the choice of epistemology, method, ideology and, often, preferred modes of governance, is normatively driven, even if sometimes misguided.

To sum up, this discussion has questioned the possibility of producing a value-free social science, and suggests that the selection of 'positivist' and 'post-positivist' lenses is value-laden, both philosophically and politically. However, 'positivists' attempt to maintain a veneer of neutrality to cover their choices, a gloss which post-positivists explicitly do not emulate. In terms of the governance of

social science, we must ask whether consumers of 'positivist' social science are naïve about this normative dimension, and if they are aware of the content of the post-positivist alternative to which their needs may be better suited.

This chapter has thus far largely focused on the governance of social science in the UK (and to some extent the USA and Europe), and its philosophical, political and administrative consequences. We find that in the UK case, the governance of social science is generated top-down by state preferences about the 'positivist' social science it wishes to consume for instrumental ends, and is not concerned with producer concerns or public consultation. Interpretive alternatives are ignored. This story mirrors trends in the internationalization of science policy: OECD countries are swiftly moving towards a homogenized global governance of social science, and share a similar antipathy to interpretive approaches.²⁴ But history reveals that the validation of 'positivism' is a contingent choice. In this light, considering a governance of social science reoriented towards the alternative post-positivist brand, and the broader change in government/governance structures implied, has vital implications for the future of public policy in the UK and beyond.

Consuming social science

When thinking about 'consuming' social science, we must first ask, 'What is being consumed?' We have seen that the governance of social science has led to 'positivism' being chosen as the exclusive brand of publicly funded social science to produce and consume, and that this contingent choice is driven from the perspective of government-as-consumer. We have seen that 'positivism' remains the sanctioned form of publicly funded social science because this is the kind of social science that makes sense to the natural scientists who dominate the science policy network. Meanwhile, there is a range of potential consumers of publicly funded social science who are not exposed to the interpretive option (e.g. government departments, local government, industry and the public). So, with the exception of the academic realm where post-positivism is produced, consumers of social science are locked into a monopoly of 'positivism'.

This chapter now considers the actual consumption of social science, and will focus on governments as the major funders and consumers of this research. It will ask whether governments reflexively understand what they are buying into, and will question the assumption that there is no market for post-positivist social science research. Two UK case studies are presented. First, the 1982 Rothschild Enquiry into the SSRC,

which represents the zenith of neoliberal governance in applying a 'customer-contractor' model to social science research, and which completely unravels the consumption metaphor. Second, the case of New Labour and social democracy, which explores post-positivism and governance to ask if the customer is always right. The case studies variously scrutinize 'positivist' and post-positivist perspectives on who consumes social science research; who are the beneficiaries of social science research; whether social science research should be publicly funded; the relationship between social science and government; and the public's relationship to social science.

Neoliberalism, 'positivism' and the ultimate customer

This case study considers the neoliberal governance of social science at its most extreme: the attempt to apply a purely market-driven vision of consuming social science research to the UK Social Science Research Council (SSRC) (now the Economic and Social Research Council). We find that when applied to social science research, the contracting metaphor did not stand up to scrutiny, and was easily subverted, thus exposing it to be a fiction. A detailed historical account of this notorious Ministerial intervention into research council affairs has been outlined elsewhere,²⁵ and so this case study revisits documents to focus in more detail on the consumption analogy, and why this failed so unexpectedly, publicly, and spectacularly.

On 22 December 1981, the Conservative Secretary of State for Education, Sir Keith Joseph, announced to Parliament that Lord Rothschild would conduct a review into 'the scale and nature' of the SSRC's work, with particular reference to the 'customer-contractor principle' set out in Rothschild's 1971 report *The Organisation and Management of Government Research and Development*.²⁶ Joseph was overtly hostile to the SSRC: he believed that there was no such thing as social science, and that the SSRC had been colonized by the Left. The enquiry was an epistemologically and ideologically motivated attempt to dismantle the SSRC through outsourcing its functions.

The enquiry's terms were framed from a market perspective, and posed the questions:

- '1. Which areas, if any, of the SSRC's work should be done at the expense of the ultimate customer rather than the Exchequer;
2. Which areas, rightly supported by the Exchequer, could be done at least as well and as economically by other bodies, who would receive payment from the public purse...'

In response to these questions, Lord Rothschild formally reported to Joseph in May 1982.²⁷

The 'customer-contractor' principle,²⁸ introduced in Rothschild's 1971 report, stated that publicly funded applied research should be contracted research: 'The customer says what he wants; the contractor does it (if he can); and the customer pays.'²⁹ 'Customers' were defined as the public service or government departments, and 'contractors' as scientists in universities or research institutes. His concern was that:

However distinguished, intelligent and practical scientists may be, they cannot be so well qualified to decide what the needs of the nation are, and their priorities, as those responsible for ensuring that those needs are met.³⁰

In other words, it was for government-as-consumer to decide science's research directions, rather than its producers, and this process should be mediated by market principles. Rothschild recommended that a quarter of relevant research council funds be transferred back to government departments, which they could, if they so wished, use to contract back applied research from the research councils. But the rub was that departments did not necessarily have to contract any research from the research councils: to recoup funds, the research councils would have to competitively tender with other bidders for government research contracts. Rothschild confined his principle to 'applied' research, believing 'basic', 'fundamental', or 'pure' research had no immediate practical application and no similar 'customer', and so should continue to be sponsored directly by the research councils. The SSRC was explicitly excluded from this report's terms of reference because, created in 1965, it was 'in its infancy', although the research it commissioned should be 'studied in due course.'³¹

And in due course, a decade later, Rothschild, the architect of the customer-contractor principle, flatly rejected his concept's application to social science research, and so recommended that the SSRC 'should not be dismembered or liquidated.'³² First, the principle was formulated with regard to commissioning and funding research and development (R&D) in the natural sciences, and not the social sciences, 'a distinction which has important consequences for the usefulness of the customer-contractor principle.'³³ Second, he found that, 'When one examines the work of the SSRC, there is very little to which the customer-contractor principle can be applied.' For example, in a telling remark (to which we shall later return), he argues that, 'Some of the

research it supports, such as social anthropology, is plainly pure research with no conceivable customer.' And the applied research funded by the SSRC, 'is directed towards an "end-product" only in a metaphorical sense'; and so there is no true end-customer.

Take for example the research of the SSRC Centre for Socio-Legal Studies into compensation for illness and injury. What is the 'end-product'? Presumably a fairer and more rational set of laws dealing with compensation. But who is the 'end-user'? The legislature? The various government departments which might be involved? Victims of accident and illness? Or the British people as a whole?³⁴

It followed that social science research should be funded by the public purse, and indeed it was the government's duty to do this.

There is...no doubt of the need of an independent body, such as the SSRC, to fund research, whether 'pure' or 'applied', for which no suitable 'customer' exists.³⁵

Third, and in what constitutes the vital element of this case study, Rothschild declared that:

The phrase 'ultimate customer' in the Terms of Reference has caused great difficulty. Almost all those witnesses who addressed themselves specifically to this question said that the ultimate customer was 'the citizen' or even 'future generations'.³⁶

In so doing, he identified the product of publicly funded social science as public value for citizens, rather than private value for clients, or even value for government. He squarely rejected the notion that government could be the ultimate customer for applied social science research.

Whereas in natural science R&D the 'customer' is the person who wants it done, the social science 'customer' includes all those who have a part to play in the decision-making process....But the decisions with which most of the SSRC-sponsored 'applied' research is devoted are essentially governmental. These decisions, in a democratic society, are not the sole concern of Ministers or officials. Members of Parliament on both sides of the House, journalists, academics, the public at large – all of these are the beneficiaries of applied social science research.³⁷

He also underlined the public value requirement that the SSRC be financially independent from government departments, because 'so much social science research is the stuff of political debate.'

All such research might prove subversive of government policies because it attempts to submit such policies to empirical trial, with the risk that the judgment may be adverse. It would be too much to expect Ministers to show enthusiasm for research designed to show that their policies were misconceived. But it seems obvious that in many cases the public interest will be served by such research being undertaken.³⁸

Rothschild concluded his report with this final salvo: the 'dismemberment or liquidation' of the SSRC 'would not only be an act of intellectual vandalism...it would also have damaging consequences for the whole country'.³⁹

The 'ultimate customer' or consumer of publicly funded social science research was not found to be government, or private clients, but the beneficiaries of this research: 'the citizen', 'the British public as a whole' and 'future generations'. This entailed that social science research should indeed be funded at the expense of the 'ultimate customer', but through the public coffers, rather than under the contracting relationships with private clients and government departments as Joseph had hoped. We find that the 'customer-contractor' principle, the supreme articulation of the neoliberal governance of science, dissolved when it was applied to the governance of social science. The consumption metaphor breaks down when the notion of public value is introduced in the form of the citizen as the 'ultimate customer', and the idea of government-as-consumer is thus eschewed. However the product of social science that citizens consume remains fixedly 'positivist' in Rothschild's account.

Rothschild was a biologist by training, had been chair of the Agricultural Research Council, worldwide head of research at Shell, and head of the Central Policy Review Staff from 1971 to 1974. He was a powerful scientist in the science policy network which, as we have seen, acts to reproduce social science that makes sense to natural scientists. His 'positivism' was at odds with neoliberal 'positivism' and ideology: he was a Labour Peer, and it transpires, was suspected of being the fifth man in the Cambridge Spy Ring.

A whole section of the report is devoted to the question, 'Why Social Science?'⁴⁰ Here, Rothschild provided a narrative of the foundations of

social science in the work of Condorcet, Mill and Durkheim, and why 'the true lack of analogy between the physical and social sciences was only slowly recognised',⁴¹ yet social science remained intrinsically valuable.⁴² The report dismissed the Popperian view of science, to which Joseph keenly subscribed, as entirely inapplicable to understanding social science; but also blamed the 'excessive claims of sociology' for social science's overblown scientific pretensions and a backlash against what social science had actually delivered.⁴³ It is interesting to note that the role of interpretation, in the form of culture and agency, is presented as the reason why social science and natural science are not equivalent:

Human behaviour... is normally classified by the human subjects themselves in accordance with their own conception of their own behaviour and in accordance with their idea of its purpose and significance....human beings often act in ways which cannot be described without reference to their own views of their motives and intentions, their own ideas of social relations and their own unformulated moral theories. A type of behaviour X which, from a scientific observer's point of view, may be identical with behaviour Y may have a largely different significance for the agent himself. This feature of human behaviour makes species-wide generalisation very difficult, and in some areas virtually impossible.⁴⁴

The description of behaviour, and the classification of it, will vary with different cultures and languages, unless the scientific investigator aiming at species-wide generalisation imposes a common scientific vocabulary. This common vocabulary will achieve its aims only if it ignores all those beliefs that will be expressed in terms that distinguish a particular community or culture and that are not entirely general in the species.⁴⁵

However, there is no recognition of interpretivism in the report. The narrative, and the implicit form of social science to be produced and consumed, is firmly instrumental and 'positivist' in empiricist terms. For example, the report defined research as:

...the study of something, for example a nerve, a hospital, a football crowd, an atom or the economy, to discover and describe new facts and relationships between those facts, and, if possible, to make generalisations and predictions arising from the discoveries and descriptions.⁴⁶

The characteristic object of applied R&D in the natural sciences is to find out whether and if so how something can be done. The main purpose of applied social science research is to provide the material upon which it may be possible to conduct a more informed debate and make better decisions.⁴⁷

The value of combining qualitative and quantitative approaches for public policy purposes was recognized in the cases of urban studies and planning for housing; demography and regional planning; and criminology and crime statistics. But there was an implicit hierarchy of science, with epidemiology a 'point where social science comes near to a more precise discipline',⁴⁸ and social anthropology, which 'used to have a close connection with the needs of colonial administration',⁴⁹ now relegated to 'plainly pure research with no conceivable customer.'

There was no reflexive understanding of the brand of social science supported. Interpretivism was found to be philosophically interesting, but without practical application. However, there was support for the form of interpretation that makes sense to natural scientists: the combination of qualitative and quantitative approaches in applied empirical settings. But no market was identified for interpretivism or post-positivism. While the cornerstone of this report was the public value of social science research, this public value was defined in (contingent) instrumental and 'positivist' terms. There was no recognition of how interpretive approaches are eminently suited to creating public value, the subject to which we now turn.

Is the customer always right? Post-positivism and social democracy

This chapter earlier noted that the consumption metaphor collapses when applied to post-positivism because government-as-consumer does not sanction the production of interpretive social science research. However, when we begin to think about the product of social science as public value – not in the 'positivist' sense in our previous case study – but in post-positivist and social democratic terms, we do indeed find a ready market for interpretive public policy. This volume on *Governance, Consumers and Citizens* poses the question 'What role is left for social scientists after the neoliberal turn to governance?' This case study directly addresses this question by discussing the potential of 'post-positivist', interpretive approaches in realizing a social democratic project which has been characterized as stagnating under a positivist culture of governance.⁵⁰ The case study highlights that reform of

the governance of social science is an essential prerequisite to adopting a post-positivist public policy, and transforming the broader culture of governance.

Analysis of the governance of social science has, to date, been confined to explanation in Fabian and neoliberal terms, and not in the specific context of New Labour. Such an analysis would be fruitful in mapping the connections between the 'new global economy', and the renewal of national science and technology policy, characterized as underpinning the Third Way.⁵¹ It is certain that, under New Labour, at the science policy level, the governance of social science continues as the governance of 'positivist' social science. It is also certain that there has been a consolidation of the science policy network to incorporate more centralized control and coordination of national research priorities, in which social science is either marginalized, or can contribute to the network as a 'slave social science in the service of natural science and technology'. Science policy under New Labour is less reflexive than in the era of our previous case study. Debates about the scientific status of social science have long been consigned to the dusty archives, and since 1993, under the Major and Blair governments, science policy documents have no longer identified social science as a separate enterprise to science and technology, its epistemological equivalency taken for granted.⁵² There has also been a recent push by the Treasury to convert the Research Assessment Exercise, and hence the distribution of university block funding, to a metrics-only exercise sharply skewed to favor natural science, making 'positivist' social science the most visible, profitable, and marketable social science.⁵³

The notions of government instrumentalism and selectivity in the funding of social science research also remain alive under New Labour. The fashion for 'evidence-based policy', viewed as a cornerstone of Blairite thinking and 'the latest incarnation of the urge towards research relevance,' has 'exposed a continuing uneasy relationship between political practitioners and academe.' In a speech to the ESRC, David Blunkett, as Secretary of State for Education and Employment, 'infamously bemoaned the lack of a readily usable end product', and was in turn 'accused of promulgating an illiberal and anti-intellectual government vision of uncritical social science devoted to providing "evidence" to justify government policy initiatives.'⁵⁴

While the governance of social science under New Labour provides useful context, this case study considers the brand of social science that New Labour has itself consumed to inform its own thinking and practice. Narratives provided by Mark Bevir and Will Leggett combine

to sketch a critical picture of New Labour modernization, which has stalled due to consuming the wrong brand of social science. For Bevir, New Labour has sought to reform social democracy 'in terms largely set by the new institutionalism and communitarianism,' which proffer expertise based upon positivism.⁵⁵ He argues, that 'The Third Way with its institutionalist roots' is at odds with 'a vision of an open community with roots in an interpretive approach,'⁵⁶ and so the pursuit of positivism is disconnected from the pursuit of social democracy. For Leggett, New Labour's attachment to positivist and centralized technocratic solutions has come at the expense of developing the 'active cultural interventions that social democracy – on its own admission – needs to reinvent itself.' He observes that, 'the traditional social democratic model is ill-suited for engaging with the new cultural terrain upon which successful political narratives will be built.'⁵⁷ To move towards the social democratic holy grail – the 'progressive consensus' – Leggett believes that New Labour must adopt a political sociology sensitive to culture, agency and consumption.

These combined analyses lead us to conclude that while New Labour has modernized its philosophy, it has not similarly modernized the social science that underpins its thinking, and action, thus creating an impasse. In this respect, the customer is mistaken: New Labour is consuming the wrong kind of social science, which has placed the social democratic project in stasis.

So how might New Labour proceed? For Leggett, the best hope of moving beyond the Third Way, and achieving a progressive consensus 'as a means of entrenching a deeper cultural shift in British society on centre-left terms,'⁵⁸ is an approach which embraces culture, agency and consumption, and moves away from technocracy and top-down control. He claims that 'positive-modernisers' such as John Reid have identified consumerism as the 'vessel through which one can become an author of one's own life narrative,' and this discourse of 'consumerism as empowerment' engages with social change and voters' concerns. However, the '*political* content of the New Labour project has precluded the development of a deeper, cultural politics in the past, and looks set to continue to do so.' Modernizers have 'simply *misread* the opportunities for bolder social democratic programmes', or have 'shown a lack of skill or imagination in doing so', failing to 'provide *recognizably* social democratic solutions to contemporary challenges.'⁵⁹ He believes that the solution is provided by 'critical-modernisers' who agree that 'under conditions of greater social complexity, command and control forms of governing are increasingly redundant', and that

'New Labour's actual response to these conditions has drawn on the centralising aspects of *old style* Labourist social democracy, in at best a technocratic and at worst an authoritarian fashion.'

Opposed to this lingering statism, critical-modernisers argue that the new social diversity necessitates political devolution, based around the principle of subsidiarity. Given this, the primary task of a new social democracy becomes one of extending democratisation, resulting in a variety of calls for a social democratic project that is more liberal and pluralist.⁶⁰

This proposed way forward resonates with the interpretive, or post-positivist, resolution to the social democratic impasse presented by Bevir. He maintains that 'positivism has acted less as a source of independent expertise than as a way of conceptualizing objects as to make them governable,'⁶¹ or, in other words, this objectification has allowed social scientists to present knowledge of social facts and offer policy advice decoupled from the beliefs of the people for which the policies are aimed.⁶² In contrast, an interpretive social science begins from the bottom up, and focuses on how citizens 'actively make their social and political practices through their situated agency.'⁶³

Interpretivism thus shifts our emphasis from expertise to narratives and dialogue. We explain events and processes by ascribing beliefs and desires to actors so as to construct a narrative that locates what we want to explain in its contingent content. And we judge the potential effects of a policy by entering a dialogue with the targets of that policy – a dialogue in which they reveal their beliefs and desires and in which policy-makers negotiate and reformulate the policy to make it fit with those beliefs and desires.⁶⁴

As an antidote to 'positivism', interpretive or post-positivist approaches focus on bottom-up accounts, which give prominence to meanings, beliefs and the contingency of social life.⁶⁵ For Bevir, an interpretive approach may reform social democracy, focusing on culture and agency, through 'the ways in which people actively make their own freedom through their participation in self-governing practices', and seek 'to promote participation by means of pluralism and dialogue rather than incorporation and consultation.'⁶⁶ Indeed, this post-positivist approach advocates extending democracy by decentring the state through devolving aspects of governance to civil society, and

without the state regulating or controlling outcomes, as has been the case with New Labour and deregulation.⁶⁷ This contrasts the Third Way with 'an open community based on participatory democracy.'⁶⁸

Following these narratives, we may conclude that New Labour has not reflexively understood the brand of social science that it has subscribed to, nor appreciated the affinity between interpretivism, or post-positivism, and social democracy. This chapter earlier noted that the consumption metaphor collapses when applied to post-positivism because government-as-consumer does not sanction the production of interpretive social science research. However, when we apply post-positivism to social democracy, we find that this alternative brand of social science has a potential market in New Labour as a party, and as a government; and that bottom-up and decentred modes of governance provide immense public value for citizens as the consumers, producers and beneficiaries of a post-positivist social science.

This case study concludes by suggesting that while the governance of social science continues only to sanction 'positivist' social science, there can be no change in the social science of governance. This is because it is necessary for government-as-consumer to validate interpretive social science research before it can be produced for public consumption, present valid knowledge claims within public policy, and enable a decentred and bottom-up culture of governance. Yet, a wholesale move to post-positivism is most unlikely, and so championing methodological pluralism within the science policy network is an interim policy solution,⁶⁹ and is the most likely route to breaking the current 'positivist' monopoly.

Conclusion: are we (nearly) all modernizers now?

This chapter has considered 'positivist' and post-positivist views on the production, and consumption, of social science as a publicly funded service that this contracted, delivered and consumed. Regarding producing social science, it has found competing visions of the product of social science research, and, as a consequence, quite different purposes and 'markets'. However, the governance of social science has so far only promoted 'positivist' social science, and has thereby sidelined the value of interpretive social science research. Beyond the economic and social consequences, this preference for 'positivism' even shapes the culture of governance which underpins all public policy. Regarding consuming social science, with the exception of the academic realm where post-positivism is produced, all consumers of social science are locked into a monopoly of 'positivism'.

Through two case studies of governments consuming social science, we have found that the notion of public value is central in destabilizing the consumption metaphor. For 'positivism', while the consumption analogy succeeds in theory it fails in practice; and while the pretense fails in theory for post-positivism, it could succeed in practice if reinterpreted in post-positivist terms. Most notably, through an exploration of New Labour and social democracy, we found that the governance of social science, and hence, the social science of governance, remains wed to 'positivism'. In this respect, the customer is wrong: the continued governance of social science as 'positivism', and the continued consumption of 'positivist' social science, act to hinder the realization of the social democratic project to which post-positivist approaches embracing culture and agency are suited. Therefore the conclusion was drawn that an essential prerequisite to changing public policy, and the broader culture of governance, is to reform the governance of social science. However, the prospect of interpretive social science breaking the positivist monopoly poses several distinct challenges for post-positivism.

For John Alford,⁷⁰ 'public administrators serve multiple publics',⁷¹ for example: 'customer'; 'consumer'; 'client'; 'user'; 'stakeholder'; 'citizen'; 'taxpayer'; and 'the public'.⁷² In this respect, public services simultaneously produce private value for clients, and public value for citizens. Alford, on the one hand, wishes to treat citizens as active agents 'contributing by positive actions to collective purposes.'⁷³ This social democratic reading lends itself to interpretive social science as, 'Service recipients are concerned not only about the consumption of material values, but also about the realization of symbolic, social, and normative ones.'⁷⁴ But on the other hand, his notion of client co-production as active citizenship presents a neoliberal, functionalist-'positivist' view of symbiotic relationships which allow governments to perform better through creating public value. The question this poses for post-positivism is which lens should we apply to this analysis? Why privilege the interpretive, social democratic reading? Why not allow the 'positivist', neoliberal, reading to validly exist alongside it? A decentred analysis would warrant that multiple lenses may be applied, and allow the 'positivist', neoliberal, reading to exist alongside the 'post-positivist, social democratic one; although this would entail interpreting the 'positivist' account as contingent, and located in the narrative of a 'scientific tradition'. Yet a post-positivist lens will explicitly privilege the social democratic reading on normative grounds. However, if more people were to subscribe to the 'positivist', neoliberal

reading as narrative, might this subvert the ideological intent of a democratic post-positivist public policy?

This initial dilemma points to a further problem for interpretivism and post-positivism. As this chapter noted earlier, 'positivism' has not been purely wed to the Right; it has informed Marxism and Fabianism; and has underpinned the Third Way, albeit in the wrong way. In a similar manner, 'interpretivism' need not be purely bound to the Left. Discussing the future of social democracy, and the role of the market in social life, Leggett makes the pithy observation that 'we are (nearly) all modernizers now.'⁷⁵ He argues, 'The main limit of democratisation as an organising theme for the centre-left is that there is nothing inherently leftist about democratisation *per se*: it can as easily be claimed for the political right.'

Indeed, given their heritage of discursively prioritising freedom and opportunity, neoliberal parties may find it far easier to associate themselves in the public mind with devolution, empowering civil society and democratisation than those on the centre-left.⁷⁶

Leggett notes that modernizing Conservatives are 'challenging New Labour's claims to represent the "new localism",' and are developing agendas for 'empowering professional groups and communities in contrast to New Labour "nanny statism".'

It follows that a post-positivist victory in breaking the 'positivist' monopoly of the governance of social science may lend interpretive, bottom-up approaches to modernizing Conservatives in pursuit of the enabling state, community and market solutions. Indeed, centre-right resistance to New Labour's positivism and 'lingering statism' could lead to a 'grassroots' production and consumption of interpretive social science. Post-positivism is inexorably tied to social democracy. But interpretivism – and not just 'positivism' – can be applied to advance right-wing causes.

Notes

- 1 Thanks are due to Phil Larkin and Will Leggett for advice on the section of this chapter dealing with post-positivism and social democracy; to John Alford for his encouragement, and for planting the seeds for thinking about social science as a contracted and consumed public service, and of the lenses through which this metaphor may be viewed.
- 2 For an account of how positivist assumptions 'bedevil' political science see M. Bevir, *New Labour: A Critique* (Abingdon and New York, 2005), p. 12.

- 3 D. Marsh and P. Furlong, 'A Skin, not a Sweater: Ontology and Epistemology in Political Science', in D. Marsh and G. Stoker (eds) *Theory and Methods in Political Science* (Basingstoke, 2002), p. 26.
- 4 C. Donovan, *Government Policy and the Direction of Social Science Research*, DPhil thesis (University of Sussex, 2002), pp. 21–2; p. 276. See also the discussion of ESRC responsive research versus research initiatives (i.e. undirected versus directed research, and attendant methodologies) which is the core question addressed throughout the thesis.
- 5 See also C. Donovan, 'The Governance of Social Science and Everyday Epistemology', *Public Administration*, 83(3) (2005), p. 609; p. 612.
- 6 D. King, 'The Politics of Social Research: Institutionalizing Public Funding Regimes in the United States and Britain', *British Journal of Political Science*, 28(3) (1998), pp. 415–44.
- 7 Donovan, 'The Governance of Social Science and Everyday Epistemology', pp. 597–615.
- 8 Donovan, 'The Governance of Social Science and Everyday Epistemology', pp. 607–10.
- 9 Donovan, 'The Governance of Social Science and Everyday Epistemology', p. 612.
- 10 For a detailed account of the shades of positivism, interpretivism and their overlap (with particular reference to political science), see Bevir, *New Labour: A Critique*, pp. 12–27.
- 11 D. Braun, 'Who Governs Intermediate Agencies? Principal Agent Relations in Research Policy-Making', *Journal of Public Policy*, 13(2) (1993), pp. 135–62.
- 12 B. Van der Meulen, 'Science Policies as Principal-Agent Games: Institutionalization and Path Dependency in the Relation Between Government and Science', *Research Policy*, 27(4) (1998), pp. 397–414.
- 13 Donovan, 'The Governance of Social Science and Everyday Epistemology', p. 612.
- 14 M. Bevir and R. A. W. Rhodes, 'Interpretation and its Others', *Australian Journal of Political Science* 40(2) (2005), pp. 169–87; Bevir, *New Labour: A Critique*, p. 153.
- 15 See M. Bevir, 'A Decentred Theory of Governance', in H. P. Bang (ed.) *Governance as Social and Political Communication* (Manchester, 2003), pp. 200–21; Bevir, *New Labour: A Critique*, pp. 137–53.
- 16 See pp. 12–14, C. Donovan and P. Larkin, 'The Problem of Political Science and Practical Politics', *Politics*, 26(1) (2006), pp. 11–17.
- 17 Bevir, *New Labour: A Critique*, pp. 137–53.
- 18 See C. Donovan, 'Science', in M. Bevir (ed.) *Encyclopedia of Governance* (Newbury Park, CA., 2006), pp. 582–4.
- 19 Bevir and Rhodes, 'Interpretation and its Others', p. 184.
- 20 Marsh and Furlong, 'A Skin, not a Sweater', p. 17.
- 21 Marsh and Furlong, 'A Skin, not a Sweater', p. 21.
- 22 Bevir, *New Labour: A Critique*, p. 31.
- 23 Bevir, *New Labour: A Critique*, pp. 137–53.
- 24 Donovan, 'The Governance of Social Science and Everyday Epistemology', p. 600.
- 25 See Donovan, *Government Policy and the Direction of Social Science Research*, pp. 216–37.

- 26 V. Rothschild, *The Organisation and Management of Government R&D*, Cmnd. 4814 (London, 1971).
- 27 V. Rothschild, *An Enquiry into the Social Science Research Council*, Cmnd. 8554 (London, 1982).
- 28 See Donovan, *Government Policy and the Direction of Social Science Research*, pp. 114–15.
- 29 Rothschild, *The Organisation and Management of Government R&D*, para. 6.
- 30 Rothschild, *The Organisation and Management of Government R&D*, para. 8.
- 31 Rothschild, *The Organisation and Management of Government R&D*, para. 25.
- 32 Rothschild, *An Enquiry into the Social Science Research Council*, para. R2.
- 33 Rothschild, *An Enquiry into the Social Science Research Council*, para. 3.5.
- 34 Rothschild, *An Enquiry into the Social Science Research Council*, para. 3.9.
- 35 Rothschild, *An Enquiry into the Social Science Research Council*, para. 3.13.
- 36 Rothschild, *An Enquiry into the Social Science Research Council*, para. 3.14.
- 37 Rothschild, *An Enquiry into the Social Science Research Council*, para. 3.10.
- 38 Rothschild, *An Enquiry into the Social Science Research Council*, para. 3.12.
- 39 Rothschild, *An Enquiry into the Social Science Research Council*, para. 11.9.
- 40 Rothschild, *An Enquiry into the Social Science Research Council*, paras. 4.1–4.25.
- 41 Rothschild, *An Enquiry into the Social Science Research Council*, para. 4.1.
- 42 Rothschild, *An Enquiry into the Social Science Research Council*, para. 4.2.
- 43 Rothschild, *An Enquiry into the Social Science Research Council*, para. 4.25.
- 44 Rothschild, *An Enquiry into the Social Science Research Council*, para. 4.5.
- 45 Rothschild, *An Enquiry into the Social Science Research Council*, para. 4.6.
- 46 Rothschild, *An Enquiry into the Social Science Research Council*, para. 2.6.
- 47 Rothschild, *An Enquiry into the Social Science Research Council*, para. 3.10.
- 48 Rothschild, *An Enquiry into the Social Science Research Council*, para. 4.18.
- 49 Rothschild, *An Enquiry into the Social Science Research Council*, para. 4.22.
- 50 Bevir, *New Labour: A Critique*, p. 31; p. 50; W. Leggett, 'British Social Democracy Beyond New Labour: Entrenching a Progressive Consensus', *British Journal of Politics and International Relations* (2007), released OnlineEarly, 22 January 2007, doi: 10.1111/j.1467-856X.2006.00267.X
- 51 Bevir, *New Labour: A Critique*, p. 42.
- 52 Donovan, 'The Governance of Social Science and Everyday Epistemology', pp. 607–10.
- 53 C. Donovan, 'An Instrument too Blunt to Judge Sharp Minds', *Times Higher Education Supplement* (9 August 2006), p. 14.
- 54 Donovan and Larkin, 'The Problem of Political Science and Practical Politics', pp. 12–13; D. Blunkett, 'Influence or Irrelevance: Can Social Science Improve Government?', *Research Intelligence*, 71 (2000), pp. 12–21; M. Hammersley, 'The Sky is Never Blue for Modernisers: The Threat Posed by David Blunkett's Offer of "Partnership" to Social Science', *Research Intelligence* 72 (2001), pp. 12–14.

- 55 Bevir, *New Labour: A Critique*, p. 129.
- 56 Bevir, *New Labour: A Critique*, p. 4.
- 57 Leggett, 'British Social Democracy Beyond New Labour', p. 11; and see W. Leggett, *After New Labour: Social Theory and Centre-left Politics* (Basingstoke, 2005), pp. 93–118.
- 58 Leggett, 'British Social Democracy Beyond New Labour', p. 1.
- 59 Leggett, 'British Social Democracy Beyond New Labour', pp. 12–13, who cites J. Reid, 'Social democratic politics in an age of consumerism', speech at Paisley University, 28 January 2005.
- 60 Leggett, 'British Social Democracy Beyond New Labour', p. 15.
- 61 Bevir, *New Labour: A Critique*, p. 5.
- 62 Bevir, *New Labour: A Critique*, p. 4.
- 63 Bevir, *New Labour: A Critique*, p. 154.
- 64 Bevir, *New Labour: A Critique*, p. 4.
- 65 Bevir, *New Labour: A Critique*, p. 21.
- 66 Bevir, *New Labour: A Critique*, p. 143.
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- 68 Bevir, *New Labour: A Critique*, p. 4.
- 69 Donovan, 'The Governance of Social Science and Everyday Epistemology', p. 612.
- 70 J. Alford, 'Defining the Client in the Public Sector: A Social Exchange Perspective', *Public Administration Review*, 62(3) (2002), pp. 337–46.
- 71 Alford, 'Defining the Client in the Public Sector', p. 344.
- 72 Alford, 'Defining the Client in the Public Sector', p. 337.
- 73 Alford, 'Defining the Client in the Public Sector', p. 344.
- 74 Alford, 'Defining the Client in the Public Sector', p. 338.
- 75 Leggett, 'British Social Democracy Beyond New Labour', p. 17.
- 76 Leggett, 'British Social Democracy Beyond New Labour', p. 16.

Part II

Contested Consumers

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5

'It's Not Like Shopping': Citizens, Consumers and the Reform of Public Services

John Clarke

In this chapter I explore some aspects of the rise of the consumer as an object and subject of governance in public services. The consumer has been associated with a variety of governance changes – the movements from state to market; from hierarchy to contract; from public to private and the growth of choice and voice mechanisms of coordination. These are, of course, not identical nor do they all imply a single identity or role for a consumer of services. The first part of this chapter explores differing accounts of such governance changes – treating them as trends and as strategies. This leads to a discussion of 'consumerist' approaches to public services during the period of New Labour rule in the UK inaugurated in 1997. I then consider responses by public service providers and users to these changes and the conception of the consumer they imply – in particular, exploring the claim that providing and using public services 'is not like shopping'. I examine how people use this imagery in processes of reflection on the forms of relationship they see as being at stake in public services. In the final section, I engage in some more general consideration about the analytical and political implications of such 'relational reasoning'.

Making markets: trends or strategies?

The governance changes noted above – particularly those involving the shift from state to market and from hierarchy to contract – now appear to form a widespread reconfiguration of the once dominant forms of relationship between states and their citizens.¹ The extension of market principles and mechanisms to new domains of social life has been described as a global phenomenon – indeed, it may even be described as the core process (and character) of globalization. One element of

this has been the 'reinvention of government' and the associated reconstruction of public services around market-like principles. We might note two points here in passing. First, although such changes might look like common or even universal trends, their description in relatively abstract terms (privatization and marketization, for instance) tends to conceal substantial regional, national and local variations in form and content.² For example, the 'marketization' of public services might refer to any of the following: the 'contracting out' of service provision through tendering processes; the construction of a competitive market involving multiple suppliers (whose operation may be more or less managed or regulated); the creation of quasi-markets within or between public sector organizations; or the creation of contracts between organizations, between government and organizations, or between organizations and citizens/users. Second, these are not the only trends or tendencies in play in the reconstruction of public services and identifying 'marketization' (or privatization) as the dominant or even singular trend may obscure more important questions about the complex and contradictory co-existence of multiple tendencies in changing formations of governance.³

Nevertheless, studies of governance point to significant ways in which the relationships between public and private have been revised and remade – marking the expansion of the 'private' as private sector, as private mechanisms, as private authority, and as the private realm (of individual and household choice). As a corollary, the public has been diminished (as sector, mechanisms, forms of authority and as the public realm) and subordinated to new guiding principles mostly derived from the market. In these processes, different figures symbolize the alternative modes of governance: the citizen and the consumer. The citizen is embodied in public identifications and practices; where the consumer is usually thought of as a private figure. The citizen is typically identified with the rise of a 'public realm' in which both citizens and public institutions are more or less insulated from private interests and passions. In this public realm, people as citizens fulfil their obligations to one another; engage in mutual deliberation; and collectively pursue the 'public interest'. By contrast, the consumer figure is motivated by personal desires; pursuing her or his own interests through anonymous transactions in which relationships between buyer and seller are characterized by mutual indifference.

The citizen and the consumer seem to embody fundamentally different relationships, practices and principles of social life. They have come to stand for the two principles of coordination – the market and

the state – that dominated the twentieth century. The citizen embodies what Esping-Andersen called the ‘de-commodification’ of public rights, goods and relationships: marking their removal from market-generated or market-related patterns of wealth and income inequality. T. H. Marshall described this as the creation of the ‘formal equality’ of citizenship (in the form of legal, political and social rights) that counteracted, or stood against, the ‘substantive inequality’ of the marketplace. The state institutionalized such rights, and through them insulated its citizens against some of the effects of market dynamics.⁴

In such ways, then, the state and the principle of citizenship have been bulwarks against the vicissitudes of markets. Nevertheless, the market persisted as a core social institution. The state never fully displaced the market (even in state socialist societies). The inequalities generated by markets could be minimized but not removed (though the range of ‘acceptable’ inequality differed substantially between societies). In some views, the state operated as a support for the reproduction of capitalist societies partly by mitigating their worst effects. For liberals – and more recently, neoliberals – precisely the reverse has been true: states interfere with the proper functioning of markets (or, at least, those states that go beyond their basic task of securing the conditions for doing business). Markets, it is claimed, coordinate society more efficiently and effectively than states (or ‘command and control’ systems) can ever hope to because they are dynamic and responsive. Consumers, not citizens, are ‘sovereign’ figures in the model of market coordination. In these general terms, the citizen and the consumer can be seen as embodying a series of binary distinctions:

CITIZEN	CONSUMER
State	Market
Public	Private
Political	Economic
Collective	Individual
De-commodification	Commodification
Rights	Exchange

These distinctions over-simplify the relationship between the citizen and the consumer, and tend to obscure other figures and modes of relationship.⁵ I will return to the second of these points later in the chapter. For the moment, though, I want to concentrate on whether these large patterns of change are to be seen as instances of larger processes of social change, or as the objects of particular political or

governmental strategies. This has some significant implications for how questions of both agency and resistance can be posed.

To the extent that governance changes from state to market, from public to private, or from citizen to consumer, are understood as instances of larger social, economic or political trends, they remain relatively impervious to questions of agency. Such changes can be accounted for in various ways. They may exemplify the social trends associated with late or reflexive modernity, in particular tendencies towards individualization, marketization and forms of commodified consumption, and the proliferation of identity or sub-politics. Such trends are combined with the decline of forms of traditional authority (including those associated with forms of state or public provisioning).⁶ Alternatively they may be associated with a new period or phase of capitalism (sometimes termed neoliberalism or corporate globalization) in which new sites for commodification and capital accumulation are being discovered, and in which older frameworks of institutionalization associated with 'Atlantic Fordism' have been displaced. The place of nation-states, especially their involvement in managing and providing forms of collective welfare, has been a central focus of transformation.⁷ The 'worlds of welfare capitalism' identified by Esping-Andersen have been reformed, retrenched, reduced and reconstructed. In each of these conceptions of the large scale transformations taking place, governance changes appear as examples or instances, embodying the underlying dynamics. As a result, there is not much to be gained from exploring their specificity (either in terms of patterns of national variation or in terms of being the focus of particular sets of dynamics). In both accounts, questions of agency are displaced by attention to structural forces and processes that have inexorable logics. As such, variations are merely variation around the norm – the established line of development.

On the other hand, there are perspectives that treat such governance changes as the object of particular strategies deployed by sets of actors or agents. Governance changes are, in this view, constructions: the effects of political or governmental projects to remake institutionalized formations of states, government, public services and the relationships between states and citizens. While they might point to very similar tendencies, analyses that foreground projects and strategies tend to see such similarities as the outcomes of practices, rather than as the result of common structural conditions. The institutional formations of a 'globalized' world have to be made; as do the new practices and relationships of public service provision. For public services, neither

markets nor consumers pre-exist their 'invention': they have been imagined and turned into sets of practices, knowledges and dispositions. In such analyses, the projects and strategies of reconstruction, reform and transformation tend to appropriate the logics of structural change as legitimating accounts or narratives. As we will see with the UK case, governmental discourses take the existence of a 'consumer society' and a 'global world' as the conditions that necessitate reform or modernization. In this focus on strategies and projects, agency is relatively foregrounded, with an emphasis on the construction or constitution of new formations through particular sorts of practice. As with the more structural orientation, there are variants within this perspective, ranging from concerns with shifting modes of governmentality, derived from Michel Foucault, to more explicitly 'political' attention to how neoliberalism has been translated and enacted in different settings.⁸

Of course, this distinction between the emphasis on structure versus practice oversimplifies the complexity of academic work around this issue. Many 'structural' analyses give attention to particular forms of agency (class politics and class projects, for example). Equally, some work associated with governmentality often appears overly totalizing and treats advanced liberal governmentality as a universal or universalizing tendency. However, I want to suggest that the distinction is a useful one for thinking about changing modes of governance because of the way that it draws attention to questions of political agency (in the widest sense). In the remainder of this chapter, I will be exploring aspects of the changing governance of public services in the UK as the object of political and governmental strategies – and as the focus of conflicting constructions of how the relationships between publics and public services might be imagined and institutionalized.

Modernizing public services: the moment of the consumer

In 1997, New Labour came to power committed to extensive public service reform and modernization. This commitment involved a paradoxical mixture of continuity with, and change from, the preceding period of Conservative government. Public services had already experienced eighteen years of 'reform' under those governments, being subjected to diverse principles and mechanisms – including fiscal retrenchment, privatization, decentralization, marketization and quasi-marketization – whose variety was organized through the connective principles and practices of managerialism.⁹ The reforming zeal with

which New Labour addressed public services had strong continuities with the practice of 'permanent revolution' in the Conservative era. New Labour's original commitment to maintain Conservative public spending limits deepened this sense of continuity. At the same time, however, New Labour addressed public purposes and public service values, emphasizing a commitment to processes of collaboration, partnership and 'joined-up' government as alternatives to the fragmented and competitive world of services created by Conservative reforms.¹⁰ Public services could, if suitably reformed, contribute to the well-being of a modern British people who, New Labour recognized, desired high quality public services. This positive disposition to public values and public service seemed like a sharp break with eighteen years of Conservative degradation.

In New Labour's eyes, public services needed reform to bring them into line with defining characteristics of the modern world. This conception of modernity was a powerful organizing theme in New Labour discourse: it defined a sense of time, constructed New Labour's 'newness', disarmed criticism ('old thinking'), and linked questions of the nation's future to its place in a modern world. The modern world differed from the old world in which public services were created – the moment of post-war social democracy – in a number of critical ways.¹¹ Identifying the need for 'welfare reform' in 1998, the Prime Minister argued that:

Reform is a vital part of rediscovering a true national purpose, part of a bigger picture in which our country is a model of a 21st century developed nation: with sound, stable economic management; dynamism and enterprise in business; the best educated and creative nation in the world; and a welfare state that promotes our aims and achievements.

But we should not forget why reform is right, and why, whatever the concerns over individual benefits, most people **know** it is right. Above all, the system must change because the world has changed, beyond the recognition of Beveridge's generation. The world of work has altered – people no longer expect a job for life; traditional industries have declined; new technologies have taken their place. There is a premium on skills and re-skilling through life. The role of women has been transformed. Family structures are different. We live longer, but work for fewer years. And the expectations of disabled people have changed out of all recognition, from half a century ago. We need a system designed not for yesterday, but for today.¹²

In New Labour's discourse of modernity, globalization had changed the economy and the forms and habits of work that were appropriate, having an impact on gender roles and patterns of family or household formation. Importantly for public services, Britain had become a 'consumer society' in which a proliferation of goods and services enabled a wide variety of wants and needs to be satisfied. This everyday experience of consumer choice highlighted the austerity of public services, whose 'one size fits all' model of provision was shaped by the experience of wartime and post-war rationing:

Many of our public services were established in the years just after the Second World War. Victory had required strong centralised institutions, and not surprisingly it was through centralised state direction that the immediate post-war Government chose to win the peace. This developed a strong sense of the value of public services in building a fair and prosperous society. The structures created in the 1940s may now require change, but the values of equity and opportunity for all will be sustained. The challenges and demands on today's public services are very different from those post-war years. The rationing culture which survived after the war, in treating everyone the same, often overlooked individuals' different needs and aspirations... Rising living standards, a more diverse society and a steadily stronger consumer culture have... brought expectations of greater choice, responsiveness, accessibility and flexibility.¹³

If these conditions defined the 'modern world', they also constituted the reference points against which public services should be judged as well as indicating the mechanisms and direction of 'reform'. This conception of consumer culture as defining the character of modernity was a recurrent theme in New Labour approaches to public services. Almost every policy document and many of the major speeches grounded themselves in this conception of the tradition to modernity symbolized by the figure of the consumer. These social changes constituted the imperative for public service reform:

People grow up today in a consumer society. Services – whether they are private or public – succeed or fail according to their ability to respond to modern expectations... People today exercise more choices in their lives than at any point in history. Many can afford to walk away from public services which do not command their confidence.¹⁴

Choice – understood in this precise consumer model – came to play an increasingly central role in New Labour's approach to public service modernization. Whereas early formulations of public service reform tended to stress responsiveness and accessibility to users, by 2004–5 choice had emerged as the crucial dynamic of reform – in healthcare, education and social care especially. Choice figured as the defining feature of the consumer experience and as the 'lever' for reforming sluggish or recalcitrant public services. Indeed, in New Labour policy discourse, choice became increasingly multi-talented and multi-tasked. In a submission to the 2004–5 Public Administration Select Committee on Choice and Voice in Public Services, Ministers of State argued that choice must be central to public services reform because:

- It's what users want
- It provides incentives for driving up quality, responsiveness and efficiency
- It promotes equity
- It facilitates personalization¹⁵

Each of these claims is, in practice, rather more controversial and contested than the statement suggests.¹⁶

'It's not like shopping': putting the public into public services

In this section, I draw on a study of the responses of managers, staff and users of public services to the consumerist orientation established by New Labour. We were interested in how people saw the changing relationships between the public and public services and had a particular interest in whether people identified themselves as consumers or customers (rather than citizens or other identities).¹⁷ Here I want to explore some of the ways in which the imagery of everyday consuming was used by people to reflect on the distinctiveness of public services. As we will see, most of these reflections work through a contrast between market-place consumption ('shopping') and the use of public services, but a few reflected New Labour's concern about the 'gap' between consumer choice and the experience of using public services. In the following extract a person who receives home care reflects on the different organizational dynamics that are at work in social care and Tesco (the dominant UK supermarket chain):

I get a better service in a shop than I do, um, I feel, um, you're treated better in a shop because they're in competition, they want

your service, they want to gain, um, what your needs are and please you in a sense and therefore they're competing to, um, satisfy your needs as such, and therefore provide a good service in doing so. With the care side of things I don't think there's so much of that, um, trust behind the system. They're overworked, underpaid. Um, the carers themselves provide an excellent service but the way it's managed isn't so well organised and if somebody for example is off ill they do their best to try and provide the same package that your social worker has set up for you but it doesn't necessarily mean that you're able to get it....

Like I say, I expect a higher – a higher, um, sense of, um, service from banks and shops than I do from the social side of things. I don't know why but I just – I'm paying for both services but, um, I think I understand that there isn't the facilities or the people there to provide that extra special service as such. I mean my carer is brilliant, I think she does a fantastic job. Um, but she's only human. And the service falls down when she's on holiday or when she's off sick and I don't see that they push to, um, make that service better to try and fill that gap when that situation occurs. Whereas I think in a situation with a shop if a shop assistant was off they'd get somebody else in immediately so that you would be served. I mean Tesco's for example, if so many tills are full, you know, so many people in a queue, they'll open another till up so that you're not waiting for so long. You don't see that sort of thing in the home care side of things. (Newtown social care user 1)

This offers the clearest 'consumerist' contrast between private and public sector models within our study and identifies the competitive pressure to attract and keep customers as the key dynamic. Appreciation for the work and qualities of carers does not extend to the way the service is organized. In healthcare, too, we encountered this contrast between being a consumer and being a user of public services:

I try and put my hat on as a user, as a rare user of the health services, or probably a user of another public service like, er, the Inland Revenue, or something like that. And I think you often get frustrated as a consumer because you think I've got to go there, I can't go anywhere else, because they're the only ones to offer that service. So there's probably a touch of arrogance within the service regarding, well, we don't have to worry about that, where else are they going to go, they've got to come to us. And sometimes I don't

think there's enough emphasis on, well, you know we can't look at it like that, we've got to look at it as a competitive market, and we've got to make ourselves as good as we possibly can. But I suppose because there aren't external pressures, other than central pressures from policy, it's not as though that clientele is going to go down the road and quite frankly if they did, that's great because that helps our waiting lists. So if they want to go private or they want to, then thank goodness those services do exist. So maybe from that point of view we don't look at customers as having, they have certain choices within what we can offer, and they can choose to go private but then it starts to become inequitable etc. (Oldtown Health front line staff 4)

This health worker addresses the effect of 'monopoly provider' status on relationships with users in familiar terms: the absence of external pressures, the lack of exit or choice possibilities and the resulting complacency and arrogance. But almost immediately, this is tempered by a reflection of the more complicated 'mix' of healthcare provision – in particular the implications of choosing to 'go private'. The most important effect of private provision is not 'choice' but the impact on waiting lists and limited resources within the National Health Service. The relief is almost immediately tempered by an attention to problems of equity – another recurrent theme within our study. This issue of the extent to which (some) people might be able to exercise choice to seek private, rather than public, provision was woven through several of the responses from staff and managers:

People can choose whether they come to the council care or they go to private care. They don't have to have the council care. Private – I don't know what the private care offer – if they offer anything different from what we offer or, you know, my firm offers. But the same time they can shop around, they don't have to take what's being offered to them, they can take what they want to take. (Newtown Social Care Front Line Staff 2)

Consumerism – well, I suppose consumerism if you – again, is about having the money to buy what you want. And, um, although growing numbers of people who use our services have the money to take different paths and use different choices they don't come to social services through choice in a sense. They come to social services because they have certain things happening which we can work with them to help them either understand or to organise ser-

vices that will help them through that period of time. But, you know, if you've got half a million quid in the bank you don't necessarily want to come anywhere near social services. You just go and sort it out for yourself and pay the bill. Um, so it's a kind of different sort of approach really. But you can be a customer of something without having loads of money to pay for what you're after can't you? (Newtown Social Care Senior 06)

No, not really. I don't think you are there by choice, you've been taken ill, you need a service and they are then the people to provide it. Which service they then provide you with, it's very much provider-driven than consumer-driven. In terms of treatment you are very much in their hands which is not the case when I go to a shop. (Newtown health user 4)

I understand, as I say, what consumers – the term consumer is trying to convey but I don't know if there's a degree of dishonesty within that.

Interviewer: What do you mean by that?

As I say, people don't necessarily choose to use us and they haven't got the choice to go elsewhere... I think that, um, the client you're getting involved with, in the main, because of them presenting some risk somewhere along the line whereby we need to exercise a degree of control. Um, they're definitely not coming of their own freewill. I suppose for customers not coming of their own freewill but in a bit of a different position. They know that they want a service, they know that if they want that service they've got to come here. It's like when – if you wanted a car from Ford it used to be black because they all did black cars but you could choose to have the cars. (Oldtown Social Care Senior 03)

Across these extracts, we can see efforts to wrestle with the relationship between choice (in its consumerist sense) and the use of public services. People can 'shop around' in relation to social care, such that choosing to approach the local authority for public provision is itself a choice. On the other hand, such choices are conditioned by money: if you have 'half a million pounds', you may not bother with public provision. But there is also the emergence of a different dynamic – that the use of public services may not be a choice at all. There are two different aspects to this disruption of choice. First, people have things

happening to them with which they need help. They do not choose to be in such conditions, so the act of seeking help is hardly a choice between alternatives. Second, some people are required to receive a service, because they are identified as being a real or potential danger to themselves or others. Although this is certainly an issue in social care, it is much more evident in policing:

I think we shouldn't sort of minimise just how serious it is and I keep saying to officers, you know 'to actually arrest somebody and take somebody's liberty away is a very, very major event' and so to see them if you like, in consumerism terms, it sort of wears a little bit thin, probably for them more than us. (Newtown police senior 1)

I think we've got a far bigger duty to our customers than that, I mean ... if someone wants to make a complaint, but if I was in Marks and Spencer's it is easier to give them vouchers, £60 worth of vouchers and then they go away and say 'thank you very much' and are happy, you know, whereas sometimes I have to say 'OK, I appreciate how upset you are about the way the officers dealt with that, but actually they are actually complying with the law, but we are sorry if it causes distress'. (Oldtown police senior 02)

Such issues begin to define ways in which the relationship between the public and public services is 'not like shopping'. Trying to remedy unwanted situations or conditions is one element, as is the compulsory or enforced experience of public services. It is interesting that commercial shops often feature as reference points for these distinctions: Marks and Spencer (with a strong reputation for dealing with customer complaints) in the extract above – and Tesco again, in perhaps the pithiest summary of the difference that compulsion makes:

I think too, that the difference for us in some ways with Tesco's is, you know, that we have some people who are not customers by choice (Newtown police senior 01).

Policing was also the focus for reflections on the relationship between choice and organizational structures for service provision. In particular, several respondents took up the conception of choice as meaning the opportunity to select between multiple and competing providers. This meaning became central to New Labour approaches to education, health and social care, but was thought an unlikely model for policing.

Both extracts make reference to other forms of public service reorganization in the UK. The first extract refers to the rise of systems of performance evaluation and comparison for public services.¹⁸ The second refers to the less than happy experience of rail privatization in the UK:

I think the thing is, for me, is that the public actually as a rule have to take the service that they get, they can't actually go out and say, I don't actually like the way X Police do this so I'm going to see if I can phone through and get Y Police to come and do it, because on such and such scales they deal with my type of incident in a far better way. (New Town Police Senior 1).

G – You can't do that with the police. You can't have a supermarket of police and one here and one there. You've got to have one body.

A2 – I don't know. Look at the British Rail system. Look how that is running. Is that what we are heading for?

G – The problem is that it has been split into so many bodies. (Newtown Police focus group 1)

Both professional and popular understandings combine in this view of the distinctiveness of policing as a public service. But policing is not the only service in which consumer choice seems inappropriate. Most of the following extracts are taken from health users – where ideas of being a consumer or customer seem to most powerfully contradict what is valued in publicly provided healthcare. But we begin with a care worker who reflects on the connections and disjunctures between the payment relationship, the intimacy of care and different types of social space. Tesco again provides a reference point:

Well customer really is what they are, aren't they, because they're paying for the service that they get. But I don't like using it, I don't think that's a nice word to use when it's so personal. I wouldn't be standing at a till in Tesco's giving somebody a full wash down, would I? You do that in the privacy of their own home. (Newtown social care Front Line Staff 2)

Such questions of intimacy in care intersect in complicated ways with ideas of the personal and private, and with ideas about the body and its troubled place in social policy.¹⁹ This sense of private is, of course,

very different from that which is mobilized in conceptions of the private sector and processes of privatization. The transactional character of being a customer or consumer – in which agents are mediated by the cash-nexus – are often viewed as intrusive or inappropriate to care relationships, especially in health:

I don't like 'customer' really, because it implies a paying relationship on a sort of take it or leave it basis – more like going into a shop and seeing what's available and choosing something. I don't think it's quite like that... (Newtown health user 1)

This is a fairly abrupt version of the distinction, but in several interviews we found people exploring the implications of the distinction between being a consumer or customer and being a patient. It was interesting that many people identified themselves as patients in relation to healthcare, though not necessarily in ways that aligned them with dominant conceptions of professionally defined or prescribed roles.²⁰ In the following two extracts, we can see people articulating forms of difference, ideals of relationships and desired practices that they value in their healthcare:

Because, (a) I am a patient and that's the word I understand...I'm an accountant and the [Inland] Revenue are calling people customers and things like that. And I just don't think it's right. I don't feel I'm a customer of the National Health Service, or any health service for that matter. I feel I am a patient and I would like to develop my relationship with my healthcare professional. Because the way I view it is, being a diabetic, and any other problem I may have health wise, I'm the one whose got it and I have to lead it. The people who are around me are my team who are helping me get there. And a healthcare professional is part of my team. But I am his patient or her patient.

Interviewer: So being a patient – rather than a customer – for you is about the development of a relationship with the people treating you?

Yes, I think customer is a very distant relationship. I don't think it is a relationship because I can walk into a shop over the road and be a customer, but not necessarily know the person who is serving me. But I think it's important that you know the person who is dealing with you as a patient. (Oldtown health user 3)

A customer means you are basically buying something, is what I mean. I am a customer in a shop, is what I mean. If I go to a shop and I am paying for something, I am a customer. Where I think a patient is, er, I think a patient is more or less, er, you have a personal relationship between your doctor and yourself. There is a relationship between the doctor and yourself, whereas as a customer there is no relationship. You just walk in and do your business and walk away whereas there is a continuous relationship between your doctor and you, probably till the day you die, do you see what I mean? I think that's the difference, that's how I see it.

... In my GP's surgery I'm like a stakeholder because my secrets are there, do you see what I mean? My notes are mine, my patient notes are mine, they are my problems, my illness, my concern, so again it's like a partnership, that is how I see it, do you see what I mean? Whereas if I am in a shop, if I go to Marks and Spencer, I am just there to buy something, I don't have any relationship with them. If I am a shareholder in Marks and Spencer's it is different, is what I mean, is how I see it. I don't know whether I have answered your question...

Interviewer: So you don't want to be a customer?

No, I don't want to be a customer. I want to be a patient. I want to be a patient. I think once you become a customer you are lumped with customers in a shop, customers in a petrol station, customers in a travel insurance company, whereas as a patient you have that personal relationship which is very difficult to break. That's another thing. As a patient you can't just break it like that (clicks fingers), is what I mean, but as a customer if I go to buy goods, I don't buy the goods, I go elsewhere. (Newtown Health user 3)

In both of these exchanges, we can trace the ways in which people are struggling to articulate visions of how healthcare might be conceived. The consumer/customer identities provide a sort of trigger for exploring how to name or represent desired identifications and relationships. 'Patient' offers the point of orientation for these explorations – both respondents begin and end here. But its meanings are worked on through forcing it into encounters with other terms: stakeholders, partnership, and teams. Each of these is borrowed from other organizational and governance discourses as a way of trying to define the difference. But all of them are articulated through the recurrent commitment to a 'personal relationship'. Equally, there are powerful issues

about what might be called 'ownership' – in which possession (my problems, my illness, my notes) is combined with responsibility (my concern) and authority ('I have to lead it').²¹ Such complexity resists being captured by consumerist conceptions of 'choice'.

Dialogic subjects: voicing doubt and distance

In this final section, I explore some problems of thinking of people as subjects of governance practices. In particular, I am troubled by the way that many studies of governance (and discourse more generally) assume that governmental practices produce the subjects they seek. For example, Rose, discussing advanced liberal governmentality, argues that:

In this new field, the citizen is to become a consumer, and his or her activity is to be understood in terms of the activation of the rights of the consumer in the marketplace.

Consider, for example, the transformations in the relations of experts and clients. Whilst social rule was characterized by discretionary authority, advanced liberal rule is characterized by the politics of the contract, in which the subject of the contract is not a patient or a case but a customer or consumer. Parents (or children – the issue is contested) are consumers of education, patients are consumers of healthcare, residents of old people's homes are in a contractual relation with those who provide care, and even those occupying demeaned categories (discharged prisoners in halfway houses, drug users in rehabilitation centres) have their expectations, rights and responsibilities contractualized. Of course, these contracts are of many different types. Few are like the contracts between buyer and seller in the market. But, in their different ways, they shift the power relations inscribed in relations of expertise. This is especially so when they are accompanied by new methods of regulation and control such as audit and evaluation.... The politics of the contract becomes central to contests between political strategies concerning the 'reform of welfare', and to strategies of user demand and user resistance to professional powers.²² (1999, pp. 164–5)

This is suggestive – but our own study suggests that both institutional practices and the identifications operant among the public do not fit this consumer/contractual nexus. In particular, people actively refuse the identification of being a consumer of public services and the

implied de-differentiation between public services and the market place. Nor do people grasp their relations to public services within the binary of citizen-consumer so central to contemporary public, political and social science debates. The dominant identifications in our study are either service specific (patients, service users) or defined as membership of a larger local or national collectivity (the public; the local community).²³ In this context, I want to explore two final quotations from our study that raise issues about how we understand the relationship between subjects and dominant discourses:

Patient is the traditional term and I think it is still appropriate. The *NHS is a service* to users (in the local community). I know 'consumer' and 'customer' imply choice and that is what we are supposed to want. I would consider it an acceptable achievement if everyone could have what was best in the matter of treatment as of right. There are certain cost considerations but that is another issue. 'Choice' may be a political ploy to take our eye of the ball and confuse us as to what really matters. Choice sounds a good thing – but is it? Sorry, this is one of my hobby horses! (Newtown health user: patient and service user: emphasis in original.)

With the health service as a national health service, it's more than, I feel it's more than just the services that you consume. I mean I am concerned with it more on the whole than just being consumers. So even if I wasn't attending the hospital or seeing my GP regularly, OK I'd still register with a GP, so from that point yes I would be a consumer, but it's not... If I was 100% healthy and not using, consuming the services, I would still feel a relationship to the health service because I pay for it. It is not Tony Blair's or whoever's money, it's our money, we paid for it, it's the nation's, the national health service. And I do consider that when I cast my vote. So even if I wasn't actually in need of the service it still does affect me and I still would consider that at election time. So I feel it's more than just a direct consumer because you are paying for a national service for everyone's benefit. Whether you actually need to consume that service or not, is not the primary consideration. So it's wider than just being considered a consumer, I feel. (Newtown health user 3)

These are what I have called elsewhere 'subjects of doubt'. They reflect upon the dominant discourse, its interpellations and the subject positions it offers. They reason about different sorts of identifications and

the relationships they imply. They make choices about what terms evoke their desired personal and political subject positions. For me, they embody some of the key features of what Holland and Lave call 'dialogism' – a relation in which subjects are to be found 'answering back' to power.²⁴ In short, this suggests that the practice of scepticism is a popular – rather than an academic – commonplace. The quotations above speak of people who know that they are being spoken to – and are reluctant to acquiesce or comply. Listen to the complex reflexivity at play in this sentence: 'I know 'consumer' and 'customer' imply choice and that is what we are supposed to want'... There speaks a person who hears the process of subjection (that is what we are supposed to want), recognises its political-cultural character, and offers an alternative account of 'what we want': as a 'matter of right'. These subjects require an analysis that is attentive to the breaks and disjunctures in the circulation of discourses – rather than assuming their effectivity.²⁵

These are subjects who are already sceptical – who do not need the revelatory mode of academic analysis to demonstrate what they already know (that language and power are entwined; that words have consequences and implications; that the future is being constructed and is contested; that identifications matter). They are, of course, not *outside* discourse – rather they mobilize different discourses to enable the space of scepticism about the dominant one. They inhabit the world of 'common-sense' in its Gramscian sense in which 'traces' of multiple philosophies, ideologies, discourses are layered up and may be put to use.²⁶ This Gramscian view is, I think, different from more sociological conceptions of common-sense as the realms of everyday knowledge colonized by dominant understandings. Gramsci was insistent about its multiplicity and the effects of that multiplicity for the possibilities of political work and engagement. In particular, he stressed how – in political terms – common-sense always contained elements of 'good sense', rather than being merely regressive or reactionary. In the disjunctured and sometimes contradictory relationships between these different elements, perspectives on the dominant discourses may be opened up.

These questions about language, subjection and scepticism point to a view of governing being an uneven and incomplete process that has to proceed through alliances, compromises and conflicts in which subjects succumb, sign up, or comply – but also resist or prove recalcitrant and troublesome. As a result, attempted subjections are likely to be less than comprehensive and only temporarily settled. In short, I think we are better served (analytically and politically) by an approach that

stresses a *politics of articulation* rather than a *politics of subjection*. This would give more attention to the construction of social and political blocs; to the political, ideological or discursive means by which social groups are mobilized or de-mobilized; and to the temporary, unstable and contradictory aspects of 'settlements'.

Our study suggests that people (staff, managers and users of public services) have a complicatedly sceptical relationship to New Labour's view of consumer choice as a means of reforming public services. People using the services do not have any strong inclination towards the identifications offered by terms like consumer and customer. Indeed, they have complex and reflexive accounts of why they do not understand their relationships to public services in such terms. They are dialogic subjects (Clarke, 2004a; Holland and Lave, 2001). They understand the dominant discourse and understand how they are spoken for within it. But they draw on a variety of 'residual and emergent' discursive resources to distance themselves from it, from the identifications that it offers them and from the model of the future that it offers. We think this dialogic mode cannot be captured in the simple domination/resistance model for two reasons. The first is the heterogeneity of the political, cultural and discursive resources on which people draw in articulating their distance from the dominant discourse. In Gramscian terms, they make use of the diversity of 'traces' within contemporary common sense – including some of the traces that are voiced differently within the dominant discourse (ideas of fairness and equity, for example). Secondly, 'resistance' implies an active state or set of practices. While many of our subjects in this study are resistant to New Labour's model of consumer centred choice, this describes something closer to an immunological condition rather than a mobilized or mobilizing set of practices. It might best be described as a condition of 'passive dissent' lacking processes of activation and mobilization.

This condition of passive dissent could be seen as either a problem for, or an achievement of, New Labour as a political and governmental project. It marks a degree of 'sceptical distance' from the project: a set of doubts about whether New Labour can, or even wants to, deliver in relation to public desires. This view would emphasize the 'dissent' part of passive dissent – pointing to a failure to engage and mobilize sections of the public. The alternative view would place rather more stress on the 'passive' term, seeing New Labour as having successfully demobilized potential sources and resources of opposition. The sense of passivity has something to do with feeling disconnected from New Labour, from 'politics', and from the dominant consensus (since

all the main parties have become enthusiasts for choice in public services). Passive dissent may not be a distinctive condition associated with New Labour's public service reforms – it might be a more widespread relationship between substantial sections of the public and the political process.

I do not mean to romanticize these issues of resistance, recalcitrance and dissent (even in its passive form). The distance between people and intended subjections is not intrinsically progressive, nor even intrinsically political (in the sense of mobilization of collective action). However, as Partha Chatterjee insists, the recalcitrant, difficult and demanding existence of the 'governed' has profound political effects.²⁷ It is possible, of course, that systems – economic, political or governmental – may work without the full subjection/subordination of their subjects. Grudging or calculated compliance may, indeed, be enough to make things work. Nevertheless, the gaps here between imagined subjection and lived practices should alert us to both the limits of plans and to the possibilities for alternative ways of thinking, being and doing.

Notes

- 1 See, for example, A-M. Kjaer, *Governance* (Cambridge, 2004); and G. Peters, 'Governance and the Welfare State' in N. Ellison and C. Pierson (eds) *Developments in British Social Policy 2* (Basingstoke, 2003). The view of governance taken here owes much to the approaches developed in J. Newman, *Modernising Governance* (London, 2001); and J. Newman (ed.) *Remaking Governance* (Bristol, 2005).
- 2 See, for example, M. Bevir, R. Rhodes and P. Weller (eds) *Traditions of Governance: History and Diversity*, a special issue of *Public Administration* 81(1) (2003); N. Flynn, 'Managerialism and Public Services: Some International Trends', in J. Clarke, S. Gewirtz and E. McLaughlin (eds) *New Managerialism, New Welfare* (London, 2000); and C. Pollitt and G. Bouckaert, *Public Management Reform: A Comparative Analysis* (Oxford, 2000).
- 3 See J. Clarke, 'Disorganising the Public Realm', *Rivista Delle Politiche Sociali*, forthcoming.
- 4 G. Esping-Andersen, *The Three Worlds of Welfare Capitalism* (Cambridge, 1990); T. H. Marshall, *Citizenship and Social Class* (Cambridge, 1950).
- 5 J. Clarke, J. Newman, N. Smith, E. Vidler and L. Westmarland, *Creating Citizen-Consumers: Changing Publics and Changing Public Services* (London, 2007).
- 6 See, for example, U. Beck and E. Beck-Gersheim, *Individualization: Institutionalised Individualism and its Social and Political Consequences* (London, 2002); and A. Giddens, U. Beck and S. Lash, *Reflexive Modernization* (Cambridge, 1994).
- 7 For example, D. Harvey, *A Brief History of Neoliberalism* (Oxford, 2005) and B. Jessop, *The Future of the Capitalist State* (Cambridge, 2002).

- 8 For example, W. Brown, *Edgework: Critical Essays on Knowledge and Politics* (Princeton, NJ, 2006); C. Kingfisher (ed.) *Western Welfare in Decline: Globalization and Women's Poverty* (Philadelphia, PA, 2002); W. Larner, 'Neoliberalism: Policy, Ideology, Governmentality', *Studies in Political Economy*, 63 (2000), pp. 5–25; W. Larner and W. Walters (eds) *Global Governmentality* (London, 2004); and A. Peterson, I. Barns, J. Dudley and P. Harris, *Post-Structuralism, Citizenship and Social Policy* (London, 1999).
- 9 J. Clarke and J. Newman, *The Managerial State* (London, 1997).
- 10 Newman, *Modernising Governance*.
- 11 A. Finlayson, *Making sense of New Labour* (London, 2003); D. Steinberg and R. Johnson (eds) *Blairism and the War of Persuasion: Labour's Passive Revolution* (London, 2004).
- 12 Prime Minister, Foreword to Secretary of State for Social Security and Minister for Welfare Reform, *New Ambitions for Our Country: A New Contract for Welfare* (London, 1998), Cm 3805, pp. iii–iv.
- 13 Office of Public Services Reform, *Reforming our Services: Principles into Practice* (London, 2002), p. 8.
- 14 A. Milburn, *Redefining the National Health Service*, Speech by the Secretary of State for Health to the New Health Network, 14 January 2002.
- 15 Ministers of State for Department of Health, Local and Regional Government, and School Standards *The Case for User Choice in Public Services*. A Joint Memorandum to the Public Administration Select Committee Inquiry into Choice, Voice and Public Services, London, 2004, p. 4.
- 16 The debate is in part carried on in the Committee's report and the Cabinet Office's response: Public Administration Select Committee (2005) *Choice, Voice and Public Services*. Fourth Report of Session 2004–5, Vol. 1. London, House of Commons (HC 49-1); and Cabinet Office (2005) *Choice and Voice in the Reform of Public Services: Government Response to the PASC report – Choice, Voice and Public Services*. London, Cabinet Office/Office of Public Services Reform (Cm 6630). See also J. Clarke, N. Smith, and E. Vidler, 'The Indeterminacy of Choice: Political, Policy and Organisational Dilemmas', *Social Policy and Society*, 5(3) (2006), pp. 1–10; and T. Cutler and B. Waine, 'A New Epoch of Individualisation? Problems with the 'Personalisation' of Public Services', *Public Administration*, forthcoming.
- 17 *Creating Citizen-Consumers: Changing Identifications and Relationships* was funded as part of the ESRC/AHRC Cultures of Consumption research programme between March 2003 and May 2005 (Grant Number RES-143-25-0008). The project also included Janet Newman, Nick Smith, Elizabeth Vidler and Louise Westmarland and was based in the Department of Social Policy at the Open University. We studied three public services: health, policing and social care in two different locations (Oldtown and Newtown) and involved service managers, front line staff and users of the services. More details about the study can be found at www.open.ac.uk/socialsciences/citizenconsumers.
- 18 J. Clarke, 'Performing for the Public: Doubt, Desire and the Evaluation of Public Services', in P. Du Gay (ed.) *The Values of Bureaucracy* (Oxford, 2005).
- 19 See J. Twigg, *The Body in Social Policy* (Basingstoke, 2006).

- 20 These issues are explored further in J. Clarke and J. Newman, 'What's in Name? New Labour Citizen-Consumers and the Remaking of Public Services.' *Cultural Studies*, forthcoming; and J. Newman and E. Vidler, 'Discriminating Customers, Responsible Patients, Empowered Users: Consumerism and the Modernisation of Health Care', *Journal of Social Policy*, 35(2) (2006), pp. 193–209.
- 21 For a subtle discussion of conceptions of ownership and belonging in governance, see D. Cooper, *Governing out of order* (London, 1998).
- 22 N. Rose, *The Powers of Freedom* (Cambridge, 1999), pp. 164–5.
- 23 See J. Clarke *et al.*, *Creating Citizen-Consumers*; and J. Clarke and J. Newman, 'What's in a name?'.
24 D. Holland and J. Lave, 'History in Person: An Introduction' in D. Holland and J. Lave (eds) *History in Person: Enduring Struggles, Contentious Practices, Intimate Identities* (Santa Fe and Oxford, 2001).
- 25 See also G. Marston, *Social Policy and Discourse Analysis* (Aldershot, 2004).
- 26 A. Gramsci, *Selections from the Prison Notebooks* (London, 1971).
- 27 P. Chatterjee, *The Politics of the Governed* (New York, 2003).

6

The Governance of Health Policy in the United Kingdom

Ian Greener, Martin Powell, Nick Mills and Shane Doheny

This chapter explores the process through which the health consumer has been constructed through health policy in the United Kingdom (UK) National Health Service (NHS). It suggests that we should consider the traditions from which policy-makers draw as being both ideational and structural coalitions that attempt, at particular moments in the service's history, to change the interactional relationship between those delivering health services on the one hand, and the users of health services on the other.

To demonstrate this, the chapter presents Archer's morphogenetic approach to construct a framework that incorporates both ideational and structural elements. This framework is then applied to an account of the development of governance in the NHS, using as illustrative cases the use of market-based reforms of the 1990s, and the attempt by New Labour to reintroduce a market for healthcare today.

So, this chapter presents the view that to understand changes in the development of political organizations we must consider the ideational and structural influences upon them, as well as their interplay with actors within those organizations, whereas many of the approaches currently taken tend to place a disproportionate weighting on the influence of either ideas or structures in their analysis. It aims to make two contributions. First, it presents the case for a critical realist approach to public administration, arguing in favour of a dualist approach to the analysis of structure, culture and agency in order to bring out the interplay between these elements. Second, it sheds light upon the case of the development of market-based reforms within the UK NHS to explore how the interplay between structure and culture is central to understanding past problems and future potential for success.

We proceed as follows; first we consider the potential of critical realism, through morphogenetic social theory, to deal with the problem of favouring either ideas or structures in analysis before going on to present the case of the development of health reform in the NHS which demonstrates the importance of analytically separating ideas and structures. Finally it presents a general conclusion.

Culture and morphogenetic social theory

Unless we are prepared to accept that behaviour in public organizations is simply the result of the interplay between structural interests, we have to attach some importance to the role of ideas in public administration. Margaret Archer's morphogenetic approach¹ places both structure and culture at its centre, and so offers such a possibility. What morphogenetic social theory offers is a general framework within which both approaches can be combined, and through which the interplay between structures and ideas might be explored.

Archer's approach to the consideration of history² is based on the critical realist approach³ which contains clear propositions concerning the links between ontology, epistemology and methodology. In brief, the world is considered to exist independently of human perception of it (in contrast to many post-modern authors), but that our perceptions of it are limited by our understanding. This leads to a separation of the domains of the empirical; what we can measure; the actual; what is out there in the world, including what we can measure; and the real, which embraces both the empirical and the actual, but also includes and cultural influences over us. These influences come from the interplay of vested interests in both the cultural (broadly the ideational sphere within which Bevir and Rhodes' analysis lies) and the structural (broadly the institutional sphere within which historical institutionalism bases its approach) spheres, and which present us with particular logics which condition, but do not determine, our behaviour.

The logics within which we interact carry cultural (linking us to traditions) or structural (linking us to institutions, or more precisely, patterns of internal or necessary relations between actors⁴) contexts that pre-exist us. Necessary relationships exist where we require the support of vested interests other than our own if we are to attain or retain dominance, and which form the basis of structures or inextricably linked ideas that depend upon one another for coherence. Contingent relations exist where we do not require such support. Compatible relations appear when the institutions or ideas of others are regarded as being

Table 6.1 Structural and Cultural Situational Logics

Emergent property	Structural situational logic	Cultural situational logic
Necessary compatibilities	Protection	Protection
Necessary incompatibilities	Compromise	Correction leading to syncretism
Contingent incompatibilities	Elimination	Choice (forcing of)
Contingent compatibilities	Opportunism	Cultural 'free play'

Derived from Archer (1995, p. 218)

compatible with our own, and incompatible relations the opposite. The combinations of necessary and contingent, and compatible and incompatible relations, create logics which are outlined in Table 6.1.

Situational logics, it must be stressed, are conditioning of behaviour, and do not determine it, but they do create a substantial opportunity cost for those working against them.⁵ The approach is perhaps best demonstrated through the use of an example. Here we consider the case of health service governance in the UK not only because of its contemporary relevance, but also to reveal the explanatory power of the morphogenetic approach.

Following the morphogenetic approach, we will give an account of the development of NHS reform presented as occurring in phases, paying attention particularly to the introduction of market mechanisms into healthcare because of their strong contemporary relevance. The key analytical element is that the cultural and structural logics are regarded as ontologically and analytically distinct in order to be able to explore their historical interplay. We will therefore take each sphere separately in each analytical phase before going on to examine how ideas and structures are inter-related.

The creation and establishment of the NHS (1948–1953)

Structural formation

The institutional form of the NHS agreed at its creation, after protracted periods of debate and negotiation,⁶ was hugely influential upon

its subsequent history. The NHS was created with several distinctive structural features, perhaps the most significant of which was that it was based upon an effective agreement between the state and the medical profession that the state would effectively allow the doctors operational control of the health service in return for them agreeing to remain within the overall budget set by the state. The state and the medical profession therefore placed themselves into a mutual relationship often referred to, following Klein, as the ‘politics of the double-bed’.⁷ The doctors needed the state as it was, because of nationalization, to effectively become the monopoly health services employer. But the state also needed the medical profession to deliver the care that the NHS required, and recognized that it was not just another employee group, but a social elite with which it had to negotiate.⁸

The institutional form of the NHS then, located the interactions between the doctors and the state in a structural relationship that was necessary in nature – the two interests needed one another. As to whether the relationship was compatible, however, was another question. Medical leaders had little patience with politicians, and did not entirely share their goals for the NHS, having rather less concern with cost and rather more with either patient care or improving their own pay and conditions. A structural logic of compromise therefore predominated.

Cultural formation

To understand the reasons as to why the NHS has subsequently proven so difficult to reform, however, we must look beyond structures. The NHS was based upon remarkably compatible cultural traditions. The state in 1945 was allied to a form of strong Fabianism in which the means of production was being brought into state hands not simply because of the belief that this might create a fairer society (although this was clearly an aim) but also because it was thought to be more efficient.⁹ This was a remarkable fit with the rise of what we might term ‘scientific medicalism’ in the period immediately before the war, but certainly after it, and which marked a sea-change in the organization and practice of medicine. What is perhaps not widely known is that what we might term scientific medicalism only really came into its own in the post-war period, with Penicillin being discovered in wartime, and so introducing the age of antibiotics, and the introduction of the randomized controlled trial in 1950 introducing systematic medical research.¹⁰ Rationalism, the belief of using expertise to solve

problems, was common to both Fabianism and scientific medicalism, but also to the dominant economic approach of Keynesianism¹¹ and presented each with a common language and understanding based around technocracy and paternalism. The problem of ill-health could be resolved by better organization and the application of the scientific method to this goal. A cultural logic of protection, caused by a necessary and compatible relationship between ideational traditions, was established.

As such, the institutions favoured most by the NHS, the hospitals, and the ideas upon which these were justified, Fabianism and scientific medicalism, interlocked together strongly, establishing a remarkably durable settlement. Equally, the structural dominance of consultant medicine in hospitals fitted well with the new world of scientific medicine, creating sites for research and hi-technology medicine. However, the compromises contained within the settlement were quickly to become frayed.

Discord and dissatisfaction (1953–1982)

Structural interaction

The structural compromise between the doctors and the state quickly became problematic. First, there was the concern from politicians that the state was effectively paying for the NHS, but had remarkably little influence over exactly what that money was spent on. The state had an obvious problem; healthcare had been organized to give doctors maximum autonomy in the NHS, but the state had Parliamentary accountability for its running, and often took the blame when things went wrong. As such, we can see the State attempting to find ways of intervening in the running of the NHS by holding an inquiry into its costs¹² as well as increasing service charges.¹³

The medical profession, on the other hand, was undergoing something of an internal revolution with general practitioners demanding better pay and status,¹⁴ but more significantly, finding itself becoming more socially diverse. The Royal Colleges increasingly found that they could not assume they were speaking for hospital doctors¹⁵ as a new generation of medics was recruited that were often from very different social backgrounds, and which contained increasing numbers of women. We saw movements to establish a Royal College of General Practitioners to attempt to counter the influence of hospital doctors in the regulation of the profession,¹⁶ and increasing disquiet that the fees commanded by doctors in the NHS were proving to be often

considerably smaller than those available in other countries – especially the US and Germany. If doctors complained that health services were not organized adequately, they were also increasingly vocal about the lack of funding the NHS received.

The first reorganization of the NHS, eventually taking place in 1974, can be seen as a series of rounds of the state putting forward proposals¹⁷ and the medical profession vetoing the parts it did not like.¹⁸ In an attempt to satisfy both state and medics the resulting legislation, put in place by the Conservative government but implemented by Labour (again further demonstrating the compromises in place) created an organizational form with a built-in veto at so many levels that any plans that went against the beliefs of doctors held virtually no chance of being implemented.

Cultural interaction

The ideational coalition between Fabianism and scientific medicalism came under pressure when Labour left office at the beginning of the 1950s. A more sceptical Conservative government was in power that found itself inheriting an essentially socialist NHS.¹⁹ The Conservatives set about trying to find an alternative means of funding health services, increasing national insurance and charging across the service.²⁰

This was not the only cultural challenge. The rise of feminism in the 1960s was hostile to the paternalism associated with scientific medicalism, critiquing medical practice and its impersonality, especially around areas such as childbirth²¹ where practices such as episiotomy were often unjustifiably widespread. Examinations of medical practice as a means of control began to appear which presented doctors as being motivated by motives other than altruism and public service,²² and which paved the way for the consumerist critiques of the 1980s.²³ If scientific medicalism remained the dominant tradition of medicine it was increasingly criticized by many of its alleged beneficiaries.

The Labour government in the 1960s was elected on an agenda of modernization and represents the high-point of technocratic planning in government, but quickly ran into well-documented difficulties.²⁴ The main ideational challenge, however, came in the early 1970s as the state found the basis of its Keynesian macroeconomic policy in tatters. Devaluation, exit from the Bretton Woods fixed exchange rate system, and subsequent increases in oil prices left Keynesian economists attempting to explain simultaneously rising inflation and unemployment at a time when their doctrines suggested that the two worked in opposite directions.²⁵ If Keynesianism was failing, then the state inter-

vention and paternalism that were justified in its name were threatened.²⁶ The medical profession was being cast not as an elite interest compatible with the state, but instead as a trade union, and so a barrier to reform of the economy and the public sector.²⁷

Interaction between culture and structure

The most significant health policy development of the 1960s represents both the success and failure of the structures set up in the 1940s. The NHS Hospital Plan²⁸ was an ambitious attempt to instigate capital building to improve the infrastructure of crumbling buildings inherited at the service's creation. The Plan demonstrated the state's commitment to improving the NHS through what Klein calls 'technocratic change',²⁹ but became a casualty of the economic difficulties of the 1960s. Balance of payments crises limited public sector funding and comparative studies laid bare Britain's relatively poor economic performance. In a political environment where governments could not be seen to be cutting NHS services, capital budgets were always the first to suffer.³⁰

Even though the relationship between the state and the medical profession was becoming conflictual (very visible in industrial disputes in the 1970s³¹) the two groups were still positioned in a structurally necessary relationship. A cultural logic that suggested conflict between the goals of the state and those of the medical profession was structurally located in an organization that held the two in check; the state still required the medical profession to run the NHS, and the doctors were still effectively employed in a state-funded health monopoly. Attempts to resolve this tension help explain reform in the next two decades.

Conflict and retreat (1982–1999)

Structural interactions

If the structural logic of the NHS at the beginning of the 1980s was one still of compromise, the state and medical profession were increasingly mutually suspicious. Reforms in the 1980s and 1990s attempted to work out the tensions of this logic. First, the 'Griffiths' managerial reforms,³² conducted not as the result of a Royal Commission, but on the recommendations of a private sector director tasked with coming up with a solution acceptable to the government, proposed that the problem with the NHS was that no-one was in charge. A new professional class was to be introduced into the NHS – the general manager, and there was to be an end to the 'consensus' approach to NHS management implicit in the service from its beginning, but

organizationally built-in from the 1970s.³³ Managers were to make the NHS more responsive to patient need, to make 'patients and the community....central to its activities',³⁴ implying that the medical profession, on their own, could not be relied upon to do this. The 'Griffiths' management reforms were seen by many medics and commentators as a state-led attempt to challenge their role in health services.³⁵

Perhaps even more significant, however, was the introduction of compulsory competitive tendering (CCT) into the NHS. This effectively began the process of blurring the boundaries between the public and private sectors in provision, allowing competition in ancillary services. This had two results; first it created a precedent for allowing private organizations to provide public services that could later be expanded upon. Second, it introduced a contractual basis into health provision that had not formally been in place. The NHS was moving from being an organization based not on trust, but on contract,³⁶ in turn paving the way for further structural reforms.

By the end of the 1980s, leaders of Royal Colleges were taking out advertisements criticizing the lack of funding in the NHS, helping create a media frenzy that was a significant factor in the instigation of the reforms leading to the internal market. The government, under pressure to demonstrate health service improvement and with the Prime Minister concerned that the NHS was becoming a 'bottomless financial pit',³⁷ set about reforming health services again,³⁸ taking both the general management and CCT reforms further. The NHS was divided into purchasers and providers of healthcare to create an 'internal' or 'quasi' market for healthcare in the name of improving patient care and achieving greater efficiency, based around a theoretical structure in which purchasers could demand improvements from providers of care both in terms of quality and of cost, but did not really confront the local health cartels in which shortages in public provision led to lucrative private care referrals.³⁹

The result of all this reform was remarkably unradical. In the 1990s we see the 'becalming' of health policy.⁴⁰ After a frantic decade of structural reforms, governments attempted instead to attempt to try and get existing organizational structures to work better,⁴¹ apparently reconciled to the logic of the necessary relationship with the medical profession. This period of relative calm was not to last long.

Cultural interaction

The cultural logic in the 1980s was one of forcing choice. Medical leaders became openly critical of the lack of funding the NHS was receiving and

both international and theoretical examinations of state spending on healthcare appeared to support them.⁴² In turn, the medical profession increasingly found itself regarded by the government as a democratically unelected body attempting to block public reform. The government also intervened in medical regulation, demanding reforms from the General Medical Council which found itself in financial crisis as its increasingly heterogeneous membership refused to pay new fees requested of it.⁴³ Medical regulation was in something of a crisis, losing legitimacy from the general public that found itself reading about cases of medical scandal that suggested, with some justification, that patients were not being protected from incompetent doctors,⁴⁴ and who were in turn actively questioning medical expertise.⁴⁵

What was remarkable in this time was the abundance of new cultural ideas for the organization of health services. Many of these came from the US, where the growth in health expenditures since the introduction of Medicare and Medicaid in the 1960s had been dramatic,⁴⁶ and had resulted in new cost control systems and created worldwide interest into which policy entrepreneurs such as Alain Enthoven could work. Enthoven's ideas were based around the introduction of market forces into healthcare.⁴⁷ At exactly the same time this type of reform was being recast as being compatible with the socialist principles upon which the NHS was founded; 'market socialism'⁴⁸ presented a new syncretism that suggested that fairness and equity were not the result of markets, but could actually be reduced through their use. This gave legitimacy to ideas such as Enthoven's, and fitted neatly with the Thatcher government's predisposition of seeking a market solution for every problem (although Thatcher herself was remarkably reticent about using market mechanisms in the NHS).⁴⁹ It is therefore entirely culturally unsurprising that the internal market reforms appeared, being ideas that were very much a product of their time.

Interactions between structure and culture

The internal market reforms of the 1980s, from a cultural perspective, were based upon principal-agent theory. Doctors were positioned as the agents of patients, and were meant to act on behalf of their principals' wishes. But reform is seldom this straightforward; this approach presumed that GPs and other purchasers, upon reflecting upon the range of providers before them, would refer patients to the most efficient and effective provider. But the structure of the market meant that this might not happen. First, there was the high level of mutual dependence between GPs, health authorities and their providers, with

most hospitals extremely dependent upon a small number of purchasers with the majority of their income coming from one district health authority, which, in turn, referred most of its cases to a large local hospital.⁵⁰ This meant that purchasers were often unable to divert funds to more efficient alternative providers because of the political consequences that might accrue, such as hospital closure.⁵¹ In addition to this, there is considerable evidence that purchasers lacked the information to be able to contract on the basis of improving services for patients, even in fund-holding practices where the interaction between patient and doctor was far more immediate.⁵² Finally, the intrusion of market values into the NHS was actively resisted by many medics on the grounds that it would interfere with the public ethos of the service,⁵³ and also that it might interfere with doctors' private practice in the local area.

In the internal market reforms there was therefore a cultural idea underpinning how relationships could be changed to make competitive processes work, but it was not a model often shared by those working within the health service, and it lacked the competitive structures necessary to allow it to happen. This was exacerbated by the Department of Health quickly moving away from market ideas and language,⁵⁴ and adopting instead a remarkably pragmatic approach to implementing the internal market that led to the architect of the reforms, Kenneth Clarke, being replaced as Secretary of State by a series of more conciliatory figures,⁵⁵ and criticisms from Enthoven, who led the development of the quasi-market concept in the first place.⁵⁶ This is ironic because NHS reform was often characterized at this time as being dominated by ideology,⁵⁷ when accounts from inside the policy process suggest a rather more cautious and contingent approach.⁵⁸ In analytical terms the lack of competitive structures and failing political will on the one hand, but the relatively coherent cultural ideas around quasi-markets on the other, highlights the importance of considering both the ideational structural realm – without considering the interactions between the two in the case of the internal market reforms of the NHS, we can present only a partial account of their history.

Policy in the 2000s – revolution and continuous reform

Structural interaction and elaboration

Upon returning to power in 1997, the New Labour government placed considerable store in emphasizing continuity in economic policy with the Conservatives, and so there was little scope for taking on new public sector spending commitments. In 1997 they claimed to have

abolished the internal market on the grounds that it was wasteful and unresponsive,⁵⁹ but the purchaser/provider split remained, recast into a longer-term contracting arrangement instead.⁶⁰ The necessary relationship between state and doctors was still in place.

But by 2000, things had changed. Facing criticism that health reform had been ignored in their first years in office, Labour published an 'NHS Plan',⁶¹ initiating the most ambitious increases in funding for the service in its history,⁶² but only on the condition that significant reform was achieved. The most immediate sign of the changes was the introduction of a performance measurement system and a funding system that allowed high performers greater freedoms and access to funds.⁶³ By the end of 2001, however, it was clear that the internal market was also being reinvented,⁶⁴ but on a more radical basis than under the Conservatives.⁶⁵ This is because the government made it their explicit agenda to encourage private and not-for-profit sector provision to enter the NHS to create local competition. Organizations such as the Nuffield Trust stand to benefit from 'the mixed economy of care' by providing additional capacity to public provision; remaining an independent provider, but working for the NHS, and being inspected by the same organizations as public-run hospitals and trusts. The NHS is coming to resemble a mix of public, private and not-for-profit organizations all competing for patient referrals from GPs and Primary Care Trusts under a unified inspection regime.⁶⁶ The NHS will continue to fund services, but it is less than clear if it will also always provide them. This is perhaps the most significant legacy of the current reforms, not only because of its potential to restructure local health economies around greater competition, but also because of its effects on professional relationships.

Within public provision, new contracts for GPs and Consultants have placed them under increased scrutiny, and moved these groups more than ever before to a system where managers are able to oversee medics. The new contracts, which have given the doctor groupings significant increases in pay, award 'points' to GPs based on their performance across a number of measures, and specify duties for Consultants far more clearly than ever before, treating doctors far more as employees (albeit well-paid ones) of the NHS than privileged professions groupings.

Contractual and organizational changes mean that for the first time there is the potential for state-medical profession relations to no longer be necessary in character. The structural situational logic, then, is moving away from compromise toward one in which conflict is far more likely.

The interdependencies of the past are being eroded through the introduction of private capacity into the NHS, and the treatment of the medical profession as employees rather than co-managers.

Cultural interaction and elaboration

What is less clear is exactly what cultural ideas underpin health reform in the 2000s. Under the Conservatives principal-agent market formations dominated, recognizing that individual patients had limited ability to engage in decision-making in healthcare because of the role of medical expertise. We are now told by Labour that 'what counts is what works', and the introduction of private and not-for-profit competition into the NHS can be seen as an attempt to address the difficulties the Conservatives experienced in the 1990s by both increasing the scope for competition and breaking up the potential for medical private practice cartels. Equally, the introduction of PFI and PPP could be seen as a result of the failure of the Hospital Plan of the 1960s – a pragmatic, realistic response to the difficulties of securing public sector finance. This is certainly the view presented by the 'Third Way';⁶⁷ presenting politics as not being about ideology, but instead practical responses to policy problems.

But all of this pragmatism rests upon a common set of assumptions; that private finance and management is better than its public equivalent, and that markets and more choice represents the key to public sector reform. We might, following Jessop,⁶⁸ characterize this as 'Schumpeterianism', signifying a sea-change from Keynesian paternalism towards an approach to public reform based around the attempt to foster entrepreneurial behaviour through creating market mechanisms and incentives.⁶⁹ Alongside all of this the choice agenda grows in importance, based on assumptions that it is service users who are best placed to make their own welfare decisions.⁷⁰ This ignores a central tenet of principal-agent theory, which is that, where there is significant expertise involved in a decision, it may be better for a qualified expert to make it on our behalf.

The London Patient Choice pilot project can be seen as a great success, with around $\frac{2}{3}$ of patients who were offered a choice of hospital taking up that opportunity. But this conceals a great deal. In London, choices were offered in a highly structured way to a particular group of patients (those waiting over a period of time), and with considerable support available to make the relatively simple choice on offer (whether or not to take up the offer of an alternative provider who would treat them more quickly). But organizational problems

appear to have beset the pilot with only $\frac{1}{3}$ of patients who qualified for choice actually being offered it, and with inadequate information being offered concerning service quality and performance of possible alternative providers.⁷¹ In addition to this we can attribute much of the success in achieving the $\frac{2}{3}$ take-up of choice offer being down to the provision of transport for patients and the project resting upon an infrastructure of advisors to help patients with their relatively simple choice, neither of which is likely to be replicated on the same scale or intensity in the rest of the country.

It is also less than clear whether individuals actually wish to choose their health providers,⁷² and, even if we assume away the significant IT problems besetting the 'choose and book' system upon which the operationalizing of choice in the NHS depends, then we can expect considerable resistance from doctors suspicious of the new mixed economy of care, for, as we have already noted the recasting of health economies is designed to decrease their ability to refer to whom they wish. Finally, the information problem remains.⁷³ The first information booklets for patients about their new choices⁷⁴ are interesting in that they explain not only why choice is necessary (perhaps adding to the argument that it is not self-evident) but because they include simplistic data upon which choices are meant to be made, based only on Trust-level data, and with the availability of car parking spaces appearing more significant than the very limited clinical data present.

The key question then, is how, and on what basis are patients meant to choose in the new internal market? The answers remain extremely unclear. If there is a cultural idea through which patient choice can work, it might be, ironically given the language of consumerism used to promote the reforms, a reversion to principal-agent theory in which doctors will end up making choices, for the most part, on behalf of their patients. Because of the lack of clarity about how patients are meant to make choices in the new mixed economy of care, the reforms might end up reinforcing medical power rather than challenging it, as patients delegate the new choices available to them to their general practitioners. The irony of this is strong enough in itself, but it goes further than that. When we considered the case of the first internal market in the 1990s, we noted that the relatively pragmatic approach of the government was often painted as being overtly ideological. In the 2000s, we have a government pursuing a choice agenda in the name of pragmatic policy-making, when its assumptions about private provision and market mechanisms appear ideological rather than evidence-based.

The situation within which the medical profession finds itself under the patient choice agenda is even more complex than this. On the one hand doctors are to make medicine evidence-based, with inspection regimes and evidence hierarchies becoming an increasingly significant part of their practice. On the other hand, they are also required to be more customer-focused, with the state raising expectations about the level of service that patients should expect to receive, but more significantly about their ability to exercise voice as to the kind of care they should receive, offering the potential for patients to choose treatments such as homeopathy for which there is little or no evidence. Harrison's excellent account of the rise of evidence-based medicine in relation to consumerism demonstrates the ambiguity of the resulting interplay, with patient consumer groups appealing against medical decisions through their increasingly sophisticated understanding of the process through which new medicines are licensed under the NHS.⁷⁵ There is something of a paradox here; medicine is urged to become ever more evidence-based, organized around randomized controlled trials so producing results of ever greater generality, at exactly the same time as consumers demand information that pertains specifically to them, and which may be based on the personal experiences of self-help groups they have located on the internet.⁷⁶ Markets take on a new role under these circumstances as mechanisms for resolving these tensions, with, at the time of writing, considerable uncertainties attached to the possible results.

Interaction between structure and culture

The above analysis presents the current wave of reforms with a significant problem. In the 1990s, there was a clear cultural idea underpinning NHS reform based around principal agent theory, but a lack of this view of the world being shared by those working within the NHS, a failure of political will to implement them, and a lack of market structures to make them happen. We now have, in many ways, the opposite position. We now have market structures for introducing choice and competition into health services, and the government demanding radical reform, but little idea, except a series of presumptions based around the effectiveness of markets and the private sector, of exactly how these reforms are meant to operate. Central to the contemporary situation is the lack of clear mechanisms through which patients can make choices in the new internal market. If patient choice is meant to be the driver for health service improvement, but patients

have little desire or capacity or ability to make choices, then it is extremely unclear how the reforms are meant to work.

What is clearer is that the boundaries between the public and private have been further eroded. What we are left with is a structure of numerous providers of care potentially competing for the attention of NHS patients, but with very little in terms of a coherent model for how these choices can be made.

Conclusion

We derive two sets of conclusions from the above – theoretical and empirical.

Theoretically we would make the claim that what is crucial in explorations of policy governance is the interplay between structure and culture in the interactions with policy-makers and those working within the NHS. Explaining the failures of the 1990s internal market involved the production of a clear cultural idea, but a lack of will from those within the service, and a lack of competitive structures and political will, to implement them. Explaining the probable failures of the new mixed economy of care appears to reverse this – we now appear to have structures that address many of the problems of the 1990s, and reforms that in one sense are remarkably pragmatic in addressing those problems. But these reforms are also remarkably ideological, being based not on specific mechanisms through which choices can be made, but instead on presumptions about the benefits of private finance and of the ability of markets to achieve reform. Of course, this involves some simplification – we can further problematize both structure and culture in both periods, but what is above appears to be a useful analytical generalization in that explains the most likely reasons why the reforms of the 1990s ran into difficulties, and of the likely problems faced by the reforms of today.

In addition to this, we are able to elaborate upon each of the main perspectives we discussed above. To morphogenetic social theory we add an idea that what appears to be culturally compatible in one time period may, through the result of changing structural forces, become incompatible later on. This runs directly counter to Archer's claims that compatibility is a straightforward logical matter,⁷⁷ but this loses sight of the idea that what we mean by particular terms changes over time. It is possible to deny that the creation of the NHS was a paternalistic process, and this may have been the furthest thing from the mind of the NHS's architects, but the organizational result must surely be classified in this way.⁷⁸

To existing accounts of NHS reform, the above demonstrates the significance of the interplay between the cultural and structural spheres; we must specify what structures and institutions are in place, but also which cultural ideas, and the key role of the interplay between the two. The formalizing of the method coming from morphogenetic social theory demonstrates the usefulness of this approach, as well as offering potential for further work.

This approach is not, of course without its difficulties. The issue around what we judge to be compatible and what not, in terms of both structure and culture, is a considerable one for further work. A promising basis is to follow Bevir and Rhodes⁷⁹ and locate compatibilities in terms of traditions in the cultural sphere, and in terms of the operational practices of vested interests in the structural sphere. Where, in each case, we have evidence that adherents of particular views or positions are able to work with one another, this would appear to demonstrate compatibility in the eyes of those working together, but this can conceal the dynamics of the interplay between groups, as we have demonstrated above. What perhaps is most interesting is how ideas can appear incompatible in one time period but compatible in another, as in the case of the use of markets in public services and socialist principles. Finally, there is a concern that the morphogenetic approach, through emphasizing dominant vested interests and ideas, loses the voice of other organizational and political actors. In the history of the NHS it appears to be doctors and state actors that dominate proceedings, but in an organization dominated numerically in number terms by nurses, we must consider why it is that they appear to have had so little voice in terms of either policy-making or organizational life. These are all areas for interesting further work.

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Notes

- 1 For the most relevant works of Archer's in relation to the approach described here see M. Archer, *Realist Social Theory: The Morphogenetic Approach* (Cambridge, 1995); M. Archer, *Culture and Agency: The Place of Culture in Social Theory* (Cambridge, 1996); M. Archer, 'Social Integration and System Integration', *Sociology*, 30 (1996), pp. 679–99; M. Archer, *Being*

- Human: The Problem of Agency* (Cambridge, 2000); M. Archer, 'For Structure: Its Reality, Properties and Powers: A Reply to Anthony King', *Sociological Review* (2000), pp. 464–72.
- 2 See especially Archer, *Realist Social Theory*; M. Archer, 'The Sociology of Educational Systems', in S. Nowak and M. Sokottowska (eds) *Sociology: The State of the Art* (London, 1982), pp. 242–6.
- 3 M. Archer, R. Bhaskar, A. Collier, T. Lawson and A. Norrie (eds) *Critical Realism: Essential Readings* (London, 1998); R. Bhaskar, *The Possibility of Naturalism* (Brighton, 1979).
- 4 A. Sayer, *Method in Social Science: A Realist Approach* (London, 1992).
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7

Regulating Markets in the Interest of Consumers? On the Changing Regime of Governance in the Financial Service and Communications Sectors

Peter Lunt and Sonia Livingstone

Changing markets, changing demands on regulation

Regulatory regimes are changing in Western democratic states and elsewhere, for a variety of complex reasons concerning the shifting relations between the state and the market. These changes are driven by pressures to liberalize (or deregulate) markets, and so enable business to respond competitively to the growing complexity of markets in a globalized information society. In recent decades, with apparently ever greater frequency and severity, the imperative for such change has become publicly visible through a series of crises in the regulation of financial services, food safety, healthcare, environmental problems, and so forth,¹ these being endemic in today's risk society.² Such crises have been interpreted as publicizing the failures of the traditional model of regulation, showing how it was not fit for purpose, unable to integrate or fairly balance the at-times competing demands of economic and consumer policy, nor able to develop a unified and principled regulatory approach across products or services (i.e. sector-wide) either nationally or internationally (i.e. across networks of regulators). Jessop argues that the dominance of institutions of the nation state is being supplanted by a dispersal of powers both in the direction of super-national bodies (such as Europe) and bodies within the state.³ This represents a shift away from social contract and towards an administration oriented towards coordination of markets and social policy, in acknowledgement of the trend towards the individualization of risk (i.e. the increasing exposure of the individual to the consequences of their own risk-related decisions).⁴

The very complexity and dynamic nature of the market has repeatedly shown up the limitations of the previous piecemeal evolution of regulation as demanded *ad hoc* by specific sub-sectors, with market developments now outstripping the capacity of traditional, rule-book models of regulation to cope, let alone to anticipate, regulatory issues. For example, in the United Kingdom (UK) during the 1980s, a series of crises in the financial services market prompted an urgent call for regulatory reform. Notwithstanding the existence of a well-established group of regulators of the financial industry, they seemed to have failed to protect the consumer in relation to pensions, mortgages, and investments. Along with other regulatory failures, these crises threatened consumer confidence at a time when such confidence was critical to the Government's policy of shifting the welfare burden by making it the responsibility of individual consumers (or investors). The 'pensions crisis', in which individuals were persuaded, against their financial interest, to leave company pensions and invest in private pensions thereby losing out on employers' contributions, was a case in point, as was the 'endowment crisis', in which millions of consumers bought endowment mortgages in the 1980s and 1990s, after which it became clear that these products could not guarantee sufficient returns to pay off individuals' mortgages as claimed.

The various crises demanded a new approach to regulation, not only because of the widespread adverse publicity that accrued to both the industry and the regulators, but also because the problem revealed just how the markets were transformed, demanding a commensurate transformation in the regulators. In the case of both the pensions and endowment mortgage crises, each was associated with product innovations that swept rapidly through their respective sectors; each was for long-term investments based on uncertain projections into the future; in both cases, it appeared that inducements given to employees to sell the new products had influenced the interaction at the point of sale; and last, consumers appeared to be acting against their own interests, taking on risks they ill-understood, insufficiently critical of the advice they were offered, far from 'financially-literate' consumers exercising informed choice. Regulation should, it seemed evident, conduct proactive market analysis, monitor new products, set high standards for the quality and dissemination of consumer information and advice, monitor the long-term impacts of product choices on consumers, especially 'vulnerable consumers', and so forth – all in a manner that was beyond the scope and capacity of the legacy regulators.⁵

Thus, the new style of regulation represents a move away from the previous mixture of hierarchical, 'command-and-control', self-regulation and government departments that made up the previous regime.⁶ Its 'softer', more indirect approach claims to democratize power by dispersing and devolving the role of the State, demanding more accountable and transparent regulatory bodies, engaging civil society in the processes of governance and empowering the public by enhancing choice.⁷ Regulation must, it is argued, make strategic decisions for the whole market, taking into account the range of economic, technical and social policy trends, looking to the future, and balancing the needs of the market with those of consumers and the public. Such arguments suggest that the regulatory process is a partly a discursive one, with power exercised less through the enforcement of an authoritative legal process but instead through the negotiated application of standards of judgment that operate according to expertly manufactured processes of intelligence-gathering and decision-making.⁸ Indeed, regulatory bodies must develop a broad base of competencies which encompass not only a capacity to analyse dynamic markets but also the ability to develop partnership with firms and other stakeholders, defined widely as any body representing those who may be deemed to have, or who claim to have, some stake in the regulatory domain in question.

In the present chapter, we focus on two regulatory domains in the new governance, financial services and communications, showing how their new regulators in the UK (respectively, the Financial Service Authority – FSA, and the Office of Communications – Ofcom) exemplify the changing regulatory regime. We do so as part of a larger project entitled 'Public Understanding of Regimes of Risk Regulation' that examines how consumers' interests are represented within the new culture of regulation in these two sectors, as well as the ways in which consumers themselves understand their changing roles, rights and responsibilities as regards the management of risk. In this chapter, we ask how the FSA and Ofcom represent consumers' interests. This raises further questions, such as how such an assessment can be made and whose assessment of the new regulators' success (or otherwise) matters? Drawing on our interviews with a range of senior figures in the regulators, industry sectors, civil society and the public, we identify considerable tensions both within and among these stakeholder groups, with preliminary assessments varying across a broad spectrum from neoliberal to pro-welfare, from left-wing to right-wing, from advocates of tradition to advocates of change.⁹

‘Consumer-Facing’ regulators

Typifying the new ‘lighter touch’, ‘joined-up’, ‘public-facing’, risk-centred’ regulators emerging in various sectors under New Capitalism,¹⁰ the new breed of regulator has also been termed a ‘super-regulator’, tending to replace several legacy regulators, centralizing regulation across their respective markets, aiming for a converged or unified approach where, previously, regulation was product specific and took a variety of forms. This approach to regulation is exemplified in the UK by FSA and Ofcom. Not only do they combine the activities of the legacy regulators in their regulation of the conduct of business, but they attempt an expanded range of activities linking the regulators and the public, encompassing public education, public debate, consumer representation, consumer awareness, other forms of public engagement and participation and a renewed discussion of ‘public values’, particularly those relevant to the welfare aspects of financial service provision and to the public service and universal service dimension of communications.

The FSA assumed its full powers and responsibilities in December 2001, having gained statutory status under the Financial Services and Markets Act, 2000.¹¹ It is the UK’s sole financial regulator, replacing the work of several bodies – the Building Societies Commission, the Friendly Societies Commission, the Investment Management Regulatory Organization, the Personal Investment Authority, the Register of Friendly Societies, Securities and the Futures Authority. Similarly, in the communications sector, Ofcom was given statutory status by the Communications Act 2003, assuming its statutory powers in December of that year and so replacing the Independent Television Commission, the Radio Authority, the Broadcasting Standards Commission, the Office of Telecommunications and the Radiocommunications Agency.¹² Both regulators are bound by statute, funded by a levy on industry, and charged with acting in the interests of citizens and consumers.¹³ Both markets have a legacy of engagement with consumer policy and with the welfare state settlement, and both retain public policy significance. In communications, the critical importance of access, public service content and universal service to policies of social inclusion, cultural identity and civic participation, means that Ofcom cannot only act as an economic regulator. In financial services, similarly, while the first duty of the FSA is to maintain market confidence, this is complemented by duties to educate and protect consumers, reflecting the underlying public policy context regarding the changing

nature of welfare provision and the increasing reliance by the state on individual adoption of personal financial products.

As we shall see, the tension between economic and public policy concerns remains a continuing and difficult tension. Commenting on the FSA's new role in 2000, Christine Farnish (the FSA's Consumer Director) argued that the regulator should seek to limit the impact on consumers of risks arising from the management and control procedures of firms by requiring firms to manage and facilitate public understanding and consumer protection, but 'without placing such an onerous burden on providers that innovation and competition are stifled'.¹⁴ Indeed, the manner of the new regulators' engagement with consumer issues is very different from the traditional model. Their central missions are worth quoting in this respect. First, under the Financial Services and Markets Act 2000, the FSA has four statutory objectives, supported by a set of 'principles of good regulation':

1. Market confidence: maintaining confidence in the financial system;
2. Public awareness: promoting public understanding of the financial system;
3. Consumer protection: securing the appropriate degree of protection for consumers;
4. The reduction of financial crime: reducing the extent to which it is possible for a business to be used for a purpose connected with financial crime.

Three of these objectives are clearly directly focused on the consumer (and so, indirectly, is the fourth, crime reduction being essential not only for well-functioning markets but also for consumer confidence). The interests at stake for consumers are implicitly divided among consumer confidence, consumer awareness and consumer protection. A similarly prominent focus on the interests of consumers is evident in the principal duties of Ofcom. According to the Communications Act 2003:

3(1) It shall be the principal duty of Ofcom, in carrying out their functions; to further the interests of citizens in relation to communications matters; and to further the interests of consumers in relevant markets, where appropriate by promoting competition.

The six specific duties that elaborate the application of these principal duties tend to conceive consumers more broadly (including,

significantly, business consumers), adding in the importance of market diversity and, as with the FSA, building in specific consumer protections.¹⁵

Similarities across the two regulators include the stress on 'literacy', surely a new policy for a new regulatory regime; particularly critical as the informational demands of these complex markets grows, along with the individualization of the risk to consumers.¹⁶ For the FSA, 'financial literacy' offers a framework for explicating the skill or competency that a complex financial sector demands of the individual consumer. It also shifts the role of the regulator from one of controlling the industry directly, protecting consumers and reducing risk, to one of ensuring that the industry adequately informs the consumer, so that through individual choices, consumers themselves are equipped to act responsibly and reduce risk. The parallel in the communications sector is clear: Section 11 of the Communications Act (2003) requires Ofcom to 'promote media literacy' among the UK population in order to empower consumers in making informed choices.¹⁷ The underlying purpose of the emphasis on literacy is less clearly stated, but would appear to be that of supporting economic competition by increasing consumer knowledge and awareness while also legitimating a reduction in regulatory interventions (especially, consumer protections) by making consumers more aware of the risks they face and the means of addressing them.

Differences in emphasis or approach are also significant. The notion of citizens, as distinguished from consumers in the Communications Act, arose from and serves to perpetuate a tension possibly unique to the communications sector, for communications (especially, objective news, public service broadcasting, and universal service in telecommunications) are widely held to serve key citizen as well as market functions. These terms are, by contrast, generally aligned in the financial services sector (indeed, the term 'citizen' is rarely used). Moreover, in the communications sector, consumer interests are far less controversial than in relation to financial services. Although views among stakeholders differ, the risks at stake seem less urgent than in financial services – losing out on one's phone bill is less catastrophic than losing out on one's pension. Consequently, consumer concerns in the communication sector face two interesting challenges: one is to identify the 'vulnerable' or disadvantaged subset of consumers to whom phone bills, in practice, do make a real difference; the other is to find a way of charting the long-term cultural and political consequence of a changing communications environment (for example, the implications for

informed citizens of a diversifying and globalizing range of news channels, not all as tightly regulated as hitherto). Intriguingly, Ofcom has attempted to position both of these issues as citizen rather than consumer issues, taking advantage of the apparent absence of crisis associated with them, and thereby seemingly sidestepping the welfare-oriented agenda (protecting vulnerable consumers) and also permitting a deferral of policy development (citizen issues are longer-term, less urgent, than consumer issues).¹⁸

The impetus for change in these two sectors also varied. While a series of crises fed into the formation of the new regulator in the case of the financial sector, resulting in a strong emphasis on risk assessment and consumer detriment, technological change proved a key driver in the communications sector. Converging information and communications technologies (and particularly the rapid diffusion of the internet in the late 1990s) seemed to demand a converged regulator. Only a powerful sector-wide regulator, integrating broadcasting, telecommunications and spectrum management, could, it was argued on all sides, flexibly respond to new market challenges while being 'future proofed' against changes that could otherwise destabilize or impede technological innovation and market expansion.

Significantly, the FSA, the earliest of the new breed of regulator, served as a model for Ofcom, resulting in many similarities between the two organizations. Many informal connections exist between these regulators, including the not infrequent movement of personnel from employment in one regulator to employment in the other – and this occurs also between the regulator and its stakeholders (in industry, and in civil society). Especially pertinent here, both regulators include a 'semi-detached' Consumer Panel which, Ofcom puts it, is charged with advising on the consumer interest, including noting publicly where the regulator itself fails to adequately represent the consumer interest, thus acting as a 'critical friend' to Ofcom 'at full arm's length'. Similarly, advertising itself as 'an independent voice for the consumers of financial services', the FSA Consumer Panel describes itself on its website as working 'to ensure that the FSA regulates the financial services industry in the UK in the interests of consumers'. They continue:

We advise and monitor the FSA on all its policies and activities from an independent consumer point of view. We also review and comment on wider developments in financial services if we feel that consumers are losing out.¹⁹

The links between the two panels, and their difference from the legacy regulators, was made explicit in our interview with Colette Bowe, Chairman of Ofcom's Consumer Panel, when she observed that:

The purpose of such bodies is not to adopt an adversarial model, *vis a vis* the regulator, which has quite often been the case. It's to adopt an advisory and sort of strategic warning kind of role. Which is a different animal altogether.²⁰

Potential benefits for the consumer

Notwithstanding the various differences in these two sectors, in their legacy from previous regulation, and in their organization, both FSA and Ofcom have an unprecedented capacity to act in the consumer's interest in the knowledge-based economy. Each has the resources to conduct detailed and sophisticated market analysis to determine the potential impacts of market developments on consumers and to monitor the potential vulnerability of consumers. Each has right to obtain information from firms about the performance of products and about their customer relations. And as we have seen, each has a Consumer Panel monitoring their delivery of regulation in the consumer's interest, providing a route for the expression of an independent voice for consumer representatives and a means of making the regulator accountable to those consumer representatives.²¹ The new regulators are entitled to demand information from regulated firms (for example, on the performance of products or on the level of consumer complaints) so that the regulator can develop a pre-competitive analysis of market conditions, product innovation and consequences for consumers to inform policy development. These analyses are, in turn, to be used to guide the supervision of firms, to set regulatory priorities and to provide generic advice to firms and consumers. The expectation is that this will enable the regulators to respond to potential crises, to sustain flexible relations with firms, and to enable firms to develop consumer policy – all a strong contrast with the traditional emphasis on developing a regulatory rule book backed up with the threat of enforcement to regulate the conduct of business.

In his recent work, Habermas has shifted his view on the public sphere, arguing that public spheres surrounding administrative institutions reflect the complex interdeterminacies between the administration and civil society, with the former offering a carefully structured institutional discourse and the latter acting to distil and express public

opinion.²² Thus he suggests that multiple public spheres emerge from the interaction between the institutions of governance, civil society, commerce and the public. On this view, the new regulators represent not so much a compromise between state and economy as an institutional public sphere in their own right, one that combines the highly technical risk analysis of markets with an engagement with the plurality of voices in the public sphere in order to integrate economic regulation, consumer representation and a voice for the citizen.

For example, talking of the directory enquiries market, Allan Williams notes that Office of Telecommunications (Of tel), Ofcom's legacy telecommunications regulator, 'was a crap regulator because they didn't understand what consumers actually wanted, what the actual problems in the market were and they didn't understand that you couldn't just make competition work through increasing choice at the supply side.'²³ Indeed, as Claire Milne, a freelance consumer spokesperson comments, 'another difference between Ofcom and Of tel, of course, is that Ofcom is explicitly tasked with putting consumer interest first which Of tel never was.'²⁴ Further, this consumer interest could be recognized in its diversity because of the very size and resources of the super-regulator. As Ofcom's Director for Nations (Wales) observes, 'one of the things that Ofcom did when it was established was to attempt to deliver a solution that took more note of the national varieties within the United Kingdom than the legacy regulators had'.²⁵

Both Ofcom and the FSA put considerable effort into a sustained engagement with diverse voices reflecting different interests, as managed by establishing a complex network of relations of mutual dependency among a wide range of stakeholders – firms, industry representatives, the political sphere, consumer representatives, and the public. Insofar as the regulators thus mediate between the state, commerce, and civil society, they have had to develop clear principles of action that may also benefit the consumer. These include a commitment to transparency in regulatory practice, as evident through the public provision of meeting minutes, regulatory processes and outcomes, research reports, and so forth – available through leaflets, publications, the website, road shows and other forms of publicity. Particularly interesting is their wide use of consultative and advisory processes that tie stakeholders across many spheres into the regulatory process. Being relatively independent from state, commerce and civil society, this depoliticizes the regulatory process in some respects. By being highly visible and by making their processes transparent and accessible, regulation has become more salient on the public agenda; it

has also become in certain ways more accountable. At the same time, these changes render regulatory power both diffuse and so more complex, complicating claims for accountability and transparency. In short, through their structure and practice, the activities of the new regulators lend themselves to an analysis in terms of the criteria – the ideals and the challenges – of the public sphere.

So, these regulators are expected to devote their main efforts to supporting competitive markets and active consumers. Since it is broadly assumed that the market will provide for the consumer/citizen, the new model of governance can, it is hoped, replace previous forms of regulation that constrained market activity. Yet there remain legitimate public concerns regarding the balance between market competition and public policy, our particular concern focusing on the competence of consumers, the consequences for consumers, and expression of consumer interests within the regulatory process.

Doubts from the market liberals

According to the neoliberal emphasis on deregulation, the state should provide a legal framework for economic activity by establishing rules of contract that protect property rights while limiting regulatory intervention to identifying and correcting obvious cases of market failure arising from monopoly, information asymmetries or externalities that cannot be corrected by market mechanisms.²⁶ Yet the new regulators were designed to anticipate economic, social and political changes (or crises) affecting the markets, enhance consumer literacy and engagement, and act in an accountable and transparent manner. Not surprisingly, this model has received considerable criticism from both industry and from the political opposition to the Government, where between 1997 and 2000, the Conservative Party argued strongly that the regulators had too much power (acting as both judge and jury).

These criticisms were articulated in *Leviathan at Large*²⁷ published by the Centre for Policy Studies as a distillation of the concerns of the industry and of the Opposition's Financial Services and Markets Bill team (which included some high profile Conservative MPs as well as advisors from the financial services industry). Opening with a reminder that London is the world's most successful financial market, the pamphlet took this as evidence that little was wrong with the existing regulatory regime, though some difficulties were acknowledged. Indeed, it was argued that regulation may put this very success at risk; hence the move to establish a super-regulator was viewed with considerable

concern, precisely questioning any public sphere-type claims to openness, transparency and consultation:

The FSA will be the most powerful, and one of the least accountable, institutions created in the United Kingdom since the War. It will be, in many respects, legislator, investigator, prosecutor, judge, jury and executioner.²⁸

Thus the pamphlet asked many pointed questions whose answers remain unclear even several years later: why vest so much power in the combined role of Chairman and Chief Executive and why so few non-executive directors on the FSA board? If the regulator is accountable to the Treasury, to whom is the Treasury accountable as regards its relationship with the regulator? How independent of the regulator would the Practitioners' Panel really be? How could the regulator play both the role of advisor to firms and enforcer of sanctions, especially if the firms in question had followed the advice offered?

The authors' warnings that strengthening regulation would result in a loss of jobs and business as well as higher costs for consumers echo the right wing attack on the welfare state during the 1970s and 80s, the most extreme formulation being that any attempt by government to influence markets will be less efficient than allowing the market to regulate itself. Thus the authors anticipated a disastrous state of affairs in which public calls for the regulator to intervene will result in draconian action against firms that get into difficulties (or get their customers into difficulties), thus exacerbating rather than reducing crises, generating a loss of confidence in the market, and damaging both economic prosperity and the interests of consumers. Consequently, *Leviathan at Large* included many suggestions regarding how to limit the power of the FSA – for example, one test proposed is that a regulation that increases business is a 'good' regulation and a regulation that tends to reduce business is a 'bad' regulation, even though it was acknowledged that some consumers would lose out.

Clearly, the many detailed concerns of both this pamphlet and many other commentaries expressed during passage of the Act and the early years of the regulator reflect a strong distrust of both the purposes and the design of the new regulatory regime. The emergent picture was of a too-powerful body driven by strident voices representing the consumer interest, as amplified by the press, able to set its own agenda, unaccountable in its processes, and insufficiently open to scrutiny. The outcome would surely be, warned the neoliberal critics, a bureaucratic

regulator which over-regulates the market, neglecting competition and the profitability of firms:

With the Bill as it stands, the industry remains uncomfortably dependent on a broad-minded reinterpretation of the existing Bill to strike that balance and make those difficult judgements and trade-offs. The pressures on the FSA will always be to slip towards excessive regulation.²⁹

Doubts from civil society

Given the concerns expressed by the conservative opposition and the industry about the structures, practices and powers of the new regulators, one might suppose that civil society bodies would welcome the new regulators as likely benefactors of consumers' interests. However, matters have not proved so straightforward. The power of the super-regulator worries them just as it worries the market liberalizers. Mick McAteer, senior policy advisor at Which? (the Consumers' Association), notes that:

I should say that what we didn't campaign for was the creation of a regulator which included retail regulation and wholesale regulations in the same organisational structure. We would've preferred what they call the twin peaks approach you know have a dedicated consumer protection agency looking after retail issues and then having a wholesale and markets regulator separate from that.³⁰

The new regulator also challenges the core activities of civil society organizations. Bodies such as the National Consumers' Association have traditionally campaigned for consumers' rights, complementing this with independent advice to consumers on products and services. It seems that the new regulators pose both opportunities and dangers in relation to these activities. For example, the new regulators have a major responsibility, together with substantial resources, to provide impartial consumer advice, thus obviating the need, perhaps, for that hitherto provided by consumer organizations. At the same time, the research and awareness activities undertaken by the regulators are so well resourced that to provide an alternative, possibly competing, service for consumers exceeds the capacity of civil society organizations.

As Jocelyn Hay, Chair of the Voice of the Listener and Viewer, comments regarding research on consumer judgements of broadcasting

content, 'We don't have the resources to do the research that is necessary in order to make it objective'.³¹ Allan Williams adds, 'it's a capacity issue, you know, that there are lots of issues that we can deal with as a consumer organization and we try and prioritise...'.³² As he goes onto explain, the Consumers' Association recently decided that, while it remains their priority to address financial issues, critically monitoring the FSA's activities, they have decided communications are sufficiently well monitored by Ofcom's Consumer Panel, and so they have withdrawn from this domain.

Observing such trends, Freedman argues that the very notion of 'evidence-based policy' serves to exclude those voices that lack the capacity to produce competing high quality evidence.³³ Jonathan Hardy, from the Campaign for Press and Broadcasting Freedom, adds that a debate held in terms of research evidence is one that has already narrowed the range of possible contributions:

...an underlying concern is that the sort of survey and research data ... which seeks to identify consumer attitudes is not the same as a mechanism to empower discussions around citizenship which would involve identifying and making political decisions about regulation and regulatory governance.³⁴

One may also ask, how much public consultation is enough? Don Redding of Public Voice tells us that:

We suggested that they [should] have a research project to identify, define and build consensus around what were citizens' issues in communications across the whole view of the sectors [... but] they came back and said, 'we don't want to, we've got so many people we have to consult with already, we've got so much apparatus in terms of the Content Board, the panels on disabled and elderly people, the nations and regions representation etc. and the Consumer Panel that we feel we're well enough in touch'.³⁵

John Beyer of MediaWatch UK reads this as complacency on the regulator's part, arguing instead for the importance of '...views that are expressed to Ofcom, not just in focus groups, not just in consultations, but from the general public, which they should canvas... But they don't do that, because it creates too much work for them'.³⁶ A picture emerges from these critics of a debate subtly framed by the regulator to further its own interests, despite its explicit claims to openness.

The regulator offers two responses – one, that it conducts far more consultation than ever before, its doors being generally open. Unfortunately, it suggests, the public does not always respond – Julie Myers explains: ‘It’s very hard to get consumer people to come to an event’.³⁷ Second, and more contentiously, the regulator is itself critical of those voices striving to be heard. Julie Myers continues, ‘the regulator always has to be asking itself, ‘alright, so we’ve got some consumer groups at an event, but how far do they actually represent the interests of the generality of consumers, and how much do they actually just represent, you know, particular groups of consumers?’ The Director of External Relations is yet more sceptical, asking rhetorically, ‘Do we get better advice from self-appointed, um ... probably issue-driven, ... non-representative groups?’³⁸ Their stress on market research is, in part, due to its statistical claims to representativeness of the entire population, not just its more vocal or partisan elements.

The question of representativeness is indeed critical: for an institution in the public sphere, which voices should be included, how should they be weighed? And for a civil society body in the public sphere, the questions are equally critical: how can it participate on equal terms with other competing voices; how can it sustain the capacity to develop an influential critique without relying on the provision of resources (finance, connections, expertise) that may compromise its perceived, and actual, independence? After all, the complexity of risks that potential impact on consumers is such that, to provide an independent expertise, civil society bodies must encompass considerable and diverse specialisms, including economic analysis, risk assessment, technical knowledge, market analysis, and consumer understanding. For example, the complex investment risks often ‘hidden’ in the underlying investment vehicles for financial service products place a strain on the principle of *caveat emptor* – consumers could not reasonably be expected to understand the long-term consequences of many financial service products; but this also places a strain on the capacity of consumer groups to identify and draw attention to such risks.

The regulators themselves recognize that power brings resources and *vice versa*. Richard Hooper, Chair of Ofcom’s Content Board, pointed out that, especially by comparison with the legacy regulators, Ofcom has very considerable power which, he is convinced, is used to improve the quality of regulation. Talking of the scale of the super-regulator, he says:

I think people say that’s both a strength and a weakness, I think when the arguments were going on in the late 90s, people said no

politician would ever give Ofcom the amount of power it's got but they were wrong, they did... I think one of the striking differences for me between Ofcom and the predecessors is that this is really seriously evidence based. I mean people are staggered by the amount of research we do and the amount of evidence we bring to the market.³⁹

The introduction of a new regulator has, therefore, implications for the activities of civil society bodies in the regulated domain, and their roles are changing in consequence. For Habermas,⁴⁰ their key role in the new regulatory regime is not so much awareness-raising, nor provision of public information to consumers, nor yet the conduct of independent research, but rather the galvanizing of public opinion so as to bring consumers' views to the attention of policy-makers, firms and regulators. Undoubtedly, the new regulators have become, indeed have made themselves into, a significant site – hitherto unprecedented – for consumer representation and deliberation among stakeholders. Both Ofcom and FSA provide a range of formal and informal opportunities for such engagement – through consultation responses, committee membership, public meetings, research presentations, working group activities, and so forth. Yet paradoxically, the more open the regulator, the greater the problems of capacity for consumer representatives: many civil society workers are unpaid, or working with very limited budgets, and the regulator holds so many meetings and consultations that it easily exhausts the capacity of civil society organizations, particularly by comparison with the far larger resources of the industry to represent the market perspective in the same fora. Hence the civil society bodies are stretched, face tough decisions about their priorities, and worry about their funding base, while the regulator is frustrated at the difficulty in obtaining sufficient representation from a diversity of stakeholders, and disappointed that few put themselves forward for committees and other negotiating fora.

So, from the civil society perspective, the stakes are too high for effective participation in the deliberative process. But insofar as they fail to act as they would wish, they fear that they leave the arena to those whose commercial interests put the consumer interest at risk. They claim that the new regulators have given priority to market regulation over the development of consumer policy, framing consumer interests largely in terms of the choice agenda, listening more to the industry than to the ordinary person. To be sure, these consumer interests are investigated, and addressed, through various forms of consumer representation encompassing an impressive research

enterprise as well as many public consultations, as noted above. However, though broadly positive about the FSA's consumer panel, Mick McAteer points to a crucial distinction when he claims that consumer representation is a lesser phenomenon than the task of representing the consumer interest:

... it's very easy to have consumer representation by creating panels. And you know that's very different to actually representing the consumer interest, the whole way through what we would call the regulatory supply chain. You know just as firms have a supply chain so does regulatory policy where the policy's actually made way upstream before it even gets to the stage of consultation or discussion you know.⁴¹

The consequence, as civil society bodies observe, is that the regulator sets the agenda on key policy issues, so that when consumer representatives enter the process they can at best act as critics of an established agenda, for they have very limited power to shape that agenda or the broad direction of policy. As Mick McAteer comments:

But by the time you see the consultation document then that policy's framework has been well established and the agenda has been set. That goes back right through the FSA itself onto the treasury and onto European level so you know it's interesting to trace.⁴²

Conclusions: tensions at the heart of the regulators

Well, it's what I would call second generation regulation actually... You know, in the eighties, we were all able to very quickly ...delineate what the role of an economic regulator was...We moved on with financial regulators into seeing how, in a highly competitive market place, there was a role for economic regulators in...mandating information into the market place, to make the market work better. What I'm talking about now is kind of second generation regulation, which is about having...a strongly articulated view about certain things that we want to happen...It goes beyond, 'well we never want people to be ripped off'. It goes into, 'Yep, well, we want people to have a secure old age'.⁴³

This 'second generation regulation', as the Chairman of Ofcom's Consumer Panel explains above, has clear ambitions to meet the needs

of consumers not only negatively, avoiding detriment, but also positively, in accordance with social values once understood primarily within the framework of the welfare state. In so doing, the new regulators are anticipating future trends internationally as well as nationally. As Kip Meek, Ofcom's Senior Partner for Competition and Content points out:

there's a new regulatory framework which is providing us with new directives that, you know, impose a particular way of regulating across Europe, and we were the first country to ...pick up on that and integrate that into our national law and actually deal with the process of market reviews associated with it.⁴⁴

Jessop⁴⁵ argues that the drivers of regulator change include the 'de-nationalization of the state' in which there is a:

Hollowing out of the national state apparatus with old and new state capacities being reorganized territorially and functionally on substantial, national, super-national, and trans-local levels. State power moves upwards, downwards, and sideways as state managers on different territorial scales try to enhance their respective operational autonomies and strategic capacities.⁴⁶

Linking these changes to the new economic role of the state in the 'globalizing, knowledge driven economy', Jessop⁴⁷ notes the increased focus on the role of the state in the administration of many aspects of everyday life and of the conduct of business, as well as the coordination of economic policy at the super-national level. Strategic interventions thus occur on a variety of scales rather than through the executive control of a national agency. This 'de-statisation of the political system' he suggests is reflected in the 'shift from government to governance'.

If the new consumer-facing dimension of the new regulatory regime is genuinely to benefit consumers, then these partnerships must function in such a way as to ensure this. Undoubtedly, the diversity of stakeholders in both markets investigated here are, indeed, galvanized to represent their various interests, enter the institutional public sphere established by the regulators, and deliberate in public on the unfolding series of policy issues. Yet, as we have already noted, notwithstanding the cautious welcome initially bestowed, particularly by those organizations who had participated in the public debate over the formation

and design of the new regulators, there is considerable scepticism expressed on all sides from those same stakeholders. As both industry and civil society bodies observe, some key dilemmas lie at the heart of the new regulatory regime. These include the question of how to represent the diverse interests of consumers (or, indeed, citizens);⁴⁸ that of how to bear the burden of regulation; that of the independence of regulators and, in consequence, whether encompassing both economic and consumer responsibilities within a single organization can fairly balance the interests of both market and public; and last, the question of the accountability or openness of the new regulators.

We have argued that the formation of the new UK regulators of financial services and communications represents a response to growing economic and social complexity in their respective markets. The aim is to develop the capacity for the responsive regulation of firms in the new economy while also addressing the interests of the public, as expressed through a range of civil society bodies, public debates, and market research. As we have shown, the consequence is a tension between the principle of conglomeration, standardization and simplification as embodied in the notion of the single, converged regulator adopting principled (risk-based) regulation and the diverse relations of engagement and accountability which link the regulator to government, civil society, firms and the public. Although these dual functions of developing market intelligence and guiding firms on the one hand and engaging with representatives of publics and public policy on the other hand are reflected in the multiple statutory obligations placed on the regulators, in practice they raise difficult questions regarding the ways in which the regulator prioritizes and integrates its work across these different functions.

Thus, the complexities arising from the knowledge-based economy intensify the technical requirements on the regulator (to understand a dynamic and global market, to deploy a range of marketing strategies, and to ensure innovative product development) while simultaneously creating new challenges in consumer policy (precisely because the consumer is exposed to this highly complex and changing market place in the context of long run policy changes that devolve greater responsibility to the literacy and competence of consumers). The former considerations encourage the development of policies designed to work behind the scenes, 'over the heads' of consumers while the latter challenges require policies that engage the citizen/consumer both to enhance their competence and to attain their consent.⁴⁹ These dilemmas are intensified by the operating principles of accountability and

transparency with which the new regulators practice. Much of the regulators' work is focused on gathering market intelligence, risk analysis and writing codes for the conduct of business (economic regulation). Yet, much of their transparency relates to their handling of public policy issues and their responsibilities for consumer protection and education (consumer policy). Within the microcosm of the new regulators, therefore, is a tension that lies at the heart of questions of rationalization and democratization in the new governance.

Our analysis has demonstrated how these dilemmas are reflected in regulatory practice as well as in the diverse concerns of stakeholders representing the industry and the consumer. Following Cohen and Arato,⁵⁰ we suggest that questions of the democratization of civil society as illustrated by the public-facing activities of the regulators reveal the major dimensions of debate in contemporary political theory, most evident in debates between advocates of the free market and defenders of the welfare state. Put simply, should regulation reflect elite or participatory theories of democracy? Should the focus be on the rights of the consumer or the interests of the citizen? Cohen and Arato argue that these debates make assumptions about the relation between governance, civil society and the public sphere. The changes in governance discussed by Jessop⁵¹ and Habermas⁵² involve a dispersal of power and so open up a potential role for civil society in representing the views of the public. Indeed, the role of civil society has been pivotal in debates over the potential for the formation of a political public sphere, for civil society could, it is argued, provide a context for the formation of public opinion with a legitimate claim to influence the political process. Habermas' early formulation of the theory of the public sphere suggested that social institutions were inimical to unconstrained public deliberation because of their tendency to rationalize and control the process of public opinion. However, in his later thinking on the public sphere, Habermas⁵³ now acknowledges the need for administrative/institutional involvement in order to establish the conditions of possibility for public deliberation. He suggests two important revisions to public sphere theory: that administrative institutions establish and maintain complex relations with a diversity of representatives of civil society and the public; and that the administrative sphere might, through these complex relations, work to establish a public engagement and deliberation focused on their legitimate sphere of interest.

On the basis of these considerations, Habermas⁵⁴ proposes four criteria for judging whether political and administrative institutions support deliberation. We can use these to establish a normative evaluation of the new regulators. First, the regulators should carry out

coordinating functions efficiently but always recognizing the different viewpoints at stake and so creating equal conditions for influences on decision-making. At the same time, the regulator must acknowledge that the systems it must deal with will be focused on bargaining and coordination, and so cannot be expected to combine this with the task of social integration. Second, one must recognize the dual mode of operation of these regulatory responsibilities in terms of effectiveness and legitimacy. Relationships with commerce and civil society have different implications for regulation: on the one hand, recognition of the limits of coordination (so that partnerships are needed); on the other hand, to have an open dialogue within a vibrant public sphere. Third, the regulator should give equal recognition to the deficits precisely arising from effectiveness and legitimation. Thus, it should recognize that steering deficits (effectiveness) and legitimation deficits are equally important, that each can undermine the other, and that there is a potential combination of both deficits resulting in a vicious circle of negativity and scepticism. Fourth, the regulator must engage in public debate concerning issues of effectiveness and legitimation, communicating its activities regarding these issues to both commerce and civil society.

These principles aim to recognize the limits of political/administrative institutions in complex societies while also providing a normative account which takes advantage of the complex interdependencies of the information society to argue for the inevitability and desirability of deliberation in governance and regulation. We have arrived at these normative principles through a consideration of the viewpoints of diverse stakeholder interests in the fields of financial service and communications regulation. It remains to be seen how the regulators respond to these challenges of integrating economic regulation with public engagement and deliberation.

Acknowledgements

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Part III

New Perspectives

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8

After Modernism: Local Reasoning, Consumption, and Governance

Mark Bevir and Frank Trentmann

Contemporary social theory is dominated by two alternative concepts of rationality, associated with different forms of social explanation, and with competing views of consumption and citizenship. Both of the two dominant concepts of rationality arose as part of a general modernist culture in the late nineteenth and early twentieth centuries. The economic concept of rationality privileges utility maximization; it arose with neoclassical theorists, and has spread through rational choice theory. The sociological concept of rationality privileges appropriateness given social norms; it arose with modern functionalism, and today is associated with communitarianism.

This chapter begins by challenging both the economic and sociological concepts of rationality. The economic concept neglects culture. The sociological one neglects agency. Recognition of culture and agency requires us to pay attention to local reasoning and the diverse and contingent practices to which it gives rise. Consumption, like other practices, thus expresses diverse forms of rationality. Consumption includes, at least in some settings, those forms of rationality postulated by economists and sociologists, but it is not limited to them. Critics would over-react if they simply turned their back on economic and sociological ideas, failing to engage with them in fruitful dialogue. The problem is not that economic and sociological concepts are completely flawed. The problem is that economic and sociological theories capture only one form of reasoning from among many. Hence, instead of proposing yet another type of methodological imperialism, we appeal to plural forms of reasoning. In our view, neither utility-maximization, nor organizational rules and norms, operate throughout society. Society consists, rather, of the circulation, modification, and contestation of plural rationalities.

Debates about consumption and citizenship have largely been conducted in the two rival modernist languages of rationality. Consumption and citizenship appear as competing domains, as if they were grounded in mutually exclusive rationalities. Neoclassical economics and rational choice theory take consumers to be utility-maximizers. Neoliberals extend this concept of the consumer to devise and legitimate public sector and welfare reforms based on an idealized concept of the market-citizen. Communitarians and other sociologists are among the most vociferous critics of neoliberalism. They often argue that the spread of markets, choice, and consumerism occurs at the expense of community, social engagement, and citizenship. In the United Kingdom, New Labour has drawn on communitarianism to devise and to legitimate an alternative set of public sector and welfare reforms. Much current debate and public policy is thus conducted in terms of a series of dichotomies: markets vs. communities, choice vs. social justice, consumers vs. citizens.

The aim of this chapter is to disturb these dichotomies by drawing on the concept of local reasoning. An emphasis on the plural and contingent nature of local reasoning provides grounds for rethinking the politics of choice and consumption. Consumption and citizenship do not express uniform, rigid modes of rationality. They embody a range of different, fluid rationalities located across diverse practices. Some of these rationalities may be harmful to civic life, but others may be creative and enabling. Indeed, treating consumption and citizenship as separate domains – a divide reinforced by the academic divide between studies of citizenship/politics and studies of material culture/consumption – may do violence to the ways in which they are enmeshed in everyday life. Instead of jettisoning choice and consumption as terrain occupied by neoliberals, then, we want to revisit and develop alternative social and political traditions of choice. Choice and consumption have not been grounded in one universal tradition of rationality, as both current advocates of neoliberalism and their critics tend to presume. Neglected traditions of social analysis in the nineteenth century, and related traditions of democratic social action in the early twentieth century, approached choice from historical, social, and moral perspectives. These neglected traditions remind us that consumption is not just about realizing given preferences; it is also a way of forging and confirming personal and public identities.

A presumption of rationality

The human sciences have long debated the content and role of a concept of rationality. Today the concept is associated most closely

with neoclassical economics and its extensions in rational choice theory. Yet the economic concept of rationality found in neoclassical theory is just one of several alternatives, and one, moreover, that has a distinctive history. For much of the nineteenth century, economists themselves merged types of analysis pioneered by Adam Smith with organic and historical themes. When J. S. Mill renounced the wages-fund theory, and so the classical theory of distribution, a range of voices sought to rethink the study of economics. Historical, positivist, and moral economics all flourished.¹ Neoclassical economics established its growing dominance only as the nineteenth century turned into the twentieth, and it did so in the context of a broad intellectual shift away from romanticism, with its emphasis on the organic, and toward modernism, with its emphasis on atomization and analysis.² Even then, neoclassical economics did not completely obliterate other traditions of economic knowledge. Alternative traditions, such as historical economics and institutional economics, continued to thrive, especially on the European continent. As late as the 1930s, economists were deeply divided about the relevance of utility theory, a divide reflected in competing approaches to consumer behaviour.³ Both neoclassical theory and its alternatives were caught up, however, in a broad cultural shift away from organic and romantic modes of knowledge towards modernism. As modernism spread, so diachronic studies of the development of principles, states, and civilizations gave way to synchronic models and classificatory systems; historical narratives gave way to deductive models and statistical correlations.

Neoclassical economics relies on an economic concept of rationality suited to the modernist emphasis on atomization, deductive models, and synchronic analysis. Economic rationality is a property of individual decision-making and actions; it is not tied to norms, practices, or societies, save perhaps in so far as these are to be judged effective or ineffective ways of aggregating individual choices. In addition, economic rationality is postulated as an axiom on the basis of which to construct deductive models; it is not deployed as a principle by which to select or interpret facts that are discovered through inductive, empirical research. Finally, the models derived from the axioms of economic rationality are typically applied to general patterns irrespective of time and space; they do not trace the particular evolution of individuals, practices, or societies.

While a modernist view of knowledge set the scene for the neoclassical concept of economic rationality, this concept acquired much of its content from the idea of utility-maximization.⁴ In this view, consumers act so as to maximize their personal utility, defined as a

measure of the satisfaction or happiness that they gain from a commodity or service. Critics are wont to complain that this assumption is tantamount to saying that individuals are inherently self-interested. It would be more accurate, however, to recognize that neoclassical theory strives to remain agnostic on the question of what constitutes happiness. Neoclassical theory asserts that people act in accord with their preferences, but it does not necessarily assume that these preferences are selfish ones. To the contrary, neoclassical theory treats preferences as being revealed by consumers' actions: neoclassical theorists deduce or know the nature of consumers' preferences from the fact that they purchase, or seek to attain, the particular commodities, services, or outcomes they do. That said, we ourselves would suggest that rational choice theorists in particular can apply their models to social and political life only if they are willing to assume that the relevant people's preferences stand in relation to one another as the model suggests, and, to do this, they have to make further assumptions about the actual content of these preferences: typically they assume not only that people are self-interested but also that people's self-interests can be reduced to wealth, power, and status. To put our suggestion another way: although a concept of revealed preference enables neoclassical theorists to avoid a naïve instrumentalism, it does so at the cost of leaving them able only to explain only the consequences of actions (not the actions themselves), and this cost leaves their theory a long way short of a fully-fledged account of society.

Even when neoclassical economists try to remain agnostic about the content of preferences, they make clear assumptions about the structure of an individual's set of preferences. They assume that any preference set is reflexive, transitive, and complete. Although neoclassical economists sometimes grant that these assumptions about preferences (and actions) are simplistic and even unrealistic, they justify such oversimplification as the necessary cost of building the kinds of models and aggregate theories at which, at least according to a modernist view of knowledge, the human sciences should aim.

Human scientists who challenge the increasing dominance of neoclassical economics often do so on the grounds that actors are not always rational let alone self-interested. Choice is fallible, as psychologists and sociologists in particular have pointed out. People often do not have the necessary information to make informed choices. Some writers have introduced the concept of bounded rationality. Others have stressed the significance of risk: people put more weight on minimizing loss than on maximizing gain.⁵ Yet others have noted time

inconsistencies and so introduced the idea of myopic choice: what looks like a good choice today, may turn out to be a bad choice later on.⁶

Many readers will consider such challenges to neoclassical economics to be sensible. Yet, the challenges do not go far enough. Ultimately they remain within a broader universe of instrumental individual choice, however myopic or bounded such choice is considered to be. The resulting debate suffers, in our view, from a failure properly to distinguish various concepts of rationality, and the various roles that these concepts might play in explanation. We would suggest, for instance, that there is a sense in which almost all explanations of action rely on attributing some sort of rationality to the actor. Typically, we explain an action by pointing to the reasons why an agent performed it, and these reasons explain the action precisely because they make it rational: even if the reasons are unconscious, they have to have some kind of rational relationship to the action if they are to enable us to make sense of the action and so explain it. As such, the debate should perhaps be about the forms of rationality that it is reasonable to presume within social and historical explanations.

Let us suggest, as a starting point for such a debate, the conceptual priority of rationality defined in terms of consistency. The main argument for a presumption of rationality as consistency is one about the prerequisites of ascribing meanings to statements.⁷ Crucially, there could not be a language unless saying one thing ruled out saying something else. Our ability to ascribe meaning to most statements depends on the fact that to assert them is to deny the contrary. For example, if saying that something was somewhere did not rule out saying that it was not there, then to say it was there would typically have no meaning for us. The very existence of a language thus presupposes a norm of consistency governing its use. Even if there was a language that did not have a concept akin to ours of rationality, it still would have to embody attributes akin to those we equate with rationality, most notably a general consistency. And these attributes still would have to constitute norms within the language, for if its users did not presume consistency, they would not be able to ascribe meanings to statements. Now, because languages inevitably rely on a norm of consistency, they require us, at least tacitly, to grant conceptual priority to consistent beliefs. We cannot treat people's use of language as governed by a norm of consistency unless we presume that they hold consistent beliefs. For example, if someone said that something was somewhere, we could not take this to rule out him or her saying it was

not there unless we presumed he or she did not believe it to be both there and not there. Our very ability to ascribe meanings to statements thus depends on our ascribing conceptual priority to consistent beliefs.

A second argument for a presumption of rationality as consistency is one about the prerequisites of action, and especially complex sets of actions guided by a plan. Because we cannot act in utterly incompatible ways at the same time, our beliefs must exhibit a degree of consistency at any given moment in time since our beliefs inform our actions; because we act as we do, we must have a set of beliefs capable of sustaining such actions, so our beliefs must be fairly consistent. Successfully to go to the delicatessen and buy food, for example, we have to believe that the delicatessen exists, is open, and sells food; we cannot believe, say, that it is open but it does not exist. Similarly, because our actions are often interlinked, sometimes according to complex plans, our beliefs must exhibit some stability across time. Because we can perform a series of actions in accord with an overall plan, we must have a set of beliefs capable of sustaining such actions, so our beliefs must be fairly stable. Successfully to plan a skiing holiday, for example, we have to believe we are going to a place where there will be snow and where we will ski, and we have to do so while we book the hotel, buy the tickets, pack, and so on. Our beliefs must cohere to the extent necessary to enable us to act in the world, and, indeed, to act over time in accord with complex plans. Our beliefs must be fairly consistent and fairly stable – they must be, at least in this sense, fairly rational.

Two dangers await any presumption in favour of rationality no matter how it is defined: ethnocentrism and intellectualism. Consider first the danger that to presume beliefs are rational will be to translate them into *our* terms and so invalidate the self-understanding of *other* times and cultures. Most people who worry about such ethnocentrism seem to have in mind the following: it would be ethnocentric to assume that all attempts to understand the world are self-critical in the sense that, say, they entail a search for falsifying evidence. Yet, our presumption of rationality as consistency does not entail a presumption in favour of a self-critical stance towards one's beliefs. To be rational, a set of beliefs must be broadly consistent, but there is no reason to suppose it need be especially reflective, self-critical, or concerned with the evidence.

Consider next the danger of intellectualism. It is important to emphasize here that a presumption of consistency does not involve any assertion about self-reflexivity on the part of those to whom it is

applied: people accept a large number of beliefs on the authority of others, and many of their beliefs are sub-conscious. More generally, by equating rationality with consistency, we make rationality a feature of webs of belief rather than a disposition or a feature of actions. We thereby make it possible for beliefs to be rational no matter how they are reached and no matter how unreflectively they are held. Within human societies there can be multiple beliefs that instantiate various rationalities.⁸

It is important, finally here, to be clear about the restricted range of our presumption of rationality. We are arguing for a presumption (not an axiom) of rationality conceived in terms of consistent belief (not utility-maximizing action). Unlike an axiom, our presumption does not preclude us from finding that some people may not be rational, and then looking for alternative forms of explanation for their behaviour. Our presumption merely encourages us to try to find a consistent pattern among people's beliefs before declaring them inconsistent and looking for explanations of such inconsistency. Even our second argument does not preclude the possibility of inconsistency. To the contrary, because the set of consistent beliefs that someone must hold depends on the actions that he or she performs, and because we cannot identify a set of actions that all people must perform, therefore we cannot identify even a minimal way in which people's beliefs must be consistent. All we can say is that because someone performs the set of actions A, he or she must hold beliefs possessing a minimal consistency B, where the content we give to B depends on the nature of A.

Local reasoning

The restricted range of our presumption of rationality appears mainly, of course, in its applying only to rationality as consistent belief, not to rationality as utility-maximizing actions or perfect information. When neoclassical theorists adopt a concept of economic rationality that embraces these latter ideas, they elide the local and contingent nature of the reasoning and decision-making that inform actions. Neoclassical theorists appear to presuppose that people are autonomous individuals whose preferences are formed and whose reasoning is secured outside of all particular cultures. In contrast, our presumption of consistency places us alongside those human scientists who have emphasized the distinctly local nature of preferences, beliefs, and reason. To evoke such local cultures is, however, to say little about their nature or their operation. It is to these issues that we now turn.

The most prominent alternatives to the economic concept of rationality are sociological ones. On one hand, there is a prominent tradition of sociologists expressing fear over the almost totalitarian spread of selfish, acquisitive, and instrumental reasoning in modern, capitalist, consumerist societies. Max Weber, Herbert Marcuse, Michel Foucault and others have contributed to this tradition. On the other hand, one equally finds sociologists insisting that individuals follow social norms or act out established social roles. Emile Durkheim, Pierre Bourdieu, and others have been influential voices of this alternative approach. At times, these two traditions combine in broad condemnations of modernity, capitalism, or consumerism for spreading selfish and instrumental norms and thereby wrecking older forms of solidarity and community. Recently, communitarians have made much of the idea that the spread of instrumental rationality, a rights mentality, and consumerism have undermined community and democracy.⁹ Amitai Etzioni has argued, for example, that we suffer from an excess of autonomy, which he associates with both an individualistic rationalism and markets, and which he thinks has eroded morality and community. Communitarians often go on to devise alternative concepts of rationality. In doing so, they seek to replace instrumentality with appropriateness. Sociological rationality is about acting in accord with appropriate social norms so as to fulfil established roles.

It is worth noting that these sociological traditions, with their alternative concept of rationality, often date, like neoclassical economics, from the broad intellectual shift away from romanticism, with its emphasis on the organic, and toward modernism, with its emphasis on the synchronic, atomization, and analysis. The economic and sociological concepts of rationality evolved in tandem, drawing on shared modernist forms of explanation with their ahistorical modes of knowing. Their commonalities are as important as their differences, and these commonalities become plainly visible once we look at the traditions from outside their particular disciplinary points of view. The proponents of sociological rationality reject the idea of using axioms to construct deductive models. However, like neoclassical economists and rational choice theorists, they compartmentalize aspects of social life so as to manage and explain facts. They too seek to make sense of the particular not by locating it within a temporal narrative but by reducing it to mid-level or even universal generalizations that typically operate across time and space. Although they eschew deductive models, they still reject historical narratives, turning instead to classifications, correlations, functions, and perhaps ideal types. Even if we can trace

aspects of functionalism back into the nineteenth century, these sociological forms of explanation flourished only following the rise of modernist modes of knowing. It was, for instance, Emile Durkheim and Bronislaw Malinowski, not Auguste Comte or Herbert Spencer, who distinguished functional explanations in terms of the synchronic role of an object within a system or social order – a type of explanation considered to be scientific – from both the psychological question of motivation and the historical question of origins.

Functionalism has inspired much of the organizational sociology of the twentieth century, including large swathes of contemporary communitarianism and institutionalism. Etzioni began his career, for example, as an organizational sociologist: he tried to explain the features of organizations by classifying them as coercive, remunerative, or normative according to the primary mechanisms by which they maintained social order and so the corresponding functions they fulfilled for members.¹⁰ Later, his communitarianism simply applied the same classification to society as a whole: all societies rely to some extent on coercive, utilitarian, and normative means of ensuring order, but contemporary society has become too dependent on utilitarian ones such as the economic incentives generated by a market economy and by government subsidies.

The reliance on modernist modes of knowledge means that sociologists often have problems allowing adequately (at least by our standards) for agency. Classifications, correlations, and functions generate forms of explanation that reduce individual choices and actions to social facts. When sociologists appeal to rationality as appropriateness, they usually argue that individual actions are governed by social norms or social roles in a way that appears to neglect situated agency.¹¹ Crucially, if norms or roles explain people's actions, then the implication is that norms or roles somehow fix the content of people's preferences, beliefs, or reasoning: if norms or roles did not fix such content, we would presumably need to explain people's actions by reference to their preferences, beliefs, or reasoning, not to norms and roles. To put the same point differently: if people have a capacity for agency, then presumably they engage in processes of reasoning that appear in their interpretation, modification, or even transformation of social norms and practices. The idea of situated agency implies that although people set out against the background of traditions and practices, they are capable of local reasoning, and so of acting in novel ways that modify this background.

Just as sociological traditions have often struggled to allow adequately for local reasoning and situated agency, so they have often

inspired overly simplistic dichotomies between self-interest and altruism, or mass consumer societies and traditional societies. Sociologists often treat self-interest and social norms alike as being fixed and defined against each other. Even the term 'logic of appropriateness' is regularly defined in explicit contrast to a 'logic of consequences' in which people act according to the expected utility of alternative choices given their personal preferences. Such dichotomies arise in part because so many human scientists are committed to modernist modes of knowing which require them to hide agency in monolithic and even reified concepts. Modernism encourages them to construct monolithic concepts defined by apparently fixed essences or properties, that explain other features or effects of the objects to which the concepts refer by way of classifications or correlations. Modernism thereby leads them to elide the different and contingent patterns of belief and desire that lead people to act in overlapping ways so as to create the very social institutions and practices to which their modernist concepts purport to refer.

It is true, of course, that some sociologists have argued that consumption has become, in the late twentieth century, about services, experiences, and identities. Yet, all too often these sociologists then locate their ironic, post-modern consumers, and their post-modern social formations, as historical successors to utility-maximizers and mass consumption, which, in turn, are supposed to have replaced pre-modern peoples and traditional societies.¹² Hence these sociologists still offer us monolithic (even reified) concepts as required by their modernist mode of knowledge. They still do not recognize the historical circulation, modification, and contestation of plural rationalities and diverse cultures of consumption. They offer us modernist ideal types – static and monolithic constructs that elide questions about the emergence, development, and contestation of diverse practices.

One reason to adopt a presumption of rationality as consistency is, then, that doing so draws attention to topics that are unsatisfactorily dealt with in the dichotomies of established sociology: agency, diversity, and change over time. Our concepts of agency and local reasoning differ from those found in neoclassical theory. In our view, agency is always situated in that people innovate and make choices against the background of inherited traditions and social practices, and reasoning is always local in that it occurs within the context of agents' existing webs of belief.¹³ Local reasoning does not always follow economic models, nor does it consist of applying a rule in some pre-determined manner. Whereas the concept of economic reasoning gestures at a view from nowhere – as if people could adopt beliefs and make decisions in

ways that do not depend on the prior views they hold – local reasoning occurs in the specific context of just such prior views. Similarly, whereas the idea of economic reasoning gestures, at least when it has empirical concerns as its object, at an assumption of perfect information, local reasoning recognizes that agents can use only the information they possess, and indeed that they do so even when that information happens to be false.

Just as local reasoning is not autonomous, so it is not necessarily conscious and reflective. Local reasoning often occurs tacitly, and it can occur in response to an experience of physical space or material objects as well as in response to novel arguments or ideas. Of course, local reasoning can be conscious and reflective. Indeed, it can occur against the background of highly specialized theories and academic practices: the neoclassical theorist who grapples with a technical issue so as to refine an equation or a model, and the sociological theorist who postulates a novel correlation between a network form of organization and a particular rule of action, are engaging in local reasoning against the background of established academic traditions and practices. Our point is that because local reasoning occurs in the specific context of a contingent set of prior beliefs, we cannot reduce it to a conscious and reflective process, let alone one that can be reduced to a formal, deductive model.

Local reasoning and situated agency embody a capacity for creativity such that there is no rule defining how people will modify their prior beliefs so as to accommodate a newcomer. We can say only that the ways in which people reason reflect the content of their prior beliefs as well as the character of the idea with which they are grappling. If they are to make room for a new idea, they have to modify their beliefs to accommodate it, so the particular modifications they make must reflect its character. Similarly, if they are to accommodate a new idea, they must hook it on to aspects of their prior beliefs, where the content of these beliefs will make certain hooks available to them. The process of local reasoning thus typically involves people pushing and pulling at their existing beliefs and also at a new experience or idea so as to bring them into some kind of coherent relationship with one another. The new set of beliefs then appears in their situated agency, that is, in their decisions and actions.

The creative nature of local reasoning and situated agency is, of course, precisely what prevents us from offering formal, universal models of rationality. This creativity defies the dichotomous ideal types of modernist sociology, such as *Gemeinschaft* versus *Gesellschaft*,

just as much as it does the instrumentalist utilitarianism of mainstream economics. (It is perhaps worth noting that for Ferdinand Tönnies, who originally developed the concepts *Gemeinschaft* and *Gesellschaft* back in the 1880s, these concepts were rationalities that co-existed in society, rather than entire and discrete social systems – traditional society vs. modern society – that succeeded each other.)¹⁴ Creativity implies that instead of fixed models or outcomes, we have diverse, contingent outcomes that change over time. Instead of a formal analysis of a fixed rationality, we require complex accounts of the circulation of diverse rationalities.¹⁵

Rationalities of consumption

To challenge modernism, with its emphasis on atomization and analysis leading to synchronic models, classifications, or correlations, makes it possible to reconsider consumption and citizenship. Recognition that a modernist form of knowing has been a particular historical episode might prompt us to recover some of the neglected organic and historicist forms of knowledge associated with the nineteenth century – organicist and historicist forms of knowledge that left an imprint on social reform projects and everyday life well into the twentieth century. Going back to some of these nineteenth and early twentieth century social reformers might provide some insight on what the circulation of rationalities looked like in practice, and on how questions of civic participation, identity, and justice could be approached through diverse cultures of consumption. Our interest in the past is, then, to observe the diverse rationalities of material culture and to capture the flow of ideas and practices from consumption to citizenship and *vice versa*. It is to suggest that the currently dominant bipolar view of consumption and citizenship is a self-limiting approach. We would caution against thereby either idealizing the past or adopting an older ethnocentric idea of progress.¹⁶

The seventeenth and eighteenth centuries witnessed an unprecedented expansion of the world of goods. Although particularly pronounced in North-Western Europe, notably in Holland and Britain, where new consumer goods, such as cotton clothing and furnishings, found their way into the homes of the poor as well as the rich, this expansion had global dimensions by way of an extensive transnational network including regional Asian exchange systems. Crucially, it does not help, first, to think of these developments in terms of the birth of a consumer society. The transformation of material culture, far from being a

threshold to modern consumerism, came with diverse concepts and practices of consumption. An acquisitive quest for new goods in the commercial marketplace was accompanied by the recycling of goods, by the persistence of second-hand goods, and by various patterns of collecting goods. Constraint went alongside choice. New consumption practices sometimes involved trinkets and novelties, but they also reordered routine aspects of everyday life, helped by the creation of modern networks of gas, water, and later electricity. Department stores expanded but so did cooperative stores and municipal markets. There was no single modern type of consumer culture. It is also unhelpful, secondly, to presume a linear development. The period after the French Revolution, for example, saw a contraction. Societies could travel along different paths and arrive at different versions of modern consumer culture. Savings and savings promotions were, for example, a vital ingredient in Japan's and Korea's rapid transformation into consumer societies in the decades after the Second World War – not exactly what is conventionally associated with the spendthrift mentality of modern affluent consumers fixated on instant gratification and addicted to debt.¹⁷

Just as the eighteenth century did not mark the breakthrough of one particular modern type of culture, so thinkers and social groups continued to view consumption in complex ways. Adam Smith is often remembered for his famous dictum that 'consumption is the sole end of all production'. Yet, the generations writing after his *Wealth of Nations* (1776) virtually forgot this dictum and made little attempt to integrate consumption into economic science. John Stuart Mill, perhaps the most influential liberal writer of the Victorian period, was vehemently opposed to according consumption a special status as a distinct subject of economic inquiry.¹⁸

Nineteenth century thinkers had yet to develop the modernist preoccupation with parsimony. To the contrary, many looked to craft theories with psychological, historical, and moral depth, even at the expense of creating an inelegant, baroque theoretical system. Hence they often described varied, and even conflicting, rationalities of consumption: in place of a monolithic notion of consumerism, we find diverse local accounts of what is being consumed, by whom, in what way, and for what reason. In Germany, some historical economists paid attention to what the state consumed. In France, J.-B. Say insisted on including commerce and industry alongside private end-users as important sites of consumption. More generally, debates about the consumption of coal and water were not the same as debates about

shopping and luxury. Were people consuming commodities, services, signs, or experiences? Were people consuming alone or in consort? Were they doing so in order to subsist, to acquire possessions, to increase their social status, to differentiate themselves from others, to identify with a prior group, to forge a collective identity, to manage social relationships, or to make an ironic performance? If we asked such questions, we would find that to view consumerism as inherently selfish and acquisitive neglects alternative and equally prominent patterns of reasoning, choice, and consumption.¹⁹

History reveals the co-existence of diverse rationalities of consumption. This diversity points to the limits of an ideal-typical liberal market system as a description of modern consumption. It is, of course, possible to find choosing shoppers who purchased goods in a commercial store to maximize their pleasure, but these same people were also tied into alternative cultures and practices, which often had little or nothing to do with acquisitive, utility-maximizing behaviour. These alternative cultures and practices included new pastimes (such as the growing cult of collecting and various hobbies), new daily routines involving bodily comfort (such as consuming hot water provided by urban networks), and new patterns of ethical and reform-oriented consumerism aimed at the welfare of distant others (such as the boycott of slave-grown sugar or the creation of white lists to advance the conditions of urban workers). By drawing attention to these alternatives, we do not mean to suggest that they constituted resistance to consumerism, capitalism, or modernity – such a suggestion would replicate many of the dichotomies we want to query. We want to emphasize, rather, that these alternatives played important roles in the development of commercial societies, as exemplified by, say, the free trade movement in Victorian and Edwardian Britain, which was a popular movement that drew on a belief that citizen-consumers, far from exhibiting a selfish materialism, would consume responsibly and play an active role in civil society.²⁰

When we trace the circulation of rationalities, we might well find parts of social life where the economic concept of rationality has indeed been dominant. Its dominance in these areas ought not to lead us to conclude, however, that it is universal or even that it is a monolithic and ineluctable feature of modernity or consumerism. To the contrary, recent historical and anthropological research implies that economic rationality and acquisitive consumption have spread unevenly across social groups and geographical locations.²¹ There is, of course, as we mentioned earlier, a long sociological tradition that warns against

consumerism as eroding community and solidarity. This tradition, which goes back at least to the debates over luxury in the early modern period, received new energy within critiques of affluent societies such as Britain and the United States for allegedly following a steady path of growing selfish materialism and declining civic mindedness.²² Yet, these monochromatic critiques with their linear narratives ignore the fact that a lot of consumption in affluent societies continues to be about sociality and community: consider collecting, hobbies, sport, and even shopping.²³ The same person may be engaged in altruistic as well as materialistic practices. The same person may use some forms of consumption for self-regarding, hedonistic purposes and others for more sociable, other-regarding ends. Monochromatic critiques and linear narratives also ignore the fact that poor people in less-developed, less-affluent societies and times have often been just as materialist as people living in contemporary affluent societies or even more materialist and more preoccupied with goods.²⁴ Instead of presuming a shift from non-consumerist societies to consumerist ones, we should conceive of consumption as a diverse set of beliefs and practices, which, in any particular society, include some that are more materialist and some that are less so.

The uneven spread of instrumental utility-maximizing rationality leaves plenty of spaces in which we might look for other rationalities and cultures of consumption. Let us highlight just three other cultures of consumption from the nineteenth and early twentieth centuries: cooperative culture, liberal politics, and nationalist and statist projects. In cooperative culture, attention to consumption focused almost exclusively on empowering disadvantaged social groups. Here consumption was about social cooperation, solidarity, and meeting basic needs. The ideal of the cooperative commonwealth was a world above and beyond selfish interests, frivolous luxuries, and profit. In liberal politics, we find the language of the individual consumer with rights and interests, but, in contrast to the atomization of the market model, individual consumers are bundled together in a public interest that is to be protected against monopolistic exploitation. Here the consumer received most attention, not in the context of competitive markets, but in situations of market failure and monopolistic competition, most notably utilities (gas and water) and transport (railways). In other words, liberal culture paid most attention to ordinary forms of consumption, not to shopping or conspicuous consumption. At first, liberal politics looked exclusively to the male taxpayer and local citizen, not every end user, as the quintessential consumer: the consumer was a moral citizen

whose rights as a taxpayer needed to be safeguarded and whose civic-mindedness served to strengthen the community and guarantee the public interest. Later, however, social groups that were formally excluded from the political nation, notably the women's movements, adopted and stretched the liberal language of the consumer public interest in order to gain entry into public politics. If we now turn, finally, to nationalist and statist projects, we find that it was the state, not the market that helped to make consumption a central domain in many societies. In the early twentieth century, war and economic nationalism boosted a consumer interest in societies as far apart as Imperial Germany and China. In Germany, patriotic consumers were recognized as vital to the war effort during the First World War. In China, consumer nationalism sought to compensate for the loss of formal state sovereignty. In both cases, the rationality of consumption was about national community, not individual choice.

Even in liberal, commercial and industrial societies, such as Britain and the United States, it is fallacious to presume that commercialization produced an acquisitive economic mentality that necessarily sapped civic life. Commercialization also opened up new spaces of public life. Shopping, perhaps the practice that has been most heavily criticized over the years for creating mindless materialist consumers, is a good example. By the late nineteenth century, department stores had become prominent fixtures in many large cities. These cathedrals of consumption, in addition to offering an emporium of goods and temptations, also opened up public spaces to women, who previously had been excluded from political life.²⁵ More generally, many social reformers and social movements continued to envisage consumption as a form of civic participation. Social reformers looked to mobilize the consuming power of conscientious shoppers in the market place. The consumer leagues introduced white lists to promote better working practices; significantly, the white lists embodied a narrow middle-class view of consumption in which artisans and shopworkers featured as producers or service-providers rather than as consumers in their own right. In addition, the development of social democratic politics meant that consumption increasingly became about non-market systems of provision. Even when social democrats assigned various services to the state, they often did so in a way that sought to make consumption of the relevant goods a civic act tied to redistributive ideals. The state was, in effect, to promote an equitable pattern of consumption of goods and services such as education, health, housing, water, and perhaps energy and television. In Britain, the Labour Party promoted

institutions, such as the Council of Industrial Design, and policies, such as education on the principles of nutrition, that were meant to reform yet other cultures of consumption.²⁶

We can recover more neglected cultures of consumption by shifting the historiographical emphasis from class and production to, say, counter cultures, everyday life, sexuality, and the family.²⁷ Affluence could be seen as a threat to civic engagement, but it also offered new freedoms for groups who had suffered under a more hierarchical and paternalistic culture. On the one hand, the liberating possibilities of affluence were certainly understood by Conservative leaders, such as Ludwig Erhard in Germany in the 1950s, and by conservative women's groups, who championed choice over continued rationing after the Second World War. But, on the other hand, the liberating potential of consumption was also apparent within bohemian and radical subcultures with their new group identities and belief in self-fashioning. In the 1960s, moreover, a new generation of social democrats and social investigators argued that the future of progressive democracy depended on harnessing the practices and freedoms of an affluent society, instead of seeing them as the enemies of citizenship and human welfare defined in terms of labour and production.²⁸

Although our retrieval of neglected rationalities of consumption has focused on the West (precisely because the west is so often privileged in the accounts of consumerism that we are challenging), if we looked beyond the West (as scholars should), we would find even greater evidence of diverse cultures of consumption. The Japanese consumer movement after the Second World War relied heavily on housewives, and placed consumption within an organic vision of mutual social and national obligations. Consumption was linked to an ideal of citizenship. It was part of a national identity in which the interests of consumers and producers were inseparable.²⁹

Rethinking governance

The presence of multiple rationalities and cultures suggests that we are poorly served by monolithic, ideal-types such as consumerism or post-modern consumerism. Instead we have a picture not of fixed institutions or clearly defined social trajectories, but of contingent, diverse, and contested practices. This picture facilitates, in turn, considerably more complex analyses of social coordination and governance. These analyses take us far from all those dichotomies and narratives that pitch markets against collective action, modern consumerism against

traditional societies, choice against community, and consumption against citizenship. Here we want to hint at some new vistas on governance.

Rational choice theory, with its neoclassical themes, suggests that coordination and governance arise out of processes of bargaining and coalition-building among utility-maximizing agents. It implies that collective practices and institutions are aggregations based on the fixed preferences of individuals. Sociological proponents of the logic of appropriateness suggest, in contrast, that institutions and so forms of governance are constituted by rules and norms that people take to be natural or at least legitimate. Although this sociological approach allows that the rules can change over time, it often portrays change less as a matter of choice, than in terms of processes of selection and adaptation. At the risk of oversimplification, we might suggest, therefore, that the dichotomy between these two types of rationality has helped to sustain that between the market and the state as forms of social coordination.³⁰ In this dichotomy, social coordination requires either a market to aggregate the preferences of utility-maximizing agents or the state to establish norms and rules that individuals would then follow in accord with something like a logic of appropriateness.

Just as some sociologists have recently appealed to post-modern consumers, so others have begun to champion networks as an alternative to state and market forms of coordination. Once again, though, these sociologists still typically rely on modernist modes of knowing. Arguably the most widespread accounts of networks consciously draw on the traditions of neoclassical and institutional theories that we have been setting ourselves against. So, we find, on the one hand, neoclassical theory inspiring a rational choice analysis of networks as being composed of resource-dependent organizations.³¹ The neoclassical approach postulates that the relationships between the organizations within a network are such that each depends on the others for resources and so each has to exchange with the others if it is to achieve its goals. Unsurprisingly the neoclassical approach then argues that each organization rationally deploys its resources, whether these be financial, political, or informational, in order to maximize its influence on outcomes. In this view, networks are institutional settings that structure the opportunities for actors to realize their preferences, and actors then adopt strategies to maximize their satisfaction and their resources within the context of such settings. The emphasis falls on the use of formal game theory to analyse rule-governed networks. On the other hand, we find organizational theory, with its functionalist roots, inspiring a sociological approach to networks. In this approach, network is

usually added as a third term alongside markets and hierarchies in a classification of organizations. The classification ascribes characteristics to each type of organization and then seeks to explain social outcomes by reference to these characteristics rather than, say, situated agency.

Our analysis of diverse rationalities of consumption offers a new vista outside of this dichotomy. To recover various traditions of consumption in the past is a reminder, first, that coordination and governance occur in civil society even in the absence of markets, and, second, that such coordination cannot be reduced to a reified concept of network but rather needs to be understood as the contingent product of the circulation of rationalities.³² Situated agents intentionally and unintentionally create all kinds of formal and informal practices, and it is these practices that then coalesce into complex patterns of societal coordination and governance. It is important to stress that we conceive of these practices as contingent, changing, and contested products of situated agency and local reasoning.³³ This concept of a practice differs, then, from the sociological concept of an institution as defined by fixed norms or rules, and also from those sociological ideal-types, such as networks, that are alleged to have fixed characteristics that explain their other features across time and space.

Once we recognize that civil society consists of contingent, changing, and contested practices, we might go on to rethink widespread concepts of freedom and democracy. Neoliberals equate freedom with participation in a market economy and a consumer society. They think of democracy as a way of protecting such freedom, while also expressing concern at the ways in which majoritarianism can interfere with the market economy. Communitarians often argue, in contrast, that an excess of rights or autonomy results in dysfunctional communities. They call for homogenous, even rather closed communities, which would place restrictions on personal choice in the name of a common citizenship. The broad thrust of this chapter has been, in contrast, to highlight alternative ideas of choice and consumption, some of which might act as bases for association and community. In our view, cultures and practices of consumption are sites that provide opportunities to work for civic goals. Consumer politics is one way by which people might attempt to promote democracy and justice. Choice and consumption can be about choosing ways of life within community. Citizens can engage one another, reflect on value systems, and modify their preferences through deliberation, choice, and consumption.

So, attention to local reasoning not only retrieves the flux and diversity of consumption in the past, it also opens new vistas on the possible

contribution of contemporary consumerism to civic life. Choice does not automatically lead to a much-feared de-collectivization. Students of contemporary consumer politics have emphasized the modular nature of consumer-activism. This modularity is the strength of consumer-activism, enabling it to connect with a vast range of everyday practices, from shopping to animal welfare, from health to international trade. Students of contemporary consumer politics have also reminded us that analytical categories like 'consumer' and 'citizen' are not obvious, readily used, or, indeed, separate categories for most people. Governments and social movements may appeal to a 'consumer' of health services or of fair trade products, but most people who go to a hospital or buy food do not think of themselves as consumers or of what they do as consuming. Buying, using, and throwing things away are activities that are inseparable from other activities, such as caring for one's children's future, having a good time with friends, or being a member of a community.³⁴ Scholars examining recent water wars have equally found it impossible to find a stark dichotomy between citizen and consumer. Campaigns for access to water reveal the fluid and contingent nature of identities and political strategies, involving consumer protection and education but also appeals to political and legal rights.³⁵

Economic and sociological concepts of rationality typically sustain claims to abstract forms of expert knowledge that, in turn, support a distinction between politics and administration. The result is often a representative concept of democracy in which elected politicians define policy goals and oversee a professional administration that uses expert knowledge to implement policies. In contrast, a proper focus on local reasoning might lead us to place greater emphasis on the ways in which people actively make their own freedom through their participation in self-governing practices. The concept of local reasoning suggests that citizen-consumers often have a knowledge of how they will respond to policies that is not available to experts. The concept of local reasoning thus implies that public policies might be more effective in contexts of high levels of civic engagement and public participation. It also ascribes to citizens capacities for choice and innovation, and, if we value those capacities, we will have an ethical reason for seeking to promote self-governing practices. Recognition of local reasoning might lead us to adopt a pluralist commitment to popular control over and through a range of associations in civil society, and it thus encourages us to look to local bodies, worker participation, and, of course, consumer politics as sites and means of extending our democratic practices.

Pluralists advocate the devolution of aspects of governance to 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 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 organizations through which citizens could enter into democratic processes. Citizens could become involved through a diverse cluster of identities, concerns, and patterns of consumption. 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 informal and self-governing, they need not be bound tightly by rules laid down by the state. Rather, their members could interpret, develop, and even modify our democratic norms through their own conduct.

There is a danger that discussions of democratic pluralism become too abstract to have any obvious purchase on contemporary governance. It might help, therefore, if we seek to show how specific shifts in governance can be understood as steps toward such pluralism and yet as flawed. In Britain, New Labour has introduced, first, a programme of constitutional reform which has included some devolution, and, second, an agenda for modernizing governance that includes the expansion of partnerships between public, voluntary, and private sector organizations.³⁶ Yet, even while devolution and partnerships open up new spaces for consumers to forge identities and act in consort, they still remain tied primarily to the model of representative democracy. Whereas New Labour's constitutional reforms consist mainly of devolution to national parliaments and doses of electoral reform, pluralism encourages us to invent and establish new fora in which citizens can deliberate, formulate identities and policies, and connect with one another and the state. Whereas New Labour promotes partnerships 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.

Conclusion

As the nineteenth century turned into the twentieth, historicist narratives gave way to modernist modes of knowing such as ahistorical models, classifications, and correlations. Two types of modernism then dominated social theory for much of the twentieth century. Neo-classical economics and its extension in rational choice theory inspired deductive models based on an assumption of the universality of utility-maximizing rationality. Many sociological alternatives searched for correlations, classifications, and ideal-types on the assumption that organizational and institutional types, or social norms and roles, fix patterns of reason and behaviour. These two modernist approaches to social theory helped sustain a series of dichotomies: logic of consequences vs. logic of appropriateness, choice vs. community, market vs. state, consumption vs. citizenship, etc.

In this chapter, we have tried to chart a course beyond modernism and the false dichotomies it has inspired. We challenged neoclassical economics for its neglect of culture: a presumption of rationality should extend only to consistency of belief, not to utility-maximizing behaviour. We challenged much modernist sociology for its neglect of agency: the possibility of local reasoning and situated agency entail a creativity that means rules, norms, and institutional and social trajectories are contingent and contested. An emphasis on culture and agency undermines monochromatic analyses of consumption and consumerism as selfish and acquisitive patterns of behaviour that endanger civic life. It leads us, instead, to highlight the diverse cultures or rationalities embodied in practices of consumption, and to explore the contingent, contested, and complex trajectories of these practices. Finally, an emphasis on the diversity of cultures of consumption prompts us to suggest that choice and consumption, far from necessarily undermining civic life, can act as support for association and community and even for the promotion of democracy and justice.

Notes

- 1 J. S. Mill, 'Thornton on Labour and its Claims', in *Collected Works of J.S. Mill* (London, 1963/89), 5, pp. 631–68. For a survey of the varied voices see the oft maligned but still useful T. Hutchison, *A Review of Economic Doctrines, 1870–1929* (Oxford, 1953). And, for an example of these voices debating public policy see *Royal Commission on the Depression of Trade and Industry, Final Report*, c. 4893/1886.
- 2 For various studies of different aspects of this broad intellectual shift, see W. Everdell, *The First Moderns* (Chicago, 1997); T. Porter, *Trust in Numbers*:

The Pursuit of Objectivity in Science and Public Life (Princeton, 1995); D. Ross, *The Origins of American Social Science* (Cambridge, 1991), chaps. 8–10; M. Schabas, *A World Ruled by Number: William Stanley Jevons and the Rise of Mathematical Economics* (Princeton, 1990); and D. Ross, 'Anglo-American Political Science, 1880–1920', in R. Adcock, M. Bevir and S. Stimson (eds) *Modern Political Science: Anglo-American Exchanges since 1880* (Princeton, 2006).

- 3 'The validity of the utility theory has been widely questioned on the ground that it relies upon a hedonistic psychology ... There exists no theory of human behavior which commands professional consensus of opinion, but the various theories are sufficiently antipathetic to the utilitarian calculus to have reduced the utility theory of consumption to a minor and disputed status, capable perhaps of throwing light on the market demand for goods but incapable of explaining contemporary standards of consumption.' P. T. Homan, 'Consumption', in *Encyclopedia of the Social Sciences* (1930 1st edn), p. 294.
- 4 On the historical development of rational choice as a later, and somewhat independent, process see S. Amadae, *Rationalizing Capitalist Democracy: The Cold War Origins of Rational Choice Liberalism* (Chicago, 2003).
- 5 D. Kahneman and A. Tversky (eds) *Choices, Values, and Frames* (Cambridge, 2000).
- 6 A. Offer, *The Challenge of Affluence: Self-Control and Well-Being in the United States and Britain since 1950* (Oxford, 2006).
- 7 The following arguments draw on M. Bevir, *The Logic of the History of Ideas* (Cambridge, 1999), pp. 158–71.
- 8 We are employing 'belief' and 'web of belief', rather than culture or paradigm, as the unit of analysis in the light of Donald Davidson's convincing (at least to us) objections to the idea of conceptual schemes: see D. Davidson, 'On the Very Idea of a Conceptual Scheme', in *Inquiries into Truth and Interpretation* (Oxford, 1984), pp. 183–98.
- 9 Consider, to mention just a few prominent examples, A. Etzioni, *The Spirit of Community: Rights, Responsibilities, and the Communitarian Agenda* (New York, 1993); R. Putnam, *Bowling Alone: The Collapse and Revival of American Community* (New York, 2000); and M. Sandel, *Democracy's Discontent* (Cambridge, MA, 1996). For historical accounts of the place of such fears within American thought, and their relation to a primarily German sociology of modernity, see D. Horowitz, *The Anxieties of Affluence: Critiques of American Consumer Culture* (Amherst, 2004); and A. Schafer, 'German Historicism, Progressive Social Thought, and the Interventionist State in the US since the 1880s', in M. Bevir and F. Trentmann (eds) *Markets in Historical Contexts: Ideas and Politics in the Modern World* (Cambridge, 2004).
- 10 For the mutation of a functionalist approach to organizations into communitarianism see A. Etzioni, *A Comparative Analysis of Complex Organizations: On Power, Involvement, and their Correlates* (New York, 1961); and A. Etzioni, 'Toward a Theory of Societal Guidance', in E. Etzioni-Halevy and A. Etzioni (eds) *Social Change: Sources, Patterns, and Consequences* (New York, 1973).
- 11 See J. March and J. Olsen, *Rediscovering Institutions: The Organizational Basis of Politics* (New York, 1989). Governmentality theorists too neglect situated agency and local reasoning. They present the consumer as a passive

subject-position. Consumers are merely acting out a role given to them by a discourse or a regime of power/knowledge. See P. Miller and N. Rose, 'Mobilizing the Consumer: Assembling the Subject of Consumption', *Theory, Culture and Society* 14 (1997), pp. 1–36. Indeed, while governmentality theorists adopt a critical tone when discussing social norms or social reason, they sometimes rely, like the other sociologists we have discussed, on modernist modes of knowing (synchronic analysis of the relations between signs within discourse) and hostility to a modern capitalism they conceive as totalizing.

- 12 Examples include M. Featherstone, *Consumer Culture and Postmodernism* (London, 1991); and A. Giddens, *Modernity and Self-Identity* (Cambridge, 1991).
- 13 For the philosophical background to this concept of local reasoning see the analysis of diachronic change in Bevir, *Logic*, pp. 221–64.
- 14 J. Harris, 'Tönnies on "Community" and "Civil Society"', in Bevir and Trentmann (eds) *Markets in Contexts*, pp. 129–44.
- 15 Our appeal to local reasoning captures a type of agency and a type of historicism that are often neglected by postmodernists. Compare Bevir, *Logic*; and, more recently, M. Bevir, J. Hargis and S. Rushing (eds) *Histories of Postmodernism* (New York, 2007), esp. chap. 1.
- 16 Nineteenth century historicists often adopted developmental theories in which contingency was tamed by appeals to principles such as reason and liberty which allegedly oversaw and almost guaranteed a kind of ineluctable path of progress. They tamed historicism by locating it within a Whiggish constitutional history, an idealist philosophy with Hegelian tones, an evolutionary positivism, or even an immanentist theology. Similarly, nineteenth and early twentieth century social reformers were not multiculturalists. If we are indeed to recover a historicist approach to rationality, choice, and consumption, it had perhaps better be one that avoids instantiating a principle of progress.
- 17 K. Pomeranz, *The Great Divergence: China, Europe, and the Making of the Modern World Economy* (Princeton, NJ, 2000); P. Huang, 'Development or Involution in Eighteenth-Century Britain and China? A Review of Keith Pomeranz's *The Greater Divergence: China, Europe, and the Making of the Modern World Economy*', *Journal of Asian Studies*, 61(2) (2002), pp. 501–38. M. Berg and E. Eger (eds) *Luxury in the Eighteenth Century: Debates, Desires and Delectable Goods* (Basingstoke, 2003); M. Berg, *Luxury and Pleasure in Eighteenth-Century Britain* (Oxford, 2005); J. Brewer and F. Trentmann (eds) *Consuming Cultures, Global Perspectives: Historical Trajectories, Transnational Exchanges* (Oxford, 2006).
- 18 D. Winch, 'The Problematic Status of the Consumer in Orthodox Economic Thought' in F. Trentmann (ed.) *The Making of the Consumer: Knowledge, Power and Identity in the Modern World* (Oxford, 2006).
- 19 Compare Y. Gabriel and T. Lang, *The Unmanageable Consumer: Contemporary Consumption and its Fragmentation* (London, 1995); and Trentmann (ed.) *Making of the Consumer*.
- 20 See F. Trentmann, 'Civil Society, Commerce and the 'Citizen Consumer': Popular Meanings of Free Trade in Modern Britain', in F. Trentmann (ed.) *Paradoxes of Civil Society: New Perspectives on Modern German and British*

- History* (New York, 2000), pp. 306–31; and F. Trentmann, 'National Identity and Consumer Politics: Free Trade and Tariff Reform', in P. O'Brien and D. Winch (eds) *The Political Economy of British Historical Experience, 1688–1914* (Oxford, 2002).
- 21 Brewer and Trentmann (eds) *Consuming Cultures, Global Perspectives*.
- 22 Offer, *Challenge of Affluence*. Also see J. K. Galbraith, *The Affluent Society* (Boston, 1958); Packard, *Persuaders*; and Horowitz, *Anxieties of Affluence*.
- 23 D. Miller, *The Dialectics of Shopping* (Chicago, 2001); N. Gregson and L. Crewe, *Second-Hand Cultures* (Oxford, 2003); and A. Warde and L. Martens, *Eating Out: Social Differentiation, Consumption and Pleasure* (Cambridge, 2000).
- 24 D. Miller, 'The Poverty of Morality', *Journal of Consumer Culture*, 1(2) (2001), pp. 225–43; see also M. Banerjee and D. Miller, *The Sari* (Oxford and New York, 2003).
- 25 E. D. Rappaport, *Shopping for Pleasure: Women and the Making of London's West End* (Princeton NJ, 2000).
- 26 Compare M. Hilton, *Consumerism in Twentieth-Century Britain* (Cambridge, 2003); C. Beauchamp, 'Getting Your Money's Worth: American Models for the Remaking of the Consumer Interest in Britain 1930s–1960s', in M. Bevir and F. Trentmann (eds) *Critiques of Capital in Modern Britain and America: Transatlantic Exchanges 1800 to the Present Day* (Basingstoke, 2002), pp. 127–50.
- 27 We offered one approach to such a shift of historiography in Bevir and Trentmann (eds) *Critiques of Capital*.
- 28 See V. de Grazia and E. Furlough (eds) *The Sex of Things: Gender and Consumption in Historical Perspective* (Berkeley, CA, 1996); J. Gronow and A. Warde (eds) *Ordinary Consumption* (London, 2001); F. Mort, *Cultures of Consumption: Masculinities and Social Space in Late Twentieth-Century Britain* (London, 1996); F. Mort, 'Democratic Subjects and Consuming Subjects' in Trentmann (ed.) *Making of the Consumer*, pp. 225–48; and I. Zweiniger-Bargielowska, *Austerity in Britain: Rationing, Controls, and Consumption 1939–1955* (Oxford, 2000).
- 29 See P. MacLachlan and F. Trentmann, 'Civilizing Markets: Traditions of Consumer Politics in Twentieth-Century Britain, Japan and the United States', in Bevir and Trentmann (eds) *Markets in Historical Contexts*, pp. 170–201. S. Garon and P. MacLachlan (eds) *The Ambivalent Consumer* (Ithaca NY, 2006).
- 30 We tried to challenge this dichotomy with Bevir and Trentmann (eds) *Critiques of Capital*; and, more particularly, with Bevir and Trentmann (eds) *Markets in Historical Contexts*.
- 31 See for example F. Scharpf, *Games Real Actors Play: Actor Centred Institutionalism in Policy Research* (Boulder, CO, 1997).
- 32 For studies of the fortunes of voluntary associations and civil society (or at least recognition of them) prior to, and then in relation to, the welfare state (and also modernist dichotomies) see J. Harris, *Private Lives, Public Spirit: A Social History of Britain, 1870–1914* (Oxford, 1993); J. Harris, 'Society and State in Twentieth-century Britain', in F. Thompson (ed.) *The Cambridge Social History of Britain 1750–1950*, Vol. 3: *Social Agencies and Institutions* (Cambridge, 1990); and R. Lowe and N. Rollings, 'Modernising Britain,

- 1957–64: A Classic Case of Centralisation and Fragmentation', in R. Rhodes (ed.) *Transforming British Government*, Vol. 1: *Changing Institutions* (London, 2000).
- 33 For diverse examples of the turn to practices in the human sciences, see T. Schatzki, *Social Practices: A Wittgensteinian Approach to Human Activity* (Cambridge, 1996); G. Spiegel (ed.) *Practicing History: New Directions in Historical Writing after the Linguistic Turn* (New York, 2005); and S. Turner, *The Social Theory of Practices: Tradition, Tacit Knowledge and Presuppositions* (Cambridge, 1994).
- 34 C. Barnett, N. Clarke, P. Cloke and A. Malpass, 'The Political Ethics of Consumerism', in *Consumer Policy Review*, 15(2) (2005), pp. 45–51; and J. Clarke, J. Newman, N. Smith, E. Vidler and L. Westmarland, *Creating Citizen-Consumers: Changing Identities in the Remaking of Public Services* (London, 2006).
- 35 B. Morgan, 'Emerging Global Water Welfarism', in Brewer and Trentmann, *Consuming Cultures, Global Perspectives*, pp. 279–310. See also Special issue of *Journal of Consumer Policy*, 29(4), 2006.
- 36 For details see M. Bevir, *New Labour: A Critique* (London, 2005).

9

Critical Theory in a Swing: Political Consumerism between Politics and Policy

Henrik Paul Bang

The question raised in this chapter is: does the idea of political consumerism, with its logic of immediacy, credo of ‘doing it yourself’, and ‘on’ and off’ or ‘hit’ and ‘run’ kind of participation have any radical political potential? Can it offer a fresh critical glance at the world, or is it but a continuation of the same old story of liberalism gone wild as staged and manipulative public opinion? If one asks Chantal Mouffe and Jürgen Habermas for advice, two icons of contemporary radical, critical thinking, they would not be in doubt. Although they disagree on nearly everything philosophically, they would strongly agree that political consumerism is a sham. It results from an oppressive form of marketization and depoliticization of democracy, which hides its ideological domination behind a false rhetoric of consensus and the ‘end’ of ideology. Mouffe would see it as manifesting ‘a marked cynicism about politics and politicians and this has a very corrosive effect on popular policy’.¹ Habermas would dismiss political consumerism as ‘features of a staged “public opinion” [where] “suppliers” display a showy pump before customers ready to follow’.² In both frameworks political consumerism is rejected as the lowest common denominator, not requiring a raised level of understanding and reflection to meet the requirements of the cultural supply. It reflects how market forces convert everything into a matter of making things more saleable and consumable, reducing the democratic public to a tasty immediacy of human-interest stories, advice columns, reality shows and emotions.³ Celebrities – interacting with consumers in TV shows, in chat rooms, on their websites and blogs⁴ – become the peak of this culture of immediacy, serving as a ‘tranquilizing substitute for action’.⁵

I am not going to dismiss this critique as entirely unfounded; rather I want to examine how it comes about. How does political consumerism

in the critical models of Habermas and Mouffe become a sign of administered individualization, of a citizenry bereft of space and time, and a cultural 'market place' imploding the public and the private? After all, as Frank Trentmann has shown, '[t]here is no zero-sum game between markets and politics [and a] multicentred understanding of the genealogy of the consumer not only sheds doubt about a US-centred story of convergence but also offers a more realistic view of the potential synapses between consumption and citizenship so often ignored by Western critics of consumerism'.⁶ How, then, does it happen that Habermas and Mouffe dismiss political consumerism, and all other new forms of political participation beyond the state and civil society in the information-, network- or risk society,⁷ as the products of neoliberal marketization and coercion, publicizing private life and privatizing public life, as public figures (rock stars, celebrity politicians, anchor journalists), are fed to the consumers as pre-digested chunks of biography and psychological profile?⁸

My answer will be quite simple: because Mouffe and Habermas conceive of political consumerism in a *politics-policy*⁹ model where the question of how policies can be articulated for and delivered to people are subsumed under the question of how people can give voice to their interests and identities in political decision-making processes. They give priority to the process ('politics') and its form ('polity') over its substance ('policy') and effects ('outcomes'). This critical *politics policy* approach to democracy and the public sphere stands out in sharp contrast to a critical *policy politics* approach. The latter would reason the other way around, stating that '[b]ecause politics is grounded in disputes about the good life and the means of realizing it, *policy politics* by its nature centres around controversial ideas and beliefs about the best causes of action'.¹⁰ The study of political consumerism should include both *politics-policy* and *policy-politics*, and what I shall do here is to give an indication of the theoretical problems involved in this delicate balancing of the one with the other.

Consumerism is a phenomenon which dates back to the beginning of humanity and society. It comprises a multiplicity of overlapping discourses and genealogies in history, having been interlocked and layered onto each other in a plurality of different ways.¹¹ However, I shall deal with consumerism only in the political sense as multiple discursive practices for influencing the way values are authoritatively allocated for society, a group of people, a certain field or terrain.¹² This is a more recent phenomenon which in particular seems connected with the rise of the network and information society. This is also why polit-

ical consumerism should not be regarded as something which takes place within the nation state only. Rather, it represents an expanding 'glocal'¹³ phenomenon. Political consumerist choices are made and implemented from the lowest micro-level of the single individual to the highest macro-level of the global system. They are a feature of the family as well as of the World Bank. Political consumerism is linked both to the individual, as self-knowledge and self-expression, and to institutions as values, norms and virtual, material, and symbolic resources that can be drawn upon in political interaction and in the production of political outcomes. Furthermore, political consumerism can be connected with both interests (class interests, for example) and identities (such as ethnic and gender differences).¹⁴

It is important not to conceive of political consumerism as separable from political production, although the modern identification of politics and policy with what is happening in, or addressed to, formal institutions, can give this impression. But this only confirms how political production and political consumption can be distanced from one another in the political imagination as well as in political practice.¹⁵ However, the social time, space and values of consumerism are always conditioned by *political authority*, and thereby also facilitated, limited and determined by it.¹⁶ This conditioning is as intrinsic to *politics* (as process and interaction) as to *policy* (as content and production). Political authority, in my definition, is a communicative power-knowledge relationship which is both capacity-giving and constraining. This holds for political authority's relation to the *politics problem* of how interests and identities can acquire access to and recognition in processes of *decision* and *interaction* (politics). But it also bears upon its relation to the *policy problem* of how such interests and identities become involved in, and become considered relevant to, articulating the actual *content* of political action and thereby the *production* of political outcomes. Discourses of political authority frame political voices, questions and programmatic solutions in certain ways in time-space.¹⁷ In this way the communicative power of political authority exercises its own distinctly political effects on the choice between and delivery of desired things to people. It is perfectly valid to focus more on the choice than on the delivery, as long as one does not forget that a politics-policy model (placing problems of access and recognition before problems of policy articulation and programming) is always intrinsically related to a policy-politics model (examining individual participation by social association in the political decision-making processes from the vantage point of whether or not they add to the performability

and relevance of political actors in the production of political outcomes). The communicative power of political authority conditions both how people can give voice to their concerns and influence political *decisions* on the input side of political processes (politics), and how people can get involved and exercise influence on political *action* and its outcomes, on the output side of those processes.

A two way critical approach to political consumerism

According to Habermas, policy articulation and programming are determined by politics: 'As soon as specialized knowledge is brought to politically relevant problems, its unavoidable normative character becomes apparent, setting off controversies that polarize the experts themselves'.¹⁸ Hence, all new policy approaches to political consumerism, reflexive modernity, the risk-, information- or network-society, governance and governmentality, life politics, everyday making and expert citizenship,¹⁹ – most of which perceive, understand, and assess democratic politics within a policy framework are *ipso facto* submitted to a politics framework – of polarization and convergence, left and right, conflict and consensus with its clashing interests and identities for acquiring access to and recognition in political interaction. Mouffe writes them off as 'unable to grasp the nature of 'the political' in its dimension of hostility and antagonism',²⁰ whereas Habermas considers them the 'the life-historical background of violated interests and threatened identities'.²¹

Now many new policy-politics approaches to reflexive modernity do indeed sometimes 'side-step fundamental conflict of interests [and] instead of being conducive to more democracy [are] in fact a renunciation of the basic tenets of radical politics'.²² However, the point is that in a policy-politics model, Mouffe's argument could be criticized for being entirely out of touch with what rapidly increasing institutional complexity and individual reflexivity on the output side of political processes imply for the old, collective input politics of conflicting and consensual interests and identities.²³ Political consumerism cannot be automatically discharged as 'liberal-individualist'. Political consumerism does not represent a politics-policy approach to participation but a policy-politics approach. It is mostly thought of as the idea that consumption decisions can be made by political criteria and perceived as life political choices embodied in communicative practices for politically creating economic, social and cultural life.²⁴ Making decisions about what to consume (including, of course, consumption of public

values and services), is considered *life political* in the sense that it assumes the consumer possesses some knowledge about the impact that production has on everyday practices and environments (physical, biological, psychological, cultural, social, political, and more). The consumer assesses these influences in addition to the price of goods and their suitability for use, and then has capacity to make her or his choice and exercise a concrete influence (however insignificant it may appear to be) on actual policy.

Political consumers, comparative research indicates, are skeptical towards their conventional roles as voters or virtuous citizens.²⁵ They do not have a legitimizing identity, layered into them by the existing regime. They are more dissatisfied than most with elected politicians and their formal political institutions. They have more or less lost faith in being able to influence political decision-making processes through the established channels of representation by political parties and interest organizations.²⁶ But this does not mean that political consumers have an oppositional identity which compels them to fight against state power or makes them feel devalued or stigmatized by the regime's logic of domination.²⁷ They question the relevance of conventional forms of expertise and representation, but they are not distrustful of politics and policy in general.²⁸ Furthermore, they show more trust in other people, are disproportionately involved in check-book organizations, adumbrate postmaterial values and possess more efficacy than most citizens.²⁹

Political consumers may, as Mouffe suggests, be regarded in terms of a 'third way,' who are tired of representative politics. Their spirit is not one of 'thick' community and solidarity. They seek new ways of influencing political agenda-setting and policy more directly and concretely than in their conventional roles as citizens operating on the left-right scale and participating in order to make themselves heard by decision-makers inside the political system. They have a flexible project identity in which decisions actively to challenge, fight, cooperate, negotiate or engage in dialogue with 'the system' depend on the actual situation and the concrete policy in question.³⁰ They act on the actual content of policies rather than on abstract interests or ideologies. Political consumerism in reflexive modernity is mostly an example of new forms of policy participation on the output side which are 'thinner' than those on the input side. This is because commonality and solidarity must be immediately adjustable to new projects and tactics for helping reflexive individuals to acquire more immediate and direct influence upon the production of political outcomes than their

old role in representative democracy as passive or active citizens can afford them.³¹

Political consumers do not operate primarily from an abstract *politics of ideas* about Left versus Right, individual versus community, etc., or from a concrete *politics of presence*, emphasizing characteristics such as gender and ethnicity.³² Rather, they pursue a *politics of becoming*, including other new types of participation, such as those of everyday makers and expert citizens. They see themselves as engaged in what Connolly describes as a 'micropolitics of becoming [which] prizes the ineliminable plurality of contestable perspectives in public life and the recurrent need to form collective assemblages of common action from this diversity'.³³ This politics of becoming leans heavily towards the policy-politics model, but it is not just about how one consumes political 'goods'. It attempts to mediate and weave together the logics of production and consumption for the sake of transforming or developing individuals and their environments in interaction with one another. This is why political consumers act with a view to policy content and production even when voicing their concerns to acquire access and recognition on the input side. Their activities are not primarily oriented towards the processes and forms of representative politics but towards new ways of influencing the content and production of policy. Political consumers do not strive so much to influence politics indirectly by voicing their concerns. They are more occupied with affecting policy directly by expressing opinions with their 'feet' and developing themselves as reflexive individuals capable of practicing their freedoms in a variety of ways. They are not totally uninterested in representative politics, but they feel no urge to engage actively in it.³⁴ They privilege their own policy of becoming on the output side over conventional interest and identity politics on the input side. They want their participation to be concrete rather than abstract, value oriented rather than normative or ideological, particularistic rather than universalistic, project oriented rather than legitimating or oppositional, reflexive rather than rational or irrational.

In the politics of becoming there is 'no outside, no privileged vantage point, and no independent construction of identity'.³⁵ One is situated right there inside the political. 'Difference is a politics leaving a third space, a space reducible neither to subject nor object, universal nor particular – a space open to the radical alterity of the other'.³⁶ The question then is whether this third space of difference has a critical logic and power of its own not derivable from or reducible to the kind of instrumental and normative reasoning that governs the way (poten-

tially) antagonistic confrontations between a multiplicity of interests and identities in society are stabilized and channeled into an 'agonistic pluralism'³⁷ for 'advancing legitimating reasons and discursively formed judgments'?³⁸ I believe it has, and consider it a basic failure on the part of the critical politics-policy model that all claims of a specific policy-politics logic of the 'wise', 'risky', 'life-political' action, guiding both choice and delivery, is simply dismissed *a priori* as a fiction of individualism brought about and sustained by the 'dark side' of power in neoliberalism. In having only a contemptuous attitude towards a life politics aimed at reaching the various areas of personal life in order to engage individuals in identity construction and the delivery of desired goods, the critical politics-policy model fails to see how the critical exercise of institutional empowerment and individual ethics in and through policy discourses of what 'has to be done' is becoming increasingly relevant for the future of democracy.³⁹

What we need is to begin to discuss the limits and potentials of the politics-policy model *vis-à-vis* the policy-politics one, not to dismiss the latter as 'unworthy' of occupying a place in 'the political', just because input politics on the left-right axis is not its primary concern. Without a critical glance at policy-politics, we cannot examine new dividing lines beyond Left and Right, such as those of a new empowering form of strategic communication connecting political consumers to a new governance rhetoric, dividing people into those who are 'up front' and 'adjustable' and those who are 'backwards' and 'inflexible', resisting their own empowerment and competence development.⁴⁰ Does this rhetoric of governance as a multileveled and dispersed power not have an ideological and control dimension reaching beyond the old critical politics-policy model?⁴¹ Could political consumerism not be regarded as a new tactic for resisting, side-stepping and avoiding such new forms of co-opting 'strong' citizens and disposing of the 'weak'?⁴² Neither Mouffe nor Habermas allows us critically to assess these questions, because being critical for them means being critical of neoliberalism and its homogenization and centralization of power. As a result those exclusions that do not primarily concern the left-right divide of modern politics, but the policies enacted by new, non-coercive modes of political subjection on the output side, can proceed unhindered by using empowerment as a strategy for strengthening their own domination and success through their involvement with NGOs and laypeople in the delivery of the desired goods.⁴³

I do not have the space here to unfold the politics-policy and policy-politics analytics, but to sum up so far, Table 9.1 may at least give an

Table 9.1 Politics-policy and Policy-politics

	Politics policy model	Policy politics model
Context	State, market, civil society	Governance networks, partnerships and reflexive communities
Culture	Materialist	Postmaterialist
Economy	Capitalist	Informational
Politics	Input: access and recognition	Output: delivery and production of outcomes
Polity	Monocentric	Polycentric
Government	Hierarchical	Heterarchical
Administration	Bureaucratic	Managerial
Citizens	Collective mass	Reflexive individuals
Political arenas	Parliamentary and corporatist	Discursive and partnering
Political community	Nationalist	'Glocal' (global-local)
Party system	Mass parties (representing interests, promoting input legitimacy)	Cartel parties (winning government, relying on output legitimacy)
Political participation	Grassroots and citizens politics oriented towards formal institutions	Micro politics and project politics beyond the formal institutions
Media	Mass media	Multi media
Key mobilization resources	Organizational	Virtual
Public project	Emancipatory	Empowering
Justification	Moral	Ethical

indication of the range and scope of the theoretical and practical problems involved.

It is hoped that Table 9.1 can speak to the democratic imagination, illuminating how critical, radical analysis calls for new descriptions, images and concepts of publicness and citizenship from the vantage point of the coupling problems between politics and policy in a political world characterized by more and more institutionally differentiated political regimes and individualized political cultures. It is not possible

to comprehend this redoubling of politics as politics-policy and policy-politics either as one big story of decay, exercised top down, or as a multiplicity of 'small' narratives of progress for doing things one's own ways, bottom up. Connecting democratic politics to the construction of new mediating public policy spaces and forms of policy involvement are becoming both a new steering imperative for hyper-complex regimes and a condition of individual self-development and of shaping new reflexive commonalities within a culture.⁴⁴ The messiness and indeterminacy of loosely coupled institutions and highly reflexive individuals inside 'the political' simply require the presence of ever more public spaces, where the common policy concerns of individuals can be mediated by general and unrestricted public discussions about 'what has to be done'. Just as differentiated expert policy institutions increasingly need public spaces of a non-organizational and non-formal character to deliberate on and criticize their varying strategies for attaining influence and success, so 'ordinary' reflexive individuals require such spaces for imagining and discussing various modes of how best to perform and enact one's individual and common life projects.

Critique in the politics-policy model

The critical politics-policy model and the critical policy-politics model both have their strengths and weaknesses, of course, but they are both inescapable for critically assessing what is going on in our time of expanding globalization, localization, Europeanization, individualization, institutionalization, etc. The former is the bearer of a moral discourse, which appeals to the significance, legitimacy and power of the democratic constitution and 'thick' collectivistic citizenship to secure and expand on a free and equal access to the political decision-making process.⁴⁵ The latter, in contrast, appeals to a more ethically oriented discourse of how reflexive individuals can make a difference to the delivery of the desired goods and the production of political outcomes in and through their engagement in various policy fields and policy partnerships.⁴⁶ The one, I will suggest, cannot do without the other and new debates for and against political consumerism are the conformation of just that!⁴⁷

The critical politics-policy model has its foundation in a modern Western history concerning how:

- (1) Nationalism and the industrial revolution turned traditional society into a modern nation state clearly separating its hierarchical

and bureaucratic authority from the 'free play' of market forces and the spontaneous processes of normative integration in civil society;

- (2) the formation of representative democracy organized along the left-right axis made it possible for modern societies to function harmoniously as against totalitarian or 'backward' societies by expressing the normative and active consent of the people; by enabling that, both governmental and societal actors came to possess a certain autonomy *vis-à-vis* parliamentary public debate and will formation;
- (3) the development of autonomous civil society afforded images of the ideal democratic polity to be defined by features beyond those in the state that formally enable political participation;
- (4) ordinary people got a relevant and significant political role to play in and through civil society as supports of, and participants in, a national democratic culture, a protective and developmental state and the exercise of welfare policy.⁴⁸

In this model, as Mouffe writes, '[m]odern democracy's specificity lies in the recognition and legitimation of conflict and the refusal to suppress it by imposing an authoritarian order'.⁴⁹ It follows that policies where the power of authority is *not* centred around, or normatively tied to, the normative politics problem of how to guarantee free and equal access to, and recognition in, political decision-making processes, are rejected *a priori* as 'authoritarian' or 'illegitimate'. No wonder, therefore, that any mention of political consumerism is dismissed as undermining 'the spirit of community and solidarity in order to strengthen dialogue between all groups in society'.⁵⁰ It is considered evidence of how '[c]itizens entitled to services relate to the state not primarily through political participation but by adopting a general attitude of demand – expecting to be provided for without actually wanting to fight for the necessary decisions'.⁵¹ It is seen to result from a neoliberal strategy for pushing political discussions out of the public sphere, confining them 'to in-groups, to family, friends, and neighbours who generate a rather homogenous climate of opinion anyway'.⁵²

As Fraser suggests, this is a view of democratic politics and the public sphere as 'civic-republican, as opposed to liberal-individualist. Briefly, the civic-republican model stresses a view of politics as people reasoning together to promote a common good that transcends the sum of individual preferences....On this view, private interests have no proper place in the political public sphere. At best they are the prepolitical

starting point of deliberation, to be transformed and transcended in the course of action'.⁵³ Hence, as Goode notes, political consumerism appears as indicating 'how the mutually reinforcing tendencies of a citizenry bereft of space and time, and a cultural 'market place' which reduces the citizen to a ratings, box-office or circulation statistic, have all but dissolved the image of a critical public sphere'.⁵⁴ Political consumerism is but one more feature of an ongoing story of decay: about how the interlocking of state and society in social policy erodes the old institutional bases of critical citizenship and publicity without supplying new ones. Parliament and civil society degrade: 'The process of the politically relevant of exercise and equilibration of power now takes place directly between private bureaucracies, special-interest associations, parties, and public administration'.⁵⁵ The expansion of democracy through the involvement of individuals in new policy forms of participation beyond state and civil society has come at the cost of its continual degradation.

On Habermas's ideal speech situation

What the politics-policy model overlooks is that consumerism cannot be treated as a domain outside of political citizenship and the public sphere, since its discursive logic and mode of experience is connected with the policy articulation and implementation provided by this sphere itself. The logic and experience of political consumerism require us to understand the public dimensions of individual self-identity and action as an ongoing project of differentiation within political networks of signification. These policy dimensions of 'the public sphere' are called into being through the communicated message of authority on what 'has to be done'. The critical politics-policy model cannot 'see' this connection because in this model '[p]olitics aims at the creation of unity in a context of conflict and diversity'.⁵⁶ Emphasis is on how *policy* can be held accountable to a democratic *politics* of free and equal access to, and recognition in, processes of political interaction. The argument is that 'planning and supervising administration [must] be shaped by deliberative politics, that is, shaped by the publicly organized contest of opinions between experts and counter-experts and monitored by public opinion'.⁵⁷ There is little room here for an autonomous conception of the connection between policy and democratic political authority, seen as an autonomous, productive, discursive and non-coercive type of power-knowledge, conditioning not only the exercise of political domination but also the practice of political

freedom. On the contrary, the relation of political authority to policy in the critical politics model is all about commands, obedience and submission. It rests on 'the continuous acknowledgement of *cives* who recognize their obligation to obey the conditions prescribed in *res publica*'.⁵⁸

The 'neutralization' of the policy-politics model is in Habermas's model brought about by his notion of uncoerced consensus as an immanent possibility of what he calls the ideal speech situation. This is mostly considered as privileging consensus over conflict, agreement over disagreement.⁵⁹ Following Goode '[i]n fact, the Habermasian framework is not *quite* so far removed from Laclau and Mouffe's influential model of "agonistic pluralism" which emphasizes the ongoing struggles between competing cultural, political and ethical discourses, as is widely assumed. This, despite Laclau continuing to paint Habermas as the naïve universalist who pathologises dissensus'.⁶⁰ Habermas, as Goode correctly observes, is not downright hostile towards disagreement, struggle, contingency and particularism, as Laclau and Mouffe presume. Rather, he simply refuses to make antagonism the core of politics, since in his view this would make it impossible for us to imagine that argumentation can gain ascendancy over (the threat or possibility of) coercion in politics, and thereby the possibility of envisioning a democratic political culture and regime in which difference comes before opposition, co-existence before antagonism.

The problem is not that Habermas's conception of democratic politics operates in a cultural vacuum or does not acknowledge that only a concrete and bodily politics could inspire a diversified citizenry to favour argumentation over costlier alternatives. The problem lies exactly in his communicative logic, which is not attuned to an argumentation that includes a never-ending disagreement and struggle and yet precludes a *modus vivendi* or superficial modes of toleration. There is a deep-seated tension in Habermas's texts – in particular, in his most recent ones – between a moral approach to norms or legitimation and an ethical approach to values or signification. This is especially vivid when Habermas considers the possibility of 'rationalizing' expressive, aesthetic and 'dramaturgical' actions in the strictly limited or procedural sense,⁶¹ and at the same time treats both strategic and dramaturgical models of action as derivative of and subordinate to his original model of unconstrained consensus.

The goal of rational persuasion which Habermas pursues, implicitly gestures towards egalitarian relations. A 'speech-act-immanent obligation' (to provide grounds, to justify and/or to demonstrate sincerity if called upon) empowers the hearer (in a limited sense), just as the

illocutionary force of the speech act itself empowers the speaker.⁶² However, the 'ideal speech situation' is a condition of establishing equality between participants and the unhindered scope for each to question and defend validity claims. It does not determine the situation for them. Uncoerced consensus is something anticipated in communication – an unspoken aspirational norm, rather than a concrete possibility. Asymmetries will normally exist between participants, since some command higher trust, status, reputation, etc., than others. But it is important for Habermas to hold that every speech act implies the possibility of uncoerced consensus. As such, other modes of discourse appear as shortcomings and blockages of extant practices, discourses and institutions in the testing of validity claims, which through history have been progressively challenged by human societies.⁶³ As he writes:

The one-sidedness of the first three concepts of language can be seen in the fact that the corresponding types of communication singled out by them *prove to be limit cases of communicative action*: first, the indirect communication of those who have only the realizations of their own ends in view; second, the consensual action of those who simply actualize an already existing normative agreement; and third, presentation of self in relation to an audience. In each case only one function of language is thematised: the release of perlocutionary effects, the establishment of interpersonal relations, and the expression of subjective experiences. By contrast, the communicative model of action...takes all the functions of language equally into consideration.⁶⁴

However, what does this mean, really? That the ideal speech situation has its foundation in a rational, discursive order which we 'unfold' over the generations as we 'evolve' by removing more and more blockages standing in the way of its ongoing approximation? Or are we rather dealing with the imagination of a future temporal order in what is ultimately but a general disorder or 'chaos', having no rational foundation whatsoever? If the former is the case, the increasing mutual autonomy of legal, moral, aesthetic and scientific discourses can be regarded as a function of an expanded rationalization of the 'lifeworld', approximating the goal of uncoerced consensus.⁶⁵ But the increasing autonomization and specialization of systems put a brake on this rational development; they become pathologically insulated from one another, and fragment into expert cultures. Discourses of morality,

aesthetics and science all take on the appearance of 'second nature' systems mediated through power (e.g. law), money (e.g. the commodification of culture) or a combination of the two (e.g. science and technology).

Mouffe's critique of the consensus model

Habermas's original idea of uncoerced consensus, with its oppositions between individual wills and the common will, the private and the public, instrumental rationality and communicative rationality and system and lifeworld, is modeled on the ideal speech situation. The basic idea behind this situation, as Mouffe writes, is that 'only those norms, i.e. general rules of action and institutional arrangements, can be said to be valid which would be agreed to by all those affected by their consequences, if such agreement were reached it would result from a process of deliberation which has the following features:

- (a) participation in such deliberation is governed by the norm of equality and symmetry; all have the same chance to initiate speech acts, to question, interrogate, and to open debate;
- (b) all have the right to question the assigned topics of conversation;
- (c) all have the right to initiate reflexive arguments about the very rules of the discourse procedure and the way in which they are applied or carried out. There is no *prima facie* rule limiting the agenda or the conversation, nor the identity of the participants, as long as each excluded person or group can justifiably show that they are relevantly affected by the proposed norm under question.⁶⁶

Mouffe thinks that this identification of political agreement with rational consensus inverts the relationship between conflict and consensus. It makes mere agreement become the sign of a normative 'steady state' or 'order' of uncoerced communication in political discourse that just awaits being approximated as 'humanity' continues to remove the 'obstacles' of exclusion or coerced communication which hinder its evolution. As Mouffe says: 'if we accept Schmitt's insight about the relations of inclusion-exclusion which are necessarily inscribed in the political constitution of "the people" – which is required by the exercise of democracy – we have to acknowledge that the obstacles to the realization of the ideal speech situation – and to

the consensus without exclusion that it would bring about – are inscribed in the political logic itself'.⁶⁷

Surely, Habermas has, until recently at least, portrayed the development of uncoerced consensus as one of removing more and more disorder from a potentially ordered universe. For Mouffe the issue is entirely the other way around. To the extent that it is meaningful to speak of an agonistic democratic order as 'uncoerced' it can only be in the sense of a temporal order which is articulated and fought for in what is but a general disorder, e.g. Schmitt's antagonistic universe of friends and foes. 'We could say – this time using Derridean terminology – that the very conditions of possibility of the exercise of democracy constitute simultaneously the conditions of impossibility of democratic legitimacy as envisaged by deliberative democracy'.⁶⁸ Now Habermas does speak about uncoerced consensus as something anticipated in communication – an unspoken aspirational norm, rather than a concrete possibility in an imperfect world where asymmetries of autonomy and dependence rule. Mouffe is indeed justified in asking, what this possibility really means? Does it imply that the ideal speech situation has its foundation in a rational, discursive order, which we will probably never be entirely finished with, 'unfolding' over the generations as we 'evolve' towards higher 'steady-states'? Or, are we rather dealing with the imagination of a future temporal order in what ultimately is but a general disorder or 'chaos', consisting of Schmitt's 'blind antagonisms'?

The oscillation in critical politics between morality and ethics

That Habermas waivers on his ontological position becomes obvious when, in recent years, he shifts attention away from the lifeworld towards the constitution.⁶⁹ It seems as if he is abandoning the lived experiences of laypeople for the large-scale institutional structures of 'the system'. Habermas today speaks of 'discourse ethics', rather than the ideal speech situation, as a model which strives for more open, egalitarian, frank but respectful dialogue between citizens with differing interests, identities and backgrounds: 'The four most important features [of discourse ethics] are: (i) that nobody who could make a relevant contribution may be excluded; (ii) that all participants are granted an equal opportunity to make contributions; (iii) that the participants must mean what they say; and (iv) that communication must be freed from external and internal coercion'.⁷⁰

Mouffe argues that in this new perspective, 'the basis of legitimacy of democratic institutions derives from the fact that the instances which claim obligatory power do so on the presumption that their decisions represent an impartial standpoint which is equally in the interests of all'.⁷¹ In this instance, however, I think that Mouffe is wrong. Discourse ethics aspires to orient participants towards what is right for all concerned (values and signification) and not to what is in the common interest and therefore good for me and my community (norms and legitimation). It does not lay claim to a universal morality. It is not an abstract ideal but an institutionalized discourse in historically situated public spheres. When Habermas shifts his glance from morality to ethics, he also switches to a notion of political order as articulated in, and imposed on, a general disorder. It is peopled by embodied citizens who inhabit particular lifeworlds and who enter into dialogue with codes, conventions and characteristics that can never be neutral. These citizens are all shaped *inside* the political in a dialogue about 'what has to be done' between them as representatives of the private, public and voluntary domain, including philosophers and social scientists.⁷²

Habermas's point is exactly that discourse ethics is not culturally peculiar, but can be employed everywhere, at all times and in all situations to establish democratic political order from disorder: 'we may assume that the practice of deliberation and justification we call "argumentation" is to be found in all cultures and societies (if not in institutionalized form then at least as informal practice) and that there is no functionally equivalent alternative to this mode of problem solving'.⁷³ But then this practice is precisely a contingent and temporally situated practice in modern history and not a categorical imperative abstracted from time and place. I see the transfer from an abstract and universal morality to a concrete and contingent ethics as a swing from a politics-policy model to a policy-politics one. What really constitutes a break in Habermas's discourse ethics is that he now begins to speak of discourse as *problem solving* rather than as *intersubjective agreement*. He imperceptibly shifts his attention away from his old commonality of the common good to one of solving common policy concerns. This creates a paradox in his model, precisely because granting policy-politics a logic and power of its own is foreign to his original politics-policy model, where policy has a derivative status. This paradox forms a 'black hole' in his theory where the authoritative *acceptance of policy* and not the mutual *agreement on politics* should have been situated. Since it is not, Habermas's discourse ethics becomes

peculiarly *unfounded*, both philosophically and theoretically. If discourse ethics is not the same as uncoerced consensus, or immediately derivable from/reducible to it, what else supports discourse ethics than wishful thinking or a lame hope for an 'ethical humanity'? As Habermas now states, discourse ethics 'may provide an opportunity'⁷⁴ for mediating differing 'worldviews' or 'comprehensive doctrines', and we may 'hope that processes of socialization and political forms of life meet them halfway'.⁷⁵ But this sounds very bleak indeed, since there are no longer any *a priori* reasons why we should take up a moral attitude in relation to this ethics. What guarantees that this hope is not entirely worthless? We get no answer, not even a tentative one. Rather, we seem locked between the social philosophy of the unified, uncoerced consensus and the unarticulated political theory of the multi-form discourse ethics.

The paradox of foundationalism versus anti-foundationalism, created by the 'black hole' in Habermas's model, re-appears when he shifts his gaze to the sphere of law, but now because he grounds the dialectics of law in the public-private distinction. Following the modern tradition back to Hobbes, private autonomy is supposed to delimit a protective cover for the individual's ethical freedom to pursue his own existential life-project instead of falling prey to the brutal war of all against all. Public autonomy, on the other hand, is said to grant citizens the rights and resources to contribute discursively to the authorship of the legal norms which delimit their private autonomy. Now republican constitutionalism, in the shape of concretely embodied *law* tied to 'common value orientations and shared conceptions of justice',⁷⁶ suddenly takes the place of the ideal speech situation as the overarching medium of discourse ethics. Mouffe does not note this shift, but continues to hold that '[i]n such a view it is not enough for a democratic procedure to take account of the interests of all and to reach a compromise that will establish a *modus vivendi*. The aim is to generate "communicative power" and this requires establishing the conditions for a freely given assent of all concerned, hence the importance of finding procedures that would guarantee mutual impartiality'.⁷⁷ However, what Habermas's republican constitutionalism strives for is *not* impartiality but to make use of law as a political medium for keeping *morally* comprehensive doctrines at arms length from the discourse ethics. This is necessary if we are to articulate and solve common concerns in a public and democratic fashion. Mouffe herself hints at this, when saying that '[this] is why the accent is put on the nature of the deliberative procedure and on the types of reasons that are deemed acceptable'.⁷⁸ It

really makes a world of difference whether law is geared to normative (or moral) agreement on *politics* or to value (or ethical) acceptance of *policy*. You can accept the values of democratic policy and still have strong disagreements over the norms of democratic politics. In the case of Habermas – and Rawls, who gave him insight into this⁷⁹ – the overarching value of democracy is that it manifests the one and only comprehensive *political* doctrine so far in history, to hold out the possibility of living and solving our problems together despite profound antagonisms and the lack of an overarching normative consensus.

Mouffe misses the relevance of Habermas's and Rawls's ethical claim that difference stands above antagonism, exactly because she opposes 'blind' antagonism to rational consensus. Habermas's model, she states, 'is unable to acknowledge the dimension of antagonism that the pluralism of values entails and its ineradicable character'.⁸⁰ But Habermas's ethical challenge is not about normative or moral consensus but about political, democratic acceptance and recognition of difference. His position, when shifting towards discourse ethics, is that political disputes over differences cannot and should not be reduced to an overarching, ineradicable antagonism, imposing an eternally skewed relation of autonomy and dependence upon past, present and future political generations! Democratic political order flows from the imagination and concretization of an ethical political authority, the communicated messages of which are freely and willingly accepted as legitimate, because they spring from, and are directed towards, the goal of nourishing and expanding symmetrical relations of autonomy and dependence between intrinsically different parties, actors or institutions.

If everybody would accept and recognize each other's differences, Habermas's and Rawls's 'hidden' but 'freestanding' political logic states, there simply would be no 'essence' of antagonism inside the democratic polity; nor could one sustain a universal norm within this polity for flattening out all such differences onto the same plane of discourse, as one, single, morally comprehensive agreement. Hence, we neither have to accept an arbitrary enemy nor a univocal moral position when entering into the public domain of a discourse ethics targeted towards the creation of balanced relations of autonomy and dependence between people.⁸¹ Accepting and recognizing political authority as the condition of envisioning and putting into practice a non-antagonistic discursive democratic politics and policy is not to kick emotional antagonism, unconstrained consensus or rational consensus out of the political public. It is merely to point out that if we

allow them admission to the domains of *democratic* political publics it would mean the 'death' of democracy as a public domain for the free, fair and just play of difference.

Distinguishing a politics-policy of opposition from a policy-politics of difference

There is a missing distinction in Habermas's texts between the different communicative types of capability and knowledgeability that characterize discourse ethics and the morally ideal speech situation, respectively. One feels this lack especially when he introduces law as the overarching medium in order to guarantee that the democratic public does not fall prey to either a sovereign legislator, exercising dominion over it, or to sectional interests prohibiting the sovereign legislator from intervening in the name of their common concerns. As he puts it with regard to the prospects for justifying human rights as moral rights: 'The addressees of law would not be able to understand themselves as its authors if the legislator were to discover human rights as pre-given moral facts that merely need to be enacted as positive law. At the same time, this legislator...should not be able to adopt anything that violates human rights'.⁸² But the issue now is how formal law can enjoy such a mediating function. Is it something which has fallen from Heaven? Or is it some kind of Kantian categorical imperative? If it is then what happens with the concrete, body-like discourse ethics that Habermas himself considers unavoidable, since '[l]ife in a moral void would not be worth living'?⁸³

Goode articulates the paradox succinctly: 'On the one hand, the democratic impulse leads us to imagine increasingly abstract constitutional norms that aspire to include the hypothetical *anyone*; on the other hand, we cannot conceive of those norms as too abstract, as to do so would be to miss the ethical patterning that inevitably shapes their realization in practice (thus occluding questions of power, *and* it would mean we aspired to norms so inclusive that they seemed to belong to and therefore to motivate *no one*. To conceive of constitutional norms (including human rights) as purely moral constructs is both misleading and dangerous in that sense. Somewhere, there is a missing term'.⁸⁴

Indeed, there must be a missing term! For it is obvious that Habermas needs the 'necessary contingency' of his discourse ethics to avoid being called 'paternalistic', 'authoritarian' or 'categorical' when it comes to its connection with his ideal speech situation. But can this term simply be political culture, as Goode suggests, 'a democratic

Sittlichkeit, a dose of Hegelian tincture to soothe the Kantian pains of abstraction?'⁸⁵ No, the concept rather must be a general political one, covering both regime and culture. Otherwise we could not show how to mediate between the democratic regime, in which Habermas situates his multicoloured law, and the democratic political culture, in which he wants his discourse ethics to help expand acceptance and recognition of difference. What appears to be missing is a conception of another type of communicative logic than the logic of moral communicative rationality, which is required for attaining an uncoerced consensus. For as Habermas underscores, the latter cannot itself link formal law to the institutionalization and exercise of Sittlichkeit, as ethical order ('politics') and ethical substance ('policy') made meaningful and actual for individuals through their reflexive layering into their identities as general patterns for envisioning and handling their common concerns.⁸⁶

A small detour *via* 'constitutional patriotism'

Habermas tries to escape the opposition between the ideal speech situation and the discourse ethics by developing a concept of 'constitutional patriotism'.⁸⁷ It sounds frightful, really, considering the horrors of untamable nationalism in Europe. But what he is up to is trying to rescue the EU and the democratic ideals of republicanism from once again falling prey to the dark forces of nationalism. After all, it was within a national political culture that the republican ideals of including and drawing upon a large, complex citizenry in all its diversity were first articulated. So what would be more natural than reviving the tradition in the newly expanded EU? As he writes: 'Though the nation-state is today running up against its limits, we can still learn from its example. In its heyday, the nation-state founded a domain of political communication that made it possible to absorb the advances in abstraction of societal modernization and to re-embed a population uprooted from traditional forms of life in an extended and rationalized lifeworld through the cultivation of national consciousness'.⁸⁸

Yet it sounds a bit nostalgic to approach issues of Europeanization, globalization and localization from the past construction of a national democratic community connected with the emergence of an 'administrative state supported through taxation (a); maintaining sovereignty over a determinate geographically territory (b); in the specific form of the nation-state (c), which then democratically developed into a legal and social state (d)'.⁸⁹ I can of course see what Habermas is longing for,

namely a unified European polity which can take charge when it comes to 'the institutionalization of the economic procedures, practices, and regulations that could solve the problems of economic globalization'.⁹⁰ It is also obvious that he is doing his best not to identify the new kind of cosmopolitan solidarity – required to support this European political project of 'taming' economic globalization and to put issues of redistribution of wealth back on the agenda – with the more 'thick' form of solidarity underlying the 'old' national civil society. As he holds, it would be 'a solidarity that would certainly be weaker and less binding than the civil solidarity that developed within nation states'.⁹¹ However, no matter how 'thin' this cosmopolitan moral solidarity of constitutional patriotism may be, it stands in glaring contrast to discursive ethics, the point of which is that 'independently of their cultural backgrounds all the participants intuitively know quite well that a consensus based on conviction cannot come about as long as symmetrical relations do not exist among them'.⁹² Here, the establishment of symmetrical relations in a policy-politics model *comes before* the establishment of the 'thick' moral solidarity based on conviction in the politics-policy model.

Habermas cannot have his cake and eat it. He must choose what comes first inside the political realm: ethical acceptance or moral agreement. Otherwise the former will simply reduce to a species of the same evolutionary trends that propelled representative democracy ahead to its moral 'triumph'. Indeed, today we live in an increasingly unwilling community of shared risks, but under this pressure, Habermas thinks, 'it is thus quite plausible that the great, historically momentous dynamic abstraction from local, to dynastic, to national, to democratic consciousness would take one more step forward'.⁹³ But it sounds like wishful thinking, which does not bring Habermas any closer to solving the paradox of submitting the discourse ethics (that he wants to constitute the ground of his 'thin' cosmopolitan solidarity) to either the medium of law or the ideal of uncoerced consensus. Actually, he boxes himself even further into a corner. For he speaks of economic globalization as but 'the reappearance of a problem that [the developed welfare state] seemed to have only recently solved under the pressure of systemic competition. The problem is as old as capitalism itself: how to make the most effective use of the allocative and innovative functions of self-regulating markets, while simultaneously avoiding unequal patterns of distribution and other social costs that are incompatible with the conditions for social integration in liberal democratic states'.⁹⁴

Thus, in the final analysis, all new policy ideas and policy phenomena associated with escalating processes of globalization, of which political consumerism is one important element, amount to no more than 'capitalism', as emergent properties of the 'dark forces' of liberalism! That is to say, we have not moved one step away from the tendency in the original politics-policy model to envelop discursive ethics in the old dough of the universal versus the particular, science versus history, integration versus conflict, public versus private, freedom versus power, solidarity versus anarchy, civil society versus the state (and the market), etc. 'The political' is still considered a weather wane which moves according to the result of the battle between instrumental reason and communicative rationality; and the problem of political cooperation is still treated as derivable from '[t]he Hobbesian problem of how to create a stable social order',⁹⁵ which today must find its solution in 'the complex relationship between the coordinative capacities of political regimes, on the one hand, and on the other a new mode of integration: cosmopolitan solidarity'.⁹⁶

This is far from being a satisfying solution. It is too conservative and revisionist to be able to handle all the new democratic challenges under conditions of rapidly escalating institutional complexity and individual reflexivity on the output side.⁹⁷ Furthermore, it is 'apolitical' rather than 'political', because it is founded on the suggestion that 'the political' has no logic and power of its own, but must draw on market forces to be innovative and allocative and must lean on normative civil society in order to become integrative and legitimate in its exercise of authority. Hence, there seems no feasible solution to hand in defence of Habermas's own discourse ethics, apart from the 'doubling' of the democratic problem of 'the political' as a matter of both *politics-policy* (process, interaction, consensus, etc.) and also *policy-politics* (content, production, acceptance, etc.). If not, we will not be able to justify why it is and how it happens that today '[a]n effective regulation of a world society demands policies that successfully redistribute burdens. And that will be possible only on the basis of a ['thin'] cosmopolitan solidarity which is still lacking'.⁹⁸ This 'thin' solidarity can be created only because political authority with its policies can help to build a democratic political society substantially different from what could be built without it.

Habermas does not consider the immanent policy possibility of political authority, because democratic politics to him are a matter of connecting the 'strong' political public of parliament in the state with the 'weaker', but more inclusive, public of grassroots, social movements and 'virtuous' citizens in civil society. It simply does not occur

to him that policy operates in a discursive and ontological universe different from that of state, market and civil society – namely in a world of public-private-voluntary networks and partnerships, where all political actors shift places, such as when media, NGOs and celebrities begin to move out of civil society to ‘colonize’ new public spaces – between experts and ‘celebrities’ – inside ‘the political’, pushing the ‘old’ parliamentary public to the fringes of public discussion.⁹⁹ Therefore, Habermas does not see that there is much more to policy discourse and participation than a collective struggle in civil society to reform the state and make it responsible to the common will. Nor does he notice that these new forms of discourse and participation on the output side may be regarded as a response to a new policy leadership and management, which has become aware that in order for it to ‘protect and serve’ individuals and groups in society it is no longer enough to be a sovereign power, sustaining itself by its exercise of hierarchical-bureaucratic-clientilistic authority. One must also be able to exercise the “art of governing” through the articulation and implementation of an inherently risky policy’.¹⁰⁰

Beyond the politics-policy model of political domination

Habermas has knocked himself even. On the one side, he can be accused of having a procedural and ‘Europeanist’ bias, when he holds that the task is to develop constitutional structures that reflexively aspire towards greater and greater inclusivity than those afforded by established majoritarian and authoritarian national political cultures. On the other side, he can be blamed for imposing his own comprehensive doctrine of uncoerced consensus on the democratic political culture that he himself tells us shall be regulated only by a sufficiently concrete and motivating ethos of democratic citizenship in pluralist societies. Something is definitely missing. However, I wonder whether this missing link comes into being when we acknowledge that ‘[t]o accept the view of the adversary is to undergo a radical change in political identity. It is more a sort of conversion than a process of rational persuasion (in the same way as Thomas Kuhn has argued that adherence to a new scientific paradigm is a conversion). Compromises are, of course, also possible; they are part and parcel of politics; but they should be seen as temporary respites in an ongoing confrontation’.¹⁰¹

Mouffe is right that democracy is first of all a matter of transformative capacity and only secondly an exercise in reason and rationality. For, the slave who has figured out, ethically and morally, how to be

freed from coercive domination is still a slave. Mouffe also has a point when she says that 'democratic politics is not to eliminate passions from the sphere of the public, in order to render a rational consensus possible, but to mobilize those passions towards democratic designs'.¹⁰² But how could there ever *be* democracy, as rule 'by', 'for' and 'with' the people, if the mobilization of passions and 'sound' arguments in favour of such rule is always 'before: in the last instance' governed by the hegemony of a passionate and superior enemy? As a democrat one can actively resist one's acceptance and recognition of difference being read as obedience or subordination to such hegemony. Transformative capacity is firstly about difference and only secondly about 'antagonism'. But such difference, as modern history reveals, has for the most part been misused to impose a discourse of the 'strong' and 'powerful' as against the 'weak' and 'powerless' on authorities and laypeople.¹⁰³ However, the logic of the policy-politics model is that political authority could always have been exercised differently from the logic of antagonism.

Schmitt's and Weber's elitist discourses seem to have a grip on Mouffe when she writes that 'to acknowledge the existence of relations and the need to transform them, while renouncing that we could free ourselves completely from power – this is specific to the project that we have called "radical and plural democracy"'.¹⁰⁴ The alternative to an apolitical view of freedom as *freedom from* political power is not an overpoliticized view of the primacy of 'the political' as always and inescapably a *dominion over* others. One can never run away from political power, for obvious reasons, since then nothing political could ever actually be *done*. However, in the democratic imagination or vision one can accept political power and reject political domination, precisely because one's acceptance of political difference is not *ipso facto* an acceptance of dominion as lying at the heart of political power.

The dilemma of radical pluralism is that it implicitly hands over the constitution of 'the political' to the hegemony of circulating elites in history. For it is elitism's approach to authorities and laypeople, as manifesting the identities of opposites, which transforms the real and necessary difference between authorities and laypeople in the political realm into an unmediated 'either/or' opposition between masters and slaves, elites and masses, superiors and subordinates, the hegemon and the citizen, etc. Then it becomes concealed that politics and policy are firstly about coupling and difference and only secondly about identity and opposition. There simply is no *a priori* reason why coupling and difference must always involve consensus or antagonism. In holding

that 'consensus is bound to be conflictual consensus',¹⁰⁵ Mouffe actually submits her discourse to the history of circulating elites. The principal logic of 'the political' as authority (or transformative capacity) is not one of consensus versus conflict. It is one of accepting a necessary coupling, or division of political labour, between political authorities and laypeople. Certainly, one can accept that political authority can do something for society substantially different from what could be done without it and at the same time, as a layperson or group of laypersons, strongly resist it being used to dominate the political existence of oneself and one's 'other'.

If the 'essence' of politics were a 'struggle between enemies',¹⁰⁶ then why should it be more democratic to have such an enemy rather than 'God', 'Muhammad', 'the proletariat', 'the bourgeois public' or other totalizing figure as the overarching regulating principle of political and democratic life? The essence of 'the political' cannot be antagonism, precisely because 'the political' has no essence. It is eternally open to difference and to different types, levels and relations of difference.¹⁰⁷ Mouffe argues that 'a democratic society acknowledges the pluralism of values, the "disenchantment of the world" diagnosed by Max Weber and the unavoidable conflicts that it entails'.¹⁰⁸ However, I wonder whether her peculiar radical 'cocktail' of the 'die hard' elitists, Schmitt and Weber, can rid radical politics approaches to get rid of the authoritarian 'orders that be' without replacing them with new ones. Rather I will hold that Mouffe herself imposes an authoritarian order on political discourse, when stating that 'the specificity of modern pluralist democracy – even a well-ordered one – does not reside in the absence of domination and of violence but in the establishment of a set of institutions through which they can be limited and contested'.¹⁰⁹ This is actually what mainstream pluralism has always claimed;¹¹⁰ thereby neglecting the fact that domination and violence is still domination and violence, however limited and contested it may be in a pluralist democracy.¹¹¹ If authorization always implies domination, then the acceptance of authority will forever reveal our obedience and subordination to its prescriptions. Then, as Hobbes was primary responsible for tricking us into believing, democratic political authority becomes a matter of handing over one's right to govern oneself to others. So, if democratic politics, as Mouffe suggests, is about power as transformative capacity, then my obedience to the commands of the hegemonic republican order would signify that I had handed over my transformative capacity to this hegemony (the Hobbesian paradox of domination).

Politics-policy as sovereignty and policy-politics as art of governance

It is the modern understanding of political authority as a sovereign political entity, exercising its legitimate domination over those subjected to it, which hinders the critical politics-policy model from justifying its appeals to a democratic political order, the authorities of which employ their political difference from laypeople to govern 'for', 'by' and 'with' them.¹¹² Habermas's doctrine of uncoerced consensus has always been almost paranoid in its relation to the exercise of political authority as administrative domination, as if this were the Weberian 'iron cage' that we forever would have to adapt to in political history.¹¹³ Mouffe, in contrast, simply adopts the figure of the 'cage', holding that even if Weber was too dark in his image of domination, he was also right in that it could never be overcome because of the never-ending presence of antagonism in history.

As distinct from this politics approach to policy and administration, a policy model to politics could be employed precisely to make it evident that Weber's 'iron cage' results from the exploitation of political difference as opposition. For the discursive power of political authority does not lie in the elite politics and hierarchical order imposed by it in and through the construction of Hobbes's 'Leviathan' as a unified sovereign entity. The 'art' of governing afforded by the communicative message of political authority is open, in its practice as well as its imagination, to a variety of policy-politics forms, ranging from governance by one to governance by all. This is why 'Leviathan' under genuinely political and discursive democracies would be conditioned by a public policy authority, exercising the art of governing in the name of all and in the mutual tact and respect of political difference. Of course, policy, as the art of governing, cannot be democratically exercised except in relation to a sovereign body which can and is willing to protect and serve us all in the name of all. But this sovereignty must always be open to the popular control guaranteed by the transformative capacity of public policy authority.

Consequently, we can distinguish the democratic state, as a sovereign entity for protecting and serving democratic politics and democratic government, from the 'art' of governing, a complex strategic situation calling for risky and prudent policies for doing what has to be done in order to develop the free and equal play of difference in society.¹¹⁴ This indicates that whereas sovereignty and morality are closely intertwined, the art of governing would rather appeal to and

make use of ethics in order to get things done smoothly without the use of coercion. Until his meeting with Rawls and his articulation of discourse ethics, Habermas never had eyes for this kind of discursive authority exercising strategic power in an enabling way in order to get people 'freely' and actively to contribute to the process of making its policies felt as binding upon society. To Habermas, strategic action has always been associated with power in its sense of coercive domination ranging from outright violence to shrewd deception. It is different with Mouffe, who does not think of power solely as repression, but, rather, following Schmitt, as a warlike clash between forces, which, as Foucault points out, is not the sign of 'an abuse, but on the contrary simply the effects and the continuation of a relationship of domination'.¹¹⁵ Now we can endlessly discuss whether Foucault is also engulfed in this history of the politics of domination with its circulating friends and foes, elites and masses, domination and resistance. Here the point is simply that he was among the first to put policy before politics as a policy-politics model rather than a politics-policy one. He wants us to study 'the political' from the policy presumption that 'power is not something that is given, exchanged or taken back, that it is something that is exercised and that it exists only in action'.¹¹⁶

Habermas needs the notion of a decentred, positive and enabling political authority to escape from his oscillation between conservatism and essentialism. It would allow him to conceive of his discourse ethics as oriented towards empowerment, rather than emancipation, and as geared to a critique of empowering domination as blocking the expansion of the practice of freedom 'from below'. Such practices would operate on laypeople's own conditions and in respect of their 'small tactics' for ruling themselves self-reflexively, in and through their imagined, symbolic and real policy communities. Now and then Habermas does come close to differentiating between a concept of state *domination*, founded on the hierarchical and coercive power of the sovereign authority, and governmental *power*,¹¹⁷ expressing a more discursive, empowering, informal, and decentred mode of control involving a plurality of contexts of agency and identity operating within the framework of republican constitutionalism. As Hoffman puts it '[t]he challenge to the conceptual and empirical domination of states lies in the empowerment potential of government, the potential for a non-statist politics which is *not* monopolistic and territorially exclusive and therefore does not require underpinning from coercive agencies like the army and the policy'.¹¹⁸

Hoffman thus attempts to tie political authority to Foucault's distinction between 'sovereignty' and the 'art of government'. Sovereignty concerns the question of how, and under which conditions, a ruler can sustain his sovereignty over the state. It is the domain of the critical politics model, where a rationally organized political authority is standing above and outside his subjects for the sake of protecting not only himself, his possessions and territory, but also the 'life, liberty and estate' of those who accept and acknowledge their allegiance to him. The goal of sovereignty is sovereignty itself. The task is continuously to (re)draw the boundary between the ruler's legitimate domination and other kinds of coercive power in society. This notion of sovereignty is at the heart of the idea of the well-ordered welfare state, where the ruler is exercising authority in the name of the general interest and against the background of a normative consensus among his subjects in society. However, the exercise of political authority has another side, namely the art of governing, which manifests a plurality of modes of governance, or regimes of 'truth', the political multiplicity and socially embedded character of which distinguish it from the transcendental singularity of sovereignty.¹¹⁹

The art of governing is about the best ordering of things for the sake of realizing an appropriate goal or value. There is an appropriate value or goal for every 'thing' which shall be managed, and such management is therefore about exercising 'due diligence' by finding the best practice of governing for every 'thing' in the situation, and not about sustaining the law and securing normative order. The art of government is for external use and is measured by its ability to root itself in the ways things are done, improving and intensifying their rule. Its practical wisdom and power are to be exercised both 'top down' and 'bottom up', since one must be able to govern oneself before one can govern a regime, and since the good rule of a regime serves as an exemplar of how one should rule oneself. This model is the domain of the critical policy-politics model. It reveals a more decentred and multicoloured authority, which is authorized in and through the exercise of rhetorical discourses, challenged by the 'on' and 'off' and 'hit' and 'run' projects of political consumers and other policy actors on the output side. It is criticized in the light of an individual will to be sincere and speak the truth in the various policy projects and policy publics in which one engages.¹²⁰

However, although it is important to distinguish sovereignty from the art of government, it is a fallacy 'to conceive of a politics of empowerment as distinct from a politics of domination'.¹²¹ To identify domination with coercion and empowerment with the absence of domination is to conceal the nature of discursive, republican elite rule

as empowering domination. One must distinguish coercive domination from non-coercive domination, since domination has to do with asymmetries of power-knowledge between agents or institutions, and can, as such, be enabling and constraining as well as coercive and liberating. Furthermore, a policy of empowerment can express domination as well as an authority relationship freed from domination, grounded in the reciprocal acceptance and recognition of difference.

Discursive political authority as the basis of discourse ethics

The missing link in the critical politics model, I will consequently suggest, is the communicated message of authority required for enacting a policy, and the connection of such an authority, in a multiform democracy, to discursive ethics, 'Sittlichkeit', 'prudence', 'sound judgement', or whatever we want to call it. Authority relations can assume many forms and contents. They need be neither hierarchical nor commanding but can take effect as requests, since they only require that political communication about what 'has to be done' is explicitly articulated ('undistorted') by the sender and generally accepted and recognized as binding (for whatever particular reason) by the receiver, without being assessed in relation to his or her *moral* standards of judgment.¹²²

The distinction between sender and receiver, or authorities and laypeople, should not be confused with the distinction between system and life-world or with the even more limited distinction between state and civil society. The distinction is 'functional', not territorial. In the authority relationship, the political practices of laypeople can be considered different from those of political authorities in not being bound to engage directly in the systematic articulation, processing and carrying out of politics and policy for the existing regime. Lay-political practices consist of informal political communications involving beliefs, attitudes and actions which indirectly influence politics and policy in being oriented towards the authoritative allocation of values for a given domain or field. As such, they comprise not only those beliefs, attitudes and actions that are regarded as appropriate by political authorities, but also those that are considered inappropriate and those that constitute the regime's 'blind spots' – that is, such everyday political practices that manifest a kind of 'unspoken' or 'unrecorded' political variety which is potentially available for the regime and the culture for future politics and policy use. Yet, the everyday practices of

political laypeople can be regarded as *necessary* elements in any existing political authority relationship (which in principle can range from control by one to control by all), precisely because political authorities cannot make and implement authoritative decisions for a given domain, territory or field, unless laypeople accept and recognize themselves as bound by them.

It is obvious that this definition of political authority differs considerably from the standard version of political authority as '[a] legitimate right to direct or command and to make, decide and enforce rules. The term *authority* has a moral or legal quality and, as such, can be distinguished from brute force or by coercion'.¹²³ Political authority is not the same as sovereign or legitimate authority, which are but two particular forms it may assume in history. Acceptance and recognition of political authority does not necessarily involve either subordination or consensus. Authority is a special communicative power relationship based on the expectations that if *A* sends a message to *B* – which may be articulated as a request, wish, suggestion, regulation, law, command, order, etc. depending on the circumstances – *B* will adopt it as the basis of his or her own decision and action, without evaluating the message in the light of her or his moral standards of judgment. Political authority can in fact be rejected and resisted as 'illegitimate' by *B* and yet be accepted and recognized as binding. This is commonplace in both dictatorial and international political systems where authority traditionally operates communicatively *via* the *threat* of force (as distinct from the direct exercise of physical or psychical force). *B* may very well question the wisdom, validity or legitimacy of the message, and also cast doubt on *A*'s cognitive capabilities and moral standing, but, as long as the probability is high that *B* will accept and recognize him- or herself as bound by the message, he or she is subject to political authority.¹²⁴ That is to say, authority is not to be regarded as opposed to disintegration or 'disequilibrium', because it can go on in a state of continuing 'disequilibrium' and make itself binding even when it lacks morality and legality. This is exactly why 'anarchy' in international systems must be regarded as forms of political authority characterized by the absence of hierarchical and legitimate authority, as normally understood.

Ironically, despite Habermas's dark vision of 'the system' he has always also been on the brink of articulating a notion of public authority as a communicative medium for connecting political authorities and laypeople in the light of their real and necessary difference as senders and receivers of politically communicated messages. This is clear when he writes that '[only if] an interplay were to materialize between

institutionalized opinion- and will-formation and informal public communications could citizenship mean more today than the aggregation of prepolitical individual interests and the passive enjoyment of rights bestowed by a paternalistic authority'.¹²⁵ I surely share this critical attitude. At the same time, I deny that it can be put on the agenda of a critical theory which reduces it to that which is rational, consensual and normative and which takes place within the modern configurations of the political difference between regime and culture as manifest or latent oppositions between a hierarchical state and autonomous civil society – a deceiving and cunning system and a communicatively and normatively integrated life-world. The relation between political authorities and laypeople is *political through and through*. Political lay-practices are always conditioned by political authority, though not necessarily layered into the existing political regime.

Again, I feel that Habermas is on the right track when he holds that 'the normative expectation of rational outcomes is grounded in the interplay between institutionally structured political will-formation and spontaneous, unsubverted circuits of communication in a public sphere that is not programmed to reach decisions and thus is not organized'.¹²⁶ He can only get out of his corner, however, by reversing the relation between discourse ethics and uncoerced consensus, acknowledging that inside 'the political', the ethical and the reasonable is the ground, *via* authority, for proceeding with the normative and the rational. It is through the political messages of authority that politics is tied to policy and thereby to ethical consideration of how 'what has to be done' impinges on our practices of freedom. This is also why we should not confuse the distinction between that which is institutionally structured to reach decisions and enact policies with those more spontaneously functioning political practices, which are not pre-programmed to do so. Nor should this *policy* difference be identified with the *politics* configuration of it as a superior/subordinate division between state and civil society. Authority does not rank individuals in its institutions and practices by the actual amount of power they hold. Rather, it is an immanent condition of possibility of appropriating control in communicative political relationships in the first place. It could always have been formed and distributed other-wise. What is more, we do not only live in the politics-policy world of state and civil society only but also in the policy-politics world of policy-makers and 'ordinary' reflexive individuals, such as political consumers. In this policy-politics world, those actors who appear to be located 'outside' the political, giving 'voice' to the

concerns of civil society (the media as 'watchdogs' and 4th power and social movements as grassroots fighting against 'the system'), can suddenly become very political and central to policy-making (the media as 'hunting dogs' for making news that can set the policy agenda,¹²⁷ and the NGOs as direct partners in the articulation and programming of policy).¹²⁸

Thus, the problem of the critical politics model is both ontological and epistemological. It does not distinguish the policy world from the politics world, and it also lacks a policy-politics logic for fastening its discursive ethics. For, as I have argued, Habermas and Mouffe:

- (1) situate 'the political' on a continuum of conflict and consensus, disagreeing over what change and consensus may mean, but never calling into question whether politics is contingent upon conflict and consensus, precisely because policy-politics logic and power manifest something other than an opposition between an 'authentic' and coercively imposed consensus, manifesting the 'bright' versus the 'dark' faces of political power;
- (2) identify democracy with the free and equal access of interests to the political decision-making process, combined with the mutual and reciprocal recognition of different identities within this process, not taking into account that, they may overlook the way in which the flowput relationship between 'inputs' and 'outputs' implies that the logic and power of *policy-politics* can be considered distinct from the logic and power of *politics-policy*.
- (3) identify citizenship and publicness with a collective undertaking, expressing the solidarities of groups integrated by common values and the practical competencies of socialized individuals joining with others in common actions. They thereby ignore the fact that increasing complexity may call for more and more reflexive individuals, such as political consumers, who, because they are able to do things themselves in their own ways and on their own terms, can also assist political authorities in the effective, timely and rightful delivery of the desired goods;
- (4) identify publicness with a vibrant clash of political positions in a democratic public sphere including a multiplicity of voices linked to the formation of collective identities and a common interest. This overlooks the fact that publics may exist with/without democracy and that publicness also concerns the situation of individuals in relation to each other and to the moment chosen for saying 'the truth'.

Even procedural democracy may today be reaching its limits as a form of emancipation and empowerment that keeps politics and policy tied together. At least, in an information age, where political authority increasingly operates, locally, transnationally and globally, it is obvious that the reasonability of political outcomes cannot solely rely on the possibility that 'opinion formation inside parliamentary bodies remain sensitive to the results of a surrounding informal opinion-formation in autonomous public spheres'.¹²⁹ Many new policy-politics publics and forms of policy-politics participation emerge outside of the state-based and formal framework of parliament and the autonomous spheres of market and civil society. The hope for more reasonable outcomes, offering greater participatory equality – a possibility guaranteed by a political authority promoted through a critical attitude – precisely calls on us to investigate how new authority relations between political authorities and laypeople occur outside of or alongside the old relations between state and civil society, the private and the public, the national and the international.

Political authority and the practice of freedom

The notion of democratic political authority that contains the vision of balanced relations of autonomy and dependence between authorities and laypeople as a real organizational and associational possibility in history, holds the key to how one achieves the ideal speech situation or the agonistic polis without having blindly to obey and recognize oneself as subjected to authorities' discourses of uncoerced consensus and emotional antagonism. Why should they be the only ones to enter into public dialogue and participation? Rather, we would have to assume that the democratic policy-politics of discourse ethics – when accepted and recognized as having the potential to establish more balanced relations among reflexive individuals – is the pre-condition for entering into both the agonistic and the ideal speech situation.

The validity of Habermas's and Mouffe's moral and radical discourses cannot, of course, be decided before we have agreed to enter into them; to accept these conditions of entrance blindly would be to be coerced into them, in which case coercive acceptance becomes the condition of uncoerced consensus (Mouffe's elitist paradox). So Habermas really does need the discourse ethics to defend his discourse morality against Mouffe's antagonism with its universal asymmetrical relations of autonomy and dependence between rulers and ruled. Unfortunately, in insisting that *his* communicative rationality is the

only one logically capable of framing and mediating between expressive, aesthetic and 'dramaturgical' action, Habermas does not only conceal how the logic of democratic political authority can do so as well. He also makes his discourse ethics but one more 'shortcoming' or 'blocking' of communicative action.

Swinging from a critical politics-policy model to a critical policy-politics model is not to replace the view of the consumer as the puppet of liberalism's dark face as greedy individualism and coercive domination with 'a celebratory postmodern view of the consumer as a 'semiotic guerilla'.¹³⁰ What we should take seriously is not only the seductions of a culture that celebrates us as consumers and wants to entertain us as citizens, but also the challenges of being reflexive political consumers, who must steer between the popular and the serious, flexibility and commonality, self-expression and self-knowledge, when coping with the demands and responsibilities placed upon us in order to get us 'freely' to help political authorities to deliver the desired things effectively and on time.¹³¹ As Brewer and Trentmann write 'the expanding networks of critical consumerism...turn to the consumer as a figure with the capability of regulating and reforming the flow of goods, an additional unit of governance outside the formal institutional framework'.¹³² This critical spirit of consumerism may be dulled by the rhythms and routines of reflexively modern life, but it can also blossom by being empowered by the will to act and speak the truth – that is by a bodily framework that allows the individual to work through issues of identity and to 'do the right thing' in the actual situation. In any case, not only the figure of the political consumer but also that consumer's concrete influences on policy and politics are afforded by the power and logic of political authority, stating that no political decisions can be made and implemented for a society, group of people, terrain, field, etc. unless laypeople accept and consider themselves bound by them. The figure of the political consumer shows that laypeople have a creative political will and power of their own, which (a) is not derivable from, or reducible to, the kind of action and experience characteristic of the state, market or civil society, and (b) will always make a real, symbolic and virtual difference to political authorities, no matter how symmetrical and 'frozen' their relations may be at any given moment in political history.

However, from the point of view of a discursive policy-politics ethics, political consumerism will be critically assessed by whether or not it assists in balancing the relations of autonomy and dependence between political authorities and laypeople. Making this assessment may sometimes call for the kind of 'deep' dialogue, agreement and sol-

identity portrayed by the moral discourses of critical politics-policy. But the practice of critical policy-politics can never rely on such moral discourses as their first choice. Critical policy-politics operates in political situations which will always call for a timely, risky, and prudent decision on 'what has to be done'. The more complex and reflexive 'glocal' society becomes, the more its survival and development will depend on the critical exercise of this genuinely political capacity and knowledgeability. This is also why we need to shift focus from the idea of uncoerced agreement to the idea of undominated acceptance.

Foucault was, in his last year, on the brink of developing such a new ethics of tactical and strategic communication on the output side. This ethic was intended to keep policy rhetoric, defined by 'the subject matter one is dealing with',¹³³ responsible to what he called *parrhësia*, 'a specific, particular practice of true discourse defined by rules of prudence, skill, and the conditions that require one to say the truth at this moment, in this form, under these conditions, and to this individual inasmuch, and only inasmuch as he is capable of receiving it, and receiving it best, at this moment in time'.¹³⁴ This is the discursive policy-politics ethics of a new 'reflexively modern' publicness and participation on the output side. It is targeted at *policy content* as well as at the immediacy of the *policy situation* of individuals with regard to each other and to the moment they choose to tell 'the truth'. Today, citizenship and publicness increasingly rely on such an instantaneous, mind-and body-like critical individuality, oriented to telling 'the truth.' This need not preclude the 'old' notion of citizenship, 'viewing the citizen as one for whom it is natural to join with others in common actions'.¹³⁵ Nor does it have to undermine a model of deliberative politics which 'shifts the brunt of normative expectations over to democratic procedures and the infrastructure of a political public sphere fuelled by spontaneous sources'.¹³⁶ Seen in this light, the figure of the political consumer may be regarded as a condition for revitalizing the 'old' notions of citizenship and the public sphere by tying in politics and polity to a new critical conception of policy-politics. This new conception has its ethical foundation in reflexive individuals possessing both a critical attitude to the art of governing and the knowledge that this 'art' is vital in order for them to govern and take care of themselves.

Notes

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- 2 J. Habermas, *The Structural Transformation of the Public Sphere* (Cambridge, 1989 (1962)), pp. 194–5.

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- 4 Cf. for example <http://www.technorati.com/tags/blogging>
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- 6 F. Trentmann, 'The Modern Genealogy of the Consumer: Meanings, Knowledge, and Identities', in J. Brewer and F. Trentmann (eds) *Consuming Cultures, Global Perspectives: Historical Trajectories, Transnational Exchanges* (Oxford and New York, 2006), pp. 19–69.
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- 12 An extended version of D. Easton's definition of political science in Easton, *The Political System* (Chicago and London, 1953).
- 13 This means operating from a local-global distinction rather than from a nation-state-international politics one.
- 14 For more about this see H. P. Bang, 'Introduction' and 'Governance as Political Communication' in H. P. Bang (ed.) *Governance as Social and Political Communication* (Manchester, 2003), pp. 1–7 and pp. 8–27. H. P. Bang and A. Esmark, 'Introduction' in H. P. Bang and A. Esmark, Anders (eds) *New Public With/without Democracy* (Gothenborg, 2006) forthcoming.
- 15 Cf. Brewer and Trentmann, 'Introduction: Space, Time and Value in Consuming Cultures', pp. 1–5.
- 16 The notion of structures as properties of systems which can facilitate as well as limit and determine beliefs and ideas stems from D. Easton, *The Analysis of Political Structure* (New York, 1990).
- 17 Bang, 'Governance as Political Communication' and Bang and Esmark, 'Introduction'.
- 18 J. Habermas (1996a) *Between Facts and Norms* (Cambridge, 1996a) p. 351.
- 19 H. Bang, 'Among Everyday Makers and Expert Citizens' in J. Newman (ed.) *Remaking Governance* (Bristol, 2005) pp. 159–79; A. Giddens, *Beyond Left and Right* (Cambridge, 1994); A. Giddens, *Runaway World: How Globalization is Reshaping Our Lives* (London, 1999); W. Hutton and A. Giddens (eds) *On the Edge* (London, 2001); Castells and Cardoso, *The Network Society*; Webster, *Theories of the Information Society 2nd Edition* (London, 2002).
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- 21 Habermas, *Between Facts and Norms*, p. 351; cf. J. L. Cohen and Jean L. and A. Arato, *Civil Society and Political Theory* (Cambridge, MA, 1994).
- 22 Mouffe, *The Democratic Paradox*, p. 111.
- 23 Giddens, *Beyond Left and Right*; Hutton and Giddens (eds) *On the edge*; S. Lash, B. Szerszynski, and B. Wynne (eds) *Risk, Environment & Modernity* (London, 1996).

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- 29 Stolle, Hooghe and Micheletti, 'Politics in the Supermarket'.
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- 31 Bang, 'Among Everyday Makers and Expert Citizens'.
- 32 A. Phillips, *The Politics of Precense* (Oxford, 1998).
- 33 W. E. Connolly, *Why I Am Not a Secularis* (Minneapolis, 1999) p. 12.
- 34 H. P. Bang, 'A New Ruler Meeting a New Citizen' in Bang (ed.) *Governance as Social and Political Communication*, pp. 241–67.
- 35 H. Berking, Helmuth, 'Solidary Individualism: The Moral Impact of Cultural Modernisation in Late Modernity', in Lash, Szerszynski and Wynne (eds) *Risk, Environment and Modernity*, pp. 189–223.
- 36 S. Lash, *Critique of Information* (London, 2002), p. 94.
- 37 Mouffe, *The Democratic Paradox*, p. 103.
- 38 Habermas, *Between Facts and Norms*, p. 487
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- 69 See note 61.
- 70 Habermas, *The Inclusion of the Other*, pp. 43–4.
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- 73 Habermas, *The Inclusion of the Other*, p. 43.
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- 78 Mouffe, *The Democratic Paradox*, p. 86.
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- 80 Mouffe, *The Democratic Paradox*, p. 99.
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- 84 Goode, *Jürgen Habermas*, p. 76.
- 85 Goode, *Jürgen Habermas*, p. 76.
- 86 Cf. <http://plato.stanford.edu/entries/hegel/>
- 87 Habermas, *The Postnational Constellation*, and *The Inclusion of the Other*, cf. Goode, *Jürgen Habermas*, pp. 78–83.
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- 106 Mouffe, *The Democratic Paradox*, p. 101.

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modernism' here.
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and Political Communication*, pp. 1-7, 8-27, 241-67.
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Consuming Cultures', p. 10.
- 133 Foucault, *The Hermeneutics of the Subject*, p. 383.
- 134 Foucault, *The Hermeneutics of the Subject*, p. 384.
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Dimensions of Radical Democracy (London, 1992), p. 6, pp. 1-14.
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10

Problematizing Choice: Responsible Consumers and Sceptical Citizens

Alice Malpass, Clive Barnett, Nick Clarke and Paul Cloke

John: 'Everyone says they were happy 20 years ago'.

Karen: 'I think in some ways though life was just simpler.
I think all this choice and stuff...'

Arun: '...has just complicated things'.¹

The proliferation of choice

'Choice' has become a keyword in public policy debate in the United Kingdom, perhaps even 'the mantra of health, education and pension provision'.² This coincides with the emergence of 'the consumer' as the privileged figure of policy discourse. The assumption underlying this proliferation of choice in policy discourse is that consumerism has transformed people's expectations, so that public services must now be restructured in line with the demands of citizen-consumers who demand efficiency, responsiveness, choice and flexibility. The ubiquity of the choice paradigm can be interpreted as the outcome of a determined effort to recast the balance of responsibility between the state and citizens. What has been dubbed the 'personalisation agenda' now 'stretches right across government', encompassing health initiatives and pensions policy.³ The stated aim of this agenda is to reframe the role of state-led initiatives in terms of empowering individuals to make informed choices, based on information provided by government. Choice is in turn presented as a means of making service-providers more responsive to the variegated needs of citizens. One can see this individualization of responsibility in a number of fields, extending beyond the realm of the state as such. For example, the individualization of health risks has also been associated with the burgeoning of socio-cultural practices such as the growth of the fitness industry, self-help publishing, and lifestyle

media. In the realm of business, concerns over both health and environment have led to increasing attention being given to the labelling of food products. The discursive individualization of responsibility around various 'risks' or hazards related to personal health and environmental futures leads to considerable faith being invested in the role that information can play in empowering citizens to pursue their own goals in a way that is conducive to just collective outcomes in markets.

The proliferation of choice in policy discourse and public debate does not, of course, go uncontested. There is a well established line of liberal-left criticism that sees the extension of the logic of choice into more and more areas of public and private life as part of a much more pernicious tendency, whereby the 'triumph of the market' has plummeted us into the 'age of selfishness':

The marketisation of everything has made society, and each of us, more competitive. The logic of the market has now become universal, the ideology not just of neoliberals, but of us all, the criterion we use not just about our job or when shopping, but about our innermost selves, and our most intimate relationships. The prophets who announced the market revolution saw it in contestation with the state: in fact, it proved far more insidious than that, eroding the very notion of what it means to be human. The credo of self, inextricably entwined with the gospel of the market, has hijacked the fabric of our lives. We live in an ego-market society.⁴

For all its critical overtones, this kind of lament does nothing to question taken-for-granted assumptions about how markets work, and about how consumers operate in them. In public policy debates, as well as in broader public debates about globalization, neoliberalism, and privatization, there is a polarization between being for or against 'the market'. The shared assumption that underwrites the arguments of both market-proponents and market-critics is that markets are individualizing, egoistical and self-interested:

Consumers are therefore distinctive in the way they make choices (as self-regarding individuals), receive goods (through a series of instrumental, temporary and bilateral relationships with suppliers), and exercise power (passively, through aggregate signalling).⁵

This critical description mirrors the positive normative ideal of a certain kind of economic liberalism. Proponents of the market think

that people *should* act like this, despite lots of evidence that *they don't*. Critics of the market tend to assume that people *do* act like this, perhaps increasingly so, but they think that they *ought not to*, and therefore intone them to act more responsibly.

The ethical problematization of everyday consumption

Standard critiques of consumerism tend to obscure what is most distinctive about the ways in which discourses of choice currently circulate in policy and public debates, by accepting at face value that 'choice' is simply a matter of egoistical self-interest promoted by rampant neoliberalism. To get a better handle on what is at stake in the proliferation of 'choice' discourses, it might be better to think in terms of what theorists of governmentality call 'advanced liberalism'. This theme better captures the internal relationship between discourses of *individual choice* and discourses of *individual responsibility* without reducing this 'synapsis' to an ideological function of a singular logic of capitalist reproduction. Nikolas Rose argues that the prevalence of the register of consumerism has its roots in the 'de-socialization' of modes of governing, whereby it becomes possible to govern people by regulating the choices made by autonomous actors in the context of their everyday, ordinary commitments to friends, family and community. Consumption becomes a new vector for governing society 'through the 'responsibilized' and 'educated' anxieties and aspirations of individuals and their families'.⁶ On this understanding, consumption is transformed into a medium for making-up ethical selves, not in the sense of conforming to externally imposed codes of conduct in the name of collective good, but in the sense of 'the active and practical shaping by individuals of the daily practices of their own lives in the name of their own pleasures, contentments and fulfilments'.⁷ From this perspective, discourses and practices of consumerism are central to this programme of responsibilization.

The governmentality approach emphasizes that the articulation of 'choice' and 'responsibility' is the result of the efforts of a diverse set of actors pursuing plural ends. It throws light upon the redistribution of responsibility between states, markets, and individuals in a number of fields: 'So whereas in the domain of health a discourse of the 'unhealthy Western' lifestyle has moved towards an individualized monitoring of health risks (with all the practices that come with it, such as fitness, healthy food and self-monitoring), the environmental sphere sees the emergence of individualization of food risks through the introduction of labelling and web-based information services'.⁸

From this perspective, the proliferation of consumer choice is indicative of the modularization of a new rationality of governing through individualization. The exercise of choice becomes a basic element of 'the subjective meaning of consumption for the ordinary individual in their everyday life'.⁹ In this move, the very nature of individuality is transformed along the lines of consumer choice, so that individuals are thought of as 'not merely 'free to choose', but *obliged to be free*, to understand and enact their lives in terms of choice'.¹⁰ Individuals are, it is argued, reconfigured by being offered an identity as 'consumers':

In the name of themselves as consumers with rights they take up a different relation with experts, and set up their own forms of 'counter-expertise', not only in relation to food and drink and other 'consumables', but also in relation to the domains that were pre-eminently 'social' – health, education, housing, insurance and the like.¹¹

Experts – advertisers, market researchers, psy-experts of various sorts – become crucial to this new regime of conduct, acting as 'concerned professionals seeking to allay the problems, anxieties and uncertainties engendered by the seemingly so perplexing conditions of our present. They operate a regime of the self where competent personhood is thought to depend upon the continual exercise of freedom, and where one is encouraged to understand one's life, actually or potentially, not in terms of fate or social status, but in terms of one's success or failure acquiring the skills and making the choices to actualise oneself'.¹²

There is a trend towards using the analytics of advanced liberal governmentality to bolster Marxian analysis of neoliberalism. This marriage of convenience depends on a particular understanding of how macro-level changes need to be sutured into everyday life by bringing off coherent 'interpellative' subject-effects at the level of individuals. On this reading, the proliferation of discourses of 'choice' is just part of a broad hegemonic agenda of neoliberal restructuring, whereby elites reconfigure formations of subjectivity in line with the structural requirements of de-regulated, liberalized markets. This argument holds that extending the range of activities that are commodified, commercialized and marketized necessarily implies that people need to be re-tooled and re-worked in order to recognize themselves as responsible consumers, entrepreneurial subjects, and active participants.

This chapter develops an alternative account of the relationship between discourses and practices of choice and responsibility. Rather

than assuming that governing is mediated through interpellative subject-effects, we look instead at how efforts at governing consumption engage creatively with people's existing dispositions. This conceptual focus upon dispositions rather than subjectivities follows from the empirical observation that far from 'choice' being straightforwardly championed and promoted, it is increasingly circulated as a term in policy discourse and public debate by being *problematized*. In short, the problem of how to ensure that the choices of putatively free individuals are exercised responsibly – in terms both of those individuals' own good and the good of broader communities – has become a recurrent theme of contemporary public debate. For example, choice is problematized in terms of the potential of increased individual choice to conflict with public interest goals of sustainability and conservation; in terms of increased choice leading to greater anxiety and reduced quality of life, even reduced levels of happiness; in terms of the likelihood of choice increasing or even maintaining equity in social provision and access to public services. In short, choice circulates as a term of public debate only in and through this register of responsibility for the self and for others: the standard interpretation of 'neoliberalism' misses what is most distinctive about contemporary discourses of choice, which focus less on questions of choice as a vehicle of efficient allocation than it does on concerns with legitimacy, trust, and capacity building.

The problematization of choice is most evident in current debates about smoking, obesity, and other health related issues in which the extension of choice in consumer markets is seen to lead to deleterious effects not just on individuals but also on the fabric of collective life itself. In this set of debates, the concern is with how to ensure that the exercise of choice does not impact negatively on the consuming self. Our focus in this chapter is with a distinct, although related set of debates in which issues of choice are related to a set of more anonymous, other-regarding concerns with environment sustainability, global warming, and social responsibility. We critically assess the discursive field populated by a set of think-tanks and consumer organizations including The Future Foundation (a commercial think-tank dedicated to understanding the future of consumerism); the New Economics Foundation (a sustainable economy think-tank); the Co-Operative Bank (which has its own distinctive ethical stance on social responsibility and ecological sustainability); the National Consumer Council (a lobbying group for all consumers); The Green Alliance (a think-tank on sustainable development); and the Fabian Society (a political think-tank). All of these organizations regularly

engage in public debates about consumption, sustainability, environmentalism, and social responsibility. And it is here that one can discern a distinctive mode of problematizing choice as a means of recasting the responsibilities of consumers in collective rather than individualizing ways. We argue here that in so far as the normative discourse of markets and consumerism is rhetorically associated with paternalist discourses of responsibility, then this problematization of choice involves a double movement in which the individualization of responsibility opens up new possibilities for collective action through the medium of markets and the repertoires of consumerism.

The analytics of governmentality throws light upon important aspects of contemporary consumption practices. But as Bevir and Newman also argued in their chapters, it tends to neglect issues of agency. In particular, it tends to assume that the subject-effects implied or aimed for by programmes of rule actually come-off in practice. There is something a little too neat about the shift in modes of governing that this approach identifies; for all the emphasis on 'contingent lash-ups of thought and action', there is a strong sense that projects aimed at governing conduct actually work. This observation certainly implies the need for more 'dialogic' approaches to the relationships between programmes of rule and practices of subject-formation.¹³ But more than this, it requires a reconsideration of whether these sorts of programmes do, in fact, aim for interpellative subject-effects at all. By taking a 'dispositional' approach to the analysis of governing people's practices, we develop the idea that consumption is increasingly constructed as an arena for the 'ethical problematization' of various aspects of people's activities. This notion of ethical problematization directs analytical attention to investigating the conditions 'for individuals to recognize themselves as particular kinds of persons and to reflect upon their conduct – to problematize it – such that they may work upon and transform themselves in certain ways and towards particular goals'.¹⁴ If consumerism is indeed an important contemporary political rationality, then it works not through the promotion of unfettered hedonism and self-interest, but by making problematic the exercise of consumer choice in terms of various, ever proliferating responsibilities and ethical imperatives. We argue that people are increasingly expected to treat their consumption practices as subject to all sorts of moral injunctions: they are expected to do so through their capacity to exercise discretion through choice; in the everyday activities of social reproduction mediated through commodity consumption; and in relation to a very wide range of substantive concepts of the

good life. For example, the Ethical Consumption Research Association (ECRA), which publishes the *Ethical Consumer* magazine, explicitly addresses its readers as political actors who use their daily purchasing as votes to register their approval for certain objectives and to help make corporations accountable. Here, consumer choice is presented as medium of 'democratized morality',¹⁵ in the sense that people now have choice about their own moral conduct and principles, and with this comes 'need to make their own decisions, rather than follow established norms'. Here, then, we can see the process of ethical problematization of consumer choice made explicit: choice is presented not just as a medium for the expression of moral preferences, but as the very mechanism through which people constitute themselves as moral agents in the first place.

In the rest of this chapter we focus on two aspects of the problematization of consumption and consumer choice. In the next section, we examine policy documents on public service provision, think-tank reports on sustainable consumption, consumer reports and research polls on ethical consumers, and campaign materials of ethical consumerism organisations. We identify a distinctive discursive register in which consumers are addressed as bearing *responsibility* both for their own choices and the effects of their choices on others. But this is not simply a matter of exhortation. It reflects an explicit concern with rethinking the 'the art of influencing'¹⁶ consumer behaviour by deploying various practical devices and strategies: education campaigns, through learning about and utilizing network hubs, through labelling and certification campaigns, through linking consumption purchases to opportunities to engage in campaigns. What can be discerned in this field is an emergent rationality that holds that the best way of influencing people's dispositions is to deploy the classical arts of persuasion. This finding is relevant for both how we conceptualize the rationalities behind the ethical problematization of contemporary consumption, and also for how we might go about empirically investigating ordinary people's engagements with these interventions in ways that do justice to their own competencies as persons, and not just subjects. In the section following this analysis of policy discourse, we draw on focus-group research on ethical consumerism to explore the forms of routine reasoning that 'consumers' engage in when confronted with a proliferating range of potential acts of *responsible choice*.

Making the 'ethical consumer' visible

From the perspective of purist economic liberalism, each person is seen as a sovereign actor determining their own conception of the good,

and pursuing these by means of simple means-end rationality in the market place. It is worth noting that what one might dub 'Third-Way' invocations of the market and consumer choice differ significantly from this purist position. For example, one recent think-tank report on public services argues that there is no homogenous sense of the social good or the public interest, and goes so far as to suggest that 'the catch-all term citizen is unhelpful when it assumes there is a homogenous 'citizen interest'.¹⁷ But these sorts of arguments are not invoked to support an unfettered individualism. Quite the contrary, the 'personalization' agenda is premised on the assumption that extending choice is the primary mechanism for ensuring that service providers will be responsive to the diverse needs of individuals and groups. This perspective also entrains a particular understanding of 'democracy', one which privileges respecting people's preferences if these are properly informed choices, and assumes in turn that preferences are effectively expressed in the choices made in markets or surrogate markets. Consumer choice, in this 'market populist' paradigm, is a mechanism for reconciling the equally compelling concerns of individual 'aspiration' with pluralistic conceptions of the public good. In this paradigm, then, people are understood less as 'citizens' responsible for the public interest, and rather as 'consumers, stakeholders or individuals concerned with the wider public interest'.¹⁸

This approach is, of course, open to all sorts of criticisms. As Clarke argues, choice is much more complex and variegated than the market-based model tends to suggest:

We formulate many choices in our lives that never come near to the market-place, and we have many modes of trying to realise such choices (power, negotiation, seduction, compromise, collaboration, brute force, emotional manipulation, voting, for example).¹⁹

The limitations of the prevalent conceptualization of choice in public policy have, in fact, become a focus of attention in a range of recent interventions by think-tanks and NGOs engaged in debates about public policy. It is here that one can identify a distinctive problematization of choice, one that accepts certain precepts of the prevalent paradigm, but that reinterprets them in ways that amount to a more thorough-going 'collectivization' of practices of consumer choice.

What emerges from this field of discourse is a figure of the 'citizenly consumer', actively choosing, indeed choosy, in the marketplace, but not necessarily on narrowly self-interested grounds at all. Consumers

are described with attributes usually associated with citizens. For example, the Ethical Purchasing Index (EPI), produced annually by the Co-Op and the New Economics Foundation, presents consumers as 'influential, proactive and engaged',²⁰ as supporting their communities by shopping locally, and as acting as citizens by rewarding companies with records of good practice.²¹ The EPI is used to engage with a range of audiences: the general public, key retail stakeholders, and policy-makers and government departments. The EPI is both a 'catalogue' that measures ethical consumerism in order to lobby these actors, and thereby also a 'catalyst to its growth'.²² The EPI is an example of an initiative that combines an emphasis on consumer choice with an argument for new forms of government regulation. Consumer choice in a range of 'ethical' product markets is reinterpreted by these organizations as an expression of a broad public feeling in favour of certain sorts of collective goals that, on its own, consumer choice in the market cannot secure: consumer choices therefore need to be empowered not only with 'information', but also by explicit intervention and endorsement by government in the form of regulatory interventions: consumers pull, producers push and governments endorse.²³

'Choice' in the EPI is, then, more than simply an aggregated market signal; it is discursively re-framed as bearing other, more overtly political preferences. Here we see 'choice' being reconfigured as a dimension of civic engagement. In the process, the multiplicity of motivations that are collected under the umbrella of 'choice' are unpacked: 'most people would support people's right to choose – if not on health principles, then on moral or efficiency ones'.²⁴

In practice, choice might be exercised on all three of these grounds – health, morality, or efficiency – in the course of any simple set of activities like the daily shop.²⁵ Campaign organizations and think-tanks produce a variety of typologies of the 'consumer' that, when taken together, are indicative of a broadly shared concern to better understand the diverse motivations that lay behind 'consumer' choice. In particular, there is an increasing concern to differentiate the 'ethical' motivations that shape consumer choice. For the Fairtrade Foundation, ethical consumers might be 'activists' (persuaders and supporters), or 'regular' ethical purchasers, or 'infrequent' ethical purchasers. For the Co-op, consumers might concentrate on 'looking after own' or 'doing what I can'; they might be members of the 'brand generation', 'conscientious consumers', or 'global watchdogs'.²⁶ Business studies researchers are more blunt: ethical consumerism is divided between the 'die hards' and the 'don't cares'.²⁷ These exercises in categorization are

not purely 'academic'; they are put to work in the public realm to make visible the motivations that are hidden by thinking of consumer choice simply in terms of market signalling.

If choice circulates in the public realm by being problematized, and if it is increasingly problematized in a register of responsibility, then it also seems that consumer choice is open to re-inscription in terms which re-legitimize forms of collective intervention in markets. We have already seen one version of this re-inscription – the 'thin' New Labour version in which choice is understood as a mechanism for ensuring more responsive modes of public service provision, conceptualized primarily in terms of *principal-agent* relations. Here the burden of ensuring that individual *and* collective outcomes are achieved is, indeed, thrown squarely on the consumer:

If greater choice and control is extended to consumers, individuals must be prepared to take on more responsibility for the consequences of those choices.²⁸

[T]he public will be increasingly required to take responsibility for ensuring the public interest is balanced against individual needs.²⁹

Just how this 'responsibility' is to be enforced is left unsaid.

Another version of the re-inscription of 'consumer choice' is evident in the problematization of individual choice as bearing within it all kinds of 'risks', whereby rolling-out mechanisms of choice to ensure more efficient service provision carries with it the likelihood that people will be allowed too much freedom to make bad choices. It is this concern that is evident in some of the interventions surrounding diet, obesity, and smoking:

our 'freedom' of choice is conditioned in newly unhelpful ways which misdirect our energies, and, as a result, individuals who make self-maximising choices often end up inadvertently minimising themselves instead. [...] The significance of prevailing value frameworks is heightened today by the fact that we are now being drawn to make choices that may not obviously impact on the freedoms of others or clearly injure the common good [...] but which are bad for us as individuals.³⁰

Here, choice is re-framed as an inherently uncertain mechanism, just as likely to rebound on the individual as it is to undermine wider collective goals.³¹ And it is on these grounds that a renewed justification

of regulatory intervention to enable and enhance 'genuine' choice is developed. For example, a Fabian pamphlet suggests that there are numerous ways in which the same needs or wants can be met, through devices called 'choice sets'. A choice set is conceptualized as a collection of interconnected acts of consumption, the behaviour that comes with them and the production and infrastructure that supports them. Each choice set excludes or precludes other choices and options, so that 'there is no such thing as a purely 'individual' act of choice: we always choose within a choice set'.³² The argument is that individual rational choices do not necessarily lead to 'collective goods', as individual choices may circumvent or alter choices available to others. Here, then, we see a more explicit combination of discourses of individual responsibility with proactive arguments in favour of state and non-state intervention in the regulation and configuration of systems of provision.

This more assertively 'citizenly' model of consumer choice forms part of a repertoire of narratives voiced by a range of organizations, including think-tanks such as the New Economics Foundation, Fabian Society, Food Ethics Council, Demos, Green Alliance, Future Foundation; consumer groups such as the National Consumer Council campaign groups such as Ethical Consumer Research Association and the Fairtrade Foundation; and development charities such as Christian Aid and Oxfam. These organizations do not form a coherent 'movement'; they campaign around different issues, have different organizational forms and membership bases; and focus on diverse goals, from public services to sustainability to global trade justice. Nonetheless, we can discern a family of related concerns around consumer choice and markets amongst this range of organizations. In debates around sustainable consumption, for example, choice is reconfigured in relation to 'institutional contexts'³³ and 'social scaffolding'.³⁴ The idea that information is all that is required to ensure effective market supply in response to consumer demand for cleaner, fairer, greener products is increasingly rejected in these debates. Instead, it is argued that the key to effective change lies in providing infrastructures that support sustainable practices combined with a degree of 'self-binding' constraint arrived at through regulating choice-sets. The consumer-citizen is seen as a rational agent mobilized by information and educational devices *only* if these are accompanied by changes in the institutional settings and infrastructures of consumption. This reframing of choice and responsibility in more collective directions is typified by the 2006 report of the Sustainable Consumption Roundtable, an initiative of the

National Consumer Council and the Sustainable Development Commission. Entitled *I Will If You Will*, the report argues that a 'critical mass' of citizens and businesses is waiting to act on the challenge of sustainability, but that it is constrained from doing so through lack of effective government support and direction.³⁵ The report is underwritten by the claim that expecting individuals or businesses to act 'sustainably' on the basis of isolated decisions is ineffective because neither set of actors has any sense of contributing to collective change. The report is indicative of a marked shift in thinking on sustainable consumption away from a focus only on the responsibilities of consumers. It emphasizes instead the proactive role of government in providing leadership and creating 'a supportive framework rather than exhorting individuals to go against the grain'.³⁶

These interventions challenge the assumption that consumer choices in markets are equivalent to democratically expressed preferences that need necessarily to be respected. Between them, this set of organizations is engaged in a broader public debate concerning the scope of what Goodin refers to as 'permissible paternalism'.³⁷ While some of the arguments made for state regulation are made on non-paternalistic grounds (i.e. in the name of the harms that certain patterns of individual choice bring about on other actors), what lies behind the discussions of *institutional contexts*, *choice-sets*, and *social scaffolding* is the claim that market choices are not necessarily a means of expressing personal preferences that deserve democratic respect at all. And the arguments mustered in support are not simply about a lack of proper information invalidating people's choices. In part, the argument which is made is that these choices express deeper preferences that are only made visible through acts of interpretation. In part, arguments address the degree to which people have the 'volitional' will to make the choices that they would, in fact, prefer to make. The exemplary case of this type of justification for paternalistically preferring some form of substituted judgement for the expressed preferences of ordinary people is that of addiction. And it is noteworthy in this respect just how much of the debate about responsible, sustainable and ethical consumption invokes a rhetoric of being 'locked-in' and 'addicted' to challenge narrow concepts of choice, information, and preferences. We can see, then, that in these interventions, the meaning and significance of 'choice' is contested around an axis that holds that democratic governance should respond to and respect people's preferences. Two questions are raised in these debates: how to glean just what these preferences are, and just which preferences should be respected and

which ones can be paternalistically substituted. We return to these questions in the conclusion.

(Ir)responsible consumers or sceptical citizens?

We have so far suggested that far from being straightforwardly championed, 'choice' circulates in public culture through being problematized by policy-makers, pundits, and professors. Above all, choice is problematized in a register of 'responsibility': personal responsibility certainly, but also responsibility for a whole variety of broader goals, such as the public interest, community, environmental conservation, or the alleviation of global poverty. The problematization of choice is part of a broader ethical problematization of everyday consumption, in which people are increasingly subjected to all sorts of demands that they should treat ordinary practices like the weekly shop, their journey to work, or their choice of holiday destination as bearing a number of moral burdens. This problematization of consumer choice might, in some cases, involve an element of individualization, although this is far from always the case. It certainly does not, however, involve the constitution of consumers as wholly self-interested egoists. In this section, we consider the ways in which ordinary people actually respond to this array of moral demands on their everyday conduct.

There is already an extensive literature on how 'consumers' engage with campaigns around sustainable consumption, ethical consumerism, or environmentally responsible consumption. Some of this work circles around an apparent conundrum that people, when asked, often express support for various 'ethical' objectives like conservation or fair trade, but that their actual behaviour tends not to bear these expressed preferences out. The so-called 'Attitude/Behaviour gap' might, however, be an effect of a methodological framework that supposes that 'attitudes' are free-standing mental states rather than rhetorical constructs through and through. More sophisticated research focuses on the 'vocabularies of blame' through which people apparently absolve themselves of responsibility for changing their consumption practices by displacing this responsibility onto other actors. More sophisticated still is recent research that acknowledges that consumers are often effectively 'locked-in' to certain patterns of consumption by the material infrastructures of modern, urban living; and that the commitments that people have to certain consumption behaviours might be deeply held emotional, affective ones that cannot be sloughed-off just like that.³⁸ What all of this research shares is a sense that the

problem when it comes to changing patterns of consumption is the *consumer*. Better understanding of the role of infrastructures and of emotional commitments is still presented as a means of enabling these *obstacles* to behaviour change to be overcome more effectively. The 'content' of responsibility is, in these discussions, still taken for granted.

There is a certain irony here: as approaches to sustainable and ethical consumption have moved away from an information-led approach, they run into the problem of appearing to abandon the basic assumption of those information-led approaches. These do at least acknowledge 'consumers' to be competent, rational moral subjects whose preferences and opinions deserve some respect. In contrast, as research focuses more and more on finding ways of 'motivating' behaviour change amongst 'locked-in' consumers, the question of how the conceptions of the public good that guide such interventions are defined recedes into the background.

Research in the areas of sustainable and ethical consumption is often framed by the problem of motivating consumers to adjust their behaviour away from narrow self-interest towards more responsible patterns. This framing tends to accept the prevalent assumption that consumers are, in fact, atomistic utility maximizers, and focuses on finding the secret to changing this orientation. But this might seriously misjudge the sorts of rationalities that govern consumption. The force of critiques of consumption from Veblen through to Bourdieu has established the degree to which consumer behaviour is thoroughly social, involving relations of status, distinction and social position. This implies that consumption behaviour takes place not according to narrowly instrumental means/end rationalities, but is shaped by forms of communicative and strategic rationality that presume a competency in anticipating other people's responses and feelings.³⁹ And while critiques of conspicuous consumption and social distinction suppose that the positional dynamics of consumption take the form of zero-sum games, there is no need to suppose that the rationalities that shape consumption cannot accommodate 'ethical' criteria of various sorts. The role of 'consumer' might in fact lend itself just as easily, just as rationally, to the precepts of altruism as to those of egoism. As one of a multitude of consumers, any one person may conclude that their own consumption choices will have little chance of making any significant impact on aggregate outcomes. But this rule holds just as much for their own egoistical interests as it does for any wider 'ethical' objective. The pursuit of one's narrow interests is not any more rational in

markets than pursuing other, more 'ethical' outcomes: it is perfectly rational for consumers to pursue less self-centred goals, including acting on the basis of various ethical preferences, in so far as their structural powerlessness 'frees' them up from the rationality of narrow self-interest.⁴⁰

The incessant focus on the problem of motivating non-egoistical consumer behaviour might, then, be poorly thought out on two grounds. Firstly, it might identify the wrong agents of change. And secondly, it might misunderstand the degree to which consumer behaviour is 'always already' shaped by all sorts of concerns that are not reducible to either utilitarian self-interest or aestheticized self-centredness.⁴¹ In this section, we want to broach what might well be an almost scandalous suggestion: what if, when people talk about responsibility, and especially when they assert clear, finite limits to their own responsibility, we were to take these assertions not as signs of something else – of deeply held affective investments, or as indicators of their being 'locked-in' to some pattern of behaviour – but at face value. What if we take them as justified, citizenly arguments about not just *who* should be responsible but also over the scope of practices that should be problematized in this register of responsibility in the first place?

This suggestion follows in part from a set of methodological commitments to understanding talk-data rhetorically,⁴² an understanding that builds on a set of theoretical commitments to thinking of practices of self-formation not on the post-structuralist paradigm of recognition and subjection but with reference to narrative understandings of the self.⁴³ These narrative understandings hold that self-making is embedded in practices of accountability that 'go all the way down' as it were. But we also draw some support for approaching the question of 'consumer motivation' in this way from recent conceptualizations of this question in the discursive field we sketched in the previous section. The Green Alliance and Demos have recently argued that the key to influencing consumer choice is to better understand processes of shared learning through peer groups and social networks. This implies a focus on the 'arts of influencing', identifying and recruiting 'intermediaries' in peer networks who persuade and influence others in conversation: 'behaviour spreads through conversations, social learning and peer group networks', and so the aim of campaigns should be to 'get people talking, inspire curiosity'.⁴⁴ What is most interesting about this reconceptualization, one that is evident in other fields too, is that it acknowledges the degree to which people's 'motivations' are not

individualized at all, but are embedded in networks of sociability. If think-tanks can acknowledge this, it shouldn't be too much of a stretch to imagine that academic researchers might also start from the assumption that ordinary people are capable moral agents. We need to take seriously what Sayer has called the 'lay normativities' of everyday life, which refers to 'a range of normative rationales, which matter greatly to actors, as they are implicated in their commitments, identities and ways of life. Those rationales concern what is of value, how to live, what is worth striving for and what is not'.⁴⁵ Focusing on these lay normativities implies taking seriously the things that 'matter' to people when they engage with various demands and imperatives to adjust their own conduct in relation to norms of responsible consumer behaviour.

In our research on how ordinary people relate to ethical consumer campaigns, we have used focus-group methodologies to investigate the 'lay normativities' through which people delineate the scope of activities that they are willing to problematize in 'ethical' or 'moral' registers. Focus groups are very good at accessing data about interaction.⁴⁶ It is this that recommends them as a means of exploring the ethical problematization of consumerism. In particular, focus group methodologies are effective at elaborating the interactive dynamics through which people negotiate various discursive positionings.⁴⁷ This process involves practices of expressing attitudes, providing factual versions of reality, and expressing regrets and giving justifications. Focus groups are an appropriate methodology for exploring one of the key principles of narrative accounts of the self, namely that taking-up or dissenting from positions is shaped by concerns of accountability.⁴⁸ Wetherell suggests that in talk, people 'display what they know – their practical reasoning skills and competencies'.⁴⁹ This capacity for deliberative reasoning is folded into the embodied, habitual dimensions of everyday practices.⁵⁰ In focus groups, we see people jointly considering the extent to which certain maxims do and should hold for them, by taking their ordinary practices as objects of reflection.

For analytical purposes we consider the discourses and campaigns around ethical and responsible consumerism to function as types of 'positioning'. Positioning in this sense is 'vertical'. At the same time, positioning goes on along a 'horizontal' plane, as people introduce examples and topics of their own, and question or confirm each other's train of thought. In terms of focus groups themselves, the role of the facilitator of the group is a surrogate for a vertical 'positioning' – they address normative propositions which the participants then con-

sider through their own interaction. And throughout the focus group exchanges around these sorts of topics, we find people agreeing and disagreeing, introducing topics into conversations as examples to consider from different aspects, and considering the different reasons they might have for assenting to some imperatives and dissenting from others.

This is the methodological framework that has guided the analysis of focus group data collected from 10 different groups, undertaken in the first 6 months of 2004, in different social areas of Bristol. Here we want to use this material for illustrative purposes, to make two points about the ways in which discourses of consumer choice and responsible consumerism are worked-over by the reasoned and situated agency of this selection of residents of Bristol. In particular, we draw out two themes that recur through these discussions. Firstly, a great deal of everyday commodity consumption has little if anything to do with 'choice', at least as this is supposed to function by proponents of the market, left-liberal critics, and grand sociological theories. In fleshing this claim out, we endorse Miller's argument concerning the degree to which consumption practices are often embedded in networks of obligation, duty, sacrifice, and love; as well as the ordinary, gendered work of social reproduction.⁵¹ Secondly, we return to the 'scandalous' dimension of our analysis: we want to suggest that sometimes when people talk about their roles as consumers they accept that they do have certain responsibilities; sometimes they make excuses for not doing more; but sometimes they make pertinent sounding justifications for not considering it their responsibility at all; and maybe, just maybe, if you listen hard enough, they might be asserting finite limits to how much they, as individuals, can be expected to be responsible for, and they might even be articulating justifiable skepticism towards the whole frame of 'responsibility' that is being addressed to them.

Firstly, then, the question of the degree to which everyday consumption is about choice, and the degree to which choice is reducible to the paradigm of purchasing. As we have already suggested, this might overestimate the degree to which being a 'consumer' is a strongly held point of personal identity that centres on the exercise of discrete acts of monetized choice. Arguments within the sustainable consumption field dovetail with work on the ethnography of shopping to demonstrate that lots of everyday 'choices' about what to buy often have little to do with self-interest or personal identity, but can have an awful lot to do with obligations to others, love, care, compassion, and vulnerability. There might be much less 'choice' involved in the conduct of

ordinary activities like doing the weekly shop or buying treats for your kids.

There are various ways in which the people in our focus groups indicate the dependence of their own consumption behaviour on the relationships in which their lives, their cares and concerns are embedded. Having kids made a difference to Robert, for example:

My girlfriend and I had a couple of kids about 10 months ago, twins. And we buy more organic now cos of them so I suppose that's changed. Maybe we would have done a bit before but I think now we are just thinking about what they're eating for health reasons.⁵²

Others talked about how much of their shopping was done with friends; for some women, this was a matter of the time available during the week when kids were at school; or on Saturday's, when husbands were at the football. Participants also talked about how they learnt about the 'ethics' of different products not from formal information campaigns, but through social networks: from friends, from church groups, or from what their kids tell them about what they have learnt at school. On the other hand, it is not necessarily the case that people who engage actively in 'ethical' shopping think of this in terms of having an economic impact through the market. It is just as likely to be part of a smaller, more modest practice of trying to influence friends and neighbours:

Abigail: More than thinking that I can change the world if I buy a certain way I think I can influence the people around me, maybe my friends will see that I have bought fair-trade tea bags and the next time they are in the supermarket they think oh yes that looks nice.⁵³

So everyday consumption isn't necessarily all about personal choice in the marketplace. A great deal of it is embedded in material infrastructures⁵⁴ and affective practices⁵⁵ that are not appropriately described as matters of 'choice' at all. But nor, it seems, do people appreciate being constantly bombarded with information about what is good and bad for them. It's not clear that our focus group participants respond to all the information about products as rational choosers. They seem just as likely to express exasperation at all the information directed at them:

There's something different each week. 'Don't eat chicken' this week because this, this, and this.⁵⁶

Perhaps more fundamentally, this exasperation is often articulated in a register that seeks to circumscribe the scope of 'choice' that people should be expected to exercise quite tightly:

Alexandra: I don't know half of what is going on. If you knew everything that was going through all these different places, you wouldn't eat.

Tracey: If you knew all these things, everything that was going into these different things, you'd have a nervous breakdown wouldn't you.

Peter: You'd starve to death wouldn't you.⁵⁷

One could, at a stretch, interpret this sort of exchange in terms of people displacing or denying their own responsibility, but that would remain deaf to the tone of exasperation in which these sorts of points are being made. It seems just as plausible to interpret this exchange as expressing the limits of 'choice' as a model of how people can carry on the ordinary work of everyday social reproduction. People's consumption is embedded in their practices,⁵⁸ and this means that when people are asked to justify their consumption behaviour, they quickly turn to justifying their commitments and relationships – they don't talk about being a 'consumer', but about being a parent, a friend, a spouse, or a citizen, an employee, or a professional. In turn, this means that, as one of our respondents, Paul, puts it, 'you can't carry the torch for everything'.⁵⁹ For Paul, any 'ethical' decisions about consumption followed from and fitted into his broader patterns of life and work.

The ambivalence that people have about choice is neatly illustrated by discussions about the advantages of vegetable box schemes. These can be a convenient way of getting your vegetable shopping delivered to the doorstep and being 'ethical' in an organic way at the same time. Some people don't like the lack of choice implied by these schemes:

Carole: I knew someone who has one of those boxes that you're referring to, and she's very pleased with it.

Stephanie: I know somebody and she's thinking of cancelling it because they there's only two of them and they've no control over what goes in it so they get rather a lot of what they've got a lot of and sometimes it's not always what you want.

Janet: They can't specify what they want then?

Stephanie: No you just get a selection.

David: Of what's available, yeah.

Stephanie: So they're thinking of cancelling it.

Carole: You can choose what you want from ours.⁶⁰

Here, choice does seem to be a matter of relevance to people's attitudes towards this particular 'ethical' consumption practice. But some people appreciate the lack of choice, because it adds a kind of surprise and a kind of obligation to their everyday cooking activities:

Michael: There are veg, boxes, organic veg, boxes you can get.

Rachel: That's true. Yeah, that's true, you can just go pick it up on a Thursday night or whatever.

Nigel: 'Which one do you get?

Simon: Green Wheel.

Rachel: Any good or mouldy?

Simon: No it's good, it's ten pounds for fruit and veg for two for a week and there's always potatoes, onions, carrots and then odd greens and things and enough fruit to last.

Rachel: I like the way they just arrive and you don't have to have that thought about shall I buy that or not?

Simon: It forces you to eat more fruit and vegetables.

Rachel: Exactly...

Simon: Because you think I can't chuck out...

Rachel: Not bloody broccoli again!

John: So you don't have a choice what you get, it's just thrown in?

Simon: Yeah but there's always potatoes and onions and staple things, that's part of the joy, it's interesting new things arrive.⁶¹

In our research, these ordinary concerns about when and where choice is a good thing, and the degree to which 'ethical' considerations can or even should enter into everyday consumer choice, sometimes break out into more explicit discussions of the 'politics' of choice and responsibility. This brings us to the second point we want to make about the ways in which people talk about the responsibilities that often come attached to consumption practices. People routinely express a sense that they can't be expected to 'do everything' on the grounds of time, resources, and other practicalities. But sometimes they also explicitly raise doubts whether all these issues should be thought of as their personal responsibility at all:

Arun: We look upon life and enjoy it, and try and have some ethical stuff there as well so if you're too worried about it you're going to end up just not eating anything.

Rachel: Or going anywhere...

Arun: Yeah exactly, you wouldn't want to leave your house.

Simon: But if everybody was 10% better that would be enough to make it better all round.

John: Why do we have to do it? Why doesn't the government do it? Why do we have to pay more on products that are bad? Why can't they legislate?

Michael: Because the lobby groups. Too many other interests.

John: Other countries don't. We just eat shit! We eat shit and pay less for it.

Rachel: They could subsidize organic farming much more than they do.

John: The subsidies for organic farming in Germany are huge. But it's our own fault sometimes, we bought the shit, we buy it.

Michael: The thing is it's like ultimately the government should have a responsibility to make sure that people are safe and healthy and all that and they kind of I don't know whether they think they do their best but there are so many powerful lobby groups, I don't know whether it's the sugar industry, the fat industry, the tobacco industry, the petrol industry and they just lobby and they just give...⁶²

Here and elsewhere in our focus groups, discussion of the practical limits of people's capacity to act on the 'ethical' demands being addressed to them as 'consumers' (i.e. whether they *can* act 'responsibly') develops into an explicit consideration of whether all this is their responsibility at all (i.e. into a reflection on whether these things *should* be matters of personalized responsibility at all). Or, to put it another way, we see here people delineating the scope of their own activities that they feel able and willing to subject to certain sorts of moral reflexivity. Sometimes, people cope with the moralized address surrounding consumption by adopting rhetorical modes of irony, denial, regret, excuse-making, or justification, all of which leave the content of the moral demands unchallenged. But sometimes we can catch them contesting the idea that consumption habits should be regarded as bearing these sorts of moral burdens in the way that is increasingly expected of them. One could easily interpret this as a

means by which people displace and deny responsibilities that they should, ideally, be willing to acknowledge. That's what lots of policy and academic research is inclined to do. But this response evades what might be most challenging about these sorts of 'opinions' and 'attitudes', which are after all often well-informed and carefully reasoned. In much of this talk, there is an implication that the ascription of *responsibility* to *consumers* is neither practically coherent nor normatively justifiable in quite the obvious way that many 'experts' have come to assume.

Conclusion: whose 'responsibility'?

In this chapter, we have suggested that, try as we might, it's actually quite difficult to find the archetypal individualized, rational, egoistical consumer idealized by rational choice theorists and bemoaned by critics as an unwelcome sociological fact. You can't find them in pure form even in what is supposed to be 'best-case' neoliberal policy discourse – there you find individual consumers burdened with all sorts of responsibilities to act virtuously for their own good and for the common good too. You certainly can't find them in the discourses and campaigns of consumer activists, development charities, and sustainability think-tanks, who come up with creative models of consumer choice which are likewise overflowing with all sorts of social, publicly minded virtues. Between them, this set of actors combine to frame consumption as bearing all sorts of moral burdens – as an arena saturated with questions of responsibility. When you do empirical work on 'consumers', you don't find the mythical consumer either; people talk about their consumption habits and their roles as consumers as *attributes* of their identities as mums and dads and sons and daughters and brothers and sisters and friends and lovers and workmates and bosses and comrades; as Christians and Socialists, Councillors and Counsellors, Teachers and Pensioners.

We have argued that choice has become an object of 'government', and of public debate more broadly, by being problematized in a register of responsibility. This means that academic narratives of neoliberal individualization should be treated with some scepticism. Consumer choice, these days, comes with all sorts of responsibilities attached: to be healthy and nice to others, to care about distant strangers and future generations and trees and birds. Far from being constituted as a realm of amoral self-interest, contemporary practices and discourses of consumption and consumerism are utterly saturated in moral sig-

nificance. They seek to 'make up persons' that should be capable of choosing wisely and magnanimously in the interests of all sorts of others. But there is no single, overarching 'neoliberal' model of individualized, egoistical choice being projected; consumer choice is wrapped around with all sorts of collective and inter-subjective responsibilities.

Caught between the idea that providing information to individual consumers is a way of enabling them to act on their own preferences for more responsible futures, and the idea that changing consumer behaviour might require more than just providing lots of information, what remains difficult for researchers is to imagine people as *citizens* in anything other than the most perfunctory sense. This marks a failure of imagination in a research field that continues to conceptualize the political field as a realm of policy, regulation, and governmentality, rather than one of mobilization, participation, and contestation. A great deal of research on contemporary consumption focuses on questions of *whose* responsibility it should be to act to reduce harmful patterns of behaviour: are the key agents of change consumers, or governments, or business, or the media, or NGOs, or professional or religious bodies?⁶³ As we have already suggested, what policy and governance oriented research seems unable to acknowledge – unable to hear – is the degree to which citizens, not consumers, are able to articulate sceptical questions about just *whose definition of responsibility* comes to dominate public discussion and insinuate itself into their own practices through diverse mediums of the ethical problematization of everyday consumption.

We think it might be worth pausing awhile to ponder this question of *whose 'responsibility'* it is that shapes public discourse around the problems of consumption. It suggests two lines of critical investigation that might reorient questions of consumption and governance in a more citizenly, democratic direction. Firstly, the question of *whose 'responsibility'* suggests a line of political investigation. We have already seen that this form of intervention actively contests the scope of 'permissible paternalism' upon which state regulation of markets can be justified. But while it is relatively straightforward to come up with a justification of which preferences should be respected and which ones not, this is not the same as determining which other actors are 'systematically better judges' of people's interests in those circumstances.⁶⁴ And this question is particularly pertinent in the field of ethical and sustainable consumption, one defined by various forms of hard and soft expertise (from expertise about climate change to expertise about people's most inner motivations). Secondly, the question of *whose 'responsibility'* suggests a line of ethical investigation. We have argued

that the important question is not whether consumption is 'ethical' or 'moral' or 'political' or not: rather, what remains to be thought, when it comes to the analysis of consumption, is whether 'responsibility' is the only virtue that it is worth cultivating.

It is these two themes that run across the doubts and scepticism, the irony and humour expressed by our focus groups participants when put on the spot about the ethics of their own consumption behaviour. Perhaps they are struggling to articulate some doubts about the democratic validity of the experts who claim to know their interests better than they do but so often refuse to address them as citizens. And perhaps they are struggling to articulate a sense of the good life that cannot be reduced to the pieties of contemporary 'global responsibility'.

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11

Conclusion: Reflections on Governance from an International Perspective

Bronwen Morgan

Introduction

The warp and weft of this book so far has concerned processes of state restructuring and welfare state retrenchment taking place within the borders of the United Kingdom. Yet globalization is never far away: as Janet Newman suggests in her chapter, current UK reforms are often justified as common-sense decisions by contextualizing them as the natural response to a particular version of history with 'consequences for the inevitable emergence of new (often globalizing) realities'.¹ The UK occupies an almost paradoxical position in this respect. On the one hand, the Thatcher administration is frequently cast as the progenitor of early neoliberal reforms that have since travelled well beyond UK borders, as have the more hybrid forms of new governance that New Labour has crafted in the wake of the Thatcher administration. Yet at the same time, government officials during the same period have all too often justified their policy choices as driven by external pressures that necessitate state restructuring and welfare state retrenchment. Globalization, in the diffuse sphere of political legitimation, is everywhere and nowhere at the same time: catalysed by UK politicians, yet encompassing and shaping UK politicians' choices.

From this perspective, a focus on UK governance reforms is simultaneously a focus on the question of their international relevance. As David Harvey argues in his recent brief history of neoliberalism,² shifts in the UK and US towards neoliberalism were preceded by Chile's – but this does not imply a simple reverse causality, since Chile's own shift in that direction was enabled by its elites first acquiring crucial intellectual and social capital in the US and UK.³ Moreover, against arguments that the US-backed military coup in that case enhanced the feasibility

of early neoliberal experimentation in Chile, one can point to similar experiments in the geographical periphery of New Zealand. These occurred in the 1980s and like the Chilean case were also embedded in networks of transatlantic influence – but unlike Chile took root in a context of traditional representative democracy.⁴

These examples suggest the complexity of any attempt to articulate narratives of chronological sequence or causal influence: one this chapter will not undertake but will assume as a starting point for pursuing three complementary aims. The first of those is to explore whether the debates traversed in this book have any resonance beyond UK borders; the second, to review current traces of social constructionist approaches to global governance, and their limits, and the third, to suggest a way forward that builds on this potential and mitigates its limits. The gist of this ‘third’ way forward is to blend an enriched comparative politics approach with micro-theoretical approaches to emerging global policy sectors. Both ingredients in this blend remain committed to engaging with *local* meanings, so that the argument as a whole implies that the UK-focused chapters of this book are as relevant to studies of global governance as national-comparative and global-sector studies.

Cross-cultural relevance

The book presents a series of arguments that advocate and illustrate an interpretive, social constructionist approach to governance. The approach has three important facets: methodological, substantive and political, which I will briefly recap.

Methodologically, the chapters taken together advocate an interpretive vision of social science, in which governance studies pay close attention to the bottom-up study of the processes by which individuals and groups ‘make meaning’ in the course of collective life. This advocacy positions itself against a discomfort with the prevailing positivism which Bevir argues is characteristic both of neoliberal approaches to governance rooted in rational choice approaches⁵ and the Anglo-governance approach rooted in institutionalism.⁶ By adding self-reflexive local understandings to the documentation of governance trajectories, the chapters help readers both see and understand agency and resistance. For example, Greener locates agency in the gaps opened up between structural reforms in the NHS – which accommodate consumerist discourses – and cultural understandings of appropriate relationships within health services – which are ill-adapted to consumerist identities.⁷

Different chapters express this methodological orientation in varying languages. For example, Bevir and Greener locate agency in responses to tradition and culture, while Newman's and Malpass' chapters stress narrative construction by individuals in a context of social learning – whether engaging with 'narratives of the past'⁸ or 'narrating the self'.⁹ But they all share in common a response to a trend that Malpass and her colleagues note:

What remains difficult for research concerned with governing consumption is to imagine people as *citizens* in anything other than the most perfunctory sense. This marks a failure of imagination in a research field that continues to conceptualise the political field as a realm of policy, regulation and governance rather than one of mobilisation, participation and contestation.¹⁰

This quotation alerts us to the primary *substantive* focus of the interpretivist explorations of governance collected in this volume: the role of citizen-consumers. In particular, there is a shared emphasis across the chapters upon the point that

the image of the consumer – and the notion of individual and choice which are condensed within it – is one that disrupts, rather than affirms, narratives of governance change...from hierarchy to networks, from the authoritative to the steering role of government.¹¹

For example, Clarke's interviewees frequently reject the salience of consumer identity altogether, preferring locally specific 'relational reasoning' that often resists the abstracted notions of choice which seem to them embedded in consumer or customer identities. The focus groups gathered by Malpass and her colleagues likewise stress the many constraints on choice and the irrelevance of logics of self-interest when discussing ordinary 'everyday' consumption practices around shopping, transport and so on.¹² And Bang argues strenuously that political consumerism should not be seen as a dilution of collective citizenship, but as a reflexive engagement in policy that directly creates political outcomes and ethically inflects discussions of the delivery of goods and services.¹³

Finally, from a *political* perspective, the chapters when read together suggest that post-positivist, social constructionist approaches to governance fit more comfortably with a left-wing political agenda. This is more explicit in some of the chapters than others, and even explicit

political linkages of this kind vary – some¹⁴ focus on a participatory, deliberative democratic vision; others¹⁵ on a more traditional social-democratic narrative. Others still¹⁶ are agnostic between these two alternatives – but remain, as a whole, in tune with the political resonance of this volume which is clearly opposed to neoliberal policy trajectories.

The core questions for this chapter mirror this threefold summary while applying it to intellectual debates over *global* governance. Can and do such debates benefit from pursuing interpretive approaches to governance that are premised on a certain discomfort with positivism? Do reconfigured concepts of consumption and citizenship suggested by the methodological and substantive commitments of interpretive social science resonate in the context of global governance? Are there political linkages in the context of global governance of a left-leaning kind? The gist of my answer is a yes, to all three. Several strands of this ‘yes’ are informed by a conviction that the different facets of this approach are if anything *even more* appropriate to global governance contexts than to national ones. But there are limitations too, which I try to resolve in the third part of this essay.

When I refer to a ‘context of global governance’, I mean processes of state restructuring and welfare state retrenchment that are constituted by activities and practices that extend beyond, or without particular reference to, national state borders. Some of these activities and practices may occur at a global ‘level’ (though I challenge below the conceptual stability of ‘levels’ of governance). Others may be local and national: indeed, as acknowledged at the outset of this chapter, processes of state restructuring and welfare state retrenchment that take place *within* the borders of the United Kingdom are, especially now, still constituted at least in part by such practices and activities. But the transnationality of UK governance patterns has not been explicit in this book. The case study chapters have not extensively documented beyond-the-border influences on the UK policy trajectories explored here (for example, European Union legal pressures, policy changes in response to migration flows, or policy learning and imitation from other countries). Nor have they considered policy developments that literally involve more than one national state – for example, the provision of welfare state services such as health and social care by foreign providers by means of direct foreign investment or cross-border provision.

When a context of global governance yokes together the policy trajectories of countries with significantly different cultural and govern-

ing traditions, particularly where there are marked resource inequalities between developed and developing countries, then the cross-cultural relevance of governance research is brought into especially sharp focus. The fact that post-positivist, social constructionist approaches advocated in this book are premised on sensitivity to local context and local meanings is both a challenge and a strength when assessing their applicability. There are two reasons why interpretive approaches and alternative conceptions of consumption and citizenship are at least as relevant, if not more, in the context of global governance. The first reason concerns questions of state capacity and differing governance traditions. The second arises from shifting perceptions of scale.

1) State capacity and differing governance traditions

The limitations of 'state capacity' experienced by developing countries are arguably peculiarly consonant with strategies of governing that rely on a dispersal of state power, on 'governing at a distance', and on networks of non-state actors and civil society partnerships. Various scholars have noted this resonance, but differ in their evaluative judgement of it. Some suggest that this compatibility has positive implications for developing countries, who can avoid the rigidities and inefficiencies of centralized governing styles, and adapt the limitations on state capacity they experience to draw on the learning trajectories from the new governance strategies.¹⁷ Others take a more sceptical stance, suggesting that the take-up of 'new governance' trajectories in developing countries often reflects constrained choices made in the shadow of oppressive power imbalances from the developed world.¹⁸ Others still may hold more optimism on political grounds but express both empirical and practical caution. They point out that strong nationalistic traditions in many post-colonial developing states in fact tend to lean towards centralism. Moreover, 'governing at a distance' may well require *more* state capacity rather than less (since central direction is more standardized and reproducible than the kind of tailored, customized relationships envisaged in the new governance).¹⁹

Given this, it is probably too crude to approach this issue from the perspective of state capacity, particularly since, as several authors in this volume insist,²⁰ historical perspectives remind us how brief the era of central state control in industrialized states of the North has been. Further, close empirical study of governing traditions in such sites often demonstrates the limits of central state direction even within this period. Such close empirical study could better contribute to understandings of how transnational trajectories of governance

work by explicating the local texture and cultural understandings of differing governance traditions. Bevir himself with other colleagues has begun such work in comparative perspective within the North.²¹ Debates in the global South take up the relevance of 'decentred' states by emphasizing not Western understandings of the 'new governance', but rather stressing a return to local institutions and indigenous traditions.²² As a passage from one of these authors illustrates, such a focus links naturally to the provision of welfare state services, but with a very different emphasis from the sort of 'global governance' remedies that prioritize foreign investment and cross-border trade:

The failure of governmental structures inherited from the colonial state in Africa...has stimulated renewed interest in indigenous knowledge and institutions in recent years. This renewed interest is based partly on the fact that these institutions have proven to be resilient and the fact that they are more effectively institutionalized and are relied more upon by African people to provide them with required goods and services in the face of the failure of the formal, colonial based structures. Such goods and services include; security, roads, bridges, schools, and mechanisms for conflict resolution among others.²³

The quotation is relevant not only to methodology, but also to the main substantive focus in this volume: the provision of welfare state services. It therefore raises the question: how relevant are conceptions of 'consumer-citizens' in the context of global governance? One line of argument might suggest that taken-for-granted assumptions about the individualism and self-interested instrumental egotism of 'consumer' behaviour are less applicable in the global South. This would be based on a suggestion that kinship and communal ties might tend to dominate in the global South whereas in Northern industrialized countries, the social relations of capitalism might be relatively more prominent. Moreover, the very meaning of terms like 'consumer' and citizen' may presume specific cultural configurations that tend to be quite thickly institutionalized in the North. Witness for example, the discussion by Greener and his colleagues of the significance of top-down rationalistic approaches that deploy expertise – both scientific (whether in health, social work, education), and economic (whether in Keynesian or neoliberal economic policies). This is not to suggest that rational scientism is absent in governance trajectories in the global South, but rather to stress that its local meaning will be very different to that in the UK.

The danger of such a line of argument, however, is that it may simply reproduce the tendency to dichotomize identities of consumer and citizen, this time along geographical lines – where ‘consumer’ identities are linked with the North and ‘citizen’ with the global South. Post-positivist, social constructionist approaches to governance can avoid this tendency, and yet still accommodate contextually specific differences between North and South. For example, Bolivian activists’ strategies of direct action and political protestation in response to a foreign company taking over Cochabamba water services might well be described in terms of ‘rights’ and ‘consumer agency’. But this would be to distort significantly the local understanding of the practices involved. The participants may use those terms on occasion – particularly when liaising with Northern NGOs for example – but they have a complex relation to them locally.²⁴ Yet so too, are these terms problematic in Northern industrial contexts. Writing on public services in the UK, Clarke stresses the ‘relational reasoning’ that actual individuals in everyday life utilize. Malpass and her colleagues express similar convictions somewhat more trenchantly: they insist that in a wide range of empirical work on ‘consumers’, ‘people talk about their consumption habits and their roles as consumers as an *attribute* of their identities as mums and dads and sons and daughters and brothers and sisters and friends and lovers and work-mates and bosses and comrades; as Christians and Socialists, Councillors and Counsellors, Teachers and Pensioners’.²⁵ In short, the same methodological approach that enables the chapters in this book to problematize the local meanings of such terms in Northern contexts, can be equally well applied in global governance contexts to similar effect.

2) Shifting scales

Interpretive approaches to governance have a particular advantage in the context of global governance, and that is their potential for casting a fresh perspective on questions of scale. As Janet Newman’s chapter in this volume briefly suggests:

The idea of governance as a cultural formation ... offers an alternative spatial understanding of governance from that associated with scalar interactions between different ‘levels’, potentially illuminating the spatial characteristics of social practices and the moral and political orders associated with particular sites.²⁶

The chapters in this volume, however, tend in the main to chronicle patterns of agency and resistance as trajectories that emerge in

response to the exercise of state power,²⁷ that are ultimately codified by or crushed by state power. This implicitly reinforces a mental picture of global governance as constituted by cumulatively vertical 'levels' of policies and institutions. In part, this flows from the fact that policy discourse itself often constructs just such an image: both Clarke and Newman refer to policy documents that justify structural changes in the welfare state by reference to the necessities induced by global pressures from 'above'. And as Bevir and Trentmann note in their chapter, 'even while [the UK New Labour government's policies of] devolution and partnerships open up new spaces for consumers to forge identities and act in consort, they still remain tied primarily to the model of representative democracy'.²⁸

The methodological commitments of interpretive governance approaches, by burrowing inside formal institutional structures and rejecting reified conceptions of their existence, complicate and break upon this notion of multiple vertical scales. By focusing instead on the practices of locally situated actors, and how *they* understand the meaning of those practices, community boundaries that cut across formal political boundaries become much more visible. This is especially so when the approaches are used to illuminate conceptions of consumption that emphasize its productive rather than antagonistic relationship to citizenship – one that can produce surprising and even subversive political resonances. The narratives of commodity production with which ethical consumers engage, explored by Malpass and her colleagues, persistently cross and re-cross vertical levels of governance. The practices they track likewise bring consumers into relationships across borders, creating governance spaces that track commodity chains more closely than national political and legal spaces. A methodology that makes visible such phenomena has a clear and powerful resonance in contexts of global governance.

The rhythms of everyday life²⁹ in global governance: an emerging field?

The salience of interpretive approaches to global governance research is more than simply a nascent potential. This section discusses existing work that advances, in the context of global governance, the agenda advocated by this book. There is a strong tradition of socio-legal scholarship which has long taken an interpretive approach to the study of law and governance,³⁰ and more recently has extended the lens of this approach to global governance issues.³¹ Key strands of post-positivist

social constructionism approaches are well-established in anthropology³² and critical political economy within human geography.³³ Within sociology more broadly, scholars are beginning to analyse the ways in which power, authority and legitimacy are constructed both inside international institutions such as the World Bank,³⁴ and within networks of professionals whose activities indirectly but significantly shape patterns of global governance.³⁵

There is a great deal of related work in political science and other more structuralist strands of sociology that focuses on 'bottom-up' practices at the micro-level and emphasizes agency rather than structure. While this line of work is still social constructionist in outlook, with a similar focus on tracing the practices of networks of professionals or advocacy coalitions in contexts of global governance,³⁶ it tends to be less committed to post-positivist epistemologies than Bevir or the work embedded in anthropology and critical geography. A similar phenomenon can be observed in regulation literature: there is a mass of literature that stresses the dispersal of state power, but some of its more positivist strands³⁷ remain almost paradoxically oriented towards formal power, either because they emphasize top-down (albeit non-state) modes of control, or because they undertake macro-scale 'mappings' of bottom-up modes of control. Post-positivist regulatory literature, which often draws on Foucauldian governmentality, echoes many of the calls made in this volume to trace these practices from the perspective of those who practice them.³⁸

It is fair to say, however, that global governance contexts are likely to magnify an important limitation of interpretive approaches in local or national contexts. That limitation inheres in the epistemology underlying interpretive approaches and the scale of their focus. Many tend strongly towards conclusions of contingency and towards micro-level conceptions of agency and resistance. In the global governance context, with no – or very few – centralized global state or state-like institutions to organize the inquiry, messiness, contingency and micro-implications are intensified. Some argue that this can disempower those who are the subject of study,³⁹ others that it gives scholars no traction on larger patterns of structural change,⁴⁰ others still that the inability to generate macro-scale explanations or predictions is a theoretical weakness.⁴¹ Bevir acknowledges – and to some extent celebrates – this inevitable contingency, but suggests it can be mitigated by exploring how different trajectories of agent-centred choices, ideas and beliefs *transform the traditions* in which they are embedded, and how they *respond to dilemmas* which require them to integrate new beliefs

into existing ones. The papers in this volume have elaborated on such transformations and responses in the UK context. But could such mitigation strategies extend to contexts of global governance?

A (third?) way forward

One way of fleshing out Bevir's proposed 'mitigation' trajectory in contexts of global governance is to integrate the insights of national-comparative literature and 'sector-based' studies. In a comparative context, the state tends to 'come back in',⁴² reminding us that global governance institutions still stand substantially on the shoulders of national state institutions. 'Bringing the state back in' is helpful because it gives us information about governing traditions as well as particularly significant moments of change – both structural contexts which mitigate the contingency of bottom-up, social constructionist approaches to governance. Global governance research designs need therefore to be sensitive to the dispersal and limits of formal state power, but also to the persistent influence of tradition and history at the national level. Peter Houtzager's comparative study of changing forms of civil society participation in Mexico, Brazil and India is an excellent example of this.⁴³

But to fully understand *global* governance dynamics, national-comparative studies must be complemented with 'sectoral' studies' that trace the relationships between local practices, national-comparative traditions and global norms and structures in a particular policy area. This does two things: it helps to complicate assumptions about scale and 'levels' in governance, and it creates access to a better empirical sense of the 'rhythms of everyday life' of global governance.⁴⁴ Sector-based 'bottom-up' approaches to the mapping of global governance patterns are emerging in the literature, with scholars so far mostly tracing people⁴⁵ or products.⁴⁶ Research on the governance of water, a 'product' that ignores all political and many physical boundaries, provides a good site to look in a bit more detail at both the methodological issues and the substantive facets of alternative conceptions of consumption and citizenship. I discuss a recent book by Ken Conca to highlight methodological dimensions and my own research on access to water to illuminate substantive issues. Conca's book, entitled *Governing Water: Contentious Transnational Politics and Global Institution Building*, explores political struggles to create a global framework for the governance of water, using water issues to demonstrate the limitations of 'regime' approaches to problems of global governance. Regime

approaches, Conca argues, centre on building effective global agreements through intergovernmental bargaining that legally codifies cooperative means and ends, sets international standards and articulates the sovereign (state) responsibilities necessary to implement these standards. Problems related to water (river basin governance, soil degradation, access to water for domestic uses), however, do not lend themselves to regime approaches. But this does not mean they have no global implications, nor that patterns of global governance are failing to form around them. Rather, patterns of global governance take a significantly different form: socially and politically embedded rules, roles and practices at the local level are gradually diffusing across borders, in ways that confound core assumptions about territoriality, authority and knowledge that are embedded in, and assumed by, regime approaches.

Conca argues that these alternative, messier and 'bottom-up' forms of institutionalization should be an important focus for global governance researchers. He acknowledges the growing research to date on the practices of non-state actors as possible sources of 'alternative' mechanisms of global governance, particularly networks of technical experts⁴⁷ and coalitions of value-driven activists,⁴⁸ but remarks that:

One striking aspect of research on the nonstate is how little its chroniclers have had to say about institutionalisation. The emphasis is on movements, actors, networks, and relationships, but not on embedded, enduring sets of roles and rules that give shape and form to a whole array of struggles over time (Conca, p. 24).

Conca draws on 'world system' sociology⁴⁹ to assist in studying alternative trajectories of institutionalization in global governance (Conca, pp. 64–71). He suggests that this literature's sensitivity to the diffusion of norms and practices, specifically those of individualism, rationalism and progress, brings to the fore the assumptions of regime theory regarding scientific knowledge, territorial stability and state authority. Formal institutions in global governance, world culture sociologists argue, reflect a dense normative structure that has cross-cultural appeal and legitimacy. However, Conca argues that to date this literature has not sufficiently stressed the internal contestation within and against these normative structures. He does not fully develop the theoretical implications in the book, suggesting only briefly that 'rather than a deterministic process of norm reproduction, we need to see institution building [in global governance] as a site of struggle with no

predetermined outcome' (Conca, 2006, p. 69). He then moves quickly to sets up his empirical sites around water governance issues as tests primarily of the *limits* of regime theory, which he will study as normative struggles in multiple sites (administrative structures, legal systems, project enterprises, policy networks and social movements). He does not promise to be able to extract predictable patterns but rather aims at making visible, understanding and nurturing 'messy', bottom-up trajectories of institutionalizing global governance.

In setting up this critical starting position, Conca's juxtaposition of regime approaches in political science with world culture approaches in sociology rather strikingly mirrors Bevir's critique in this volume. His approach still has limits, however, that suggest that one further step is needed: a focus on the socio-legal dimension of global governance that I would argue is central to understanding the direction of, and forces shaping, enduring transnational patterns of governance. Law and legal systems are *crucial* sites for the convergence of the micro- and macro-dynamics of global governance, conceptually and in collective social imaginaries, even when they are instrumentally marginal to the everyday rhythms of global governance. They combine a normative pull and an institutional bite that administrative structures, project enterprises, policy networks and social movements lack. Moreover, they provide a site for articulating complex conceptions of consumption and citizenship that transcend dichotomies between public and private. Tracing disputes, and following law, is the most productive site for combining bottom-up interpretive studies with sensitivity to the insights of national-comparative traditions.

Why is law such a fertile site for building bridges between top-down and bottom-up understandings of governance? Law is a structural form of exercising power and authority in ways that significantly shape and constitute macro-social processes. But law is also inherently dispute-centred, mobilized by individuals in unplanned, cumulative aggregate actions, often enacting microcosms of ways in which the 'everyday life' of macro-structural processes play out. Moreover, law in the context of global governance is increasingly *decoupled* from states. There is no global Treasury to decide whether we spend more on dolphin safety or on securing cheaper prices for tuna consumers; no global Cabinet to decide whether European airlines should share data with US airlines; no global legislature to decide whether US businesses can locate gambling operations off-shore in Caribbean islands. Instead law decides all of these things.⁵⁰

This is important because it means law can teach us about emerging directions of institutionalization *even where those are happening in messy*,

non-state centred ways. Because law can institutionalize dispute resolution, it can set the parameters for governance patterns in the absence of global state institutions – it thus provides the crucial bridge that Conca calls for: the move from studying ‘movements, actors, networks, and relationships’ to ‘embedded, enduring sets of roles and rules that give shape and form to a whole array of struggles over time’.⁵¹ Moreover it is law, at the state level, which reifies the presumptions about territoriality, authority and knowledge which Conca is challenging. Law is *frozen* politics: once encoded in legal form, a political command in a sense assumes away challenges to the presumptions about territoriality, authority and knowledge which underpin it, freezing those presumptions in place for the time being so that social relations can be ordered, and people can plan their actions and practices, according to some relatively predictable framework. If the local meaning of how law is mobilized is increasingly incorporating responses to global pressures, then law is the place where enduring transnational settlements about authority, territoriality and knowledge will emerge, piece by piece.

Some socio-legal work is ‘following disputes’ but thus far, it tends to be approaches of the kind that Conca links with regime theory: that is, they focus on formal and centralized organizations in the international arena (e.g. WTO disputes⁵² or international organizations⁵³), or on the different ways in which formal centralized state power at the national level is responding to pressures from global governance.⁵⁴ Such work is important, and focusing on these regimes does solve some of the significant logistical challenges of global governance research. But it has an inbuilt skew that tends to miss the messier, less institutionalized forms of global governance that are emerging where regime-centred responses to global governance problems do not work. As Conca argues:

The idea of weaving the fabric of global governance one regime strand at a time is confronted with the harsh reality that deeply institutionalized practices of trade liberalization, development assistance, and capital mobility already constitute a preexisting and tightly woven fabric in the world political economy.⁵⁵

It is no accident that existing interpretive research in global governance tends to focus on precisely on trade liberalization, development assistance, and capital mobility, and to focus on the institutions which embed these practices *as* routines of global governance.⁵⁶ The alternative, messier forms of institutionalization that are growing from the

ground up, usually do not have centralized formal institutions at the global level. Conca recognizes this, documenting the very weak evidence relating to any global regime development even over international rivercourses, and stressing instead the practices of expert networks and grassroots activists, which can only be fully understood in the context of a national case study (he provides one each on South Africa and Brazil). But law – legal systems – appear as one among many ‘sites of normalization’, including administrative structures, project enterprises, policy networks and social movements.

The broad array of sites mapped by Conca gives a good sense of the ‘big picture’ of global governance in water. But a more extended focus on the socio-legal dimension has more potential to illuminate the micro-practices of consumption and citizenship. It also connects better to national-comparative traditions of governance, thereby transcending the policy specificity of a sectoral focus on water policy. My own research on social protest and governance struggles around access to water explores law as a crucial site for bridging agent-centered practices and enduring routines of governance. A detailed study of the practices of water activists across different scales – local, national and transnational with six different case studies⁵⁷ – demonstrates that an important part of the ‘big picture’ of global water governance are bilateral investment treaties, international human rights standards and technical professional self-regulation. At a more localized level, however, water activists transform norms of ‘responsible consumerism’, and infuse them with unexpected meanings, through practices of civil disobedience, direct action and the use of quasi-judicial fora such as ombudsmen and small claims tribunals.⁵⁸

It is difficult to relate these two trends systematically: they tend to appear as unpredictable episodic conjunctions. But viewed in the light of comparative legal and political culture and traditions, linkages can be perceived that have some explanatory power or at least resonance, even if they say little about the direction of causality. At the same time, confining this approach within the sectoral confines of water makes it easier to understand and appreciate the everyday rhythms and local meanings of governance in each site than a more generalized comparative study of national governance patterns would.

The nub of the argument emerging from this research is that the less formal spaces at local level play an important role in channelling direct protest into sustained and more routine political leverage. Legal and quasi-legal dispute resolution particularizes and makes concrete very general rules, thereby allowing small sequential wins and losses for

otherwise polarized forces. This routinizes and at least sometimes also legitimizes 'unruly consumer' tactics, thereby creating a connection between direct protest and sustained, routine political leverage. In some circumstances, this can secure 'social' changes to the regulatory framework of water service delivery, particularly when allied with significant participation in legislative reform. For example, in the province of Tucuman in Argentina, legislative proposals for more redistributive tariff structures and enlarged public participation in international investment arbitration emerged out of a sequence of mass payment boycotts, street protests and a series of legal actions by consumers and the provincial ombudsman. Term limits on the contracting-out of water services resulted in New Zealand from mass payment boycotts, street protests, a sequence of legal actions by activists and a timely interaction between national and local electoral politics and a change of government. In South Africa, however, mass boycotts and extensive direct action have so far intertwined far less with embedded legal change, and in Chile, the extent of *both* local activism and 'social' changes to the regulatory framework has been very muted.

In the (highly abridged) narratives summarized above, law functions as a significant feedback mechanism bridging society and state. Its capacity to be formally mobilized by individual citizens means that law is crucial to an agency-centred approach to governance. Moreover, an interpretive, post-positivist approach to the mobilization of law makes visible not only 'official' interpretations of 'hard' law, but also the emerging norms embedded in the everyday practices of citizens traditionally marginalized from formally policy-making procedures. Finally, it is possible to bridge that gap between diffuse patterns of everyday practice and formal official norms by interpreting the different trajectories of legal mobilization in the light of insights from national-comparative literature. For example, scholars investigating Latin America's patterns of 'judicialization of politics' suggest that Argentina has more bottom-up potential than Chile when one looks at the effect of both domestic and foreign opportunity structures on the differing levels of judicialization of human rights offenses. Kathryn Sikkink concludes that the dynamic Argentine human rights movement was able to exploit both domestic and international opportunity structures, in particular by creating 'insider-outsider coalitions,' that put pressure on politicians at home by increasing pressure on them abroad.⁵⁹ In Chile on the other hand, research shows that grassroots movements have experienced difficulty in influencing trajectories of social development.⁶⁰ And in South Africa, where one might expect the combination

of powerful civil society activism from the legacy of apartheid and a highly progressive constitution to produce even stronger changes than Argentina, the outcomes in water might be thought surprising – but perhaps less so when considered in the context of Theunis Roux's argument that the conservative South African legal culture is a barrier to the otherwise fertile opportunities for bridging micro- and macro-dynamics of governance.⁶¹

In short, a focus on law, especially on tracking links between key actors and dispute resolution patterns, provides a crucial key to understanding variation in the emerging outlines of global water governance. Law breaks open new paths as well as freezing politics, infusing understandings of global governance with narratives of agency and resistance. But when water activists change the norms of consumerism through grassroots activism, but the change is not simply cultural, let alone random. Agency and resistance are not purely responses to state power, but take place within – and acquire meaning in the light of – national traditions and practices of law and rights.

Conclusion

This chapter began by summarizing the implications of this volume from three perspectives: methodological, substantive and political. In all three respects, the debates catalysed are as relevant in global governance contexts as in locally rooted ones, though problems of scale and cross-cultural relevance need special attention. The chapter then went on to argue that these new directions in governance theories will have particular traction if they are integrated with the insights of comparative politics and socio-legal studies. Finally, I briefly reviewed the governance of access to water as an emblematic instance of a global governance issue that resonates strongly with the politics, methodological debates and citizen-consumer identities sparked by welfare state restructuring in national contexts. In this, as in other issues, the UK is unlikely to be the progenitor of future directions of new governance: it will be increasingly important to look beyond: to Brazil, to South Africa, to India.

Notes

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- 6 D. Richards and M. Smith, *Governance and Public Policy in the UK* (Oxford, 2002); R. Rhodes, *Understanding Governance* (Buckingham, 1997); R. Rhodes (ed.) *Transforming British Government*, 2 vols. (London, 2000); G. Stoker, *Transforming Local Governance* (Basingstoke, 2004).
- 7 See I. Greener *et al.*, Chapter 6 in this volume.
- 8 See J. Newman, Chapter 3 in this volume.
- 9 See A. Malpass *et al.*, Chapter 10 in this volume.
- 10 A. Malpass *et al.*, Chapter 10 in this volume, p. 253.
- 11 J. Newman, Chapter 3 in this volume, p. 66.
- 12 See A. Malpass *et al.*, Chapter 10 in this volume.
- 13 See H. Bang, Chapter 9 in this volume.
- 14 See M. Bevir and F. Trentmann, Chapter 8 in this volume; H. Bang, Chapter 9 in this volume.
- 15 See C. Donovan, Chapter 4 in this volume.
- 16 See J. Newman, Chapter 3 in this volume; A. Malpass *et al.*, Chapter 10 in this volume; P. Lunt, Chapter 7 in this volume.
- 17 J. Braithwaite, 'Responsive Regulation and Developing Economies' in N. Woods (ed.) *Making Corporate Self-Regulation Effective in Developing Countries* (Oxford, 2007).
- 18 P. Cammack, 'The Governance of Global Capitalism: A New Materialist Perspective', *Historical Materialism*, 11 (2) (2003), pp. 37–59; K. Jayasuriya, *Statecraft, Welfare and the Politics of Inclusion* (Basingstoke, 2006).
- 19 The import-substitute industrialization strategies of the 70s in the developing world, which were very much in tune with a central planning orientation, and the increasing focus on technical capacity-building that comes with the Doha development agenda for trade reform, suggest support for this perspective.
- 20 See M. Bevir and F. Trentmann, Chapter 8 in this volume, and J. Clarke, Chapter 5 in this volume.
- 21 M. Bevir, R. Rhodes and P. Weller (eds) *Traditions of Governance: History and Diversity*, a special issue of *Public Administration*, 81(1) (2003).
- 22 L. W. Kimathi, 'Non-State Institutions as a Basis of State Reconstruction: The Case of Justice Systems in Africa', paper presented at the 2006 Law and Society Summer Institute, Johannesburg, July 2006, available at: <http://www.lawandsocietysummerinstitutes.org/workshop06/participants/leah.htm>. See also P. Englebert, *State Legitimacy and Development in Africa* (London, 2000); G. Hyden, D. Olowu, W. O. Hastings and O. Ogendo (eds) *African Perspectives on Governance* (Trenton, NJ, 1998); and on Asia: T. Ginsburg, *Judicial Review in New Democracies: Constitutional Courts in Asian Cases* (Cambridge, 2004); B. Harriss-White, *Agricultural Markets from Theory to Practice* (Basingstoke, 1999); R. D'Souza, 'The "Third World" and Socio-legal Studies: Neo-liberalism and Lessons from India's Legal Innovations' *Social and Legal Studies* 14 (2005), pp. 487–513.

- 23 D. Olowu and J. Erero (eds) *Indigenous Governance Systems in Nigeria* (Ile-Ife, Nigeria, 1996).
- 24 B. Morgan, 'Interpreting Everyday Practice: Gaps and Breaks', paper delivered at *Tracking the Civic/Public: Exploring Theoretical and Methodological Implications*, One-day Workshop, London School of Economics, 3 March 2006, on file with author.
- 25 See A. Malpass *et al.*, Chapter 10 in this volume, p. 252.
- 26 J. Newman, Chapter 3 in this volume, citing C. Knowles, 'Cultural Perspectives in Welfare Regimes', in P. Chamberlayne, A. Cooper, R. Freeman and M. Rustin (eds) *Welfare and Culture in Europe: Towards a New Paradigm in Social Policy* (London, 1999), pp. 240–54.
- 27 But see A. Malpass *et al.*, Chapter 10 in this volume, who make a strong counter-argument, and H. Bang, Chapter 9 in this volume, as well as M. Bevir and F. Trentmann, Chapter 8 in this volume.
- 28 M. Bevir and F. Trentmann, Chapter 8 in this volume, p. 185.
- 29 Barnett argues that a 'bottom up' approach to the study of neoliberal governance 'might help explain how the rhythms of the everyday are able to produce effects on macro-scale processes and vice versa': C. Barnett, 'The Consolations of Neo-liberalism', *Geoforum* 36 (2005), pp. 7–12 at p. 11.
- 30 C. Harrington and B. Yngvesson, 'Interpretive Sociolegal Research', *Law and Social Inquiry* 15(1) (1990), pp. 135–48; A. Sarat, 'Off to Meet the Wizard: Beyond Validity and Reliability in the Search for a Post-empiricist Sociology of Law', *Law and Social Inquiry* 15(1) (1990), pp. 155–70; P. Fitzpatrick, 'Distant Relations: The New Constructionism in Critical and Socio-Legal Studies', in P. Thomas (ed.) *Sociolegal Studies* (Aldershot, 1997); A. Hunt, Alan, *Explorations in Law and Society: Toward a Constitutive Theory of Law* (New York, 1993); D. Cooper. *Governing out of Order: Space, Law and the Politics of Belonging* (Rivers Oram, NY, 1998).
- 31 S. Merry, 'Constructing a Global Law – Violence against Women and the Human Rights System', *Law and Social Inquiry* 28(4) (2003), pp. 941–77 (gender and human rights in international law); B. Yngvesson, 'Placing the Gift Child in Transnational Adoption', *Law and Society Review*, 36(2), 2002, pp. 227–56 (international adoptions); S. Coutin, B. Maurer and B. Yngvesson, 'In the Mirror: The Legitimation Work of Globalization', *Law and Social Inquiry*, 27(2) (2002), pp. 801–43 (comparing adoption, immigration and global financial services research with particular attention to methodological issues); R. D'Souza, 'The "Third World" and Socio-legal Studies: Neo-liberalism and Lessons from India's Legal Innovations' *Social and Legal Studies* 14 (2005), pp. 487–513 (public interest litigation in India analysed through the lens of the transnational effects of colonial relations); B. Morgan, 'Emerging Global Water Welfarism: Access to Water, Unruly Consumers and Transnational Governance', in F. Trentmann and J. Brewer (eds) *Consumer Cultures, Global Perspectives: Historical Trajectories, Transnational Exchanges* (Oxford and New York, 2006), pp. 279–310; and B. Morgan, 'Consuming without Paying: Stealing or Campaigning? The Civic Implications of Civil Disobedience around Access to Water', in K. Soper and F. Trentmann (eds) *Citizenship and Consumption* (Basingstoke, 2007) (advocacy coalitions and networks of professionals engaged in struggles around access to water also engage in practices of insurgent political consumerism

and technocratic citizenship that confound nationally-embedded spatial assumptions).

- 32 A. Riles, *The Network Inside Out* (Michigan, 2001); A. Griffiths, F. and K. von Benda-Beckmann (eds) *Mobile People, Mobile Law: Expanding Legal Relations in a Contracting World* (Aldershot, UK, 2005); A. Apparudai, *Modernity at Large: Cultural Dimensions of Globalisation* (Minneapolis and London, 1996); R. State and G. Dahl (eds) *Globalization, Creolization and Cultural Complexity: Essays in Honour of Ulf Hannerz*, Special Issue of *Global Networks: A Journal of Transnational Affairs*, 3(3) (2003).
- 33 W. Larner and W. Walters (eds) *Global Governmentality* (London, 2004); W. Larner, 'Neo-liberalism: Policy, Ideology, Governmentality', *Studies in Political Economy*, 63 (2000), pp. 5–25; C. Barnett, P. Cloke, N. Clarke and A. Malpass, 'Consuming Ethics: Articulating the Subjects and Spaces of Ethical Consumption', *Antipode*, 37(1) (2005); E. Swyngedouw, with P. Getimis, H. Heinelt, G. Kafkalas, and R. Smith (eds) *Participatory Governance in Multi-Level Context: Concepts and Experience* (Opladen, 2002).
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- 35 For example, J. Williams, 'Private Legal Orders: Professional Markets and the Commodification of Financial Governance', *Social and Legal Studies* 15 (2006), pp. 209–36 (exploring how forensic corporate investigators influence corporate governance but citing a much wider literature on networks).
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- 37 J. Freeman, 'Collaborative Governance in the Administrative State', *University of California at Los Angeles Law Review* 45 (1997), pp. 1–98; C. Scott, 'Accountability in the Regulatory State', *Journal of Law and Society*, 27(1) (2000), pp. 38–60; G. Teubner (ed.) *Dilemmas of Law in the Welfare State* (Berlin, 1986); J. Black, 'Proceduralizing Regulation Part I', *Oxford Journal of Legal Studies*, 20 (2000), pp. 597–614.
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- 40 P. Houtzager, 'From Polycentrism to the Polity', in P. Houtzager and M. Moore (eds) *Changing Paths: International Development and the New Politics of Inclusion* (Michigan, 2003).
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- 42 M. Bevir *et al.* (eds) *Traditions of Governance: History and Diversity*; D. Vogel, *National Styles of Regulation: Environmental Policy in Great Britain and the US* (Ithaca, NY, 1986); J. Richardson (ed.) *Policy Styles in Western Europe* (London, 1982); F. van Waarden, 'Persistence of National Policy Styles', in B. Unger and F. van Waarden (eds) *Convergence or Diversity? Internationalization and Economic Policy Response* (Aldershot, 1995); M. Thatcher, 'Winners and Losers in Europeanisation: Reforming the National Regulation of Telecommunications', *West European Politics* 27(2) (2004), pp. 284–309. D. Levi-Faur, 'Herd Behaviour and Regulators', in J. Jordana and D. Levi-Faur (eds) *The Politics of Regulation: Institutions and Regulatory Reforms for the Age of Governance* (Cheltenham, 2004).
- 43 P. Houtzager, A. Lavallo and A. Acharya, 'Beyond Comparative Anecdotalism: How Civil and Political Organizations Shape Participation in São Paulo, Brazil', *World Development*, 33(6) (2005), pp. 951–64 is an early publication in this ongoing project. See also P. Houtzager, 'From Polycentrism to the Polity', footnote 40.
- 44 Barnett argues that a 'bottom up' approach to the study of neoliberal governance 'might help explain how the rhythms of the everyday are able to produce effects on macro-scale processes and vice versa': Newman, C. Barnett, 'The Consolations of Neo-liberalism', *Geoforum*, 36 (2005), pp. 7–12, quotation p. 11.
- 45 See an extensive line of research arising from the ESRC Transnational Communities programme (<http://www.transcomm.ox.ac.uk/>) and the journal *Global Networks: A Journal of Transnational Affairs* (Oxford, Blackwell); W. Larner, 'Expatriate Experts and Globalising Governmentalities: The New Zealand Diaspora Strategy', *Transactions of the Institute of British Geographers*; Dezalay and Garth, *Palace Wars*, footnote 36.
- 46 M. Redclift, *Chewing Gum: The Fortunes of Taste* (New York, 2004); D. Anderson and N. Carrier, '"Flowers of Paradise" or "Polluting the Nation": Contested Narratives of Khat Consumption', in J. Brewer and F. Trentmann (ed), *Consuming Cultures, Global Perspectives: Historical Trajectories, Transnational Exchanges* (Oxford and New York, 2006), pp. 145–66; P. Jackson, P. Russell and N. Ward, 'Mobilising the "Commodity Chain" Concept in the Politics of Food and Farming', *Journal of Rural Studies* 22 (2006), pp. 129–41; M. Prendergast, *Uncommon Grounds: The History of Coffee and How it Transformed our World* (New York, 1999).
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